

APPLICANT'S RESPONSE TO EXAMINING AUTHORITY'S FIRST WRITTEN QUESTIONS

HyNet Carbon Dioxide Pipeline

Planning Act 2008

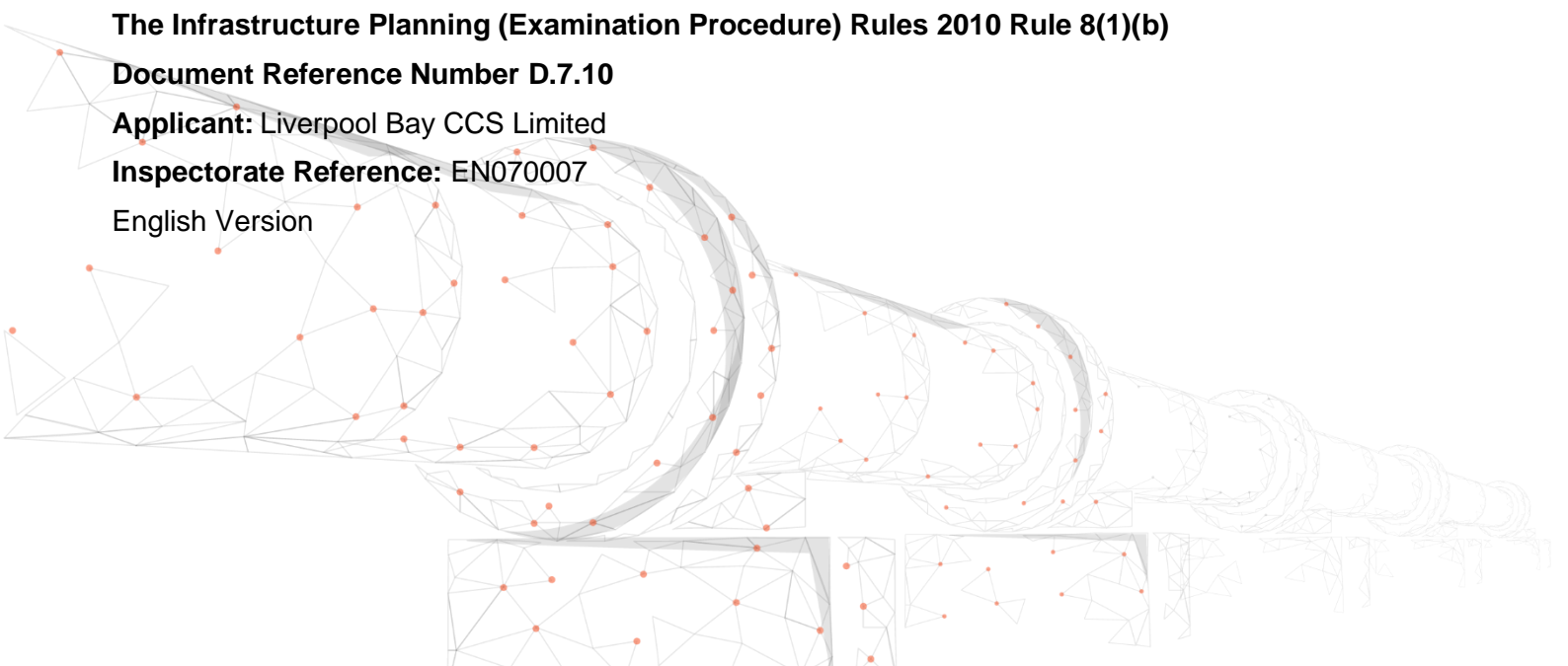
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INTRODUCTION

1.1. PURPOSE OF THIS DOCUMENT

- 1.1.1. This document has been prepared on behalf of Liverpool Bay CCS Limited ('the Applicant') and relates to an application ('the Application') for a Development Consent Order (DCO) that has been submitted to the Secretary of State (SoS) for Energy Security & Net Zero (ESNZ) under Section 37 of the Planning Act 2008 ('the PA 2008'). The Application relates to the carbon dioxide (CO₂) pipeline which constitutes the DCO Proposed Development.
- 1.1.2. This document provides the Applicant's response to the Examining Authority's (ExA) First Written Questions (WQs) as set out in the Rule 8 letter issued on 27 March 2023.

1.2. THE DCO PROPOSED DEVELOPMENT

- 1.2.1. HyNet (the Project) is an innovative low carbon hydrogen and carbon capture, transport and storage project that will unlock a low carbon economy for the North West of England and North Wales and put the region at the forefront of the UK's drive to Net-Zero. The details of the project can be found in the main DCO documentation.
- 1.2.2. A full description of the DCO Proposed Development is detailed in Chapter 3 of the 2022 Environmental Statement (ES) (as submitted with the DCO application) **[APP-055]**. The previously submitted ES is hereafter referred to as the '2022 ES'.
- 1.2.3. Following the Preliminary Meeting on 20 March 2023 and the Applicant's submission of its Notification of Intention to Submit a Change Request **[AS-060]** on 21 March 2023, the Applicant submitted a Change Request on 27 March 2023. The Applicant's Change Request includes '2023 ES Addendum Change Request 1' **[document reference D.7.7]** and ES Addendum Chapter 3 provides an update to the description of the DCO Proposed Development **[APP-055]** resulting from the proposed design changes and clarifications to assessments.

2. APPLICANT'S RESPONSE

- 2.1.1. This section provides the Applicant's response to the ExA's First WQs. Each table relates to a section of WQs as numbered in the Rule 8 Letter (27 March 2023).

Table 2-1 – General and Cross Topic Questions

ExQ1	Question to	Question	Applicant's Response
Q1.1.1	Applicant	<p>Confirm the duration of the proposed construction works applied for and confirm if there is any change to the anticipated programme of works. For clarity also confirm the proposed start dates.</p> <p>Please provide reasons for any changes. Will any noted change in the proposed construction programme affect any of the assumptions in the Environmental Statement (ES) particularly with respect to in-combination cumulative effects (and Habitats Regulations Assessment (HRA) in-combination effects)?</p>	<p>There is no change to the duration of the proposed construction works as stated in Chapter 3: Description of the DCO Proposed Development [APP-055] which states that the duration of the proposed construction works will be approximately 16 months.</p> <p>The construction schedule is anticipated to start in Q4 2024.</p> <p>This is aligned with Central Government Carbon Capture, Utilisation Strategy (CCUS) delivery strategy, which introduced the requirement for a 'Cluster Final Investment Decision' post DCO submission, necessitating the DCO Proposed Development to realign project delivery dates to match third party projects.</p> <p>The change to the start of the construction schedule to Q4 2024 will not result in changes to the likely significant effects as reported in the 2022 ES [APP-53 to APP-72] for all topics, including Chapter 19: Combined and Cumulative Effects [APP-071], and the 2022 ES [APP-53 to APP-72] conclusions are therefore not materially changed.</p> <p>With regards the HRA, the Applicant has included mitigation items with Chapter 9 – Biodiversity [AS-025] that encompass prescriptions of seasonality of works/sensitive timing of works or methods within and during the construction programme. The currently anticipated start of construction in Q4 2024 is not anticipated to result in any updates being required to the HRA at this time. As per item D-BD-067, the Applicant will undertake a sensitivity test of the HRA at the detailed design stage, which would include consideration of any revised construction programme.</p>
Q1.1.2	All Relevant Planning Authorities, including Flintshire County Council (FCC) and Cheshire West and Chester Council (CWCC)	<p>The ExA notes that the Applicant has indicated a twin track method in that two separate Planning Applications will be submitted to FCC under the Town and Country Planning Act 1990 (Ref. 2.2): one for the Point of Ayr (PoA) Terminal and Foreshore Works and another for the three Block Valve Stations (BVS).</p> <p>Please provide an update of any planning applications that have been submitted, or consents that have been granted, since the DCO Application was submitted, that could either effect the proposed route or that would be affected by the Proposed Development and whether this would affect the conclusions reached in ES Chapter 19 Combined and Cumulative Effects [APP-071] or any of the associated Appendices - Appendix 19.1 – Inter Project Effects Assessment (Volume III) [APP-172]; Appendix 19.2 - Intra-Project Effects Assessment (Volume III) [APP-173].</p> <p>Please provide a response alongside question Q1.1.4.</p>	

ExQ1	Question to	Question	Applicant's Response
Q1.1.3	All Relevant Planning Authorities, including FCC and CWCC and IPs	As additional context to inform the Examination the following information is requested:	
		i) Advise if there is a Community Infrastructure Levy Charging Schedule (CILCS) in place for the administrative area the Development Consent Order (DCO) scheme falls within, or within any neighbouring administrative boundaries.	
		ii) Confirm if there any planned improvements to the local area which are separate to the scheme under consideration but potentially complimentary to it, directly arising from the CILCS?	
		iii) Notwithstanding any CILCS mechanism in place, advise if there are any other planned or known separate publicly led local capital investments, projects, or other planned initiatives in the vicinity of the area proposed for improvement or nearby which could potentially compliment the scheme. For the avoidance of any doubt the planned improvements queried/ referred to may cover any aspect of the local environment and could be wide ranging in their purpose.	
		iv) Explain how any existing separate local capital investments, projects or other initiatives would complement the scheme, if there are any being advanced.	
Q1.1.4	Applicant, FCC and CWCC	<p>The ExA has initially observed the locality impacted upon by the proposals during Unaccompanied Site Inspections ([EV-003] and [EV-004]). The application documents suggest some public open space is to be utilised for Compulsory Acquisition (CA). For the avoidance of any doubt can the Applicant and Relevant Planning Authorities confirm whether the location of any other land planned for public open space or other special category land use is to be utilised by the scheme.</p> <p>You may wish to combine the answer to this question with the answer to question Q1.1.2.</p>	<p>The Applicant is proposing to seek powers to compulsorily acquire the <u>sub-surface only</u> of the following land plot which is classed as public open space and special category land:</p> <p><i>Plot 17-02 (Permanent acquisition of 1815 square metres of playground and hedgerow lying to the west of Vickers Close, Hawarden, Flintshire)</i></p> <p>This plot is identified on Sheet 17 of the Land Plans [AS-010], Sheet 1 of the Special Category Land Plans [APP-014], and is listed in Part 5 of the Book of Reference [AS-023].</p> <p>No other public open space land is proposed to be used by the Scheme.</p> <p>The DCO Proposed Development would pass underneath the playground, as a trenchless crossing technique will be used in this location. A drainage pipe would be installed using a trench but that work would be very short-term and temporary, affecting only a small area. Further information is provided in Section 5.4 of the Planning Statement [APP-048] which assesses the impact of the DCO Proposed Development on open space. This concludes that although there might be some short-term disturbance whilst the pipeline is being constructed, there will be no material impact on the area of public open space in the long term.</p>

ExQ1	Question to	Question	Applicant's Response
			Hawarden Community Council is responsible for plot 17-02 as labelled on the Land Plans [APP-008] and has been consulted on this topic, most recently on 13 February 2023 and 29 March 2023 in face-to-face meetings with the Applicant.
Q1.1.5	Applicant	<p>The ExA notes the content of the Consents and Agreements Position Statement [APP-046] submitted, but would ask what other consents and permits (if any) would be required by the DCO Proposed Development?</p> <p>If further consents and permits are required, can you:</p> <p>i) Provide an update on progress with obtaining these consents/ licences alongside an update on those already anticipated.</p>	<p>The Other Consents and Licences [APP-046] document submitted with the application provides a list of the consents and licences required outside the DCO and the Applicant's anticipated submission date to the relevant body.</p> <p>This document will be updated and submitted throughout the examination where any further consents and licences which are required have been identified or the anticipated submission date changes.</p> <p>The Applicant has submitted a new revision of the Other Consents and Licences [APP-046] document at Deadline 1, which outlines the progress with obtaining the consents/licenses listed in the document as well as including new consents/licenses to be required following discussions with the relevant bodies.</p>
		<p>ii) Include a section providing an update on these consents/ licences in any emerging Statements of Common Ground (SoCG) that are being drafted with the relevant consenting authorities listed.</p>	<p>The Statements of Common Ground (SoCGs) submitted at Deadline 1 include information about the status in obtaining other consents/ licences from the relevant bodies.</p> <p>For Deadline 1 SoCGs, this has not been separated into its own section and instead incorporated into the text of relevant sections of the SoCGs.</p> <p>Taking on board the WQ from the ExA, at future deadlines the Applicant will include a standalone section in each relevant SoCG which concerns other consents/licenses, so that it is more easily referable.</p>
Q1.1.6	Applicant	<p>The ExA is aware that within Section 2.1 of ES Chapter 2 'The Project' [APP-054] footnote 1 defines that <i>HyNet North-West (The Project) is not a single project within the meaning of the Environmental Impact Assessment Regulations. The Project is being developed by the Consortium. The goal of the Project is to reduce carbon dioxide (CO2) emissions from industry, homes and transport and support economic growth in the North-West of England and North Wales. This includes but is not limited to the CO2 Pipeline and associated Above Ground Installations (AGIs), BVSSs, Carbon Capture, CO2 Storage, the Existing Pipeline Works, Hydrogen Plant, Hydrogen Pipeline and associated AGIs, and the Hydrogen Storage.</i></p> <p>Therefore, the Applicant's definition of 'The Project' as the starting position of the ES appears the main reason why the DCO Proposed Development is considered as a separate entity in the assessment of combined and cumulative effects.</p>	<p>As set out in Section 2.1 of ES Chapter 2 'The Project' [APP-054] HyNet North-West ('The Project' and 'HyNet') is not considered by the Applicant to be a single project within the meaning of the Environmental Impact Assessment Regulations. The Project is being developed by a consortium of partners and the DCO Proposed Development facilitates the connection of various CO₂ emitters to offshore storage.</p> <p>The EIA Regulations have their origin in EU law through the EIA Directive (the Directive). The case law on interpretation of the regulations (as retained in effect post EU exit) provides that this must be undertaken with regard to the Directive's core objective of protection of the environment. In accordance with that objective, it is not acceptable to "salami slice" a single project into smaller separate consents. As set out in the judgement in <i>Ecologistas en Acción v Ayuntamiento de Madrid</i>, multiple smaller applications which relate to a larger project cannot bypass the EIA Regulations through artificially diminishing a larger project into smaller developments.</p> <p>Separate applications can be seen to be part of a single project if:</p>

ExQ1	Question to	Question	Applicant's Response
		<p>However, Paragraph 5, Schedule 4 of the Regulations state that an ES should include: <i>“A description of the likely significant effects of the development on the environment resulting from, inter alia: (e) the cumulation of effects with other existing and/ or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources.”</i> Additionally, ES Chapter 19 (Combined and Cumulative Effects) [APP-071] paragraph 19.2.3 sets out the description of likely significant effects on the factors: <i>“[...] should cover the direct effects and any indirect, secondary, cumulative, transboundary, short term, medium-term and long-term, permanent and temporary, positive and negative effects of the development.”</i></p> <p>Can the Applicant further justify why the components of ‘The Project’ (as whole) should/ can be treated independently by the ES having regard to the Environmental Impact Assessment Regulations? How has the Applicant ensured that the cumulative effects between the DCO Proposed Development and the other applicable parts of the ‘Project’ including, where relevant, aspects to be delivered under separate consents, are fully considered?</p>	<ul style="list-style-type: none"> • There is common ownership of the site, or the applications are being promoted by the same person [R (on the application of Larkfleet Ltd) v South Kesteven District Council [2014] EWHC 3760 (Admin), [2015] Env LR 16 [60]]; • Applications are considered and determined by the same committee on the same day and subject to reports which cross refer to one another;[Burridge v Breckland District Council [2013] EWCA Civ 228 [79]] <p>In this case, while the separate HyNet elements will interconnect in operation, they are not one project in EIA terms. They are being promoted by different parties, on different timelines and being determined by different decision makers. With regard to the case law they are accordingly not a single project.</p> <p>There was no attempt in defining the DCO project in this case to avoid EIA, which is a key factor in determining if the ‘project’ has been too narrowly defined. The various other consortium proposals will be subject to EIA as required under the relevant consenting processes for them, including cumulative assessments taking into account this project if it is granted as another existing project.</p> <p>The other HyNet proposals are not yet ‘other existing or approved projects’ and cumulative assessment with them is not required and cannot be meaningfully undertaken at this stage given the early stages of their development.</p> <p>In July 2021, the HyNet cluster submitted its bid into Phase 1 of HM Government’s cluster sequencing process, at that time being run by the Department for Business, Energy and Industrial Strategy (BEIS) and subsequently the Department for Energy Security and Net Zero (DESNZ). Successful notification of award of Track 1 status was received in October 2021. The bid included submissions from all proposed emitter partners. The other successful cluster announced as Track 1 was the East Coast Cluster, with the Scottish Acorn cluster being placed in reserve status.</p> <p>In January 2022, individual emitter partners submitted bids into Phase 2 of the cluster sequencing process, which is designed to select individual projects within the Track 1 clusters to move forward into commercial negotiations for the relevant support contracts.</p> <p>In April 2022, government published a list of 41 projects that had met the eligibility criteria for the Phase 2 process – these were spread across the two Track 1 and the reserve clusters. In August 2022, a shortlist of selected projects was published, which narrowed the field to 20 projects (and, only included projects in HyNet and the East Coast clusters).</p> <p>In March 2023, Government announced the final selection of the first carbon capture projects to be built under the CCUS Cluster Sequencing Process. These are sites that will connect to the carbon dioxide transport and storage infrastructure that will be developed through the initial ‘Track 1’ clusters (HyNet North West and East Coast Cluster). The projects selected for HyNet were:</p> <ul style="list-style-type: none"> • Hanson Padeswood Cement Works Carbon Capture and Storage Project • Viridor Runcorn Industrial CCS

ExQ1	Question to	Question	Applicant's Response
			<ul style="list-style-type: none"> • Protos Energy Recovery Facility • Buxton Lime Net Zero • HyNet Hydrogen Production Plant 1 (HPP1) <p>It is only at this point that the wider Hynet Project configuration can be determined for the initial phase of delivery.</p> <p>There has therefore been uncertainty in system configuration throughout the project development phases to date, but the DCO Proposed Development has been designed to be independent and resilient to this. The core infrastructure contained within the DCO Proposed Development remains the same regardless of which emitter plants are chosen to connect. Indeed, it is this which has largely determined the core content of the DCO, with any additional connecting pipelines to be consented separately when individual emitters are clear that they will receive government support, and hence are on a delivery trajectory.</p> <p>However, at the time of preparation of the ES, it was not known which projects would initially be selected in the Cluster Sequencing process. The emitter projects require separate consents for both capture plant and pipeline connections and are being progressed by different applicants independently of the DCO Proposed Development on different timescales with different funding and should be considered to be separate projects in terms of the various EIA Regulations. Project details are not yet available for all parts of HyNet, including elements such as the routing of pipeline connections to the newly announced successful parties to the Cluster Sequencing Process. It would not be possible or appropriate, therefore, to include other elements of the Project in the core scenario of the ES. Other elements will be progressed through various consenting routes under the appropriate EIA regulations.</p> <p>Whilst it is necessary for the Environmental Statement to consider the cumulative effects of the constituent parts of HyNet, the Applicant considers that it is appropriate to do so alongside the assessment of other existing and/or approved projects as part of Chapter 19 Combined and Cumulative Effects [APP-071], utilising public domain information. The Applicant has duly considered all known parts of the Project, as set out in Appendix 19.1 Inter-Project Effects Assessment Rev A [APP-172] Table 2 application ID 1a to 1j and considers that all elements of the Project have been considered using the best available information at the time of the assessment.</p>
		Please confirm if the two separate Planning Applications expected to be made to FCC under the Town and Country Planning Act 1990 for the PoA Terminal and Foreshore Works and the three BVSs have been submitted or, if not submitted advise when such applications will be submitted.	<p>Two Town and Country Planning Act (TCPA) planning applications have been submitted to Flintshire County Council (FCC) on 10 March 2023 for:</p> <ul style="list-style-type: none"> • Point of Ayr Terminal and Foreshore Works • Three Block Valve Stations (Cornist Lane, Pentre Halkyn and Babel), all located in Flintshire. <p>The TCPA application covering the Block Valve Stations (BVSs) is consistent with the DCO as submitted in September 2022. The details provided in the TCPA relating to the</p>

ExQ1	Question to	Question	Applicant's Response
			<p>Cornist Lane BVS would be subject to change if Applicant's Change Request 1 submitted on 27 March 2023 is accepted for examination. The Applicant has made FCC aware of this and asked them to place the TCPA Application for the BVSs on hold until a decision on the acceptance or refusal of the Applicant's change request is made by the ExA. If the Change Request is accepted the Applicant will withdraw the BVS TCPA application and submit a revised application.</p> <p>The Applicant's Change Request does not impact the TCPA application for the Point of Ayr Terminal and Foreshore Works and consideration of this TCPA Application can proceed.</p>
		Should the above mentioned Applications have been submitted, please provide:	<p>Point of Ayr Terminal and Foreshore Works Application Reference: FUL/000246/23</p> <p>Block Valve Stations Application Reference: FUL/000241/23</p>
		ii) an update in regard to the progress of these Planning Applications, or the intended submission of these Planning Applications, including in relation to any discussions/ correspondence between you and the Relevant Planning Authority in regard to the proposed submission/ submitted Planning Applications; and	<p>FCC has confirmed with the Applicant that both TCPA applications are valid.</p> <p>FUL/00246/23 has been validated by FCC and the Council has commenced consultation.</p> <p>FCC has confirmed that application FUL/000241/23 is a valid application. However, as set out above the Applicant has agreed with the Council that it is held in abeyance until the ExA's decision on the Applicant's Change Request 1 (which include amendments to Cornist Lane BVS) is made. As such consultation has not yet commenced on this application.</p>
		iii) a copy of the planning decision related to the Planning Applications mentioned above, issued by the Relevant Planning Authority, if applicable.	No planning decision has been made.
Q1.1.7	Applicant	<p>CWCC [RR-012] provides an initial comment and issues relating to the content and scope of the application including the Local Plan Policy context, Environmental Assessment and the proposed requirements and provisions of the Draft DCO.</p> <p>The ExA acknowledges the content of the [RR-012] a request that the combined effects should be fully considered with HS2, especially in terms of impacts on Minerals Safeguarding Areas (MSA), waste generation and impacts to local and regional transport. Combined effects with other NSIPs are requested to include the Cadent Hydrogen Pipeline project.</p> <p>i) Can the Applicant set out (including signposting to the examination documentation) how those suggested cumulative effects arising from</p>	<p>As stated in paragraph 19.5.1 of Chapter 19: Combined and Cumulative Effects of the 2022 ES [APP-071] and Table 1 of Appendix 19.1 of the 2022 ES [APP-172], the Study Area for the Cumulative Inter-Project Effects Assessment has been determined via the identification of Zones of Influence (ZOI) for likely significant effects. The ZOI for local and regional transport used for the assessment is taken from Figure 17.1 of the 2022 ES [APP-211] and extends as far east as Helsby. For waste generation (and Mineral Safeguarding Areas (MSAs)) the ZOI was reduced to 10km for practicable and proportionate assessment purposes. As a result of the extent of these ZOIs, HS2 projects have not been scoped into the long-list (Table 2 of [APP-172]) or short-list (Table 3 of [APP-172]) of the Inter-Project Effects Assessment as the HS2 Phase 2b: Crewe to Manchester (the nearest HS2 works to the DCO Proposed Development) are approximately 20 km from the DCO Proposed Development.</p>

ExQ1	Question to	Question	Applicant's Response
		these other projects have been incorporated into any assessment made to date. Or conversely, the specific reasons they have been scoped out.	<p>In addition, the residual effects of Chapter 14 Materials and Waste of the 2022 ES [APP-066] concluded Minor Adverse residual effects in relation to material resource consumption and landfill capacity. As no residual effects in relation to MSAs are anticipated, no inter-project effect would occur. Regarding waste generation, mitigation measures detailed in ES Chapter 14 [APP-066] such as Waste Management Plans and conformance to the Waste Hierarchy are legal requirements as secured by Requirement 5(2)(h) of the DCO [AS-016]. It is assumed that HS2 would comply with these requirements and would include equivalent mitigation measures, minimising their effects on landfill capacity. As a result, a measurable in-combination effects between the DCO Proposed Development and HS2 are not anticipated.</p> <p>As per Table 2, Table 3 and Table 4 of Appendix 19.1 of the 2022 ES [APP-172], the Cadent Hydrogen Pipe project (PINS reference: EN060006) is included in the Inter-Project Effects Assessment (referred to as the 'Hynet North West Hydrogen Pipeline' with development ID 1g). The assessment considered potential inter-project effects during both the construction and operation stages and was informed primarily by development 1g's EIA Scoping Report submitted to the Inspectorate on 26 January 2022. The construction stage assessed Biodiversity, Land and Soils, Landscape and Visual, Materials and Waste, Noise and Vibration, Population and Human Health, Traffic and Transport and Water Resources and Flood Risk. The conclusions of the construction stage assessment were limited to Minor Adverse inter-project effects on all assessed topics. The operational stage assessed Cultural Heritage, Landscape and Visual and Water Resources and Flood Risk. The conclusions of the operational stage assessment were limited to Minor Adverse inter-project effects in relation to Water Resources and Flood Risk, with other effects being determined to be Negligible. This assessment considers that development 1g is adjacent and overlapping the Order Limits for the DCO Proposed Development. The Applicant acknowledges that Table 2 of Appendix 19.1 [APP-172] contains an error, the distance from the DCO Proposed Development has been incorrectly marked as '<0.1km'. This is an erratum and will be marked 'Adjacent', as assessed.</p> <p>The Applicant is also in discussion with Cadent regarding measures to ensure traffic management measure proposals during construction of the two projects are co-ordinated.</p>
		ii) A number of inconsistencies are mentioned by CWCC regarding the identification of policies including an omission of Neighbourhood Plans. Can the Applicant confirm that all relevant parts of the Development Plan CWCC are referring to will be acknowledged by way of an updated Planning Statement?	<p>The Applicant undertook a review of any adopted or emerging Neighbourhood Plans within CWCC prior to the submission of the DCO Application. At this point, there were no adopted Neighbourhood Plans which traversed the Order Limits.</p> <p>CWCC have raised within its Relevant Representation [RR-012] that Neighbourhood Plans have been omitted. Subsequently the Applicant has undertaken an additional review and confirm an emerging Neighbourhood Plan at Ince which would cross the Order Limits.</p>

ExQ1	Question to	Question	Applicant's Response
			Accordingly, the Applicant confirms that the submitted Planning Statement [APP-048], has been updated to reflect the current status of this Neighbourhood Plan and its policies which is provided at Deadline 1.
		iii) The Applicant's views are sought on whether the DCO scheme complies with the development plan policies dealing with economic considerations for existing businesses/ operations having regard to any future expansions referred to, as well as the ecological network and the implications of Policy DM 44 further referenced by CWCC.	<p>CWCC have raised within its Relevant Representation [RR-012] that a number of Local Plan Policies including economic policies for the projects impact on existing businesses / operations including future expansions (standoffs / restrictions to the pipeline) and ecological network implications of Policy DM 44 have been omitted.</p> <p>The Applicant gives consideration to DM 44 within Appendix B, Table B4 (Policy Compliance Assessment) of the Planning Statement [APP-048].</p> <p>The Applicant has further engaged with the Council by email correspondence and a meeting on 31 March 2023 to gain an understanding of what information is not provided to address any inconsistency.</p> <p>Accordingly, the Applicant confirms that the submitted Planning Statement [APP-048], has been updated to reflect the current status of this Neighbourhood Plan and its policies which is provided at Deadline 1.</p>
Q1.1.8	Applicant and IPs, including CWCC and FCC	<p>The ExA notes the content of ES Chapter 19 Combined and Cumulative Effects [APP-071] as well as Chapter 19.1 – Inter-Project Effects Assessment Rev A [APP-172] and Chapter 19.2 – Intra-Project Effects Assessment Rev A [APP-173].</p> <p>IPs</p> <p>Are there any projects identified as under construction, which are expected to be completed before construction of the DCO Proposed Development, which have been excluded from the Applicant's assessment at Stage 2 (see Table 2 in Appendix 19.1 - Inter-Project Effects Assessment, Volume III [APP-172]). Do the Relevant Planning Authorities/ IPs agree with the scope and content of the list applicable for Stage 2?</p>	
		<p>Relevant Planning Authorities/ Applicant</p> <p>Refused planning applications that are not subject to appeal have not been considered by the Applicant on the basis that their implementation is not considered to be reasonably foreseeable. Have any new consents (or planning applications) come to light, or which</p>	Chapter 19: Combined and Cumulative Effects of the 2022 ES [APP-071] details the methodology for identifying other developments for potential assessment as part of Appendix 19.1 of the 2022 ES [APP-172]. A continual review of prospective other developments after the submission of the 2022 ES was not proposed as part of this methodology. The Applicant considers that when reviewing other developments a line

ExQ1	Question to	Question	Applicant's Response
		are expected, which would prevent the Applicant's stated position from being accepted? Can the Applicant confirm whether the list of developments to be considered in the cumulative assessment were agreed with relevant consultees.	<p>should be drawn at a point in time to enable the assessment of cumulative effects to be completed. This is provided for in advice note 17 which states in section 3.4.9 that "is understood that applicants are required to stop assessment work at a particular point in time in order to be able to finalise and submit an application.". The Applicant can so only take into account the information in the public domain and available to it.</p> <p>The Applicant consulted on the long list of developments presented in the Preliminary Environmental Information Report (PEIR) during Statutory Consultation. CWCC and FCC were provided with the PEIR and did not identify any additional developments that should be considered. The Applicant has continued to consult with both authorities regularly, as recorded in the relevant SoCGs [document reference: D7.2.1 and D7.2.2]. No additional developments have been identified to date. However, the Applicant will continue to discuss this issue with CWCC and FCC.</p>
Q1.1.9	IPs, including CWCC and FCC	<p>The ExA draws the Applicant's/ IPs' attention to the content of Planning Inspectorate Advice Note 9: Rochdale Envelope. This advice note affirms the established principle that: <i>"The ES should not be a series of separate unrelated topic reports. The interrelationship between aspects of the proposed development should be assessed and careful consideration should be given by the developer to explain how interrelationships have been assessed in order to address the environmental impacts of the proposal as a whole. It need not necessarily follow that the maximum adverse impact in terms of any one topic impact would automatically result in the maximum potential impact when a number of topic impacts are considered collectively. In addition, individual impacts may not be significant but could become significant when their interrelationship is assessed. It will be for the developer to demonstrate that the likely significant impacts of the project have been properly assessed."</i></p> <p>Do IPs including Relevant Planning Authorities agree that the likely significant impacts of the DCO Proposed Development have been adequately assessed by the ES? If not, please state why not.</p> <p>You may wish to combine the answer to this question with the answer to question Q1.1.6.</p>	<p>There are a number of design details which are yet to be finalised for the DCO Proposed Development and which will not be finalised until the detailed design is produced post-consent. The Application has, therefore, adopted the Rochdale Envelope approach to create a design envelope within which the detailed design is constrained to allow robust assessment of the flexibility in that design.</p> <p>The Applicant has taken account of the Inspectorate's Advice Note 9: Rochdale Envelope. As stated in Chapter 4 of the Planning Statement [APP-048], the Applicant has adopted the principles of the 'Rochdale Envelope' and has assessed through the EIA maximum 'worst case' dimensions and design parameters. This allows for a precautionary approach to project delivery.</p>

ExQ1	Question to	Question	Applicant's Response
Q1.1.10	Applicant	Clarify what provisions during construction would be in place to ensure dust mitigation, debris management and transportation of the material, alongside protecting the visual appearance of the area specifically from any short/ medium and long-term stockpiling anticipated will not erode from the local environment?	<p>The Outline Construction Environmental Management Plan (OCEMP) [AS-055], as secured by Requirement 5 of the dDCO [AS-016], secures mitigation measures to ensure dust and debris management during material transportation. Section 6.10 of Chapter 6 Air Quality of the 2022 ES [APP-058] sets out mitigation to manage dust / debris during construction of the DCO Proposed Development. REAC commitment D-AQ-015 [AS-053], as secured by Requirement 5 of the dDCO [AS-016], specifically states that the Applicant must “<i>Manage earthworks and exposed areas or soil stockpiles to prevent wind-borne dust. Use methods such as covering, seeding or using water suppression.</i>”</p> <p>Table 6.9: Construction Management and Mitigation – Landscape and Visual of the OCEMP [AS-055] sets out the specific landscape and visual commitments including D-LV-014, D-LV-015 and D-LV-016, which described the protection measures for existing vegetation. The retention and protection of existing vegetation will assist with filtering views of the construction activities.</p>
		What other possible options are there for any displaced material not needed for re-use on site? And is there a rough estimation of the amount of residual material likely to be left over that can be given?	<p>Table 14.14 of Chapter 14 – Material Assets and Waste of the 2022 ES [APP-065] details the anticipated site arisings and waste recovery for the DCO Proposed Development. It is estimated that 7,740 tonnes of earthworks would be re-used on site where suitable or taken to a soil recycling facility.</p> <p>The OCEMP [AS-055] requires the Construction Contractor to ensure that backfilling of earthworks generated through trenching activities will be undertaken (subject to the suitability of the material) to reduce adverse waste impacts. A Waste Management Plan will be developed as part of the detailed Construction Environmental Management Plan by the Construction Contractor which will adhere to the higher tiers of the Waste Hierarchy, minimising waste disposal to landfill. Furthermore, the Construction Contractor will implement and follow a Materials Management Plan to enable the reuse of excavated material without it being classified as a waste and outline a cut / fill balance to reduce the amount of material permanently removed. Finally, an Outline Soil Management Plan (OSMP) an appendix to the OCEMP [APP 227], has been produced to present options to manage the risk of damage to soil structure during construction and reinstatement. The Construction Contractor will develop a detailed construction Soil Management Plan as part of the detailed Construction Environmental Management Plan prior to construction and detailed design.</p>

ExQ1	Question to	Question	Applicant's Response
		<p>Provide an estimate of the length of time displaced material from the scheme would be stored on land referred to in the application work areas proposed.</p> <p>If any of the above information is already provided, signpost that.</p>	<p>Storage durations of displaced material is location specific, as some sections of pipeline (between BVS/AGIs or significant trenchless crossings) are longer than others extending the duration of required haul roads and site access. General assumptions on the duration of stored materials are as follows:</p> <p>For open trench pipeline sections – displaced topsoil is required to be stored for the length of time that vehicles require access along that section of the pipeline. In most areas, this is a period of months, with the intention to replace topsoil section-by-section in the summer months.</p> <p>The displaced sub-soil (the pipeline trench itself) the expected stored period is days to weeks, with the intention to lower the pipeline and backfill the trench as soon as practical.</p> <p>For trenchless crossings, AGIs and BVSs, the displaced soils would likely be stored for months, which may include storage in winter periods.</p> <p>For compound locations, it is anticipated that the displaced material would be stored for the duration of the construction programme which is approximately 16 months as set out in Section 3.6 of Chapter 3: Description of the DCO Proposed Development [APP-055].</p>
Q1.1.11	Applicant	<p>Local concern has been raised in relation to soil disturbance [RR-056]. It is alleged that the reinstatement of land was unsatisfactory during previous exploratory works initiated by the Applicant with the high quality top soil being buried and subsoil left on the surface.</p> <p>What mechanisms and quality controls would be in place to ensure that any affected land would be properly restored following trenching or other engineering works which result in soil disturbance? Can novel or innovative approaches be applied to improve soil conditions/ carbon sequestration in affected soils post construction/ development?</p> <p>If any of the above information is already provided, please signpost that.</p>	<p>The Applicant has recently held a site visit with the landowner and will continue to engage and negotiate with them.</p> <p>The Applicant acknowledges and apologises for the poor reinstatement of the land at this location. This is below the standards the Applicant requires for any excavations to take place and discussions have taken place as outlined above. Subsequent investigative works have been monitored to ensure soil has been reinstated correctly.</p> <p>The Applicant has prepared an Outline Soil Management Plan [APP-227] which provides guidance on the stripping, storage and replacement of soils to prevent damage to soils. The Applicant will produce a detailed Soil Management Plan to be approved by the LPA under Requirement 5(2)(f) of the dDCO [AS-016] prior to undertaking any works which will set out best practice to prevent irreparable damage to the soil structure.</p> <p>The soils will be replaced as they were excavated to return the ground to the conditions it was prior to construction to minimise disruption to agricultural processes. Designated biodiversity areas will be developed which will contribute to carbon sequestration through planting of shrubs and tree.</p>
Q1.1.12	FCC	<p>If you have not already done so:</p> <p>i) Provide an update to the Examination on the status of the Flintshire Local Development Plan 2015-2030, and its expected formal adoption date.</p>	<p>The Applicant is aware that as of 24 January 2023, FCC has formally adopted a new Local Development Plan (LDP) which will set out the planning strategy in Flintshire until 2030. This was confirmed within the Relevant Representation provided by FCC [RR-034]. Accordingly, the Applicant confirms that the submitted Planning Statement [APP-048], has been updated to reflect this and is provided at Deadline 1.</p>

ExQ1	Question to	Question	Applicant's Response
		ii) Provide to the Examination and indicate all new development plan policies which you consider to be important and relevant to the proposed development currently subject to Examination giving the specific reasons for the policy relevance where appropriate.	
		iii) Inform the Examination of your views on whether or not the DCO development complies with any new and relevant policies	
		iv) In the event of non-compliance with any new policy (or policy expected to be adopted) suggest any change necessary which would be potentially undertaken by the Applicant to secure compliance.	
Q1.1.13	Applicant	The ExA notes the ES Chapter 3 (Description of the DCO Proposed Development) [APP-055], which sets out a synopsis of the key elements of the DCO Proposed Development. It also notes the detailed list provided at Schedule 1, Part 1 (Authorised Development) of the draft DCO [APP-024], which clearly sets out, in detail, the Proposed Development relevant to the related Work Numbers. However, the ExA would ask you direct it to where else in the submitted application documentation the full details of the Proposed Development and its related work numbers has been provided/ set out in full.	The Applicant confirms that the only location the DCO Proposed Development along with the related work numbers are set out in full is Schedule 1, Part 1 (Authorised Development) of the dDCO [AS-016]. Therefore, this should be used by the ExA alongside ES Chapter 3 [APP-055] as the main reference for the full details of the DCO Proposed Development.
Q1.1.14	FCC and IPs	Mr James Doran [RR-054] has referred to a planning application being relevant determined by FCC (planning reference 061368) and is also mentioned as subject to an appeal alongside references to members of the traveller community. FCC Provide the full details of the planning application documentation inclusive of delegated reports, to inform the Examination.	
		IPs Please make whatever comments you deem necessary if you have not already done so.	The Applicant has provided a response to Mr Doran's Relevant Representation [RR-054] at Deadline 1. The Applicant will continue to engage with Mr Doran in relation to the proposed route of the pipeline and the impacts on his proposed development. The Applicant refutes that they have "unlimited resources".

ExQ1	Question to	Question	Applicant's Response
Q1.1.15	Applicant and IPs	<p>Having regard to Appendix D Statement of Community Consultation [APP-035] submitted, as well as the submitted DCO Consultation Report (Volume V) [APP-031].</p> <p>Applicant</p> <p>Confirm the Town and Community Councils which have been consulted and those which are applicable to the DCO area.</p>	<p>The following Town and Community Councils have been consulted and are applicable to the Order Limits:</p> <ul style="list-style-type: none"> • Elton Parish Council • Ince Parish Council • Backford Parish Council • Lea-by-Backford Parish Council • Mickle Trafford and District Parish Council • Mollington Parish Council • Saughall and Shotwick Park Parish Council • Thornton-le-Moors Parish Council • Hawarden Community Council • Northop Community Council • Northop Hall Community Council • Queensferry Community Council • Sealand Community Council • Shotton Parish Council • Connah's Quay Town Council • Flint Town Council • Little Stanney and District Parish Council • Brynford Community Council • Caerwys Town Council • Llanasa Community Council • Whitford Community Council • Ysceifiog Community Council • Halkyn Community Council
		<p>IPs</p> <p>Clarify the Town and Community Council's that wish to have involvement within the Examination, or if necessary, confirm any formal body representing on their behalf.</p>	

ExQ1	Question to	Question	Applicant's Response
Q1.1.16	Applicant	<p>There are a number of discrepancies on the Land Plans [APP-008]. For example:</p> <p>i) Plots 1-18 (Sheet 1), 2-14 (Sheet 2), 6-20 and 6-22 (Sheet 6), 21-06 (Sheet 21) and 25-03 (Sheet 25) are not identified;</p> <p>ii) Plot 5-03 (Sheet 5) is listed twice, whilst Plot 6-21 appears multiple times;</p> <p>iii) Plot 8-04 has been included as being within the red line of the Proposed Development, yet the same plot number in the Book of Reference [APP-030] states "Number not used";</p> <p>iv) The extent of Plot 12-12A (Sheet 12) is unclear on the Land Plans [APP-008]. Please note that this list is not meant to be exhaustive.</p> <p>The ExA would ask for the Land Plans [APP-008] to be checked and cross referenced with the Book of Reference [APP-030] to ensure all plots are correctly identified and that the Land Plans [APP-008] and Book of Reference [APP-030] are updated accordingly.</p>	<p>These discrepancies have been resolved on the reissued Land Plans [AS-010].</p> <p>i) Plots 1-18 (Sheet 1), 2-14 (Sheet 2), 6-20 and 6-22 (Sheet 6), 21-06 (Sheet 21) and 25-03 (Sheet 25) are now shown labelled on the plans.</p> <p>ii) Plot 5-03 (Sheet 5) and 6-21 (Sheet 6) are now listed just once.</p> <p>iii) Plot 8-04 (Sheet 8) does not appear on the Land Plans [AS-010] and is listed as Number not used in the Book of Reference.</p> <p>iv) Plot 12-12a (Sheet 12) remains as it was in [APP-008]. The Applicant will add an extra inset to show this plot more clearly. However, to prevent confusion, this will be done following acceptance or refusal of the Applicant's Change Request 1 (submitted on 27 March 2023) to update the relevant version accordingly.</p> <p>A full check of the Land Plans [AS-010] has been completed and cross referenced with the Book of Reference [AS-023] and have been updated accordingly.</p>
Q1.1.17	Applicant	<p>Paragraphs 3.6.27 to 3.6.29 (Inclusive) of ES Chapter 3 (Description of the DCO Proposed Development) [APP-055] appears to be missing. Please review and correct, if necessary.</p>	<p>During the PDF process, paragraph numbers within Chapter 3: Description of the Proposed Development [APP-055] corrupted. However, it is confirmed that no text is missing.</p>
Q1.1.18	Applicant	<p>Are any change requests proposed, or likely to be proposed, during the course of the Examination in relation to the Proposed Development. If so please specify what changes are being proposed/likely to be proposed and when such a request(s) is likely to be made during the course of the Examination.</p>	<p>The Applicant provided the ExA with its Notification of Intention to Submit a Change Request [APP-060] on 21 March 2023 and submitted the formal Change Request 1 on 27 March 2023. These documents included a description of the proposed changes, consideration of the environmental impact, the Applicant's proposed approach to consultation and the Applicant's view as to how this could be accommodated within the examination timetable for Change Request 1.</p> <p>Updated versions of relevant DCO application documents were also included.</p> <p>In addition, the Applicant is aware from [RR-066] and ongoing engagement that NRW has concerns regarding the proposed open cut trench crossing methodology at Alltami Brook. The Applicant continues to engage with NRW to seek to better understand their concerns and how such concerns might be addressed. Dependent on the progress of this engagement a localised change to make an addition to potential crossing methodologies at this location may be proposed, however the Applicant is still assessing the potential environmental effects of that and the impact on the ES. If the Applicant determines to proceed and submit a change request, it would seek to submit that as soon as practicable, however it is likely to be after consultation on the current change request (if accepted) has commenced.</p>

Table 2-2 – Assessment of Alternatives

ExQ1	Question to	Question	Applicant's Response
Q1.2.1	Applicant	<p>The ExA further notes the scope and content of ES Chapter 4 – Consideration of Alternatives [APP-056].</p> <p>i) [APP-056] highlights the necessity of the proposed development for the decarbonisation of emitting industries and achieving the UK's pathway to Net Zero. Further explain the overall need case for the scheme relative to climate change considerations, current knowledge and natural (or other) forms of carbon capture/sequestration available. Does current knowledge or any changes stemming from innovation give rise to any other feasible alternative?</p>	<p>The Needs Case for DCO Proposed Development [APP-049] outlines the needs case for the DCO Proposed Development in the context of the UK Government's objectives for a more resilient energy network and greenhouse gas emission reductions. Chapter 1 of the Need Case [APP-049] provides an overview of the DCO Proposed Development and purpose of the report. Chapter 2 of the Need Case [APP-049] sets out the need for the CO₂ pipeline in the context of the need for new energy infrastructure and need for Carbon Capture and Storage (CCS) technology. Chapter 3 of the Need Case [APP-049] gives an overview of the relevant planning policy and legislation relating to the Project covering the UK and Welsh Government policy, as well as other Government support and other policy considerations.</p> <p>There are clear international, national and local policies, ambitions and statements that support the transition to a low carbon economy and to act on climate change including legally binding legislation. There is demonstrable support for the use of CCS to support the transition to a low carbon economy, to meet the Net-Zero target and help decarbonise industrial clusters in the North West of England and North Wales. Furthermore, the DCO Proposed Development enables further elements of the Project to be developed which includes the production of low carbon hydrogen and a hydrogen distribution network. Without the Carbon Dioxide Pipeline, the wider Project and cluster, cannot be delivered.</p> <p>The DCO Proposed Development will enable the Project to deliver many benefits for the local area, region and the country. The timing of the DCO Proposed Development will help the Government meet its targets for carbon capture and low carbon hydrogen production and will lead more rapidly to a decarbonised economy.</p> <p>No other feasible alternative to CCS technology has been identified or assessed given the scenario of Government support for this approach.</p>
		<p>ii) When considering alternatives to the scheme clarify/ explain (including signposting to the examination documentation) to what extent relevant biodiversity and ecological protections have been considered for avoidance?</p>	<p>ES Chapter 4: Consideration of Alternatives [APP-056] provides details of the alternative route and design options considered for the DCO Proposed Development and indicates how environmental factors have inherently informed the preferred option selection.</p> <p>Furthermore, non-statutory consultation was undertaken during the consideration of alternative options, feedback from which was used to inform the preferred option selection.</p> <p>One of the guiding principles in developing the Newbuild Carbon Dioxide Pipeline route corridor options was to avoid, minimise and manage impacts upon the environment and local amenity as set out in Section 4.5 of 2022 ES Chapter 4 [APP-056].</p>

ExQ1	Question to	Question	Applicant's Response
			<p>Section 4.5 of ES Chapter 4 [APP-056] further explains that the widths of the strategic corridors varied for the Stage 1 appraisal, primarily due to the consideration of key geographical constraints to avoid, as far as possible, centres of population and environmental features. In addition, an individual corridor was considered as having an advantage over other alternatives if it would be likely to have improved environmental outcomes versus the other options considered by avoiding or having reduced adverse environmental impacts.</p> <p>Overall, for the Stage 1 appraisal, Section 4.5 of ES Chapter 4 [APP-056] concluded that the Southern corridor was the preferred option for a number of reasons, including more likely to provide route options which have less direct impact upon international and national environmental designations (including the River Dee Estuary).</p> <p>The appraisal framework for Stage 2 was developed using the objectives and guiding principles as set out above. These are set out in ES Appendix 4.1 [APP-079] and included the guiding principle to avoid, minimise and manage impacts upon the environment and local amenity for ecology that included:</p> <ul style="list-style-type: none"> • Ancient Woodland • Habitats of Principal Importance (HPI) • European ecological designations • National ecological designations • Local designated, non-statutory wildlife sites <p>Paragraph 4.5.32 of ES Chapter 4 [APP-056] lists all environmentally sensitive sites considered during route option selection, although biodiversity and ecological protections are considered throughout all relevant sections within ES Chapter 4 [APP-056].</p>
		iii) In the consideration and determination of alternatives (for example route selection) can the Applicant explain if it has applied greater weight to particular issues over others where there has been competing priorities. You may wish to combine the answer to this question with the answer to question Q1.2.3	The Applicant can confirm that no weighting was applied to any specific aspect when carrying out the assessment of alternatives.
Q1.2.2	IPs, including CWCC and FCC	Having regard to the submitted ES - Chapter 4.1 - Guiding Principles Factors and Criteria for Options Rev A [APP-079]. Do IPs agree with, or have any further comments on, the guiding principles stated as a starting point for the development of the scheme details?	
Q1.2.3	Applicant	In terms of the pipeline size. Para 4.5.4 of [APP-056] states that the project aims to provide system capacity to enable CO2 transport and storage of 10 MtCO2/yr by 2030. The	The new build pipeline is designed for 10MtCO2/yr and Applicant does not envisage any requirement to increase this capacity on the route of the new pipeline. Careful consideration has been given to appropriate sizing of pipelines given uncertainty over

ExQ1	Question to	Question	Applicant's Response
		<p>Project philosophy has been to design any new infrastructure to meet this HyNet CO2 Pipeline system capacity, but to only upgrade/re-use existing infrastructure when there is greater demand certainty.</p> <p>i) Is a larger diameter pipeline following the same new pipeline route a possibility post 2030? (Acknowledging the 20" pipeline from Ince AGI to Stanlow AGI has been sized to provide a capacity of 2.5 MtCO2/yr based on the number of emitters and with consideration of the future capacity requirements for the pipeline).</p>	<p>final emitter configuration, which is the outcome of a Government led process (the Cluster Sequencing process, Phase 1 and Phase 2). Overall, maximum system capacity of 10MtCO2/yr was determined at an early stage of project development as being the optimal trade-off between a number of factors.</p> <p>In restricting the diameter, the limiting factors were storage capacity (an increased flow rate fills the capacity too quickly, resulting in an unacceptably short project lifetime for emitters) and pipeline size (pipeline sizing above 36" would have proved challenging from a routing perspective).</p> <p>Setting the diameter at 36" has ensured the infrastructure can offer capacity to a significant number of emitters across the region, thereby maximising the environmental and social-economic benefits.</p> <p>There are therefore no plans to expand system capacity beyond 10MtCO2/yr, and therefore no plan to introduce a larger pipeline along the proposed route.</p> <p>The 20" pipeline has been sized to include all known emitters in the Protos and Runcorn areas.</p>
		<p>ii) Would the development be able to be future proofed at this point? (for example, with a larger diameter in parts) to avoid future ecological impacts in sensitive areas?</p>	<p>The Applicant considers that the new-build pipeline infrastructure between Ince AGI and Flint AGI is "future-proofed".</p> <p>Please also see response to ExA Written Question 1.2.3 (i) above.</p>
		<p>iii) In terms of the doing nothing alternative referred to in Section 4.3 of [APP-056] – which relates to the end-of-life decommissioning of the natural gas reserves in the Liverpool Bay Gas Field. What does the full and precise decommissioning of the existing infrastructure involve? Is it mainly shut down processes rather than substantial environmental and construction works to facilitate decommissioning? Explain the nature of the decommissioning which would take place in that do nothing scenario.</p>	<p>The full decommissioning for the "Do-Nothing" alternative would require the complete removal of all assets, aside from buried pipelines, which are subject to a comparative assessment that considers the safety and environmental issues, technical challenges and the economic cost of the various options of removal or leaving in-situ. It is not a question only of shut down of processes, which would of course have to take place, but also of removals to provide for a clean seabed and restored land.</p> <p>Decommissioning of the hydrocarbon production assets would include:</p> <ul style="list-style-type: none"> • Plug and abandonment of 52 wells. • Decommissioning, removal and disposal of the seven offshore structures at Douglas, Conwy, Hamilton, Hamilton North and Lennox, multiple sub-sea structures and of the "OSI" offshore oil storage facility. • Decommissioning, removal and disposal of process plant at the Point of Ayr terminal. • Demolition of buildings and other structures at Point of Ayr and Connahs Quay gas reception facility.

ExQ1	Question to	Question	Applicant's Response
			<ul style="list-style-type: none"> • Cleaning, decommissioning and potentially abandonment in place of inter-field offshore pipelines, offshore / onshore pipelines, and onshore pipeline between Point of Ayr and Connah's Quay. • Decommissioning and potentially abandonment in place of offshore inter-field power cables. • Abandonment in place of pipelines and cables is subject to regulatory approval.

Table 2-3 – Air Quality and Emissions

ExQ1	Question to	Question	Applicant's Response
Q1.3.1	Applicant and IPs, including FCC and CWCC	<p>Submitted application document Appendix 6.2 Impurities Venting [APP-082] provides evidence that the CO₂ within the pipeline, may also contain impurities including Hydrogen Sulphide.</p> <p>Hydrogen Sulphide is assessed by the ES as being odorous and potentially dangerous to human health, subject to a particular quantum being exceeded. Paragraph 3.1.4 of [APP-082] sets out the results of the modelling indicate that there is no risk of exceedance of the threshold set for the protection of human health (150µg/m³). However, the results show that there is a risk of odours (concentrations above 7µg/m³) during the following activities: Manifold venting at Ince, Stanlow and Flint AGIs; and “Pig launching” at Stanlow AGI. (For the avoidance of doubt. A Pig launcher is a device which uses a pressurized container to shoot a cleaning device (or “pig”) through the pipeline to perform a variety of functions including cleaning, monitoring, and maintaining of the pipe).</p> <p>The largest odour zone of 100m to 160m is located at Ince AGI. There are no sensitive receptors within any odour zone except a residential caravan park located 130m south of the Stanlow AGI. These receptors may be impacted immediately after the gas is released during manifold venting, which is planned to occur once every five years. Do IPs have any comments on the receptors identified where odour could result in amenity issues?</p>	

		<p>The assessment also highlights that the risk of odours is removed with a stack height of at least 6m. Do IPs have any comment on the mitigation envisaged or its likely effectiveness?</p>	
		<p>Applicant</p> <p>A further issue arises from the expected stack heights impact to the visual appearance of the wider area. Can the Applicant explain/ signpost how the impact of the stack heights have been factored as a likely significant effect on the character of the locality? Also are the stacks detailed on the submitted plans? In addition to the above, please explain the mechanisms associated to the stacks present in the DCO, as the height mentioned above would appear to exceed the limitations set out in Schedule 2, Part 1, Requirement 4 (Scheme design) of the draft DCO [APP-024].</p>	<p>As described in Chapter 3: Description of the Proposed Development [APP-055], the requirement for carbon dioxide venting will be limited to infrequent maintenance activities. As such the vent stacks are not permanent structures on the AGI sites. Temporary vent stacks will be used during infrequent venting activities. Therefore, they have not been shown on the submitted plans, in the same way that other temporary maintenance equipment such as scaffolding, cranes and pigging tools are not shown. Stack heights are not restricted by the parameters table as they are temporary maintenance equipment.</p> <p>Because of the infrequent and temporary nature of planned venting activities, the visual impact of the vent stacks is not anticipated to be significant.</p>
Q1.3.2	IPs, including FCC and CWCC	Are IPs satisfied with the monitoring/ mitigation measures proposed by the DCO that deal with air pollution/ emissions and potential odour issues? Is any further consultation provision considered to be necessary and secured within the DCO?	A series of Statements of Common Ground are being progressed, including with FCC (document reference: D.7.2.1) and CWCC (document reference: D.7.2.2), as submitted at Deadline 1.

Table 2-4 – Biodiversity, Ecology and Natural Environments

ExQ1	Question to	Question	Applicant's Response
Q1.4.1	Surveys IPs, including Relevant Planning Authorities, Natural Resources Wales (NRW), Environment Agency (EA), Natural England (NE)	<p>IPs</p> <p>i) Confirm whether you are satisfied with the range of ecology surveys associated with ES - Chapter 9 - Biodiversity [APP-061];</p> <p>ii) Do you consider the baseline information presented to be a reasonable reflection of the current situation?</p> <p>iii) In respect of i) and ii) if not, why not and what would resolve any residual concerns?</p> <p>The ExA acknowledges that this may be covered by a SoCG. If the answer to these questions is be covered by a SoCG please indicate that accordingly.</p>	A series of Statements of Common Ground are being progressed, including with NRW (document reference: D.7.2.4), EA (document reference: D.7.2.5) and NE (document reference: D.7.2.3), as submitted at Deadline 1.
Q1.4.2		IPs	

ExQ1	Question to	Question	Applicant's Response
	Monitoring Applicant and IPs, including Relevant Planning Authorities (CWCC and FCC) and NRW, EA and NE.	<p>Confirm whether you are satisfied with the monitoring measures during construction and post construction described within Section 9.13 of ES - Chapter 9 - Biodiversity [APP-061].</p> <p>In particular, your comments are invited on the monitoring requirements anticipated during construction detailed within Table 9.13 and within Appendices 9.1 - 9.10 (Volume III), in relation to protected species licencing and the Outline Landscape Ecology Management Plan [APP-229]. As well as the post-construction monitoring proposed to be undertaken in accordance with a Landscape Ecology Management Plan (LEMP) [APP-230] developed at Detailed Design. The LEMP is proposed to be included within the Operations and Maintenance Environment Management Plan (OMEMP), provided post-construction.</p> <p>The ExA acknowledges that this may be covered by a SoCG. If the answer to these questions are being covered by a SoCG please indicate that accordingly.</p>	
		<p>Applicant</p> <p>The ExA notes the LEMP is to be developed at what is described as 'Detailed Design', yet a LEMP has been provided [APP-230]. At what design stage is the document currently? Can the Applicant clarify its inclusion? For example, is its present inclusion to allow consultee responses to feed into the detailed design version?</p>	<p>An outline LEMP (OLEMP) [APP-229] has been prepared by the Applicant to support the DCO Application, providing high level detail and instruction of what will be included and required within a detailed LEMP secured within Requirement 11 of the dDCO [AS-016], which is to be produced at the detailed design stage. Its current inclusion, whilst providing the opportunity for consultees to pass comment, presents a draft format and structure that will be incorporated within the detailed LEMP and, as per paragraph 1.2.3 of the Outline Landscape and Ecological Management Plan [APP-229], "...sets out the preparation, management and monitoring practices for the period prior to construction; during construction and throughout the initial establishment period." In its current draft format, the OLEMP provides information about the proposed mitigation prescriptions for the DCO Proposed Development (in the absence of a detailed design) and approach to implementation, execution, and post installation/creation/restoration management.</p>
		<p>Paragraph 9.13.4 of [APP-061] refers to a 'HEMP' being developed from the detailed Construction Environmental Management Plan (CEMP) and the LEMP. Confirm what is the HEMP and its role.</p>	<p>This is an error within the text. Where HEMP is cited this should reference the Operations and Maintenance Environment Management Plan (OMEMP) as cited within paragraph 9.13.3 of D.6.2.10 – Chapter 9 – Biodiversity [AS-025] and secured by Requirement 17 of the dDCO [AS-016]. An OMEMP has been submitted at Deadline 1 (document reference: D.7.15).</p>
		<p>Sensitive land uses are identified within, or within 250m, of Sections 4, 5 and 6 include; Site of Special Scientific Interest</p>	<p>The Applicant has considered and addressed the potential for pipeline leakages within the DCO Application and through the current considered design of the pipeline.</p>

ExQ1	Question to	Question	Applicant's Response
		(SSSI), Special Area of Conservation (SAC) and designated ancient woodland. In the event of a pipeline leakage or groundwater impacts arising from the Proposed DCO Development how would watercourses/ groundwater/ ecology be safeguarded in the monitoring controls available? Can potential pollution or acidification of inland water be adequately avoided/ safeguarded? If so, how?	<p>As per item D-CA-001 of the Register of Environmental Actions and Commitments (REAC) [AS-053], the pipeline will be designed in accordance to the principles “<i>of inherent safe design...as per relevant industry codes of practice and standards and the requirements of the Pipeline Safety Regulations 1996</i>”. Further mitigation measures have been included to avoid effects upon sensitive environmental receptors, including D-CA-002, D-CA-003 and D-GG-019 which reference the need for continual leak detection monitoring and means to remotely close valves. Additionally, item D-WR-039 prescribes the need for inclusion of trench breakers to be installed at regular intervals along the pipeline to avoid preferential flow pathways being created which could impact groundwater flows to receptors.</p> <p>As detailed within D.6.3.18.2 – Chapter 18.2 – Summary of Effects Appendix Rev A [APP-164], the Applicant has assessed that in the event of a pipeline leak, significant impacts to groundwater receptors and Groundwater Dependent Terrestrial Ecosystems (GWDTE) are not envisaged owing to the geology/geomorphology, but also noting that the pipeline will be transporting low solubility gas further reducing potential effects in the unlikely event of a leak.</p>
Q1.4.3	<i>BNG/ Biodiversity Enhancement</i> Applicant and IPs, including FCC, CWCC, NRW and NE	<p>Paragraph's 9.2.33-36 of ES Chapter 9 states that Biodiversity Net Gain (BNG) will be a statutory requirement for most planning applications, as per the new Environment Act (previously Environment Bill), which achieved Royal Assent through Parliament on 9 November 2021. Whilst there is currently a transition period before mandatory requirements come into force (expected to be winter 2023), it will require development to deliver a 10% net gain in biodiversity units (area habitat, hedge and river units where applicable), as determined through the use of a biodiversity metric.</p> <p>Moreover, it is anticipated by the Applicant that the BNG requirement will apply across all terrestrial infrastructure projects, or terrestrial components of projects, accepted for examination by the Planning Inspectorate through the NSIP regime by November 2025 (subject to the provisions of the applicable National Policy Statements or Biodiversity Gain Statement). Projects accepted for examination before the specified commencement date would not be required to deliver mandatory BNG under the terms of the Environment Act.</p> <p>Applicant</p>	<p>The Applicant agrees that BNG enhancements are important and consequently has engaged in conversations with Chester West and Chester Council (CWCC) and Flintshire County Council (FCC) on the provision of enhancements for priority habitats. Also, discussions have been held with a number of wildlife trusts on the provision of long-term management of some of these habitats. In addition to this, discussions are planned with landowners located on or adjacent to the pipeline routing, regarding the long-term provision of ecological enhancement of their land.</p> <p>The Applicant however notes that there is no statutory obligation under the Environment Act 2021 on this Application to provide BNG. Therefore, while delivery of BNG is agreed to be desirable, the 10% provision threshold does not apply and any positive gain is a benefit and in accords with policy.</p>

ExQ1	Question to	Question	Applicant's Response
		i) Nevertheless, biodiversity interests and the wider policy/ statutory context those interests sit within, both in England and Wales, remain important and relevant considerations whereby significant enhancement could still potentially be secured irrespective of the BNG statutory provision anticipated. Does the Applicant agree? If not say why.	
		ii) Can the Applicant clarify and set out/ signpost how it intends to secure BNG significantly above the 1% currently detailed in the examination documentation? Confirm the level of BNG the Applicant is committed to providing as the overall aim. Outside of BNG measurement, can the Applicant set out how it could further boost and achieve meaningful overall biodiversity enhancements?	<p>The Applicant is in discussion with CWCC regarding the project contribution into the BNG schemes managed, in part by the Mersey Forest programme. Technical and commercial discussion regarding securing this is underway. This would manage the BNG 1% targeted for England.</p> <p>The Applicant is in discussion with FCC and whilst a BNG scheme is still to be formalised, they have identified to the Applicant that three out of four of the priority habitats could be provided by FCC on its sites or supplementing one of its programmes.</p> <p>The Applicant is engaged in discussion with landowners and trusts regarding the remaining habitat (mixed deciduous woodland) that would be organised by the Applicant.</p> <p>The combination of the programme of work with FCC and private landowners / wildlife trusts would manage the BNG 1% targeted for Wales.</p> <p>Outside of the BNG measurement, the Applicant has committed to the creation of additional woodland planting mitigation areas within the Newbuild Infrastructure Boundary (see Woodland and Individual Tree Mitigation of Section 9.10 of Chapter 9 – Biodiversity [AS-025]), which are not being counted towards the target of 1% BNG. Furthermore, the DCO Proposed Development has entered into the District Level Licensing (DLL) scheme, which provides financial contributions towards the creation of ponds within the borough of Cheshire West and Chester which far exceed ponds lost through construction. These ponds are targeted in strategic opportunity areas, which ensure the favourable conservation status of Great Crested Newts is maintained and enhanced, providing wider biodiversity and environmental benefits.</p>
		iii) Does the Applicant agree that s106 agreement use involving a commuted sum mechanism to facilitate biodiversity enhancements may be a feasible/ suitable option available?	<p>The Applicant agrees this in principle where ongoing recurring payments over a long period of time were required. It would be disproportionate for one off payments to a party who is not the LPA to put an ongoing, registered obligation enforceable only by the LPA in place. Whether a section 106 is appropriate therefore depends on the details of the delivery and maintenance mechanisms agreed, In addition, as the Applicant does not currently own any land in Cheshire West and Chester area against which such an obligation could be registered, then an alternative form of legal agreement may be more appropriate.</p>

ExQ1	Question to	Question	Applicant's Response
		iv) To what extent has peatland, wetland or salt marsh creation/ restoration (or similar) been considered as an enhancement that links to shared interests of climate change risk resilience from flooding and enabling nature based forms of carbon capture. If not, why has it not been considered?	<p>The Applicant has committed to achieving BNG in Priority Habitats, following the industry good practice principles for BNG developed by CIEEM, CIRIA and IEMA, as well as the latest (at the time of first assessment) Biodiversity Metric guidance and user guide information. This aligns with Planning Policy Wales 10 which sets out that development “...<i>must provide a net benefit for biodiversity.</i>” This policy responds to the Section 6 Duty of the Environment (Wales) Act (2016) that requires public authorities to “...<i>seek to maintain and enhance biodiversity...and in so doing promote the resilience of ecosystems...</i>”.</p> <p>A fundamental principle of BNG is adherence to ‘trading rules’, which are inherent within the Natural England Biodiversity Metric 3.1 (BM3.1). These ensure that any habitat compensation is ‘like for like or better’. Priority Habitats are, as a minimum, treated as high distinctiveness habitats within the BM3.1, which means they have a corresponding requirement of ‘like for like’. This means, without exception, that to meet trading rules, and therefore comply with BNG best practice, the same habitat type must be targeted for enhancement or creation where residual impacts occur.</p> <p>The DCO Proposed Development is predicted to result in relatively small losses of hedgerow, lowland mixed deciduous woodland, pond and river units. Replacement of these units with units from peatland, or saltmarsh, whilst providing benefits in their own right, would constitute a failure to meet trading rules for this project. As such peatland, and salt marsh creation/restoration has not been considered for the project to date. Regarding wetlands, the Applicant is currently exploring opportunities for the enhancement and management of grasslands that are periodically inundated (priority habitat type Coastal Floodplain Grazing Marsh) as well as pond creation as part of the BNG strategy.</p> <p>Habitat creation associated with the DCO Proposed Development will deliver nature based carbon sequestration.</p>
		IPs v) Submit your views on seeking biodiversity enhancement/ facilitating BNG, inclusive of any future proofing.	
Q1.4.4	<i>BNG/ Biodiversity Enhancement/ Habitats</i> Applicant and IPs, including FCC, CWCC, NRW and NE	<p>The ExA notes the submission of BNG Assessment – Part’s 1-6 [APP-231] to [APP-236], consecutively.</p> <p>i) The level of BNG overall enhancement outlined as being able to be secured is very low. Can the Applicant further justify the rationale for an overall 1% BNG increase aims rather than seeking the higher thresholds of 5% or 10% (stated in the application submissions) in the first instance which are deemed possible?</p>	<p>Nationally Significant Infrastructure Projects (NSIP) are not currently mandatorily required to assess or implement BNG.</p> <p>Despite this, the Applicant has committed to exploring what level of BNG is both feasible and proportionate in the context of the nature of the DCO Proposed Development and has chosen to explore gains of 1% in Priority Habitats as a minimum. This target has been chosen on the basis of the effects on biodiversity resulting from the DCO Proposed Development which are predominantly associated with the construction phase and are broadly temporary, short term, and localised in</p>

ExQ1	Question to	Question	Applicant's Response
			<p>nature. Given the narrow Order Limits, opportunities to achieve net gain, particularly in cognisance that the majority of the landscape will be reinstated post construction and habitats predominantly comprise arable and grazing pasture fields, it is not appropriate to apply BNG offsets to these areas (this would result in 'islands' of offset habitat sporadically located within working arable fields, with consequent effects on farming businesses post construction for example), nor is it currently possible to compulsory purchase land for the purposes of BNG alone.</p> <p>Whilst endeavours to establish net gains of greater than 1% are still on-going, the absence of mandatory net gain to date has resulted in the habitat banking and offsetting market having not yet matured. Therefore, there are difficulties associated with the sourcing of habitat offset sites which are suitably robust to evidence required net gains for Priority Habitats.</p>
		<p>ii) Paragraph 1.4.2 of [APP-231] highlights that BNG up to 10% across area and river habitats is a feasible opportunity. Outline the progress made with landowners in securing such river habitat or other aquatic habitat improvements, as well as the next steps to be taken along with a likely timeframe to inform the Examination.</p>	<p>The Applicant is still in discussions with landowners to secure BNG enhancements. The Applicant has committed to achieving 1% gains in Priority Habitat as a minimum with a view to exploring increased gains wherever possible.</p> <p>All landowners with potentially appropriate land for river habitat or aquatic habitat BNG have been contacted and negotiations are ongoing. Negotiations are set out on the updated Schedule of Negotiations with Land Interests [APP-028] submitted at Deadline 1.</p>
		<p>iii) The ExA acknowledges that the BNG Assessment undertaken is focused on priority habitats. This is believed to be based on the spatial dataset in the Priority Habitats Inventory (England) compiled by NE last updated 13 December 2022 which does not cover Wales. Is that the case? Confirm the data sets which have been utilised for both England and Wales and their age.</p>	<p>The Applicant has used UKBAP Priority Habitat Descriptions: Rivers (2011) to define priority habitats within the Newbuild Infrastructure Boundary. This guidance was produced by the Joint Nature Conservancy Council (JNCC) and applies to all natural and near-natural running waters in the UK. The use of UKBAP Priority Habitat Descriptions: Rivers (2011) is advised by the Biodiversity Metric 3.1 User Guide.</p> <p>The Priority Habitats Inventory (England) compiled by NE has therefore not been used to define priority habitats.</p> <p>The datasets for Priority Habitat data in England are as follows:</p> <ul style="list-style-type: none"> Publicly available datasets for Habitats of Principal Importance (HPI) compiled by Natural England, last updated 13 December 2022. <p>The datasets for Priority Habitat data in Wales are as follows:</p> <ul style="list-style-type: none"> WOM21 Priority Habitat - High Sensitivity dataset compiled by the Welsh Government, last updated 6 October 2021. <p>Whilst the publicly available data on HPI has been overlain with the Survey Area to initially identify Priority Habitat, this dataset has not been taken as the definitive source. Priority habitat has therefore been sense checked during the UKHab surveys, and some areas have been either been upgraded, or downgraded, based on actual field survey data, where there was robust justification to do so, and the field survey</p>

ExQ1	Question to	Question	Applicant's Response
			<p>had been undertaken at the appropriate time of year. Following the precautionary principle, any areas which were identified as Priority Habitat from the above desk study data were not downgraded if the field survey data was not sufficiently robust and/or not undertaken at the correct time of year for the habitat in question.</p> <p>For Rivers and Streams, the Applicant has used UKBAP Priority Habitat Descriptions: Rivers (2011) as directed by the Biodiversity Metric 3.1 User Guide.</p> <p>For terrestrial habitats, the Applicant has used the UK Habitat Classification system for mapping of habitats, suitable for inclusion into the Biodiversity Metric 3.1. Within the 'Habitat Definitions' document (version 1.1 dated 2020), Priority Habitat 'status' is defined for each habitat type.</p>
		iv) Further to the above question there is the national list of priority habitats and species in England ('Section 41 habitats and species') for public bodies, landowners and funders to use for biodiversity conservation. The UK BAP priority species and habitats were created between 1995 and 1999, and were subsequently updated in 2007, following a 2-year review of UK BAP processes and priorities, which included a review of the UK priority species and habitats lists. The 'UK Post-2010 Biodiversity Framework', published in July 2012, succeeded the UK BAP. Albeit the UK BAP remains a useful reference point for both 'species' and 'habitats'. For the avoidance of any doubt can you confirm the priority habitat list the Applicant is referring to in its assessment for habitat protections and for BNG/ biodiversity interest purposes?	<p>For Rivers and Streams, the Applicant has used UKBAP Priority Habitat Descriptions: Rivers (2011) as directed by the Biodiversity Metric 3.1 User Guide.</p> <p>For terrestrial habitats, the Applicant has used the UK Habitat Classification system for mapping of habitats, suitable for inclusion into the Biodiversity Metric 3.1. Within the 'Habitat Definitions' document (version 1.1 dated 2020), Priority Habitat 'status' is defined for each habitat type.</p> <p>Whilst the publicly available data on HPI has been overlain with the Survey Area to initially identify Priority Habitat, this dataset has not been taken as the definitive source. Priority habitat has therefore been sense checked during the UKHab surveys, and some areas have been either upgraded, or downgraded, based on actual field survey data, where there was robust justification to do so. Following the precautionary principle, any areas which were identified as Priority Habitat from the above desk study data were not downgraded if the field survey data was not sufficiently robust and/or not undertaken at the correct time of year for the habitat in question.</p>
		v) Explain what scope remains for the scheme to further complement existing ecological and biodiversity initiatives within the local areas the scheme passes through. If relevant local/ regional or national initiatives have not been fully considered to date, provide an update on how potential integration could be achieved.	<p>The Applicant has committed to seeking to enhance the Cheshire West and Chester Ecological Network (part of the Local Plan Part 2 Policy DM44), by creating further Priority Habitat working with CWCC and partners.</p> <p>Within Wales, the Applicant is in discussions with both Natural Resources Wales and FCC regarding the local initiatives that can be supported to enhance biodiversity. It is envisaged that enhancements can be funded within strategic locations identified with these stakeholders.</p> <p>For woodland habitat, discussions with landowners adjacent to the Newbuild Infrastructure Boundary are on-going, but areas for additional woodland planting are being targeted close to existing stands of woodland to ensure local ecological connectivity is maintained and enhanced, where possible.</p>
		vi) The EA [RR-024] comment that a waterbody 'near Stanlow Refinery' will be permanently lost. Can the	An application for a Great Crested Newt District Level Licence will be made to Natural England. Discussions with the Natural England Great Crested Newt District Licensing

ExQ1	Question to	Question	Applicant's Response
		Applicant confirm to the Examination the details of adequate compensatory habitat as a result of this loss?	<p>team have been undertaken, as presented as part of the SoCG (document reference: D.7.2.3) submitted at Deadline 1, and a provisional compensation sum provided in return. The calculation to determine the compensation sum takes into account the loss of any waterbodies (in the case of the DCO Proposed Scheme the loss of the pond near Stanlow Refinery) and terrestrial habitat impacts and calculates compensation requirements as a result. 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 great crested newts 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 pond south of the A5117 at Stanlow. This approach has been agreed with the EA as per the SoCG (D.7.2.5) which has been submitted at Deadline 1.</p> <p>The Applicant is additionally exploring opportunities with CWCC for the delivery of new ponds as part of its BNG approach.</p>
		vii) The EA [RR-024] also note that in addition to the creation of wood habitat piles and the installation of bat and bird boxes, the completion of nearby Water Framework Directive (WFD) mitigation measures, which enhance riverine habitats for biodiversity, must also be included. This would contribute to BNG and the legal objective of 'good ecological potential' for these waterbodies. Does the Applicant acknowledge these responses? If so, explain/ signpost what provision is to be made.	<p>The Applicant acknowledges the reference to the WFD and riverine habitats for biodiversity. The Applicant has not proposed any contribution towards 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– Appendix 18.3 – WFD Assessment Rev A [APP-165] of the 2022 ES. There are no riverine priority habitats within the Order Limits within England and therefore no BNG is required for Rivers and Streams in line with the BNG target for the DCO application.</p>
Q1.4.5	<i>BNG/ Biodiversity Enhancement</i> Applicant and IPs, including FCC, CWCC and NRW	<p>Section 6 under Part 1 of the Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (the S6 duty) for public authorities in the exercise of functions in relation to Wales. It requires that public authorities must seek to maintain and enhance biodiversity so far as consistent with the proper exercise of their functions and in so doing promote the resilience of ecosystems. Section 7 of the Act entails biodiversity lists and duty to take steps to maintain and enhance biodiversity.</p> <p>It is noted by the ExA that the Welsh Ministers must also take all reasonable steps to maintain and enhance the living organisms and types of habitat(s) included in any list</p>	<p>The Applicant has, in preparation of the ES, acknowledged and incorporated relevant legislation and policy as detailed within Section 9.2 of document D.6.2.9 – Chapter 9 – Biodiversity [AS-025]. A suite of habitat and species surveys were completed on the basis of potential impacts arising from the DCO Proposed Development in cognisance of relevant legislation and policy drivers, with mitigation devised, wherever required, to safeguard receptors during construction, operation, and decommissioning. The mitigation hierarchy has been applied from the outset of design and will continue to be implemented through the detailed design stage of the DCO Proposed Development, broadly to avoid, secondly mitigate and lastly compensate. As per Section 9.8 of Chapter 9 – Biodiversity [AS-025], Table 9.10 details a number of preliminary avoidance measures. These have been supplemented by targeted mitigation items and prescriptions required to avoid and ameliorate impacts to relevant habitats and species, as detailed within D.6.5.1 – Register of Environmental Action and</p>

ExQ1	Question to	Question	Applicant's Response
		<p>published under Section 42, and encourage others to take such steps.</p> <p>Applicant</p> <p>i) Signpost in the examination documentation how the above duty would be complied with?</p>	<p>Commitments [AS-053]. These prescriptions accord with the requirements of the Environment (Wales) Act 2016 through the maintenance and, where necessary, enhancement of biodiversity across the Order Limits.</p> <p>Seeking BNG in Priority Habitats and using the Natural England Biodiversity Metric ensures a robust approach to the compensation and ultimately enhancement of these habitat types within Wales where residual losses still occur after adherence to the mitigation hierarchy. The Metric contains industry standard multipliers to the creation of new habitat that accounts for 'time to target condition' as well as 'difficulty of creation', and results in significantly larger areas of replanting than that lost. By creating further Priority Woodland habitat in Wales, the DCO Proposed Development will aim to achieve significantly more land area cover of this habitat type after construction than was present within the baseline.</p>
		<p>ii) The BNG Assessment submitted indicates compliance with the above statutory provision is being pursued during the Examination, in part, through engagement using the off-site compensation scenarios. However, if such an approach is to be utilised how will this be delivered to ensure both legal compliance and robust long-term management?</p>	<p>The Applicant is committed to ensuring long-term management for habitats created/enhanced both within the Newbuild Infrastructure Boundary and as part of off-site compensation.</p> <p>Where woodland habitat creation is proposed within the Newbuild Infrastructure Boundary, it is not being targeted as Priority Habitat. However, it will still be subject to long-term management, the detail of which will be provided within the detailed LEMP to be provided at detailed design stage as secured by Requirement 11 of the dDCO [AS-016].</p> <p>For off-site Priority habitat compensation, this will be secured via a legal agreement and will also be subject to, as a minimum, 30- year long-term management (as stipulated within the forthcoming Environment Act). The Applicant is liaising with suitably competent habitat management bodies (e.g. wildlife trusts, woodland trust, etc) to discuss long-term management to ensure it is undertaken with suitable expertise so that habitats can be effectively managed and maintained with a view to achieving Priority Habitat condition.</p>
		<p>iii) Has the Applicant scoped cross-cutting options available to boost BNG/ biodiversity enhancement with respect to its own scheme in combination with the strategic ecological challenges facing statutory consultees in both England and Wales?</p>	<p>Yes, the Applicant has undertaken extensive stakeholder engagement with both Local Planning Authorities, FCC and CWCC, to enquire about local strategic opportunities for ecological/biodiversity enhancement. Natural England and Natural Resource Wales have also been consulted. This stakeholder engagement has taken the form of multiple meetings and workshops to discuss the support which could be made available to local initiatives through the DCO Proposed Development in light of the needs to achieve net gains for biodiversity in Priority Habitat.</p>
		<p>iv) The ExA considers that off-site BNG proposals should be more thoroughly explored and encourages early endeavours to achieve off-site BNG and a significantly greater overall value. The ExA requests the Applicant's views of realistically</p>	<p>Whilst BNG is not currently mandatory for NSIPs within England (ahead of the transition period ending in 2025), and not a requirement for Wales (noting however that net benefits for biodiversity are required), the Applicant is committed to ensuring</p>

ExQ1	Question to	Question	Applicant's Response
		achieving meaningful off-site BNG (for a minimum of 30 years and formally registered) and the net level anticipated after development.	<p>a minimum of 1% net gains in Priority Habitat is achieved for the DCO Proposed Development.</p> <p>This includes adherence to the BNG Good Practice Principles (CIRIA, CIEEM and IEMA, 2016), noting requirements to adhere to the mitigation hierarchy and achieve long-term management and net gain legacies amongst other principles.</p> <p>Any deviation from these principles will only be done so with close liaison with the relevant stakeholders (i.e. NRW and FCC for Wales, CWCC and NE for England). For Wales, whilst the metric is not and will not be mandated, and instead 'net benefits' for biodiversity are required, deviation from the standard BNG methodology will be made where there is clear ecological justification for doing so (i.e. a clear net benefit for biodiversity can be achieved), and the differing approach is supported by both FCC and NRW.</p> <p>Within England, the Applicant is focussed on ensuring any net gains in Priority Habitats meet BNG Good Practice Principles and are therefore robust first and foremost. However, opportunities to achieve a greater than 1% net gain are to be explored during the examination period, where these are proportionate to the nature and impacts of the DCO Proposed Development.</p>
		v) The Applicant is advised to take a flexible approach to BNG/ meaningful biodiversity enhancement delivery options. This extends to delivery of net gain on both publicly and privately owned land covering green or blue infrastructure features (including new: woodland, wetland creation, seagrass meadow establishment/ restoration, and saltmarsh establishment/ restoration).	<p>Whilst BNG is not currently a mandatory requirement of NSIPs, the Applicant is committed to achieving BNG within both England and Wales, and in doing so adhering to BNG Good Practice Principles. This includes replacing habitats like for like or better and ensuring any compensation for residual losses are equivalent to the types of habitats being impacted.</p> <p>Therefore, specific habitat types are being proposed within the offsetting strategies for both England and Wales. The habitats included within these are set out within D.6.5.12 – Biodiversity Net Gain [APP-231].</p>
		vi) The ExA invites such options to be further explored with relevant consultees and landowners as a means to boost overall BNG levels. In that regard the ExA seeks a timetable to be submitted setting out the discussions taking place with relevant landowners/ strategic bodies having regard to local ecological initiatives (either in place or which could be developed) in the vicinity which may be able to be boosted.	<p>As discussed within the above responses (for example, responses to Q1.4.3 (i) and (ii); Q1.4.4 (ii); and Q1.4.5 (iii), the Applicant will continue to engage with landowners and interested parties during the course of the examination to explore opportunities to further BNG. The Applicant is preparing a timetable of engagement with landowners and strategic bodies and will submit this at Deadline 2.</p>
		vii) It is noted by the ExA that the Joint Nature Conservation Committee (JNCC) is the public body that advises the UK Government and devolved administrations on UK-wide and international nature conservation. It includes members from the nature conservation bodies for England, Scotland, Wales	<p>The Applicant has utilised methods, guidance and resources developed by the JNCC during baseline habitat field surveys and secondary National Vegetation Classification (NVC) surveys to support the preparation of the ES, as detailed within D.6.3.9.1 – Appendix 9.1 – Habitats and Designated Sites Survey Report Part 1 [APP-091 to APP-093]. Whilst a statutory advisor to government and devolved administrations,</p>

ExQ1	Question to	Question	Applicant's Response
		and Northern Ireland and independent members appointed by the Secretary of State (SoS) for the Environment, Food and Rural Affairs. JNCC provide a shared scientific nature conservation service for the UK - the mechanism for the UK Government and devolved administrations to pool their resources to obtain evidence and advice on nature conservation and natural capital. Has the advice of JNCC been considered? If not, state why and indicate whether the Applicant is able to procure such advice during the Examination.	JNCC coordinates nature conservation advice at a UK level and advises the UK government on matters relating to nature conservation internationally. The statutory bodies within each UK country are responsible for providing practical nature and landscape conservation advice, as such the Applicant has engaged with Natural England (NE) and Natural Resources Wales (NRW), respectively. As such, the Applicant does not propose to engage with JNCC during the examination. The Applicant has engaged with core statutory consultees: NE, NRW, CWCC, and FCC, throughout the accrual of baseline survey data, impact assessment and mitigation development. Relevant interactions with stakeholders have been captured within individual Statements of Common Ground (see submissions at Deadline 1). The SoCGs will be updated through the examination in response to on-going stakeholder engagement.
		IPs viii) Any comments, responding to questions i) to vii) above are welcome.	
Q1.4.6	<i>BNG/ Biodiversity Enhancement Applicant</i>	Paragraph 2.4.10 of the BNG Assessment Part's 1 [APP-231] states that Hawarden Brook was not possible to survey due to land access restrictions. However, it is assumed its condition is poor with scores similar to other watercourses. Explain the nature of the access restrictions referred to.	The Applicant was unable to conduct river condition assessment surveys at Hawarden Brook due to the landowner not permitting access to the site at the time of the surveys. Paragraph 2.4.10 of the BNG Assessment Part 1 [APP-231] states that the condition was assumed as 'fairly poor'. The Applicant assumed this score based on aerial imagery and photographs taken by other surveyors when access was permitted. The imagery and photographs showed Hawarden Brook to be similar to other watercourses that had been surveyed elsewhere which scored as 'fairly poor'. Given that the DCO Proposed Development is aiming to deliver 1% BNG on priority habitat, the river condition of Hawarden Brook is not required for the biodiversity metric 3.1 as it is not priority habitat.
		Would any existing access restrictions which are being described inhibit any potential enhancements in the quality of the brook as an option for potential improvement? Can the access restrictions described by the Applicant be overcome during the Examination period? If not say why.	The Applicant has not discussed enhancement opportunities on Hawarden Brook with the landowner. Improvements are not currently proposed for Hawarden Brook as it is not a priority habitat and impacts resulting from construction of the DCO Proposed Development would be temporary, localised, and short term. It is not expected that access restrictions will inhibit the potential use of the brook as an option for potential enhancement. Access to the land is now granted under licence and negotiations are ongoing with the landowner.
Q1.4.7	<i>Habitats/ Biodiversity enhancement</i>	Applicant The ExA requests the Applicant to acknowledge that river (or other water), hedgerow and area habitats are considered	The Applicant acknowledges that river (or other water), hedgerow, and area habitats are considered independently and are not interchangeable. This is apparent within all

ExQ1	Question to	Question	Applicant's Response
	Applicant and IPs, including FCC, CWCC, NRW and NE	independently, and are not interchangeable. It must be clearly understood that a loss of one type cannot be addressed by providing another of a different type.	documentation in relation to BNG (see D.6.5.12 – Biodiversity Net Gain – Parts 1 to 6 [APP-231 to 236]).
		<p>Applicant/ IPs</p> <p>Signpost the particular local nature strategies (including those entailing nature recovery or related ecologically based methods for carbon sequestration) covered in the geographical area subject to the DCO, or those nearby, that could be used for the delivery of additional ecological enhancement.</p>	<p>The Applicant has discussed habitat offsetting directly with CWCC within England, with a view to providing habitat enhancements within the CWCC Ecological Network (part of the Local Plan Part 2 Policy DM44).</p> <p>The Applicant has also discussed habitat offsetting with FCC within Wales. This provision is relatively more nascent but will aim to provide habitat enhancements for a number of habitats either close to the pipeline route in Wepre Forest or via appropriate programmes available in Flintshire, such as the Coastal Park programme.</p> <p>Furthermore, parts of the Newbuild Infrastructure Boundary itself are located within the ecological network. Thirteen areas have been selected across the Order Limits for proposed tree planting to mitigate for the loss of trees during construction. These locations have been chosen on the basis of enhancing and improving existing green infrastructure within the Order Limits, benefitting the wider landscape which will also accord with enhancements to the Ecological Network within England.</p> <p>For Wales, the Applicant is in direct liaison with FCC around how it can best support local nature strategies in order to offset any residual impacts to Priority Habitats and achieve a net benefit in biodiversity. Any biodiversity enhancement strategy within Wales will ensure adherence to Planning Policy Wales 11 as well as the Environment (Wales) Act 2016; notably by first following a stepwise approach to the mitigation hierarchy before compensating as a last resort, to ensure promotion of resilient ecological networks. Discussions with FCC are on-going but will be reported in the updated BNG assessment report to be submitted to the ExA during the examination period.</p>
		Suggest the strategies which could be used to secure enhancement and the precise mechanisms to implement the desired improvement.	<p>The strategy to secure enhancement as part of the DCO Proposed Development involves using the Natural England Biodiversity Metric to measure net gains in Priority Habitat. The BNG assessments concerned with this are adhering to the BNG Good Practice Principles, unless they are within Wales and a 'net benefit' for biodiversity has been demonstrated through different means and has been agreed with key stakeholders (NRW and FCC).</p> <p>To secure the enhancements, long-term management will be tied to a legal agreement, and suitably competent bodies will be chosen to undertake the necessary management and monitoring of the habitat interventions throughout this time. The details of this strategy for both England and Wales, once finalised, will be detailed within an updated BNG assessment report submitted to the ExA prior to the examination period concluding.</p>

ExQ1	Question to	Question	Applicant's Response
Q1.4.8	<i>Great Crested Newts</i> Applicant and IPs, including CWCC and FCC	<p>The ExA notes the content of Appendix 9.2 Great Crested Newt Survey Report – Part's 1-4 [APP-094]; [APP-095]; [APP-096]; and [APP-097].</p> <p>Applicant</p> <p>i) Clarify and detail whether you believe there is adequate baseline survey information to confirm or discount the potential presence of Great Crested Newts (GCN) as a relevant consideration in all parts of the pipeline route.</p>	<p>The Applicant can confirm that an appropriate level of survey effort has been employed to inform the ES and the development of mitigation prescriptions, as contained within D.6.2.9 – Chapter 9 – Biodiversity [AS-025]. Where a precautionary approach to GCN presence within ponds has been applied (within Wales and within the Red Risk Zone in England – see Section 2.7 Notes and Limitations of D.6.3.9.2 – Appendix 9.2 - Great Crested Newt Survey Report Part 1 [APP-094], the Applicant considers this to be appropriate in the absence of confirmed presence/absence survey data and ensures mitigation prescriptions appropriately encompass and address all waterbodies. As stated in paragraph 2.7.6 of Appendix 9.2 – Part 1, District Level Licensing does not require completion of surveys (see <i>How to join the great crested newt district level licensing scheme</i> - https://www.gov.uk/government/publications/great-crested-newts-district-level-licensing-schemes-for-developers/developers-how-to-join-the-great-crested-newt-district-level-licensing-scheme) and therefore, an absence of survey effort in England (excluding the Red Risk Zone) is appropriate.</p>
		<p>ii) Confirm/ signpost the details of migration where the GCN would be traveling to/ from?</p>	<p>Figure 9.2.3 – Presence/Likely Absence Results, presented within Appendix 9.2 Great Crested Newt Survey Report – Parts 2, 3 & 4 [APP-095 to APP-097] shows the locations of great crested newt ponds within the Order Limits and Survey Area. As per the Great Crested Newt Conservation Handbook (2001), “<i>At most sites, the majority of adults probably stay within around 250m of the breeding pond...</i>”, utilising suitable terrestrial habitats for shelter and overwintering including hedgerows, scrub, woodland, etc. Individuals may disperse beyond 250m in response to high quality foraging or refuge habitat and small number of individuals may move upwards of 1000m. However, these individuals are primarily limited to colonisers. The aim of the surveys undertaken was to confirm the presence/likely absence of GCN within waterbodies across the Order Limits and Survey Area; not to accurately identify GCN migration pathways between terrestrial habitats and ponds. Mapping of GCN migration pathways is not required to inform an impact assessment or required by licensing. Through the general and specific mitigation items prescribed within D.6.5.1 – Register of Environmental Actions and Commitments (REAC) [AS-053], GCN will be safeguarded from harm and accounted for during construction of the DCO Proposed Development.</p>
		<p>iii) Can the Applicant provide further details as to what mitigation measures would be included if GCNs not already anticipated by relevant survey are subsequently found?</p>	<p>Appropriate mitigation measures will be employed throughout construction of the DCO Proposed Development to safeguard GCN, including incidental occurrences during works. Protected species licenses will be obtained in advance of construction commencement (see D-BD-002 D.6.5.4 – Outline Construction Environmental Management Plan (OCEMP) [AS-055]). Where necessary, in response to incidental GCN occurrences, amendments to licenses will be requested to the relevant statutory body as required. District Level Licensing (DLL) will be applied to the majority of the</p>

ExQ1	Question to	Question	Applicant's Response
			<p>Order Limits within England. Where incidences of GCN arise, these will be addressed through implementation of a Precautionary Working Method Statement (PWMS). Whilst DLL does not require bespoke mitigation, any incidences of GCN within the DLL covered area will, where applicable, be subject to the measures contained within the PWMS (e.g. movement of individual GCN where incidentally encountered during construction).</p> <p>As per items D-BD-044 and 045 of the OCEMP [AS-055], all works will be completed in accordance with a PWMS, which will detail prescribed working methods and protocols to be followed during works. Works will additionally be supported by an Ecological Clerk of Works (ECoW), (or team of ECoWs; see item D-BD-001) who will ensure works are completed in accordance with relevant PWMSs, licence conditions and best practice.</p>
		iv) Can the Applicant also clarify if there is a need for a separate GCN mitigation plan?	The Applicant can confirm that at this time a GCN Mitigation Plan is not required. Draft European Protected Species (EPS) licenses for both England (red-risk zone only) and Wales are being prepared which will capture appropriate mitigation protocols and methods for implementation during and post construction. These will be presented to Natural England and Natural Resources Wales for comment and relevant discussion and agreement captured within Statements of Common Ground for both parties.
		IPs Are there any comments/ concerns you wish to raise with respect to the above matters?	
Q1.4.9	<i>Great Crested Newts/ Other Species/ Licensing Applicant</i>	<p>The submitted HRA – Information to inform an appropriate assessment [APP-226] indicates the need for obtaining an European Protected Species (EPS) mitigation licence in relation to works affecting GCN habitat, and the specific mitigation and compensation measures to be followed including timing of works to avoid sensitive periods, carrying out clearance work under supervision of an EcoW; undertaking a translocation exercise; and reinstatement of any habitat loss during construction.</p> <p>i) The Applicant is requested to set out any impediments to obtaining relevant EPS licence, and outline the planned time horizon for securing one.</p>	The Applicant is currently preparing draft protected species licenses, where these are required, for discussion and agreement ‘in principle’ with relevant statutory consultees (e.g. Natural England, Natural Resources Wales, etc.). In this manner, the Applicant seeks to avoid any impediments to obtaining relevant licenses when detailed licence applications are submitted. Any protected species licensing required to facilitate construction will be applied for at the appropriate time upon confirmation of a construction programme and will be in place in advance of construction commencement. Broadly, it is envisaged that application for relevant licenses to facilitate construction will be undertaken in 2024.
		ii) Set out the impediments/ time horizon of any other EPS license necessary for other protected species.	In the event additional EPS licenses are required following completion of pre-construction surveys or in response to incidental occurrences of protected species during construction; these would be applied for as and where required to facilitate

ExQ1	Question to	Question	Applicant's Response
			construction and in advance of construction commencement in a particular area. Where possible, the Applicant would seek to amend existing licenses through discussions with NE and NRW, rather than seek new EPS licence applications; however, this would be dealt with on a case-by-case basis and in liaison with the relevant statutory bodies.
Q1.4.10	<i>Bats</i> Applicant and IPs, including CWCC and FCC	<p>The ExA notes the Applicant's submitted Bat Activity Survey Report work detailed in: [APP-098]; [APP-099]; [APP-100]; and [APP-101] as well as Appendix 9.4 Bats and Hedgerows Assessment Parts 1-4 [APP-102]; [APP-103]; [APP-104] and [APP-105].</p> <p>Appendix 9.3 Bat Activity Survey Report Part 1 [APP-098], Paragraph 2.7.3 states that Surveys across the Newbuild Infrastructure Boundary are ongoing within 2022. As such, this report has been prepared on the basis of survey results accrued up to 30 June 2022, and further information will be submitted as Supplementary Information following the DCO Application.</p> <p>Moreover Appendix 9.4 Bats and Hedgerows Assessment Part 1 [APP-102] Paragraph 2.7.9 states that "Automated static detector assessments are scheduled to be completed by end of October 2022. Conclusions are based on the available data. Once surveys have been completed, the additional data will be collated to confirm the findings. Further data will be published in an updated version of this report and provided as part of the Supplementary Information of the DCO Application".</p> <p>Applicant</p> <p>Can the Applicant confirm when the Supplementary Information will be submitted to the Examination? Are any known impediments arising to obtaining any license necessary?</p>	<p>The Applicant can confirm that updated versions of Appendix 9.3 – Bat Activity Survey Report Part 1 [AS-057] and Appendix 9.4 – Bats and Hedgerows Assessment Parts 1 to 7 [AS-032 to 037 (Part 2 superseded by AS-059)] were submitted and accepted by the ExA on 20 March 2023. These revised documents include further survey results and assessment. There are currently no known impediments to obtaining necessary licenses to facilitate construction. The Applicant is preparing draft protected species licenses for discussion and agreement of a Letter of No Impediment (LoNI) with statutory bodies (NE, NRW), with discussions to be captured within the relevant SoCGs.</p>
		<p>Appendix 9.3 Bat Activity Survey Report Part 1 [APP-098], Paragraph 2.7.3 states that Surveys across the Newbuild Infrastructure Boundary are ongoing within 2022. As such, this report has been prepared on the basis of survey results accrued up to 30 June 2022, and further information will be submitted as Supplementary Information following the DCO Application.</p>	No response required

ExQ1	Question to	Question	Applicant's Response
		Moreover Appendix 9.4 Bats and Hedgerows Assessment Part 1 [APP-102] Paragraph 2.7.9 states that “Automated static detector assessments are scheduled to be completed by end of October 2022. Conclusions are based on the available data. Once surveys have been completed, the additional data will be collated to confirm the findings. Further data will be published in an updated version of this report and provided as part of the Supplementary Information of the DCO Application”.	No response required
		Applicant Can the Applicant confirm when the Supplementary Information will be submitted to the Examination? Are any known impediments arising to obtaining any license necessary?	The Applicant can confirm that updated submissions of Appendix 9.3 – Bat Activity Survey Report Part 1 [AS-057] and Appendix 9.4 – Bats and Hedgerows Assessment Parts 1 to 7 [AS-032 to 037 (Part 2 superseded by AS-059)] were submitted and accepted by the ExA on 20 March 2023. These revised documents include further survey results and assessment. There are currently no known impediments to obtaining necessary licenses to facilitate construction. The Applicant is preparing draft protected species licenses for discussion and agreement of a Letter of No Impediment (LoNI) with statutory bodies (NE, NRW), with discussions to be captured within the relevant SoCGs.
		Can the Applicant explain in the absence of full survey results, why should the ExA be confident that the suite of ecological mitigation measures is sufficiently robust to deal with the effects of the Proposed Development?	The Applicant can confirm that an appropriate level of survey effort has been undertaken to inform the ES and the development of mitigation prescriptions, as contained within Chapter 9 – Biodiversity [AS-025] . Where a precautionary approach to bat roost presence has been applied, this is considered by the Applicant to be appropriate in the absence of confirmed presence/absence survey data and ensures mitigation prescriptions appropriately encompass and address all trees/structures across the Order Limits. The mitigation prescriptions in respect of hedgerows, to ensure continuity of bat foraging and commuting routes during and post construction, provide a robust approach to ensuring landscape connectivity for bats on the basis of an individual hedgerows Bat Habitat Suitability Assessment (BHSA) category.
		Taking account of NE’s and NRW’s RRs [RR-065 and RR-066], can the Applicant confirm whether the proposed “novel” methodology for assessing potential impacts on bats arising from the temporary loss of commuting and foraging habitat due to hedgerow severance during construction of the Proposed Development was agreed with NE and/ or NRW prior to the DCO application submission.	The Applicant can confirm that the approach of applying a novel methodology to assess potential impacts on bats arising from the temporary loss of commuting and foraging habitat due to hedgerow severance during construction of the DCO Proposed Development was agreed with NE and NRW as set out in the SoCGs with those parties submitted at Deadline 1 (document reference: D.7.2.3 and D.7.2.4). Both NE and NRW were consulted throughout the development of the novel bats and hedgerow methodology, given the absence of an industry standard. In response to consultee comments and recommendations, the Applicant updated and adapted the methodology accordingly to align with consultee expectations.

ExQ1	Question to	Question	Applicant's Response
		<p>IPs</p> <p>Comments relevant to the survey work or others deemed necessary are invited.</p>	
Q1.4.11	<i>Badgers/ Barn Owls</i> Applicant	The Badger Survey Report [APP-106] and Barn Owl Survey Report Part's 1-4 [APP-108]; [APP-109]; [APP-110] and [APP-111] are noted by the ExA. Are there any further updates expected to those documents? If so when will the updates be submitted to the Examination?	There are no further updates expected to these documents at this time.
Q1.4.12	<i>Otters & Water Voles</i> The Applicant	<p>Having regard to Appendix 9.6 Riparian Mammal Survey Report [APP-107]. Paragraph 2.4.4 confirms that “the majority of watercourses have only been visited once prior to 30 June 2022, thus any assessments made regarding their habitat suitability, and the likely presence or absence of otter or water vole, is provisional pending the second survey visit. Group 25 was included in the Newbuild Infrastructure Boundary as part of design development and therefore has not been surveyed in relation to these species prior to 30 June 2022. The final survey results, including all surveys undertaken post 30 June 2022, will be presented within Supplementary Information which will be completed in Autumn 2022. However, mitigation measures detailed within Chapter 9: Biodiversity (Volume II (Document Reference: D.6.2.9)) are based on the assumed presence of otters or water voles as a reasonable worst-case approach, thus any additional watercourses identified as supporting these species will be subjected to the same avoidance, mitigation and compensation measures”.</p> <p>i) Can the Applicant confirm when the further survey information is to be submitted to the Examination, and are there any known impediments to obtaining relevant licenses?</p>	The Applicant can confirm that D.6.3.9.6 - Appendix 9.6 - Riparian Mammal Survey Report [AS-039] and D.6.2.9 - Chapter 9 Biodiversity of the ES [AS-025] were submitted and accepted by the ExA on 20 March 2023. These revised documents include further survey results and assessment. There are currently no known impediments to obtaining necessary licenses to facilitate construction. The Applicant is preparing draft protected species licenses for discussion and agreement of a Letter of No Impediment (LoNI) with statutory bodies (NE, NRW), with discussions to be captured within the relevant SoCGs (document reference: D.7.2.3 and D.7.2.4).
		ii) Are any of the existing avoidance, mitigation or compensation measures detailed in Chapter 9: Biodiversity anticipated to be changed by the further survey material anticipated?	The Applicant can confirm that the mitigation measures detailed within D.6.2.9 – Chapter 9 – Biodiversity [AS-025] remain unchanged in response to the additional survey information. This information has merely corroborated and confirmed the impact assessment conclusions and mitigation prescriptions provided.
		iii) Can negative impacts to any other riparian mammal impacts be ruled out or not? If so on what basis. What	Through the mitigation prescriptions presented with D.6.2.9 – Chapter 9 – Biodiversity [AS-025] , a suite of pre-construction surveys will be undertaken, where necessary, to

ExQ1	Question to	Question	Applicant's Response
		avoidance, mitigation and compensation provision would there be for other riparian mammals outside of otters and water voles?	corroborate the baseline presented within the ES, or otherwise advise of additional considerations. In the event species absent of any legal protection are encountered, works will be conducted in such a manner so as not to cause undue harm or mortality of other species, wherever possible. The provision of Ecological Clerk of Works (ECoW) presence on site during works, as prescribed by mitigation item D-BD-001 in the REAC [AS-053] , will support such activities.
		iv) Please explain in the absence of full survey results, why should the ExA be confident that the suite of ecological mitigation measures is sufficiently robust to deal with the effects of the Proposed Development?	The Applicant has provided updated documents presenting the results of further surveys and assessment, see D.6.3.6.9 – Appendix 9.6 – Riparian Mammal Survey Report [AS-039] , accepted by the ExA on 20 March 2023. Irrespective of the submission of further information, the mitigation prescriptions presented within the 2022 ES are sufficiently robust to mitigate potential impacts to riparian mammals. The submission of further information has merely corroborated the impact assessment and confirmed that the mitigation prescriptions are appropriate to deal with the effects of construction of the DCO Proposed Development upon riparian mammals.
Q1.4.13	<i>Otter & Water Vole</i> The Applicant	Clarify what provision and by what formal mechanisms will ensure there would be a suitable alternative habitat for displaced otters or water voles during and after construction. Will a “Letter of No Impediment” for any licences necessary be submitted to the Examination?	Watercourses across the DCO Proposed Development will be subject to short-term, temporary, and localised disturbance and impacts during construction of the DCO Proposed Development. Direct habitat impacts to watercourses subject to open-cut trench will be minimised as far as reasonably practicable, reducing construction impact footprints, with watercourse channels beyond the construction footprint remaining unimpeded or impacted and therefore suitable for any displaced animals from the construction corridor. Following construction, riparian and aquatic habitats will be reinstated (see items D-BD-036, D-BD-048, D-BD-049 and D-BD-062 of D.6.5.4 – Outline Construction Environmental Management Plan [AS-055]) as swiftly as possible following construction completion. The Applicant is preparing draft licenses, where required, for discussion and agreement with NE and NRW to inform a Letter of No Impediment with discussions to be captured within relevant SoCGs.
Q1.4.14	<i>Birds</i> IPs, including CWCC and FCC	Section 4.10 of the Applicant's Appendix 9.8 Bird Survey Report [APP-112] notes that large numbers of Redshank (are recorded in Transect 2) using the banks of the River Dee, near Sealand, through the winter months. The other seven transects, including Transect 5 and Transect 7 which are near the River Mersey and Transect 1, near the River Dee did not regularly record Special Protection Area (SPA) qualifying species. Although the River Dee at the crossing point is not within the Dee Estuary SPA, it is directly linked to the SPA further north-west. The population of Redshank using the land along Transect 2 will be part of the population that occurs within the SPA and should be considered as being functionally linked.	A series of Statements of Common Ground are being progressed, including with FCC (document reference: D.7.2.1) and CWCC (document reference: D.7.2.2), as submitted at Deadline 1.

ExQ1	Question to	Question	Applicant's Response
		Do IPs have any further comments to make on the survey findings or functionally linked land matters?	
Q1.4.15	<i>Birds</i> Applicant and NE	Displacement effects on Mersey Estuary birds excluded for assessment on basis of bird presence/ numbers.	No response required.
		Has the presence of persons linked to construction activity appearing on top of banks been factored?	Construction activities/movements have been included within Table 9.11 of Chapter 9 – Biodiversity [AS-025], as a potential impact pathway to breeding and wintering birds. This is further addressed for qualifying bird species of the Mersey Estuary SPA/Ramsar within the Habitats Regulations Assessment Rev B (document reference: D.6.5.6), submitted to the ExA on 27 March 2023. In respect of the proposed trenchless crossing of the River Dee, qualifying bird species were recorded utilising the mudflats of the river (see Appendix 9.8 – Bird Survey Report [APP-112] & Habitats Regulations Assessment Rev B (document reference: D.6.5.6)). At the River Dee, the construction compound and exit/entrance pits will be set back at least 16m from the riverbank. Additionally, the topography of the river is such that there is a difference in elevation of approximately 2m between the mudflats and top of the banks. Construction personnel presence is not predicted to be in a line of sight of SPA birds using the mudflat habitat of the River Dee. Both banks are also further screened by a line of trees and scrub vegetation that will provide an additional visual barrier. The Wales Coast Path, hiking and cycleway, is present atop the northern bank of the River Dee. As such birds utilising the river, banks and mudflats will already be habituated to movements and disturbance of people moving along the river.
		Lighting, noise and timing of disturbance to avoid times when birds are present are further aspects for consideration in the examination. Is the mitigation proposed adequate?	The Applicant has included mitigation prescriptions with D.6.5.1 – REAC [AS-053] in respect of sensitive lighting regimes (see D-BD-015) and provision of a noise and vibration plan, to be developed at detailed design (see D-NV-001 and D-NV-002), both of which will seek to avoid impacts to species and habitats, including birds. ECoW provision (as prescribed within item D-BD-001) during construction will also provide additional support and advice on potential disturbance of birds and means to mitigate potential impacts.
Q1.4.16	<i>Aquatic Ecology</i> IPs, including Relevant Planning Authorities, NRW, EA and NE	The ExA acknowledges the content of Appendix 9.9 Aquatic Ecology (Watercourses) Survey Report and Appendix 9.10 Aquatic Ecology (Ponds) Survey Report [APP-113] [APP-114].	A series of Statements of Common Ground are being progressed, including with NRW (document reference: D.7.2.4), EA (document reference: D.7.2.5) and NE (document reference: D.7.2.3), as submitted at Deadline 1.
		Are IPs/ Statutory Consultees satisfied with the scope and content of the aquatic surveys provided? If not state, why not.	
Q1.4.17		Applicant	No response required

ExQ1	Question to	Question	Applicant's Response
	Wildlife Corridors Applicant and IPs, including CWCC, FCC, NRW and NE	At the ExA's Unaccompanied Site Inspections [EV-003] and [EV-004] the probable existence of 'informal' wildlife corridors within nearby surrounding areas was observed which could be potentially used by a wide variety of species.	
		i) Clarify how the effect of the proposed development on potential informal wildlife corridors has been considered.	Through the development of the pipeline design to date, the Applicant has provisioned a suite of measures and mitigations for the preliminary avoidance of important ecological features as presented within Table 9.10 of D.6.2.9 – Chapter 9 – Biodiversity [AS-025]. These have included avoidance, where possible, of ecological features that may represent informal wildlife corridors; for example, item D-BD-010 cites the proposed retention of woodlands. The Applicant will continue to review opportunities for the avoidance or minimisation of construction impacts upon habitats during the development of the detailed design.
		ii) Explain the extent of integration of any ecological enhancements/ mitigation with existing informal wildlife corridors and how those elements are to be secured through the DCO.	As detailed with Section 9.10 of D.6.2.9 – Chapter 9 – Biodiversity [AS-025], the current design includes provision of 13 mitigation areas predominantly for the planting of trees at a 3:1 ratio to mitigate the loss of trees required to facilitate construction (see item D-BD-063 of the Outline Construction Environmental Management Plan [AS-055]). These locations have been chosen for planting to improve, enhance and strengthen existing green infrastructure and corridors within the landscape, benefitting the landscape character and biodiversity in general.
		iii) Explain what scope is available within the overall engineering and new landscaping works proposed by the DCO to enable ecological corridors the earliest chance of re-establishment prior to completion of all works. Also explain how such potential provision could be secured formally. Have novel and innovative nature based approaches been sufficiently explored?	Advanced planting cannot be committed to at this time in the absence of a detailed design. Opportunities for advanced planting and implementation of landscaping will be explored during the development of detailed design, wherever possible. Commitments to reinstate habitats have been captured within Outline Construction Environmental Management Plan [AS-055] and Outline Landscape and Ecological Management Plan [APP-229], secured within Requirements 5 and 11 of the dDCO [APP-024] respectively. To maintain existing wildlife corridors during construction, the Applicant will employ faux hedgerows along hedgerows identified as Important Foraging and Commuting Routes (FCRs) where hedgerow removal is required to facilitate construction (see item D-BD-031 within the OCEMP [AS-055], as secured by Requirement 5 of the dDCO [AS-016]. The Applicant has also included 13 mitigation areas across the Order Limits for mitigation planting, comprising predominantly tree planting but also including scrub (see item D-BD-063 of the Outline Construction Environmental Management Plan [AS-055]). These areas will be subject to construction, with planting taking place either side of the final pipeline route; as such, until a detailed design has been confirmed, advance planting of these areas cannot take place. As per item D-BD-062 of D.6.5.4 Outline Construction Environmental Management Plan [AS-055] where considered appropriate, habitats will be left to naturally

ExQ1	Question to	Question	Applicant's Response
			regenerate post construction, rather than be subject to direct landscaping or planting. Such areas will be determined during the detailed design stage.
		iv) What mitigation is proposed to ensure protected species and other species are protected from noise and vibration?	As stated in response to Q.1.4.15, the Applicant has included provision for the creation of a Noise and Vibration Plan, to be developed at the detailed design stage (see D-NV-001 and D-NV-002 of D.6.5.4 – Outline Construction Environmental Management Plan [AS-055]). Additional mitigation measures have been prescribed within the OCEMP to avoid and reduce impacts associated upon protected and/or notable species, inclusive of noise and vibration, for example (but not limited to) D-BD-020, D-BD-021, D-BD-026, D-BD-040, and D-BD-057. Whilst Biodiversity mitigation items may not explicitly state noise or vibration as the driver for the mitigation prescription, the mitigation that will be applied will avoid or reduce impacts from construction noise and vibration (e.g., the implementation of exclusion buffers around features).
		IPs v) Are there any comments/ concerns you wish to raise with respect to the above matters?	
Q1.4.18	Trees Applicant, CWCC and FCC	In terms of any expected tree loss arising from the scheme as a whole:- i) Acknowledging the submitted Arboricultural Impact Assessment [APP-115] [APP116] the Applicant is asked to clarify how many trees would be removed, or are likely to be removed or damaged as a result of the scheme overall?	As detailed within Appendix 9.11 – Arboricultural Impact Assessment [APP-115 and APP-116] and updated version Rev B, submitted to the ExA on the 27 March 2023 (document reference: D.6.3.9.11) as part of the change request, information is presented on the number of tree groups and individual trees potentially lost to the DCO Proposed Development. The assessment is based on a reasonable worst-case scenario and impacts to trees within each section of the Order Limits presented within Tables 4-1 to 4-7 within Section 4 of Appendix 9.11 – Arboricultural Impact Assessment Rev B]. Table 4-8 of Appendix 9.11 – Arboricultural Impact Assessment Rev B (document reference: D.6.3.9.11) provides a summary of the potential reasonable worst-case tree loss across the entire Order Limits.
		ii) IPs - If there are any discrepancies with the Applicant's assessment highlight what those are. Highlight any areas of disagreement	
		iii) Clarify the position of all trees that are likely to be lost or damaged. Provide a plan/ signpost the plan showing the location of the trees that would be affected.	A plan showing the position of trees can be found in Figure 9.11.1 within Appendix 9.11 – Arboricultural Impact Assessment Rev B, submitted to the ExA on 27 March 2023 (document reference: D.6.3.9.11). The assessment methodology applies red, amber or green (RAG) categories and is further explained within Section 2.5 – Assessment Methodology of Appendix 9.11 – Arboricultural Impact Assessment Rev B (document reference: D.6.3.9.11).

ExQ1	Question to	Question	Applicant's Response
		iv) Are the trees that would be lost, damaged or likely to be damaged protected? and if so, how? Are any of the trees noble or veteran trees? If so, what is the number?	<p>Trees located within the Chester Canal Conservation Area (see paragraph 3.1.8 and Figure 9.11.1 of Appendix 9.11 – Arboricultural Impact Assessment Rev B, submitted to the ExA on 27 March 2023 (document reference: D.6.3.9.11)) may be impacted by construction of the DCO Proposed Development. However, the canal is to be subject to trenchless crossing techniques and it is therefore currently envisaged that no trees will be removed or directly impacted to facilitate construction.</p> <p>There are no trees assessed as notable or veteran from the Ancient Tree Inventory database, however, by virtue of features recorded during field surveys, the Applicant has identified 35 veteran trees/groups with relevant characteristics as detailed within Appendix 9.11 – Arboricultural Impact Assessment Rev B (document reference: D.6.3.9.11). Three veteran trees (trees T1056, T1048 and T1074) remain at risk of removal as discussed within paragraph 4.2.5 of Appendix 9.11 – Arboricultural Impact Assessment Rev B (document reference: D.6.3.9.11). Whilst these trees are currently 'at risk of removal', the Applicant will continue to seek to retain these trees during the course of the development of the detailed design in line with mitigation measures and principles captured within Section 2.6 of Appendix 9.11 – Arboricultural Impact Assessment Rev B (document reference: D.6.3.9.11).</p>
		v) Can the loss of trees be adequately mitigated or further mitigated and if so, how?	<p>The Applicant has identified 13 locations across the Order Limits identified as 'Mitigation Areas' that will be subject to tree and shrub planting to mitigate the loss of trees (trees to be planted on a 3:1 ratio, planted: lost; see item D-BD-063 of the Outline Construction Environmental Management Plan [AS-055]) on the basis of assumed reasonable worst-case losses to inform the ES (see document reference: D.6.3.9.11 - Appendix 9.11 – Arboricultural Impact Assessment Rev B, submitted to the ExA on the 27 March 2023). The actual number of trees requiring to be mitigated will be confirmed following detailed design. The selection of mitigation areas chosen for tree and shrub planting have also been chosen on the basis of enhancing and improving existing green infrastructure within the landscape, forming stronger landscape links and benefitting biodiversity.</p>
		vi) Has any engagement with NE, NRW or the Forestry Commission taken place with respect to potential tree removal or other impacts which may entail ancient woodland? Similarly, have any discussions taken place regarding bolstering tree/ woodland coverage within the administrative areas impacted? If not, can a clear commitment be given for such engagement.	<p>Engagement has taken place with NE, NRW, FCC and CWCC regarding potential impacts to habitats and proposed mitigation during the course of the ES preparation. The Forestry Commission has failed to engage with the Applicant during the course of the ES development. As part of its approach to mitigation, as stated in the response to the query immediately prior, the Applicant has identified 13 mitigation areas that will tie into and enhance existing green infrastructure within the Order Limits in both England and Wales.</p>
		vii) Can the Applicant further explain the approach to avoiding any potential ancient woodland loss/ veteran tree and other relevant tree loss impacts as a whole.	<p>Since the outset of project, the Applicant has sought to firstly avoid and secondly minimise impacts to important ecological receptors, including ancient woodland and veteran/ancient trees (see D-BD-007, D-BD-008 and D-BD-009 of D.6.5.4 – Outline</p>

ExQ1	Question to	Question	Applicant's Response
			Construction Environmental Management Plan [AS-055]). Through this approach, the Applicant has excluded and avoided direct losses of trees subject to the Ancient Woodland Inventory, for example through the use of trenchless crossing techniques and implementation of root protection and exclusion zones. This has additionally included the avoidance of removal of a number of trees identified with features considered to be veteran in nature. The Applicant continues, and will continue, to review opportunities to exclude and avoid impacts to woodland and trees across the Order Limits.
		viii) Accounting for any possible changes that may have arisen since publication of the ES, are there any trees that would be affected protected by either a Tree Preservation Order (TPO) or by virtue of being located in a Conservation Area? If they are, provide details of where these trees are located and extracts from the relevant TPO citations. If the information has already been provided, please signpost that.	The Applicant can confirm that there are no additional TPO or conservation area trees since submission of the DCO Application.
Q1.4.19	Trees Applicant and IPs, including CWCC and FCC	Applicant i) There appears scope for further additional new tree planting (on or off site), above any replacement planting. How would any additional potential tree planting/ related landscaping currently unreferenced in the draft DCO and application documents be secured?	The D.2.14 BVS and AGI Landscape Layouts [APP-023] set out the preliminary landscape designs, which achieve a replacement ratio of 3:1. Currently the landscape layouts set out the principles of the mitigation; however, flexibility is required at this stage of the design development, and the proposals will be refined further at detailed design stage. As detailed with Section 9.10 of D.6.2.9 – Chapter 9 – Biodiversity [AS-025], current design includes provision of 13 mitigation areas predominantly for the planting of trees at a 3:1 ratio to mitigate the loss of trees required to facilitate construction (see item D-BD-063 of the Outline Construction Environmental Management Plan [AS-055]). These locations have been chosen for planting to improve, enhance and strengthen existing green infrastructure and corridors within the landscape, benefitting the landscape character and biodiversity in general. Ecological measures are set out within the REAC [AS-053], secured through the CEMP within Requirement 5 of the dDCO [AS-016].
		ii) Has additional tree planting (or other related landscaping) been considered to further complement local informal nature corridors on the ground? If not, why not?	The D.2.14 BVS and AGI Landscape Layouts [APP-023] achieve a replacement ratio of 3:1 to compensate for vegetation lost during construction as set out in D-BD-053 of the REAC [AS-053], secured within Requirement 5 of the dDCO [AS-016]. The layouts have been developed and suggested species planting includes the provision of native fruit and nut bearing species to provide additional benefits to fauna in the wider landscape. As described in response to Q1.4.19 (i) above, additional tree planting has been secured through the inclusion of 13 mitigation areas along the Order Limits which will enhance existing green infrastructure within the landscape, and which would complement local informal nature corridors. These are set out in the REAC [AS-053], secured through the CEMP within Requirement 5 of the dDCO [AS-016].

ExQ1	Question to	Question	Applicant's Response
		iii) Explain if, and how, the planting/ landscaping schemes envisaged can be coordinated in a way to ensure they establish and provide positive links with existing wildlife corridors whilst construction activity takes place.	The Applicant has, and will continue to, undertake a process of avoidance and impact minimisation in respect of potential need for removal or severance of hedgerows, trees, and scrub across the Order Limits, as set out in the REAC [AS-053], secured through the CEMP within Requirement 5 of the dDCO [AS-016]. This will continue to be refined during the detailed design alongside the D.2.14 BVS and AGI Landscape Layouts [APP-023] to further avoid and retain habitats wherever possible. Advanced planting cannot be committed to at this time in the absence of a detailed design. As stated within response to Q1.4.17 (iii), opportunities for the advanced planting and implementation of landscaping will be explored during the development of detailed design, wherever possible. Commitments to reinstate have been captured within Outline Construction Environmental Management Plan [AS-055] and Outline Landscape and Ecological Management Plan [APP-229], secured within Requirements 5 and 11 of the dDCO [AS-016] respectively. To maintain existing wildlife corridors during construction, the Applicant will employ faux hedgerows along hedgerows identified as Important Foraging and Commuting Routes (FCRs) where hedgerow removal is required to facilitate construction (see item D-BD-031 within the OCEMP [AS-055], as secured by Requirement 5 of the dDCO [AS-016]. The Applicant has also selected a number of mitigation areas across the Order Limits for mitigation planting comprising predominantly trees. These areas will be subject to construction, with planting taking place either side of the pipeline route, as such until a detailed design has been confirmed, advance planting of these areas cannot take place and would be undertaken post construction.
		iv) Can larger standards for any replacement tree planting (where it is appropriate) for a more immediate impact be applied? If not, why?	Sizing of trees will be determined at detailed design; indicative species have been cited within D.12.14 – BVS and AGI Landscape Layouts [APP-023] as set out at D-LV-024 of the REAC [AS-053], secured through the CEMP within Requirement 5 of the dDCO [AS-016].
		Relevant Planning Authorities/ IPs: v) Do you have any further comments on tree planting or landscaping provision?	
Q1.4.20	Trees Applicant	Confirm/ clarify the following: - i) For the avoidance of any doubt confirm where pre-commencement tree and vegetation clearance works are proposed.	The Applicant can confirm that tree and vegetation clearance will be required along the pipeline construction corridor to enable construction activities. It will also be required at select access and compound locations. In the absence of a detailed design, a reasonable worst-case scenario of tree losses is presented within Appendix 9.11 – Arboricultural Impact Assessment [APP-115 & APP-116], an updated version Rev B of Appendix 9.11 – Arboricultural Impact Assessment (document reference: D.6.3.9.11) was submitted to the ExA on the 27 March 2023.

ExQ1	Question to	Question	Applicant's Response
			For clarity, the Applicant does not propose to undertake clearance before determination of the DCO.
		ii) Clarify any changes to pre-commencement tree and vegetation clearance works proposed already anticipated in the ES. If there are changes, where would those occur and what trees/ areas would be affected? Signpost a plan in giving your response.	Since submission of the DCO Application, the Applicant has continued to explore opportunities to avoid impacts to ancient/veteran trees. The design of the pipeline in proximity to trees identified as veteran in nature, associated with design change reference PS04 (Backford Brook), as described in Table 1.1 – Overview of Proposed Design Changes in the 2023 ES Addendum Change Request 1 (as submitted to the ExA on 27 March 2023) (document reference: D.7.7) has been reviewed and assumptions made that the DCO Proposed Development will seek to retain all trees identified as veteran in nature in this area, as captured within paragraph 4.2.5 of Appendix 9.11 – Arboricultural Impact Assessment Rev B, submitted to the ExA on the 27 th March 2023 (document reference: D.6.3.9.11).
		iii) When would this clearance occur?	Tree and vegetation clearance at selected sites may occur prior to commencement of construction activities, subject to any mitigation prescriptions detailed within Outline Construction Environmental Management Plan [AS-055]. For further detail please see response to Q1.19.9.
		iv) Under what legislation would the works be undertaken? If the information has already been provided signpost that.	Vegetation clearance works would be subject to the provisions of relevant conservation and wildlife legislation as detailed within Section 9.2 – Legislation and Policy Framework of Chapter 9 – Biodiversity [AS-025].
Q1.4.21	<i>Trees Mitigation</i> Applicant	The Woodland Trust [RR-077] recommends that a buffer zone of 30 metres is implemented to all areas of ancient woodland to mitigate for the above impacts during construction. Can the Applicant confirm that this requirement can be met and how it would be secured by the DCO?	The Woodland Trust have been invited to contribute to a statement of common ground. To date, the Applicant has received no response to the invitation and are seeking to apply the recommendation of 15m as detailed within the National Planning Policy Framework.
Q1.4.22	<i>Hedgerow removal</i> Applicant	The ES Chapter 3 [APP-055] para 3.6.31 states that where hedgerow removal (including any trees within them) is required to facilitate construction, it is assumed such removal will be kept to a maximum width of 15 metres. This is repeated in the Record of Environmental Actions and Commitments (REAC) [APP-222] and Outline CEMP [APP-225], which state that the 15 metres width will not be exceeded. However, the ExA notes that this distance is not included in the limits of deviation and parameters set out in the draft DCO at Article 6 or in Schedule 2, Part 1 Requirement 4 at Table 1. Please explain why the above measurement of 15 metres should not be specified as part	The Limits of Deviation relate to the areas within which works can be carried out. In this case there are no lateral limits of deviation shown on the Works Plans [AS-012] as no deviation outside the Works Area is sought. Lateral limits of deviation for works, where used, are often shown with a dotted line outside the 'primary' works areas to demonstrate that the works area is allowed, in essence, to move within that line. As the approach taken in this case is a corridor to be refined down at detailed design, flexibility to move outside that defined corridor has not been sought. Accordingly, there is no limit of deviation laterally outside the works areas and the extent of the areas generally coincides with the order limits, meaning there is no space within the order limits which works could deviate into. The same principle applies with hedgerows – the 15m maximum extent of removal is not shown as the precise location of that will be dependent on detailed design, especially the final routing of the

ExQ1	Question to	Question	Applicant's Response
		of the limits of deviation and secured appropriately in the DCO.	<p>pipeline which will determine where the trench (and working area and any haul route) is located.</p> <p>The 15m is not a deviation but a limitation on the length of each affected hedgerow which may be removed. There is nothing in the dDCO [AS-016] which sets a precise location within the order limits for that removal to deviate from. The Important Hedgerow Plans [AS-014 and AS-017] shows the maximum extent of the area of hedgerow within the order limits to which the power could apply, there is nowhere for this to deviate to as that would then be outside the order limits.</p> <p>The maximum extent of removal at 15m is secured in the OCEMP [AS-055] and as stated under commitment D-BD-012 in the REAC [AS-053] and is accordingly already secured by Requirement 5 of the dDCO [AS-016]. The Applicant does not consider that this should be added to requirement 4 table 1 as it is a construction phase impact not a permanent structure design criteria and is already controlled through Requirement 5. The outline LEMP [APP-229] secures, at 3.1.4 that all hedgerows to be reinstated must be reinstated within 1 year.</p>

Table 2-5 – Climate Change

ExQ1	Question to	Question	Applicant's Response
Q1.5.1	General Applicant	In relation to the predicted operational moderate adverse effects on the pipeline from climate change as set out in ES Chapter 7, it is stated that secondary mitigation would comprise ground investigations and geotechnical and ground stability surveys. Can the Applicant explain how any measures required to address any ground stability risks that were identified as a result of the investigations/ surveys would be secured through the DCO?	<p>The dDCO [AS-016] does not secure any specific measure as these measures are secured under the Pipeline Safety Regulations 1996 ("PSR"). The PSR requires that it is demonstrated to the Health and Safety Executive (HSE) that the pipeline has been designed to meet various safety criteria, including that it can withstand external forces acting on it (regulation 5) and it is constructed to be sound and fit for purpose (regulation 9). The applicable codes of practice specify how geotechnical risk is assessed and require that the design contains specific details of ground stability hazards and management.</p> <p>The specifics of any ground stability measures will therefore be controlled by the HSE outside of the DCO process under the PSR process. The Applicant submits that this is the correct approach as it avoids duplication of the PSR regime in the DCO in line with guidance. The approach also does not ask the LPA to approve a technical, engineering element of design which requires specialist pipeline engineering review, for which they would have no reason to have employees with the necessary qualifications.</p> <p>The monitoring of any measures and the need for any further measures required at a later time will form part of the operational management of the Carbon Dioxide Pipeline. Ground stability threats will be specified in the Pipeline Operations and Integrity Management System, which will be in place throughout the lifetime of the Carbon Dioxide Pipeline. This system will require to comply with the then relevant</p>

ExQ1	Question to	Question	Applicant's Response
			standards (there are several international standards for these systems, which one will apply will depend partly on the classification of carbon dioxide by HSE at the time), but all include requiring ongoing risk assessment and monitoring of the pipeline, including for geotechnical risk.
Q1.5.2	<i>Methodology</i> Applicant and IPs, including CWCC and FCC	<p>The ExA notes that the assessment of Greenhouse Gas (GHG) has been scoped out of the ES. The Applicant has stated that the impact of GHG emissions (Chapter 10 - GHGs, Volume II), in terms of their contribution to climate change, is global and cumulative in nature, with every tonne contributing to impacts on natural and human systems. As such it is the cumulative effect of all GHG-emitting human activities that cause climate change, and therefore the assessment of the GHGs due to the Project implicitly assesses the cumulative effect of GHG emissions. In addition, the Project as a whole would capture and store CO2 emissions and contribute to the UK's net zero carbon agenda. Therefore, the cumulative benefits of the DCO Proposed Development combined with the other elements of the Project are argued by the Applicant to lead to a cumulative beneficial effect overall.</p> <p>IPs are invited to make whatever comments they deem to be appropriate.</p>	<p>The assessment of GHG emissions was scoped in to the 2022 ES [APP-076]. Chapter 10: Greenhouse Gases [APP-062] assesses the impact of the DCO Proposed Development on GHG emissions during the construction, operational and decommissioning phases.</p> <p>The Applicant notes that, at a capacity of 4.5 MTPA of carbon dioxide, the total GHG impact of the project in construction, operation and decommissioning is “paidback” in under 9 days of operation.</p> <p>Therefore, the Applicant can confirm that the cumulative benefits of the DCO Proposed Development combined with the other elements of the Project are submitted by the Applicant to lead to a cumulative beneficial effect overall.</p>
Q1.5.3	<i>Mitigation</i> Applicant and IPs, including CWCC, FCC, NRW and NE	Having regard to ES Chapter 7 – Climate Resilience [APP-059] the ExA notes the content of Table 7.13 titled Embedded mitigation in the DCO Proposed Development's Preliminary Design dealing with climate risk during any future operation. What further embedded design mitigation is available to ensure ecological and landscape provision linked to the scheme remains sufficiently resilient to deal with the climatic changes anticipated in future years?	<p>A commitment to consider the potential effects of climate change on the selection of species for proposed planting and the management of new and existing planting (Item D-CR-011), has been added to the updated REAC [AS-053] and OCEMP [AS-055] submitted at Deadline 1.</p> <p>The Outline Construction Environmental Plan (OCEMP) [AS-055], as secured by Requirement 5 of the dDCO [AS-016] and REAC [AS-053], will ensure appropriate planting methods and the on-going survival of planting. Additionally, the REAC [AS-053] and the Outline Landscape Ecological Management Plan (OLEMP) [APP-229], secured within Requirement 11 of the dDCO [AS-016], sets out the management practices that will need to be established to enable the proposed mitigation planting to establish and reach maturity. Section 1.5 of the OLEMP [APP-229] sets out that the appointed construction contractor will be responsible for detailed Landscape and Ecological Management Plan (LEMP), secured within Requirement 11 of the dDCO [AS-016], the management prescriptions will be reviewed annually and any management changes, then remedial measures would be introduced to the LEMP following agreement with the LPAs.</p>

ExQ1	Question to	Question	Applicant's Response
		Further explain/ substantiate how embedded design mitigation or other additional mitigation/ enhancement possible to achieve would be successful against the climate risks evidenced. For example, any new wetland creation possible may result in several cross-cutting benefits such as those associated to additional ecologically based carbon storage, ecological enhancement and dealing with local flood risk. Similarly, support for offsite seagrass meadow planting, kelp growth initiatives or saltmarsh restoration could have wider cross cutting beneficial impacts.	As part of Chapter 7 Climate Resilience of the ES [APP-059] the Applicant has explained that increased greenspace and vegetation will help reduce the risk of flooding and protect the soils against drying and cracking, however anything specific surrounding planting species and schedules will be addressed in Chapter 12 Landscape and Visual of the ES [APP-064]. The Applicant considers that what is proposed is proportionate to the impacts of the DCO Proposed Development, the mitigation including the areas of tree and shrub planting will have additional natural capital benefits.
		IPs are invited to make whatever comments they deem to be appropriate. In particular comments are sought by the ExA on whether a range of nature based mitigation/enhancements available and achievable has been properly considered?	
Q1.5.4	Monitoring Applicant and IPs, including CWCC and FCC	<p>Chapter 7 – Climate Resilience [APP-059] section 7.14 details that the DCO Proposed Development will have an OMEMP (as included as a Requirement of the Draft DCO to be followed for routine maintenance and inspection visits of the CO2 Pipeline and the AGIs and BVSs to ensure their protection against potential climate impacts identified in the REAC. Plus, monitoring and management of the surface water drainage features post planning will be undertaken to obtain long term ground water data, in accordance with the Outline Surface Water Drainage Strategy Report.</p> <p>How will landscaping and ecological provision (including enhancement) be monitored in a way that secures adequate climate resilience including at post decommissioning stage?</p>	<p>The OCEMP [AS-055], as secured by Requirement 5 of the dDCO [AS-016] and REAC [AS-053], will ensure appropriate planting methods and the on-going survival of planting. Additionally, the REAC [AS-053] and the OLEMP [APP-229], secured within Requirement 11 of the dDCO [AS-016], sets out the management practices that will need to be established to enable the proposed mitigation planting to establish and reach maturity. Section 1.5 of the OLEMP [APP-229] sets out that the appointed construction contractor will be responsible for detailed Landscape and Ecological Management Plan (LEMP), secured within Requirement 11 of the dDCO [AS-016]. During the operation stage, the Applicant will then take on the responsibility of implementing the LEMP. The management prescriptions will be reviewed annually and any management changes, then remedial measures would be introduced to the LEMP following agreement with the LPAs.</p> <p>At the decommissioning stage it is assumed that all of the surface sites will be decommissioned and appropriate use of the land will be identified taking account of the prevailing use of the surrounding land at the date of decommissioning.</p>
Q1.5.5	Mitigation Applicant and IPs, including CWCC and FCC	The Applicant is asked to further justify how adverse climatic issues are adequately addressed having regard to native tree, shrub planting; species rich grassland and their subsequent future years resilience. How can/ could further resilience be designed/ built into the scheme and secured by the DCO?	This has been addressed in Chapter 9 Biodiversity [AS-025], however increasing the area of green space (including the amount of planting) will help to maintain healthy soils, prevent flooding through the uptake of water into planted species and increase ground cover to help prevent cracking and drying of soils. Excess planting and green space will also help to increase the volume of carbon storage throughout the DCO Proposed Development.

ExQ1	Question to	Question	Applicant's Response
			A commitment to consider the potential effects of climate change on the selection of species for proposed planting and the management of new and existing planting, has been added to the REAC [AS-053] and OCEMP [AS-055] submitted at Deadline 1.
Q1.5.6	Mitigation Applicant and IPs, including CWCC, FCC and NE	In terms of peatland disturbance and the Outline Construction Environmental Management Plan - Appendix 2 -Outline Peat Management Plan [APP-228]. Other than minimisation techniques to reduce peat excavation Paragraph 5.1.4 of the document states “...in the event that there is an excess of excavated material, application of additional options at the Detailed Design and Construction Stages would be required. If no site use is available, off-site re-use options should be explored, with appropriate disposal as waste considered only as the final option, in line with the management hierarchy set out by SEPA.” Can any peatland excavation be undertaken in a way that prevents carbon release?	The Applicant is not aware of any specific excavation practices that prevent carbon release. Best practice/guidance is to minimise peat excavation as the carbon release is generally from the drying out of peat once excavated so some carbon loss (even if minimal) is likely to occur even with careful excavation, storage and re-use. The OCEMP Appendix 2 – Outline Peat Management Plan [APP-228] states the expectation that there will be sufficient re-use opportunities to balance peat excavation volumes, and that opportunities to reduce the volume of peat excavation should be applied where feasible so that all reasonable measures are taken to avoid unnecessary peat excavation and subsequent peat management.
		For excavated peat unable to be put back on site, is it possible for its transferred to another nearby peatland in a manner without it drying out and emitting CO2? If so, how can that mitigation be secured in the DCO?	The Applicant is not aware of any specific transference practices that prevent carbon release. Emissions and drying out can be minimised by using a suitable receiving site close to the DCO Proposed Development. A receiving site has not been identified at this stage as a peat surplus is not anticipated. A commitment that in the event that there is an excess of excavated material, off-site re-use options would be explored following good practice and detailed in the final Peat Management Plan produced by the Construction Contractor(s) (Item D-LS-027), has been added to the updated REAC [AS-053] submitted at Deadline 1.
		Have novel or innovative approaches been considered/ ruled out for example such as basalt dusting to capture any CO2 loss during trenching and replenishing soil fertility further afield beyond peatland areas?	The Applicant has not considered approaches such as the example given.

Table 2-6 – CA and Temporary Possession

ExQ1	Question to	Question	Applicant's Response
Q1.6.1	Applicant	Please advise whether the Book of Reference (BoR) [APP-030] is fully compliant with the Guidance published in 2013 by the DCLG ¹ .	The Book of Reference (BoR) [AS-023] is fully compliant with the Guidance published in 2013 by the DCLG.
Q.1.6.2	Applicant	The ExA requests the Applicant provides a spreadsheet version of the BoR [APP-030], which details the owners/	The Schedule of Negotiations with Land Interests [APP-028] provides the owners/parties identified in the BoR in alphabetical order, listing the related plot

ExQ1	Question to	Question	Applicant's Response
		parties identified by the BoR, in alphabetical order, and then against each owner/ party listing the related plot numbers, when negotiations commenced, dates of correspondence and meetings and progress made in regard to negotiations in regard to those owners and plots.	numbers in which they have an interest, when negotiations commenced, dates of correspondence and meetings and progress made in regard to negotiations. An update to the Schedule of Negotiations has been provided at Deadline 1, and a spreadsheet of this document has also been provided (document reference: D.4.1.1).
Q.1.6.3	Affected Persons/ IPs	Are any Affected Persons or IPs aware of any inaccuracies in the BoR [APP-030], Statement of Reasons [APP-027] or Land Plans [APP-008]?	
Q.1.6.4	Applicant	Please confirm that all persons having an interest in land, including any rights over unregistered land, have been identified and where this has not been possible: i) provide a summary of where it has not yet been able to identify any persons having an interest in land, including any rights over unregistered land; and	<p>All persons having an interest in land, including rights over unregistered land, have been identified through a process of diligent inquiry. The diligent inquiry process for identifying all interests in land is set out in Appendix I of the Consultation Report [APP-042]. Where, despite having completed this diligent inquiry process, an interest or right in land has been identified but the holder of that interest remains unknown, "Unknown" has been listed as an entry in the Book of Reference. The plots (with references made to the Land Plans [AS-010] in which we have identified an unknown interest are:</p> <p>Freehold Ownership:</p> <ul style="list-style-type: none"> • 5-04, 5-05 • 12-08 • 14-04 <p>Mines and Minerals Ownership</p> <ul style="list-style-type: none"> • 8-03, 17-20, 17-21, 17-22, 17-23, 17-24, 17-26, 17-27, 17-34, 17-36, 17-37, 17-39, 17-41, 18-31, 18-33, 19-05, 19-06, 19-10, 20-12, 20-15, 20-29, 22-01, 22-02, 22-03, 22-05, 22-06, 22-07, 22-08, 22-09, 22-10, 25-03, 25-04, 25-05, 25-06, 25-07, 36-01
		ii) confirm what further steps the Applicant will be taking to identify any unknown right(s) during the Examination?	<p>The Applicant has completed diligent enquiry in line with the land referencing methodology set out in Appendix I of the Consultation Report [APP-042].</p> <p>Reviews are being undertaken on a regular basis to identify updates in Land Registry records. Where information comes to light during the Examination on the holders of these interests, or any additional interests in the Book of Reference, these will be followed up, investigated and updated in the Book of Reference [AS-023].</p>
Q.1.6.5	Applicant/ Statutory Undertakers	The BoR [APP-030] includes a number of Statutory Undertakers with interests in land. The ExA would ask the Applicant to: i) Provide a progress report on negotiations with each of the Statutory Undertakers listed in the BoR,	The Schedule of Negotiations with Land Interests [APP-028] provides a progress report on negotiations with each of the landowners listed in the BoR [AS-023] , including Statutory Undertakers. An updated version of the Schedule of Negotiations with Land Interests [APP-028] is submitted at Deadline 1 (document reference:

ExQ1	Question to	Question	Applicant's Response
		with an estimate of the timescale for securing agreement with them;	D.4.1.1). The Applicant will continue to target completion of negotiations within the Examination period.
		ii) State whether there are any envisaged impediments to the securing of such agreements; and	The Applicant does not envisage any impediments to securing agreements with Statutory Undertakers where required.
		iii) State whether any additional Statutory Undertakers have been identified since the submission of the BoR.	No additional Statutory Undertakers have been identified since the submission of the BoR [AS-023].
Q.1.6.6	Applicant	Following on from the question above (Q1.6.5), the Applicant is requested to ensure that the BoR [APP-030], Statement of Reasons [APP-027] and Land Plans [APP-008] are: i) kept fully up to date with any changes and the latest versions submitted at each Deadline, starting from Deadline 1 (with a final version of these documents submitted at Deadline 7), shown in the Examination timetable together with an explanation of the reasons for each change;	A Book of Reference was submitted in February 2023 [AS-023] which included updates to landownership and interests identified since submission. A further Book of Reference was submitted as part of the change request on 27 March 2023 (Revision C). This is the latest version and no other updates have been identified since this was submitted. It has therefore not been resubmitted again for Deadline 1. The Book of Reference [AS-023], Statement of Reasons [AS-021] and Land Plans [AS-010] will be kept fully up to date with any changes and the latest changes will be submitted at each Deadline going forwards.
		ii) supplied in two versions at each Deadline, starting at Deadline 1 (with a final version of these documents submitted at Deadline 7), the first being the up-to-date clean copy and the second showing tracked changes from the previous version; and	A clean and tracked version will be submitted each time these documents are submitted. The Land Plans [AS-010] will be issued with clean copies only.
		iii) supplied with unique revision numbers that are updated consecutively from the application versions, clearly indicated within the body of each document and included within the electronic filename; and the draft DCO, is updated accordingly, including Schedules 7 and 8?	Unique revision letters that are updated consecutively from the application versions will be included in the body of each document and filename. The Applicant will also update the dDCO [AS-016] accordingly.
Q.1.6.7	Applicant	Please complete the table at Annex A of this ExQ1 document.	This table has been completed and provided as an updated version of the Schedule of Negotiations with Land Interests [APP-028] submitted at Deadline 1 (document reference: D.4.1.1).
Q.1.6.8	Affected Persons and IPs	Are any 'Affected Persons' and/ or 'IPs' aware of: i) any reasonable alternatives to any CA or Temporary Possession (TP) sought by the Applicant; or	
		ii) any areas of land or rights that the Applicant is seeking the powers to acquire that they consider are not needed?	

ExQ1	Question to	Question	Applicant's Response
Q.1.6.9	Applicant	At each of the relevant Deadlines, starting at Deadline 1 and finishing at Deadline 7, as shown in the Examination timetable, please provide a schedule of progress on discussions regarding CA and TP, voluntary agreements, objections and any progress in respect of blight that: i) identifies the Affected Person, their interests in each plot, the powers sought by the Applicant; the purpose(s) for which they are sought; and the anticipated duration of any TP;	This information has been updated in the Schedule of Negotiations with Land Interests [APP-028], which has been provided at Deadline 1 (document reference: D.4.1.1).
		ii) summarises any objections by the Affected Person to the powers being sought by the Applicant, and the Applicant's responses;	
		iii) identifies whether voluntary agreement has been reached;	
		iv) sets out the progress made since the last update, any outstanding matters, the next steps to be taken and the progress anticipated by the close of the Examination. Please note that: a) the above information will be published on our website, so commercial and/ or confidential details need not be given; and b) in relation to another NSIP Application, the SoS recently wrote to the Applicant and named IPs who made submissions on that proposal commenting that issues should be resolved by the end of the Examination and that, in general, the parties should not rely on additional consultation following the close of any Examination to resolve such issues.	
Q.1.6.10	Statutory Undertakers	Protective Provisions - A number of Statutory Undertakers, including Cadent Gas Ltd; the Canal and River Trust (CRT); National Grid Electricity Transmission PLC; National Grid Gas PLC; National Highways Ltd (NH); Network Rail Infrastructure Ltd (NR); SP Energy Networks and United Utilities Water Ltd, have noted that: i) Protective Provisions in their favour have not been included within the draft DCO; ii) their standard Protective Provision wording has not been used; and iii) site specific circumstances in regard to Protective Provisions have not been taken into account. The ExA would ask all Statutory Undertakers to: a) provide copies of their preferred wording or, if they have previously provided wording to the Applicant, explain why the wording	

ExQ1	Question to	Question	Applicant's Response
		in the current version of the draft DCO should not be used; b) where relevant, advise what site-specific circumstances, in regard to Protective Provisions, have not been taken into account; and c) provide confirmation that the parties are willing to enter into a side agreement, or has commenced preparation of such a side agreement, or already entered into such a side agreement to the satisfaction of the relevant parties. Please note that the above information will be published on our website, so commercial and/ or confidential details need not be given.	
Q.1.6.11	Applicant	In consideration of the Statutory Undertakers comments, including those from Cadent Gas Ltd, CRT, National Grid Electricity Transmission PLC, National Grid Gas PLC, NH, NR, SP Energy Networks and UUW as set out in the question above (Q1.6.10), regarding their Protective Provisions not being used in the draft DCO or that their Protective Provision wording has not been used, the ExA would ask the Applicant to comment on these RRs, including: i) why they have not included any Protective Provisions for the CRT or NH;	<p>The Applicant did not include PPs for the benefit of CRT in the application version of the dDCO [APP-024] as the Applicant had not received CRT's preferred version and did not want to pre-empt that with a very different version drafted solely by the Applicant and without the benefit of having had the necessary discussions with CRT. The Applicant and CRT are in discussion on the wording of the PPs based on CRT's standard drafting. The Applicant considers that the CRT standard drafting requires some amendment to reflect the specific circumstances of this project. For example, the standard drafting would allow CRT in some circumstances to undertake CO₂ pipeline works, which is not acceptable in principle to the Applicant as these are specialised engineering works over which it must retain control. The work to agree a site-specific set of provisions is ongoing.</p> <p>The Applicant did not include PPs for the benefit of NH in its application dDCO [APP-024] as it had not yet agreed with NH what the preferred approach for this project would be, and if for example the need for PPs would be obviated by another agreement. The Applicant has now received NH's standard PPs however the Applicant considers that these require amendment to reflect the specifics of this project. The standard PPs are drafted on the (understandable) basis that the impact on the SRN would be in the form of 'roadworks' in the sense of being works to the carriageway and related infrastructure or to build new SRN. In this case, the works require no alteration to the 'road' other than installation of the pipe at some depth below the operational carriageway. Sections of the standard drafting therefore relate, for example, to opening works to traffic which do not apply to this project. The work to agree a site-specific set of provisions is ongoing.</p> <p>The Applicant confirms it is in discussion with Cadent Gas Ltd, National Grid Electricity Transmission PLC, National Grid Gas PLC, NR, SP Energy Networks and UUW seeking to agree PPs. As with the CRT and NH drafts, the standard wording in each case requires to be reviewed having regard to the specifics of this project and the works proposed. The Applicant is not aware of any in-principle reason why a suitable agreement cannot be reached in each case.</p>
		ii) whether they are in discussion with the Statutory Undertakers as to the site specific circumstances in regard to Protective Provisions and what progress has been made in resolving the concerns raised by them;	
		iii) whether they were aware of the Statutory Undertaker's preferred wording; and	
		iv) why the Statutory Undertakers preferred wording was not used.	

ExQ1	Question to	Question	Applicant's Response
			As a general principle, the Applicant cannot agree to exclusion of the compulsory powers in PPs until the appropriate land agreements have progressed. Accordingly, while there is no intention to purchase or extinguish any interest of the statutory undertakers other than where necessary for a diversion and with replacing that, restriction in the form 'powers cannot be exercised over any land in which "X" hold an interest' cannot yet be agreed as that would prevent the Applicant acquiring other interests in land, including quite broadly where "X" holds for example a right of access over a wide area. The Applicant is working to reach voluntary agreements which remove this issue.
Q.1.6.12	Statutory Undertakers	Many Statutory Undertakers in their RRs have indicated that their primary concerns are to meet their statutory obligations and ensure that any development does not impact in any adverse way upon these statutory obligations. The ExA would ask whether: i) they have undertaken any assessment of the Proposed Development's impact on their statutory obligation(s) or are currently doing such an assessment(s); and	
		ii) they have identified any such concerns and, if so, what those concerns are.	
Q.1.6.13	Applicant/ Statutory Undertakers	Pursuant to the above question (Q1.6.12), the ExA would ask the Applicant and Statutory Undertakers whether any discussions about the Statutory Undertakers concerns, especially those related to them being able to meet their statutory obligations have occurred and, if so, what progress has been made by these parties with regard to addressing those concerns.	The Applicant is not aware that any Statutory Undertaker considers that, subject to suitable agreement being reached on PPs and those being included in the DCO, they cannot meet their statutory obligations.
Q.1.6.14	Applicant	Where a representation is made by a Statutory Undertaker under section 127 of the Planning Act 2008 (PA2008) and has not been withdrawn, the SoS would be unable to authorise powers relating to the statutory undertaker land unless satisfied of specified matters set out in section 127. If the representation is not withdrawn by the end of the examination confirmation would be needed that the "expedience" test is met. The SoS would also be unable to authorise removal or repositioning of apparatus unless satisfied that the extinguishment or removal would be necessary for the purpose of carrying out the development to which the Order relates in accordance with section 138 of	Sections 127(3) and 127(5) provide that the compulsory acquisition of the land and rights of statutory undertakers which is held for the purposes of their undertaking can only be authorised where the Secretary of State is satisfied the right can be purchased without serious detriment to the carrying on of that undertaking. It is clear from previous considerations of section 127 of the Planning Act 2008 that serious detriment is a high bar. Just because there is any adverse impact or detriment will not mean that serious detriment exists. In the Lake Lothing DCO examination, ABP (the port authority) argued that the proposals would cause serious detriment to their port undertaking at Port of Lowestoft. The proposals included the permanent compulsory acquisition of 3,000m ² of land side and bed of the lake; 2,500m ² of airspace and rights under bridge decks; and 4,500m ² of rights over the only access to the port. Temporary Possession of 40,500m ² of land and water within the port estate

ExQ1	Question to	Question	Applicant's Response
		the PA2008. Justification would be needed to show that extinguishment or removal would be necessary. Please indicate when, if the objections from Statutory Undertakers are not withdrawn, this information would be submitted into the Examination.	<p>was also sought for construction purposes. The impact of the permanent works included the loss of 165m of berthing. ABP also submitted that the proposals would seriously compromise the operational viability of the port, create a constraint on the retention of existing business and the attraction of new business, and cause damage to the strategic significance and the economic contribution of the port. ABP submitted that this therefore amounted to serious detriment. The panel in their recommendation report found that “the Proposed Development would cause material harm to the operational port. However, the extent of this harm, when considered in the context of the port operation as a whole, may be characterised as no more than moderate” [Examining Authority Recommendation Report on the Lake Lothing Third Crossing Development Consent Order, paragraph 5.8.156]. In the decision letter the Secretary of State concluded that the “effect of the Proposed Development on the operation of the port would not justify refusing development consent”. The Secretary of State determined that “in the context of section 127 of the 2008 Act that the CA and TP powers sought would be detrimental to the carrying out of ABP’s statutory undertaking but this detriment would not be serious”.</p> <p>The Applicant notes that it is not currently seeking extinguishment of SU rights where replacement on a repositioned alignment would not be provided. The Applicant submits that repositioning of apparatus, which in the absence of bespoke PPs would be controlled by the generic PPs for electricity, gas, water, sewerage and communications operators, could not meet the high bar of being serious detriment.</p> <p>The Applicant submits that in terms of section 138, the removal of apparatus (which would be replaced with alternative apparatus and rights as set out in the PPs) may be necessary to deliver a safe project and comply with the various standards and design requirements. The powers sought are accordingly necessary. It will not be possible given the length of the pipeline to avoid crossings of other undertakers’ apparatus. Crossing of existing apparatus may require some adjustment to that apparatus to achieve a crossing which is acceptable to both parties, including ensuring these comply with the undertaker’s standards. These include limitations on the angles of crossings (with 90 degrees commonly being the preferred angle but a range around that being acceptable), and minimum separation distances between the pipeline and other apparatus will be required. It may also be necessary to relocate apparatus which is in the land required for surface sites to allow construction of those sites and to ensure that apparatus is relocated outside the fenced area where access to other undertakers would be restricted and is not therefore acceptable.</p>
Q.1.6.15	Applicant	The Applicant is reminded that the Department for Communities and Local Government (as it then was) Guidance related to procedures for CA (September 2013) states: “Applicants should be able to demonstrate that adequate funding is likely to be available to enable CA within	A full Property Cost Estimate (PCE) has been carried out by the Applicant which provides a breakdown of the anticipated CA costs to all plots identified within the Order Limits. The PCE is confidential and therefore will not be submitted into the Examination. The PCE has been based on the ‘market rate’ for land in the area having regard to recent sales data. This has been adjusted for known individual

ExQ1	Question to	Question	Applicant's Response
		<p>the statutory period following the Order being made, and that the resource implications of a possible acquisition resulting from blight notice has been taken account of".</p> <p>The ExA notes the Funding Statement [APP-029] and that it does not identify any specific cost estimates, but would ask whether: i. a specific breakdown of the anticipated CA costs of the specific plots has been undertaken and, if available, for that information to be entered into the Examination or for the Applicant to provide a detailed explanation as to why such information should not be submitted into the Examination; and</p>	<p>factors affecting properties, such as where planning permission which would change land value has been sought. Some of this information is commercially confidential or contains business specific information provided to the Applicant which was not given in the context of being made public. Commercial negotiations with landowners are ongoing and the Applicant is confident good progress can be made on those.</p> <p>The Applicant considers that while the ExA requires to be satisfied as the overall availability of funding, including for compensation, is adequate, that does not need to be done on a case by case basis but rather on a project wide basis. Given the acreages involved deviations from one landholding to another tend to average out across the scheme allowing the average market value to represent a reasonable proxy.</p>
		<p>ii. in regard to the estimate of the total CA cost provided in the Funding Statement [APP-029] for the Applicant to provide a detailed clarification as to how that CA figure was arrived at. Please note that the above information will be published on our website, so commercial and/ or confidential details need not be given.</p>	<p>In arriving at the total CA figure the Applicant carried out a Property Cost Estimate (PCE) of all plots of land within the Order Limits. In carrying out the PCE the Applicant has considered the likely Heads of Claim to be expected on the basis that land and rights are acquired via CA should voluntary negotiations be unsuccessful. The associated financial figure represents the estimated cost to all landowners, occupiers and third parties affected by the Project.</p> <p>In undertaking the PCE the Applicant has given due regard to the following claim items:</p> <ul style="list-style-type: none"> • Acquisition of freehold land/land rights • Blight • Injurious Affection and Severance • Compensation/disturbance • Third party professional fees • Claims arising under Section 10 of the Compulsory Purchase Act 1965, Part 1 of the Land Compensation Act 1973 and Section 152(3) of the Planning Act 2008 • Stamp Duty Land Tax <p>The estimates for the above claim items are based on professional judgement and experience of similar schemes.</p> <p>The values provided represent the Applicant's current view, rather than a projected view, and allow for existing use values and, where relevant, potential development values. The claim items are set out below:</p> <p>Acquisition of Freehold Land</p> <p>The Applicant has assessed the value of all plots within the Order Limits required for freehold acquisition via CA for the purpose of the pipeline and surface sites, this may also include landscaping, mitigation land, drainage solutions and permanent accesses. In order to reach a valuation for each plot, the Applicant has reviewed the existing use open market value of the land in a 'no scheme world' and disregarding</p>

ExQ1	Question to	Question	Applicant's Response
			<p>the fact that the land is being compulsorily acquired, as required under the applicable legislation. The Applicant has also given consideration as to whether any hope value might exist.</p> <p>Acquisition of Land Rights</p> <p>It is proposed that permanent rights and land will be acquired for access, drainage and utilities.</p> <p>Blight</p> <p>Throughout the consultations and negotiations to date, the Applicant has not been made aware of any parties intending to serve a blight notice. Persons whom the Applicant deems may have a valid blight claim are fully identified in the BoR [AS-023] as blight claims are related to the impact of powers over interests in land. The Applicant has therefore included a sum within the PCE to cover any 'blight risk' properties. The Applicant notes from their assessment that the likelihood of blight claims being received is low.</p> <p>Injurious Affection</p> <p>The Applicant has assessed the likelihood for injurious affection claims to arise and considers the risk of such claims to be low having taken due regard for the proximity of residential properties to the surface sites. A sum has been allowed for within the PCE in the event of any injurious affection claims arising.</p> <p>Severance</p> <p>The Applicant has assessed the likelihood for severance claims to arise - the majority of land along the pipeline route is agricultural land and once the pipeline has been installed underground there should be no permanent severance of land.</p> <p>The Applicant has made an allowance within the PCE for severance in the case of some surface sites and mitigation land based on the open market value of the relevant property before and after any permanent severance. Temporary severance has also been allowed for within the compensation/disturbance amount.</p> <p>Compensation/Disturbance arising from Temporary Works</p> <p>The Applicant has considered compensation/disturbance losses resulting from the temporary occupation of land for temporary works to facilitate the construction of the pipeline and associated assets.</p> <p>The Applicant has assessed the existing land use of plots within the Order Limits to provide an estimate on compensation/disturbance. The estimate covers loss of crops, business losses, reinstatement costs, loss of subsidies/grants and the claimants justified time.</p>

ExQ1	Question to	Question	Applicant's Response
			<p>The likely impact on businesses is still incomplete due to the limited evidence being presented to date. As such general assumptions have been made and an allowance for this has been included within the PCE.</p> <p>Third Party Professional Fees</p> <p>The Applicant has included an allowance for reasonable surveyors' and solicitors' costs for representing the claimants.</p> <p>Claims arising under Section 10 of the Compulsory Purchase Act 1965, Part 1 of the Land Compensation Act 1973 and Section 152(3) of the Planning Act 2008.</p> <p>The Applicant has applied a multidisciplinary approach to the initial identification of potential Category 3 parties.</p> <p>The primary cause for any relevant claim during the construction period was determined to be the interference of loss of rights as potential section 10 claims. These are all listed in the Book of Reference [AS-023] Other potential impacts and compensation claims were reviewed in consideration of: i) section 10 of the Compulsory Purchase Act 1965; ii) Part 1 of the Land Compensation Act 1973; and/ or iii) section 152(3) of the PA2008. As there would be no operational impacts from the underground pipeline the potential for relevant claims to arise in relation to the operation of the development is limited to properties in proximity to the above ground elements. The predicted environmental factors in the area around the above ground elements were considered in full and the Applicant determined that there were no additional properties to those already subject to compulsory acquisition that were in sufficient proximity to the above ground elements that were considered by the Applicant to being entitled to make a relevant claim.</p> <p>The Applicant undertook adequate diligent inquiry to identify the parties in Part 2 of the Book of Reference [AS-023] who would, or might be entitled to, make a relevant claim. The Applicant does not consider there are any further parties who need to be included. Although the Applicant considers the risk of such claims to be low an allowance has been made within the PCE.</p> <p>Stamp Duty Land Tax and VAT</p> <p>The Applicant has made an allowance within the PCE for any Stamp Duty Land Tax which it may be liable for as a result of property transfers in excess of the £150,000 threshold. A 2% rate has been applied for acquisitions between £150,000 and £250,000 and 5% on any balance over £250,000.</p> <p>The PCE has been based on a robust set of worst case assumptions of compensation liability.</p>
Q.1.6.16	Applicant	Consent is required for any other provision in the DCO which relates to Crown land or rights benefiting the Crown in	Crown land has been identified in the Book of Reference [AS-023] as follows.

ExQ1	Question to	Question	Applicant's Response
		accordance with s135(2) PA2008. Among other things this includes consent for any TP sought over Crown land. The ExA would ask the Applicant to indicate whether consent for any provisions affecting Crown land or rights has been or is forthcoming.	<p>The Secretary of State for Transport has been identified in the Book of Reference [AS-023] as having rights over land as follows:</p> <ul style="list-style-type: none"> • Temporary possession: 2-02, 5-03 • Subsurface acquisition: 2-03, 4-20, 5-02, 5-10 • Acquisition of land: 5-01 <p>Communication has commenced with the Department for Transport setting out these plots and requesting progress in discussions leading to consent. Given the limited impact on the Crown rights, it is anticipated that the consent will be forthcoming.</p> <p>The Secretary of State for Defence has been identified in the Book of Reference [AS-023] as having rights over land as follows:</p> <ul style="list-style-type: none"> • Temporary possession: 7-10, 8-02 • Subsurface acquisition: 6-28, 7-07, 7-08, 7-09, 8-01, 8-16, 22-07, 22-08, 22-09 • Acquisition of land: 22-06, 22-10 • Acquisition of rights: 6-27 <p>Communication has commenced with the Ministry of Defence setting out these plots and requesting progress in discussions leading to consent. Given the limited impact on the Crown rights, it is anticipated that the consent will be forthcoming.</p> <p>The Welsh Ministers have been identified in the Book of Reference [AS-023] as owning land as follows:</p> <ul style="list-style-type: none"> • Subsurface acquisition: 17-22, 17-24, 19-10, 19-11, 19-12, 20-01, 20-02, 20-03, 20-05, 20-06 <p>As set out in the updated in the Schedule of Negotiations with Land Interests [APP-028], which has been provided at Deadline 1, negotiations have been ongoing with the Welsh Ministers since May 2022. Updated Heads of Terms have been issued, and discussions continue.</p> <p>The Secretary of State for Wales has been identified in the Book of Reference [AS-023] as having rights over land as follows:</p> <ul style="list-style-type: none"> • Subsurface acquisition: 18-26 <p>Communication has commenced with the Welsh Government setting out this plot and requesting progress in discussions leading to consent. Given the limited impact on the Crown rights, it is anticipated that the consent will be forthcoming.</p> <p>The King's Most Excellent Majesty in Right of His Crown has been identified in the Book of Reference [AS-023] as owning mines and minerals in land as follows:</p> <ul style="list-style-type: none"> • Temporary possession: 22-04

ExQ1	Question to	Question	Applicant's Response
			Communication has commenced with the Crown Estate setting out this plot and requesting progress in discussions leading to consent. Given the limited impact on the Crown rights, it is anticipated that the consent will be forthcoming.
Q.1.6.17	Applicant	<p>The BoR [APP-030] includes the CA of land identified as 'Open Space'. As such an order granting Development Consent would be subject to special parliamentary procedure, to the extent that the order authorises the compulsory acquisition of land, unless any of the exceptions specified in Section 131 or Section 132 of the PA2008 apply. Please advise whether you consider: i) any of the exceptions specified in the above mentioned sections apply;</p> <p>or ii) an Order granting Development Consent would need to be subject to special parliamentary procedure. Please provided detailed reasoning with your response.</p>	<p>As set out in the Statement of Reasons [AS-021] at section 7.1, the DCO will engage section 132 as the acquisition of rights is being sought, albeit on a precautionary basis. The Applicant considers that the exemption to the application of the SPP which is provided by section 132(3) would apply. The Applicant is seeking rights to install the pipeline under open space land over Plot 17-02. In order to protect the pipeline a number of restrictive covenants are sought to be imposed over the surface of the land. The purpose of these restrictive covenants is to prevent activities on the surface which would endanger the pipeline. The restricted activities include construction and planting of trees over the pipeline area. The restrictive covenants are intended to prevent construction on the land, which is entirely compatible with its designation as open space. There will be no interference with the current uses, including that of the open space and playground which can undertake its regular activities including ongoing maintenance. A right is also sought over plot 17-02 to install and use a drainage connection from Aston Hill BVS to be constructed in plot 17-03 (Work No. 36) to the existing drain in plot 17-01. The route of the drain will be designed to minimise interference with the open space use, avoiding for example the area where play equipment is installed. Installation of the drain would involve the opening of a small trench, laying of pipework, formation of a connection/outfall to drain in plot 17-01 and reinstatement of the surface.</p> <p>The Applicant submits that in the case of the drainage right, section 132(3) also applies as, given the above, the Applicant considers that while there will be some temporary disruption to the use of open space during construction, once the drain has been installed there will be no ongoing impact and the acquisition of the rights sought will not render the open space less advantageous than it is at present to its owner or the public.</p>
Q.1.6.18	Applicant	NR in its RR [RR-026] currently object to the powers contained in Articles 19 (Discharge of Water), 21 (Authority to survey and investigate the land), 22 (Protective works to buildings), 24 (Compulsory acquisition of land), 26 (Compulsory acquisition of rights and restrictive covenants), 27 (Statutory authority to override easements and other rights), 28 (Compulsory acquisition of land: minerals), 29 (Private rights), 31 (acquisitions of subsoil or airspace only), 33 (rights under or over streets), 34 (Temporary use of land for carrying out the authorised development), 35 (Temporary use of land for maintaining the authorised development) and	The Applicant is in active discussion with Network Rail to progress an asset protection agreement ("APA") with NR to provide the necessary rights under the railway subject to the various approvals and protections NR require. The Applicant is aware of NR's objection to compulsory powers being sought over its land. The Applicant also notes that NR's preferred drafting of the PPs in its favour would prevent use of such powers over its interests, and in general in land in which it has an interest without its consent. The Applicant cannot agree to that restriction until the APA has been progressed and it can have certainty that the APA can be finalised in an acceptable form. There is no in-principle issue of which the Applicant is aware that cannot be resolved. The Applicant is seeking to progress the APA expeditiously and hopes to make significant progress in short course.

ExQ1	Question to	Question	Applicant's Response
		39 (Felling or lopping of trees and removal of hedgerows) of the draft DCO. NR also advise that any temporary use of or entry upon NR's operational railway can only be granted with NR's consent as any such use of the railway must be in accordance with the statutory requirements imposed on NR as operator of the railway network and all requirements necessary to ensure the safe operation of the railway. Furthermore, NR states that in addition to Protective Provisions, the Applicant will need to enter into an Asset Protection Agreement, especially in relation to Work Nos. 4, 24, 24A, 25, 31B, 32, 38 and 43, to ensure the appropriate and necessary technical, engineering and safety requirements for working on or near NRs operational railway are applied to the DCO Scheme. NR set out criteria in its RR, which if met they anticipated they would be in a position to withdraw its objections. The ExA would ask the Applicant to respond in detail to NR's RR and advise what progress they are making to resolving the concerns raised with a view to them removing this objection.	
Q.1.6.19	Applicant	SP Energy Networks in its RR [RR-075] states it must ensure the avoidance of any adverse impact on its network. It sets out the matters needing to be addressed and the ExA would ask for the Applicant to respond in detail to this RR and advise what progress has been made in regard to resolving the matters that have been raised.	<p>SP Energy Networks confirmed within their RR [RR-075] that engagement on various matters have been under discussion for some time.</p> <p>The Applicant has provided SPEN with location information for where the DCO Proposed Development is to be in close proximity to SPEN assets and has agreed to produce specific plans to show affected assets within a 15m buffer zone.</p> <p>The Applicant has confirmed with SPEN that no diversions are known to be required. Any diversion needed would be small and within the scope of the DCO.</p> <p>The Applicant is engaging with SPEN regarding Protective Provisions which will address protection of SPEN's assets.</p> <p>The Applicant has drafted a Statement of Common Ground with SPEN (document reference: D.7.2.20) and will provide an initial draft to the ExA for Deadline 1.</p>
Q.1.6.20	Applicant	In addition to the concerns of NR and SP Energy Networks highlighted in the above questions (Q1.6.18 and Q1.6.19), the CRT have also objected to the CA/ TP element of the Proposed Development. Much of its concerns and objections raised in this regard appear to centre around the fact that CA is intended as a last resort to secure the assembly of all the lands needed for the implementation of the projects and should only be made where there is a	<p>The Applicant confirms that both parties' RRs have been responded in detail.</p> <p>The Applicant is continuing to engage and negotiate with the Canal and River Trust in order to reach a voluntary agreement. The Applicant will only rely on CA as a last resort if voluntary agreement cannot be reached. CRT have appointed a surveyor to progress negotiations, and negotiation on the commercial terms of a potential agreement are ongoing. Feedback has also been provided on the proposed Heads of Terms by CRT which the Applicant is currently reviewing.</p>

ExQ1	Question to	Question	Applicant's Response
		<p>compelling case in the public interest. Bearing this in mind, please: i) respond in detail to the RR made by the C&RT [RR-008]; and</p> <p>ii) demonstrate what reasonable steps you have undertaken to acquire all of the land and rights included in the Order, both prior to and after the submission of this DCO Application.</p>	<p>The Schedule of Negotiations with Land Interests [APP-028] sets out the negotiations and reasonable steps that were undertaken to acquire the land and rights included in the Order prior to DCO submission. Heads of Terms have been issued to all landowners and negotiations commenced. Three parties signed up to the Heads of Terms as issued at that stage.</p> <p>Since DCO submission, negotiations have been ongoing and feedback has been received from landowners and their agents. As a result of such negotiations, the Applicant agreed to revise the terms of the initial commercial offer. Updated Heads of Terms reflecting these revised terms have been issued to the majority of landowners, and an updated Schedule of Negotiations with Land Interests [APP-028] has been submitted at Deadline 1 reflecting the current position with each landowner (document reference D.4.1.1).</p>
Q.1.6.21	Applicant	<p>Part 2 of the BoR is noted, however, the ExA would ask the Applicant whether there are any other persons who might be entitled to make a relevant claim under: i) section 10 of the Compulsory Purchase Act 1965; ii) Part 1 of the Land Compensation Act 1973; and/ or iii) section 152(3) of the PA2008, if the DCO were to be made and fully implemented and should therefore be added as Category 3 parties to the BoR [APP-030]? This could include, but not be limited to, those that have provided representations on, or have interests in:</p> <ul style="list-style-type: none"> • noise, vibration, smell, fumes, smoke or artificial lighting; • the effect of the construction or operation of the Proposed Development on property values or rental incomes; • concerns about subsidence/ settlement; • claims that someone will need to be temporarily or permanently relocated; • impacts on a business; • loss of rights, e.g., to a parking space or access to a private property; 	<p>The Applicant has applied a multidisciplinary approach to the initial identification of potential Category 3 parties. This involved input from specialist land agents, environmental consultants and the project team. As part of the identification and refinement process, the respective subject matter experts combined to:</p> <ul style="list-style-type: none"> • confirm what could constitute a relevant claim; • advise on matters arising from the construction or operation of the project which may give rise to a claim; • undertake property due diligence exercise on properties where it was perceived a claim could possibly be made; and conclude the properties potentially impacted and the likelihood of success of any claims. <p>The primary cause for any relevant claim during the construction period was determined to be the interference or loss of rights as potential section 10 claims. These are all listed in the Book of Reference [AS-023]. Other potential impacts and compensation claims were reviewed in consideration of i) section 10 of the Compulsory Purchase Act 1965; ii) Part 1 of the Land Compensation Act 1973; and/ or iii) section 152(3) of the PA2008. As there would be no operational impacts from the underground pipeline, the potential for relevant claims to arise in relation to the operation of the development is limited to properties in proximity to the above ground elements. The predicted environmental factors during operation in the area around the above ground elements were considered in full and the Applicant determined that there were no additional properties to those already subject to compulsory acquisition</p>

ExQ1	Question to	Question	Applicant's Response
		<ul style="list-style-type: none"> concerns about project financing; claims that there are viable alternatives; and/ or blight? 	<p>that were in sufficient proximity to the above ground elements that were considered by the Applicant to being entitled to a relevant claim.</p> <p>The Applicant notes that concerns about project financing and submissions about alternatives are not legal interests in land which would be listed in the BoR [AS-023].</p> <p>Persons who may have a valid blight claim are fully identified in the BoR as blight claims are related to the impact of powers over interests in land.</p> <p>The Applicant undertook adequate diligent inquiry to identify the parties in Part 2 of the Book of Reference [AS-023] who would, or might be entitled to, make a relevant claim. The Applicant does not consider there are any further parties who need to be included.</p>
Q.1.6.22	Applicant	Are any land or rights acquisitions required in addition to those sought through the draft DCO before the Proposed Development can become operational?	Voluntary agreements will be required for plots forming Crown land and negotiation to secure those is in progress. Other than agreements for Crown land, no other land or rights are required.
Q.1.6.23	Applicant, Affected Persons and IPs	Do you consider all potential impediments to the development have been properly identified and addressed? Additionally, are there concerns that any matters, either within or outside the scope of the draft DCO, that would prevent the development becoming operational may not be satisfactorily resolved? This includes matters related to acquisitions, consents, resources or other agreements?	Yes, the Applicant considers that all impediments have been identified and are addressed. Those matters which are not addressed in the dDCO [AS-016] itself are listed in the Other Consents and Licences document [APP-046]. The Applicant is not aware of any in-principle reason why any of the matters listed will not be resolved at the appropriate stage.

Table 2-7 – Cultural Heritage

ExQ1	Question to	Question	Applicant's Response
Q1.7.1	Applicant	<p>Flintshire CC comment that the Written Scheme of Investigation is largely robust and appropriate. However, clarification should be made from the Applicant/ consultants whether a rolling watching brief utilising a strip/ map/ excavate methodology will be included during the initial easement and pipe trench excavation to formation level, as this typically finds more features that were not revealed by the geophysics and trial trenching alone, particularly features of prehistoric date.</p> <p>Can the Applicant confirm? How will the commitment be formalised?</p>	<p>The Applicant's approach is to target mitigation activities through the implementation of a strategy informed by both invasive and non-invasive assessment described below. For this reason, the Applicant is not proposing a blanket and route-wide 'rolling' archaeological watching brief during the easement and pipeline trench excavation in areas where limited archaeological potential has been adequately demonstrated through a number of sequential surveys. To date, the surveys comprise:</p> <ul style="list-style-type: none">• Historic Environment Desk-Based Assessment [APP-085 and APP-086];• Remote Sensing - Aerial Photos and LiDAR Assessment [APP-088];• Geophysical Survey [APP-089]; and• Geoarchaeological Deposit Model Report [APP-090]. <p>In addition, the first phase of archaeological trial trenching has been completed, and the results will be submitted during the Examination. These have been targeted on anomalies identified during the geophysical survey, and at the locations where the design is fixed (i.e. BVSs, AGIs and construction compound locations). Furthermore, a second phase of trial trenching will be undertaken following Detailed Design. This will comprise a 2% sample of the refined 32m wide working width for the construction of the Newbuild Carbon Dioxide Pipeline. As stated in the Chartered Institute for Archaeologists (CIfA) (2020) Standard and Guidance for Archaeological Field Evaluation:</p> <p><i>"The purpose of field evaluation is to gain information about the archaeological resource within a given area or site...in order to make an assessment of its merit in the appropriate context, leading to one or more of the following:</i></p> <p><i>a. the formulation of a strategy to ensure the recording, preservation or management of the resource</i></p> <p><i>b. the formulation of a strategy to mitigate a threat to the archaeological resource</i></p> <p><i>c. the formulation of a proposal for further archaeological investigation within a programme of research."</i></p> <p>This clearly indicates that the archaeological evaluation shall lead to a strategy to deal with the archaeology and does not directly commit to a watching brief as one of the outcomes. The Applicant has committed to developing a mitigation strategy once the results of all surveys are available, in line with this guidance.</p> <p>A rolling watching brief was defined by Clwyd-Powys Archaeological Trust (CPAT), archaeological advisors for Flintshire CC, as <i>"a watching brief maintained on all new initial ground reduction to formation level outside the areas evaluated normally at the pre-determination stage, so outside all areas examined by the trenching so far and outside the</i></p>

ExQ1	Question to	Question	Applicant's Response
			<p><i>areas covered by the 2% sample post consent</i>” in an email exchange between the Applicant and the Archaeological Advisor at CPAT (dated 23/03/2023).</p> <p>It is currently standard practice in the sector to manage archaeological risk in advance of, rather than during, enabling and construction phase development works, basing archaeological evaluation and mitigation strategies on archaeological potential, targeting areas of higher risk for the development and maintaining a proportionate response to potential impacts on heritage assets. This standard approach ensures that there is sufficient time to record significant archaeological remains appropriately without causing delays to the main construction programme. This approach has been used on schemes including the HS2 Enabling Works Contracts and the A428 Black Cat to Caxton Gibbet. However, it is acknowledged that the key here is to ensure that schemes are robustly evaluated, to allow for careful design of a targeted mitigation strategy.</p> <p>The ClfA Standard and Guidance for an Archaeological Watching Brief (2020) states that the purpose of a watching brief is:</p> <p><i>“to allow...the preservation by record of archaeological deposits, the presence and nature of which could not be established (or established with sufficient accuracy) in advance of development or other potentially disruptive works”.</i></p> <p>The development of the proposed mitigation strategy takes into account the results of all elements of the archaeological evaluation, as detailed above. In areas where the archaeological potential cannot be determined through evaluation (such as if proposed trenching could not be undertaken due to access restriction), strip, map and sample will be completed to ensure that where the land has not been evaluated that there is a mitigation measure in place (see Section 3.3 of the Outline Archaeological Written Scheme of Investigation [APP-223] for the methodology).</p> <p>To develop the mitigation strategy, the results of all phases of evaluation will be used to determine the importance and complexity of the archaeology to allow defined mitigation areas to be identified, with an appropriate level of recording, proportionate to the value and importance of each archaeological site. One of the project archaeology team (either a designated Archaeological Clerk of Works, if required, or a member of the excavation team) will undertake twice weekly review of the initial ground reduction works to ensure that archaeological remains can be identified and recorded.</p> <p>As stated above, this approach has been accepted on a number of schemes which have been approved by a Secretary of State including the A428 Black Cat to Caxton Gibbet where 41 distinct mitigation areas were defined, and on the M54 to M6 Link Road, where the only mitigation required was for two small areas of watching brief where there was no access for the trial trenching. As no archaeological features were identified during the trial trenching for the M54 to M6 Link Road within the areas that were accessible, no other archaeological mitigation measures were required.</p>

ExQ1	Question to	Question	Applicant's Response
			<p>Across the DCO Proposed Development there are a number of areas that are not suitable for the preservation of archaeological remains and therefore have very low archaeological survival potential. These include areas that were quarried or mined for natural resources, specifically coal. A rolling watching brief in these areas would not be a proportionate response.</p> <p>CPAT have provided information from the South Wales Gas Pipeline, which identified Bronze Age cremation burials not located by evaluation methods. However, this area was located close to a henge monument that was identified during the archaeological evaluation, and as a consequence this area was chosen for further mitigation in the form of an archaeological watching brief (Darvill <i>et al.</i>, 2020, Timeline: The Archaeology of the South Wales Gas Pipeline). It is acknowledged that the DCO Proposed Development extends into a Bronze Age ritual landscape, with known remains of Bronze Age barrows, although there is no evidence to suggest that the types of Bronze Age cremation burials referenced by CPAT are present. However, the nature of the ritual landscape will be factored into the mitigation strategy to ensure that remains of this type are considered. This will be done by reviewing existing records taking into consideration the types of ritual remains previously discovered in the area and the types of activity have been undertaken in the landscape which may have obscured any remains. As part of the mitigation strategy a watching brief or strip map and sample may be chosen in this area, but the final decision will not be made until the results of all archaeological evaluation are received.</p> <p>The detailed evaluation of the DCO Proposed Development is secured by Requirement 10 of the dDCO [AS-016] which requires detailed WSIs to be submitted for approval by Historic England or Cadw in accordance with the Outline Archaeological WSI [APP-223]. Discussions regarding the mitigation strategy with the statutory consultees, Cadw, Historic England, Clywd Powys Archaeology Trust (CPAT) as advisors for Flintshire County Council (FCC), and the Archaeology Planning Advisory Service (APAS) for Cheshire West and Chester Council (CWCC), is currently on-going.</p> <p>The Applicant will submit an updated Outline Archaeological Written Scheme of Investigation during the examination.</p>

Table 2-8 – Design and Layout
No Questions

Table 2-9 – EIA and ES

ExQ1	Question to	Question	Applicant's Response
Q1.9.1	Applicant and IPs, including CWCC and FCC	<p>The ExA recognises that some of the baseline survey information included within the ES is of some age. There are also circumstances which have arisen (including from the COVID-19 pandemic) which may or may not had an effect to using the baseline data and any conclusions/ assumptions to be drawn from that.</p> <p>i) The Applicant is requested to set out in a single schedule (with reference to the relevant chapters) any additional baseline data gathering that has taken place or is ongoing, or otherwise set out the reasons why that existing baseline data remains fit for purpose.</p>	<p>Appendix A - Schedule of Additional Baseline Data (document reference: D.7.10.1) to this document contains a schedule of additional baseline data gathered for each of the technical chapters. This reflects data that has been updated as part of:</p> <ul style="list-style-type: none"> The S51 Advice which included updates to ecology surveys undertaken after the submission of the 2022 ES, between July 2022 - October 2022 [AS-026; AS-025; AS-027 to AS-042] Environmental Statement Addendum Change Request 1 (document reference: D.7.7). <p>The schedule shows:</p> <ul style="list-style-type: none"> Type of baseline data collected for the 2022 ES and which documents it was presented in Whether additional baseline data / surveys have been gathered since submission of the 2022 ES and which documents it was presented in Whether there are currently any ongoing surveys or data collection Why baseline data is considered to be valid and fit for purpose where it has not been updated and if there are any limitations.
		<p>IPs</p> <p>IPs are you satisfied with the baseline surveys which inform cumulative impact in the ES? If not say why not.</p>	<p>A series of Statements of Common Ground are being progressed which include addressing the approach to baseline surveys, as submitted at Deadline 1.</p>
		<p>ii) Can the Applicant also set out their response to any potential impact on any baseline position and their views as to the overall reliability of submitted information taking into account that particular change of circumstance, and any other material change of circumstances anticipated.</p>	<p>Details on the reliability of the baseline information used to inform the 2022 ES and the subsequent S51 and Change Request 1 (Document Reference: D.7.7) submissions can be found in Appendix A - Schedule of Additional Baseline Data (document reference: D.7.10.1)</p> <p>Alongside the information contained in Appendix A, there are also some areas along the route where baseline surveys could not be undertaken due to access limitations. A precautionary approach has been adopted in these areas to assume a reasonable worst-case baseline for the assessments in order to ensure that the 2022 ES would present robust conclusions. Where such an approach has been taken the details can be found in the 'Assumptions and Limitations' section of the relevant topic chapter and the specific application of the approach in the 'Assessment of Likely Impacts and Effects' sections.</p> <p>Further additional baseline surveys and Ground Investigations will also be undertaken to inform the Detailed Design and at the pre-construction stages. Likely surveys</p>

ExQ1	Question to	Question	Applicant's Response
			include archaeological investigations and pre-construction ecological surveys. These will be scoped during Detailed Design.
		iii) With respect to cumulative effects related information. Confirm any updates to that.	<p>Baseline data collection for other developments (inter-project effects) ended in August 2022 to allow the assessment of cumulative effects to be completed for the 2022 DCO application. No updates are required to this data. If any additional development related information is raised by stakeholders, it will be reviewed on a case-by-case basis. The Applicant will update the assessment if any additional development is likely to change the conclusions of the assessment presented in the 2022 ES.</p> <p>Baseline data for the intra-project effects is entirely dependent on other technical chapters. No direct baseline data has been collected.</p> <p>No baseline information as part of the Cumulative Effects Assessment of the 2022 ES [APP-071] has changed due to circumstances arising such as the COVID-19 pandemic. Some updated information in relation to both the inter-project effects and intra-project effects assessment has been included in Change Request 1 (document reference D.6.2.20 Rev B) as a result of updates to technical assessments.</p>
Q1.9.2	Applicant and NE	<p>NE [RR-065] have commented that the Applicant has provided insufficient evidence concerning the following issues:</p> <p>i) International and national designated sites as further information is required relating to impacts on functionally linked land and noise disturbance.</p>	<p>The Applicant has provided written responses to Natural England's Relevant Representations, including addressing concerns regarding protected species survey and assessment information within the DCO Application. Responses have been provided within (document reference: D.7.8) – Applicant's Response to the Relevant Representation, submitted at Deadline 1.</p>
		<p>ii) Protected species as further information is required regarding survey and assessment details.</p>	<p>The Applicant has provided written responses to Natural England's Relevant Representations, including addressing concerns regarding protected species survey and assessment information within the DCO Application. Responses have been provided within (document reference: D.7.8) – Applicant's Response to the Relevant Representation, submitted at Deadline 1.</p> <p>The Applicant can additionally confirm that it has submitted additional survey and assessment results that were accepted by the ExA on the 20 March 2023, which addresses a number of the items raised by Natural England within their Relevant Representations. Updated versions of the following documents were accepted by the ExA:</p> <ul style="list-style-type: none"> • Appendix 9.3 – Bat Activity Survey Report Part 1 [AS-057] • Appendix 9.4 – Bats and Hedgerows Assessment Parts 1 to 7 [AS-032 to 037 (Part 2 superseded by AS-059)] • Appendix 9.6 – Riparian Mammal Survey Report [AS-039]

ExQ1	Question to	Question	Applicant's Response
			The submission of these reports corroborates the original impact assessment and mitigation prescriptions as presented within the DCO Application. A revised version of Chapter 9 – Biodiversity [AS-025] was provided to the ExA, capturing minor text amendments in response to the submission of these three revised appendices. The Applicant will continue to engage with Natural England during the course of the examination with a view to agreeing a Statement of Common Ground (document reference: D.7.2.3).
		<p>iii) Soils and best and most versatile agricultural land as further information is required within the Soil Management Plan and Outline Peat Management Plan.</p> <p>Is further information forthcoming on these areas of the ES? How does the Applicant intend to resolve these deficiencies?</p>	<p>During Examination the Applicant will update the Outline Soil Management Plan [APP-227] to address the points raised by NE. The Applicant will also update the Outline Peat Management Plan [APP-228] to address the advisory points raised by NE as acknowledged.</p> <p>The Applicant has prepared and submitted at Deadline 1 a draft SoCG (document reference: D.7.2.3) with Natural England to show the areas of agreement and those under discussion. The SOCG includes a table entry covering the latest discussions on the Outline Peat Management Plan.</p>
Q1.9.3	Applicant, IPs, including FCC and NRW	<p>The Well-Being of Future Generations (Wales) Act 2015 sets out a duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle.</p> <p>i) Applicant: Clarify how the cumulative impacts of the scheme alongside the mitigation measures have been assessed with that overarching principle in mind?</p>	<p>Compliance with the Well-Being of Future Generations (Wales) Act 2015 is assessed within Chapter 3 of the Planning Statement [APP-048] and Chapter 3 of the Welsh Language Statement [APP-050].</p> <p>The 2022 ES inherently considers this Act and the principles of sustainable development, through its holistic and robust assessment of environmental, social and economic factors and adherence to relevant legislation, policy and best practice guidance. This includes assessment of cumulative effects presented in Chapter 19: Combined and Cumulative Effects of the 2022 ES [APP-071] and associated Appendix 19.1 [APP-172] and Appendix 19.2 [APP-173], and consideration of appropriate mitigation relevant to each environmental factor.</p>
		<p>IPs</p> <p>ii) IPs: Provide any comments you wish to make on the implications of the above-mentioned Act if you have not already done so.</p>	

ExQ1	Question to	Question	Applicant’s Response						
Q1.9.4	Applicant	The description of the Proposed Development in ES Chapter 3 [APP-055] does not include any reference to demolition of structures during the construction phase, although it is provided for in the draft DCO. Can the Applicant confirm whether any demolition works would be required and provide a description and assessment of significant effects as necessary?	<p>The Applicant can confirm that no major structures were identified for demolition along the pipeline route as part of the 2022 DCO Application submission.</p> <p>The dDCO [AS-016] refers to demolition in the context of site clearance (including fencing and existing structures). It is correct that there is no discussion of demolition in Chapter 3 Description of the DCO Proposed Development of the 2022 ES [APP-055] although consideration of site clearance is included and is fully assessed within the 2022 ES. Therefore, these documents are consistent.</p> <p>The ES Addendum Change Request 1 (document reference: D.7.7) provides an update to Chapter 3 - the description of the DCO Proposed Development. As part of this update, it is proposed that a slurry tank at New Bridge Farm (PS02a) may require demolition. The likely effects as a result of the demolition of this slurry tank are reported in the 2023 ES Addendum Change Request 1 (document reference: D.7.7). The Change Request also includes the removal of two residential properties from the Order Limits that will not be demolished or directly impacted by the DCO Proposed Development.</p>						
		Furthermore, this chapter of the ES states it was assumed for the purposes of the assessment that the full CO2 transport capacity of the Proposed Development would be reached in 2027. Can the Applicant explain what assumptions were made about the throughput during the operational period prior to that, i.e., 2025 (part) and 2026 and how it was assessed?	<p>The DCO Proposed Development has been designed to transport CO₂ collected from a number of emitters. It is a capacity-based design and offers flexibility with respect to the order in which emitters connect, the flow from each emitter and the precise date at which individual emitters connect. These factors are outside the control of the Applicant. However, to establish a “base-case” upon which early operation of the Transport and Storage (T&S) system, including the offshore stores, the offshore and onshore pipeline systems and the need for compression at Point of Ayr could be modelled, the Applicant established a reasonable “ramp up profile” based on emitter start dates and flows, as advised by the prospective emitters at that time. Flow in the system increases as additional emitters connect to the T&S system over time, and the profile developed was as follows:</p> <table><tr><th>Year</th><th>System Capacity (MtCO₂/year)</th></tr><tr><td>2025</td><td>1.05</td></tr><tr><td>2026</td><td>2.4</td></tr><tr><td>2027</td><td>4.5</td></tr></table> <p>This system capacity has been assumed for the avoided emissions ramping up to 2027 where the maximum capacity is reached in Chapter 10 - Greenhouse Gases [APP-062].</p> <p>As a result of the emitter selection process managed by HM Government department for Business Energy and Industrial Strategy (BEIS) and subsequently the Department</p>	Year	System Capacity (MtCO ₂ /year)	2025	1.05	2026	2.4
Year	System Capacity (MtCO ₂ /year)								
2025	1.05								
2026	2.4								
2027	4.5								

ExQ1	Question to	Question	Applicant's Response
			for Energy Security and Net Zero (DESNZ), the identity, number and connection dates of the emitters has changed, with a list of expected initial emitters being issued as a short-list in August 2022 and a final list for negotiation in March 2023. The inherent flexibility offered by the capacity design of the T&S system is resilient to such changes (up to the ceiling imposed by design capacity).
		<p>Only the vertical limits of deviation for the pipeline are set out in Article 6 of the draft DCO (the figures may be erroneous):</p> <ul style="list-style-type: none"> - the pipeline works may deviate vertically upwards to not less than 1.2m below the surface of the ground; and - the pipeline works may deviate vertically downwards in respect of the sections using trenchless installation techniques to a maximum depth of 35m. <p>The Applicant is requested to explain why it considers it necessary for trenchless pipeline works to deviate vertically downwards to a maximum depth of 35m or indicate the revised figure.</p>	<p>The Applicant confirms that a maximum depth of 35 metres is being sought for the trenchless pipeline works. While it is expected that the majority of the trenchless crossings will be at a depth much shallower than this (within 9.5 metres depth), the final depth can only be determined at the Detailed Design stage by the Construction Contractor.</p> <p>The Applicant would advise that at this time, pending completion of pre-commencement investigation, it cannot be certain exactly what ground conditions exist in every specific location or rule out unexpected structures or services. Any number put on this now would have to be very precautionary and therefore is likely to be higher than what would be needed in practice. The Applicant notes that going deeper than is required would incur unnecessary cost and time in construction and there is accordingly no incentive to do so. Any deeper works would therefore be driven by necessity to address a specific issue.</p>
Q1.9.5	Applicant	<p>ES Chapter 18 [APP-070] paragraph 18.5.24 states that the relevant consultation bodies had not, at the time the ES was written, confirmed their agreement to usage of the methodologies (for assigning significance and magnitude) contained in NH's 'LA 113 Road Drainage and the Water Environment' and Department for Transport's 'TAG Unit A3 Environmental Impact Appraisal – Impacts on the Water Environment' for the assessment of groundwater impacts. Please can the Applicant confirm if the consultation bodies have subsequently responded and provide their comments to the Examination if so.</p>	<p>In the SoCG discussions between the Applicant and NRW (document reference D.7.2.4), NRW advised that the groundwater impact assessment needed to go beyond the DMRB LA 113 methodology which should be supplemented with additional assessment ideas/analogues appropriate to the DCO Proposed Development. It was agreed (between the Applicant and NRW) that the methodology used in Chapter 18 – Water Resources and Flood Risk (Volume II) of the DCO 2022 ES [APP-070] is appropriate and includes the required assessments.</p> <p>The Relevant Representation received from the Environment Agency (EA) [RR-024] on 13 January 2023 stated: <i>"We agree with the assessment of likely impacts/effects and expect these to be mitigated and adequately compensated, as proposed in Table 9.12"</i>. The Applicant interprets this statement that the EA consider the assessment methodology which has been used to be appropriate.</p>

Table 2-10 – Flood Risk, Hydrology, Water Resource and Contamination

ExQ1	Question to	Question	Applicant's Response
Q1.10.1	<i>Flood Risk</i> Applicant	<p>The Applicant has submitted Appendix 18.5 Flood Consequence Assessment (FCA), Parts 1-3 [APP-168] [APP-169] [APP-170]. The documents indicate AGIs and BVSs are all shown to be located in Flood Zone A – areas of little of no risk of flooding from rivers and the sea. Parts of the Pipeline lie within Flood Zone 2 & 3 on the EA's Flood Risk Map for planning.</p> <p>The ES information also evidences the Newbuild CO2 Pipeline will be crossing the River Dee which is a defended tidally influenced river. The River Dee existing flood defence consists of flood embankments. There are no known flood defences serving the four BVSs and the two AGIs given their distance from any major waterbodies and location away from any known fluvial/ tidal/ coastal floodplains. For clarity. What is the approximate height range of the flood defences (embankments) being referred to and how far do they stretch? Is a plan available indicating the information?</p> <p>The EA [RR-024] have responded that any temporary or permanent works within 8m of any main river will be subject to the need for a Flood Risk Activity Permit under the Environmental Permitting Regulations from the EA. Their position is that they recommend that the Applicant twin track with the DCO and a permit application. At this stage they cannot give any assurances that the current proposals will be granted such a permit. Can the Applicant confirm if a permit is to be twin tracked in tandem with the Examination?</p> <p>Applicant</p> <p>Paragraph 2.5.4 of [APP-168] identifies that Flint AGI has an open watercourse (Lead Brook) approximately north east of the site boundary. The watercourse flows north where it is culverted beneath Chester Road (A548). Thus, it is suggested that Flint AGI needs to ensure no surface run off water will cause flooding elsewhere given the watercourse it is close to. Paragraph 5.5.5 refers to an overland flow path discharging into a watercourse 50 metres to the east (which is unnamed). Is that the same watercourse as mentioned in paragraph 2.5.4 or a different watercourse? Clarify.</p>	<p>The Applicant confirms that the proposed AGIs and BVSs are located within Flood Zone A and therefore not defended and presented in the FCA Parts 1-3 [APP-168] [APP-169] [APP-170].</p> <p>The Newbuild CO₂ Pipeline is proposed to cross the tidal River Dee beneath the river bed and flood defence embankments. The pipeline is therefore not affected by the fluvial or tidal flood levels. This is noted in the FCA Parts 1-3 [APP-168 to 170].</p> <p>The height range of the River Dee flood defences are between 4m AOD and 5m AOD and the alignment of these flood defences are shown in Figure 18.5.2 in Annex C of the FCA Parts 1-3 [APP-168] [APP-169] [APP-170]. These defences span from Chester to Flintshire in the form of a raised earth embankment located on either bank of the River Dee. This embankment is currently used as open space and a cycle path and the proposed pipeline will also cross beneath the existing earth embankment (via trenchless techniques). The location and alignment of these flood defences are also available on the NRW databases (website) and were replicated within the FCA Parts 1-3 [APP-168 to 170].</p> <p>The Applicant confirms that the FRA [APP-166 and APP-167] does not assess the construction stage and, where applicable, applications for Flood Risk Activity Permits (FRAP) as prescribed in Other Consents and Licences document [APP-046] will be submitted accordingly by the appointed Construction Contractor following the determination of the DCO application and in line with REAC commitment D-GN-001 and D-PD-010 as secured by the CEMP under Requirement 5 of the dDCO [AS-016]. Detailed design information is required to progress these permits and hence twin tracking in tandem with the Examination is not possible. Temporary works within 8m of fluvial main rivers and flood defences, and 16m of tidal main rivers and flood defences will also be subject to a FRAP as prescribed in Other Consents and Licences document [APP-046].</p> <p>Surface water discharge from the site will be limited in line with best practice, as set out in the Outline Surface Water Drainage Strategy [APP-241] as secured through Requirement 8 of the dDCO [AS-016].</p> <p>The Applicant confirms that the watercourse adjacent to the Flint AGI is the Little Lead Brook, and that the overland flow path crossing the site discharges to this watercourse. This is the same watercourse as mentioned in paragraph 2.5.4.</p>

ExQ1	Question to	Question	Applicant's Response
Q1.10.2	<i>Flood Risk</i> Applicant and IPs, including NRW; FCC as Lead Local Flood Authority (LLFA) and Sustainable Drainage Systems Approval Body (SDSAB); Welsh Water (WW); United Utilities; and CWCC	Applicant/ IPs Are indicative local watercourse flow rates available before and after development? Would options to slow local surface water flow/ formation rates in the DCO area, or nearby, with the formation of new ponds/ wetland advantageous to wider sustainability goals be feasible/ possible? If so, could that provision be accommodated?	No indicative local watercourse flow rates are available before and after development. Surface water discharge from the site will be limited in line with best practice, as set out in the Outline Surface Water Drainage Strategy [APP-241], as secured through Requirement 8 of the dDCO [AS-016].
Q1.10.3	<i>Flood Risk</i> Applicant and IPs, including NRW; FCC as LLFA and SDSAB; WW; United Utilities; and CWCC	NRW are evidenced to hold one record of a past flood event along the Newbuild CO2 Pipeline (Pipe Reach 4b). The incident occurred along the B5129 Chester Road which is located adjacent to Broughton Brook. FCC's Strategic Flood Consequence Assessment (2018) also indicates that the B5129 Chester Road has had an incidence of historic fluvial flooding although the full details are not known.	No response required.
		Applicant and IPs i) Have any local views come forward/ available giving more details as to the cause or date of this historic flooding event? Is this in the area of Chester Road Brook?	The Applicant does not have any further local views, however, given that the proposed pipeline is buried and there will be no above ground infrastructure at this location this will not increase the risk of flooding to these areas as noted in the FCA Parts 1-3 [APP-168] [APP-169] [APP-170].
		ii) The "DG5" flooding register is also referred to in Paragraph 3.3.4 of [APP-168]. Explain the origin, nature and status that register holds for the administrative area.	The DG5 register is a register of properties that have flooded as a result of the hydraulic inadequacy of the public sewer network. Consultation with DCWW (Annex B of the FCA) states that the previously flooded areas are within Chester Road, Pentre, Blackbrook Avenue, Hawarden, and Leaches Lane, Mancot where there have been numerous flood incidents due to hydraulic incapacity. The proposed pipeline has no impact on the existing DCWW sewer network and therefore there is no pathway for it to increase sewer flood risk in these areas. This has been assessed in the FCA Parts 1-3 [APP-168 to 170].
		IPs iii) Please make whatever comments you deem applicable on assessing flood risk or any associated survey, mitigation or avoidance matter triggered. Including measures linked to	

ExQ1	Question to	Question	Applicant's Response
		achieving future climate change resilience through potential wetland creation.	
Q1.10.4	<i>Flood Risk</i> Applicant	Applicant: i) There is limited information on the groundwater levels at each of the proposed BVS and AGI sites. What groundwater survey information/ monitoring is proposed to understand any potential risk of groundwater flooding to inform the detailed drainage design?	A commitment to carry out groundwater permeability testing and monitoring to inform the detailed design stage (item D-WR-071) has been added to the REAC (document reference: D.6.5.1) as submitted at Deadline 1. This will also provide information on any residual risk of groundwater flooding to the development. The risks and mitigation measures to prevent groundwater flooding are presented in the FCA Parts 1-3 [APP-168 to 170].
		ii) The statutory consultation phase highlighted Chester Road, Pentre and Leaches Lane Mancot where both internal and external sewer flood risks due to hydraulic incapacity. In addition, the postcode area CH5 3HJ (Blackbrook Avenue, Hawarden) is an identified risk of external flooding. How have those specific risks been factored/ mitigated by the scheme?	Although there may be historical sewer hydraulic capacity issues in these areas, the proposed Newbuild Carbon Dioxide pipeline is a buried system which does not impact on the local sewer networks. No above ground infrastructure is proposed at these locations. As a result, the DCO proposed development cannot create an increased risk of sewer flooding to these areas.. This has been assessed in the FCA Parts 1-3 [APP-168 to 170].
		iii) Can the Applicant confirm if a Dewatering Management Plan and a Groundwater Management and Monitoring Plan is able to be submitted to inform the Examination?	An Outline Dewatering Management Plan and an Outline Groundwater Management and Monitoring Plan will be submitted to inform the Examination.
		Applicant and IPs iv) Significant dewatering is expected adjacent to the River Gowy and the West Central Drain. These are in the Gowy and Ince Marshes WFD surface water bodies. Do IPs have any comments to make on that aspect or any other aspect of the proposal? Can any related ecological benefits be secured in tandem with dealing with flood risk management issues arising?	Potential impacts to these waterbodies have been assessed in Chapter 18 [APP-070] and Appendix 18.2 [APP-164] from a groundwater impact/EIA perspective. No significant impacts are anticipated.
Q1.10.5	<i>Flood Risk</i> Applicant	Appendix 18.5 - FCA [APP-168] Paragraph 7.1.6. states the Newbuild CO2 Pipeline crosses areas with low, medium, and high risk of groundwater emergence and risk of flooding. The two main potential impacts of groundwater emergence are the formation of preferential groundwater flow pathways through the pipe bed and surrounding material of the proposed pipeline (after the construction) and also the risk of buoyancy of the proposed buried pipework. These risks are proposed to be mitigated by the implementation of measures to prevent groundwater migration e.g., clay plugs as part of the reinstatement of the	The buried Newbuild CO2 Pipeline does not increase impermeable areas and therefore does not require surface water drainage. Therefore, the buried Newbuild CO2 Pipeline has not been considered in the Outline Surface Water Drainage Strategy [APP-241 to APP-244] which only considers the surface water drainage strategy and drainage design at the AGIs and BVSs. Groundwater emergence, groundwater flood risk and mitigation of these risks is considered in the FCA [APP-168 to APP-170] for the BVSs, AGIs and the buried Newbuild CO2 Pipeline throughout the DCO Proposed Development.

ExQ1	Question to	Question	Applicant's Response
		<p>proposed trenches and designing out the risk of buoyancy in key areas of concern for groundwater emergence.</p> <p>Can the Applicant confirm if the mitigations identified to be provided in the detailed drainage strategy and detailed drainage design would incorporate the views of the LLFA and SDSAB at FCC; CWCC; as well as Welsh Water and United Utilities?</p> <p>Additionally, through which requirement in the DCO are these details to be secured?</p> <p>Any potential flood risk mitigation issues are potentially linked to the robustness of the REAC [APP-222], Outline Landscape Ecology Management Plan/ LEMP [APP-178] [APP-229] [APP-230] and/ or the OMEMP. How have flood risks been factored into those plans at relevant risk areas pointed to by the FCA? Particularly if nearby ground were to become more saturated in future years.</p>	<p>The Applicant is consulting with the LLFA, SDSAB at FCC, CWCC, Welsh Water, United Utilities, NRW and the EA on this matter as part of the SoCG process.</p> <p>The pipeline will be designed by competent and appropriately qualified designers and installed by competent and qualified contractors. It will be designed to address these risks where identified.</p> <p>The surface water drainage strategy and drainage design at the AGIs and BVSs has factored in existing flood risk and future flood risk as a consequence of climate change and the expected increase in extreme rainfall events raised in the FCA [APP-168 to APP-170].</p> <p>The pipeline will be designed by competent and appropriately qualified designers and installed by competent and qualified contractors. It will be designed to address existing groundwater emergence and groundwater flood risk and future groundwater emergence and groundwater flood risk as a consequence of climate change where identified.</p> <p>A commitment to consider the potential effects of climate change, including future flood risk, on the selection of species for proposed planting and the management of new and existing planting (Item D-CR-011), has been added to the REAC [AS-053] and OCEMP [AS-055] as submitted at Deadline 1.</p> <p>The OCEMP [AS-055], as secured by Requirement 5 of the dDCO [AS-016] and REAC [AS-053], will ensure appropriate planting methods and the on-going survival of planting. Additionally, the REAC [AS-053] and the Outline Landscape Ecological Management Plan (OLEMP) [APP-229], secured within Requirement 11 of the dDCO [AS-016], sets out the management practices that will need to be established to enable the proposed mitigation planting to establish and reach maturity. Section 1.5 of the OLEMP [APP-229] sets out that the appointed construction contractor will be responsible for detailed Landscape and Ecological Management Plan (LEMP), secured within Requirement 11 of the dDCO [AS-016].</p>
Q1.10.6	<i>Update</i> Applicant	<p>Having regard to Appendix 18.3 WFD Assessment [APP-165] submitted. In terms of trenchless crossing use by the scheme - Horizontal Directional Drilling (HDD), Auger Boring Guided and Unguided and Micro-Tunnelling are the three types of trenchless installation techniques stated as most likely to be utilised by the Construction Contractor(s) once the Detailed Design has been completed.</p> <p>Please state:</p> <p>i) if you are anticipating, for whatever reason, whether any of the above mentioned trenchless crossing techniques would</p>	<p>The Applicant has considered the construction requirements of the project, the results of the geotechnical investigations performed thus far, and the requirements of the assets and utilities which will be crossed under. The Applicant has determined that the three trenchless crossing techniques are sufficient and suitable to execute all the envisaged trenchless crossings.</p>

ExQ1	Question to	Question	Applicant's Response
		not be workable (i.e., should such trenchless crossing techniques not be an option/ viable in peatland areas).	
		ii) in the event they are not workable/ available or they should they fail, please specify what other construction techniques could potentially be opted for.	Trenchless techniques have been proposed in areas where open-cut techniques are not considered viable (such as underneath railways and motorways). Trenchless techniques are therefore the only option being considered in these areas, as per UK pipeline construction standard practice.
Q1.10.7	<i>Water Environment</i> Applicant and IPs, including NRW, NE and EA	<p>Applicant</p> <p>i) Is the principle of achieving significant ecological enhancement or greater BNG using the broader offshore marine environment a feasible option to the Applicant? (i.e., Delivered through the Marine Protected Areas established UK wide which in combination are intended to form an 'ecologically coherent and well-managed network').</p>	<p>Enhancements of the broader offshore marine environment for Biodiversity Net Gain (BNG) cannot be used to deliver the BNG target for riverine priority habitat, as per Natural England's trading rules.</p> <p>The Applicant will not be impacting upon the broader offshore marine environment.</p> <p>The Applicant has committed to achieving BNG in Priority Habitats, following the industry good practice principles for BNG developed by CIEEM, CIRIA and IEMA, as well as the latest (at the time of first assessment) Biodiversity Metric guidance and user guide information (version 3.1).</p> <p>A fundamental principle of BNG is adherence to 'trading rules', which are inherent within the Natural England Biodiversity Metric 3.1 (BM3.1). These ensure that any habitat compensation is 'like for like or better'. Priority Habitats are, as a minimum, treated as high distinctiveness habitats within the BM3.1, which means they have a corresponding requirement of 'like for like'. This means, without exception, that to meet trading rules, and therefore comply with BNG best practice, the same habitat type must be targeted for enhancement or creation where residual impacts occur.</p>
		ii) Has this approach been explored with JNCC and other statutory consultees? (i.e., for England – NE; and for Wales – NRW but both of those consultees for Marine Protected Areas in territorial waters?)	As per the above response, given the types of habitats to be impacted during construction of the DCO Proposed Development, it is not appropriate to consider offshore marine environments. The Applicant has engaged, and will continue to engage, with NE, NRW, CWCC and FCC regarding the approach to BNG and opportunities to secure land-based offset site habitat creation (see document references: 7.2.1 , 7.2.2 , 7.2.3 , and 7.2.4). As discussed within response to Q1.4.5 (vii), JNCC coordinates nature conservation advice at a UK level only and advises the UK government on matters relating to nature conservation internationally, as such the Applicant does not propose to engage JNCC during the examination.
		<p>iii) It is noted that NRW have three river basin districts in Wales and each has its own river basin management plan:</p> <ul style="list-style-type: none"> - Western Wales District – entirely in Wales; - Dee District – cross-border with England; and - Severn District - cross-border with England (led by the EA). 	<p>The Applicant acknowledges there are three River Basin Management Plans (RBMPs) in Wales, with only the Dee District RBMP applicable to the DCO Proposed Development.</p> <p>The Applicant acknowledges there may be scope to support RBMPs through potential enhancements which has been discussed with NRW and the Environment Agency.</p>

ExQ1	Question to	Question	Applicant's Response
		Does the Applicant acknowledge and agree there may be scope available to support river basin management plans through potential enhancement? Has further dialogue been undertaken with NRW or the EA to support river basin management interests?	<p>The Applicant has discussed with NRW the Dee Opportunity Catchment where physical modification impacting on hydrogeomorphology is identified as an issue.</p> <p>As a result, REAC commitment D-WR-056 [AS-053], as secured by Requirement 5 of the dDCO [AS-016], commits the Applicant to further engagement with NRW to determine a suitable design of the pipeline (considering matters such as the depth and extent of pipeline placement in the detailed design) so as not to prevent the future renaturalisation of the Alltami Brook to a sinuous planform.</p> <p>Four rivers within England the North West and Dee RBMPs are relevant to the DCO Proposed Development.</p> <p>The Applicant has discussed with the Environment Agency the Water Framework Directive (WFD) mitigation measures applicable to the DCO Proposed Development. It was noted that one WFD mitigation measure is for the River Gowy to renaturalise its planform within the Newbuild Infrastructure Boundary. REAC D-WR-055 [AS-053], as secured by Requirement 5 of the dDCO [AS-016], commits the Applicant to further engagement with the Environment Agency to determine the lateral extent of which the pipeline should be buried below river bed level in order to allow the WFD mitigation measure to be implemented.</p>
		iv) The Appendix 18.3 WFD Assessment states that Riparian vegetation clearance would be limited as far as practicable to the immediate areas of construction to permit the execution of works. Vegetation would be reinstated post-construction as far as practicable. Confirm the DCO mechanism which would ensure that.	The Applicant has committed to Riparian vegetation clearance being limited as far as practicable to the immediate areas of construction to permit the execution of works and to reinstate vegetation post-construction as far as practicable in REAC commitment D-WR-027 and D-WR-028 [AS-053] , as secured by Requirement 5 of the dDCO [AS-016] .
		<p>Applicant and IPs</p> <p>v) Vegetation clearance is expected to occur within the Mersey, Ince Marshes, Gowy, Stanney Mill Brook, Finchetts Gutter, Garden City Drain, Sandycroft Drain, Wepre Brook, Dee (North Wales), and North Wales WFD surface water bodies. In addition, significant dewatering is expected adjacent to the River Gowy and the West Central Drain. These are in the Gowy and Ince Marshes WFD surface water bodies. Please confirm the licensing provision required for the particular works listed above.</p>	<p>Activities within 8m of a main river or 16m of a tidal main river will be licensed through a Flood Risk Activities Permit.</p> <p>Refer to Chapter 18: Water Resources and Flood Risk of the ES [APP-070], paragraphs 18.10.6 to 18.10.10 for information on licencing provision for anticipated dewatering activities. This is set out in REAC commitment D-WR-035 [AS-053], as secured by Requirement 5 of the dDCO [AS-016].</p>
Q1.10.8	Water environment Applicant and IPS,	As context to the Examination The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 replaced the Nitrate Vulnerable Zone requirements. The	The Applicant acknowledges the updated advice of NRW and NE.

ExQ1	Question to	Question	Applicant's Response
	including NRW and NE	<p>regulations indicate that a new or substantially changed store must:</p> <ul style="list-style-type: none"> - follow the specific rules for the type of substance stored. - have an expected lifespan of at least 20 years with maintenance (any part of a silage effluent system that is underground must be designed and constructed to last at least 20 years without maintenance). - not be within 10 metres of any inland and coastal waters e.g., streams, ditches, ponds or any pipes or culverts. - not be within 50 metres of any borehole, well or spring. - not be within a groundwater source protection zone 1 unless site-specific mitigation measures that minimise the risk to drinking water supplies have been agreed in writing with NRW. <p>The ExA also notes that NE has recently updated its advice (16 March 2022) in relation to nutrient level pollution in a number of existing and new river basin catchments. The advice finds that an increasing number of waterbodies, in or linked with European Sites, are now deemed to be in 'unfavourable' conservation status for the purposes of the Habitats Regulations. This is likely to result in even more plans and projects, in relevant river basin catchment areas and proximate to a European site, needing to be screened in accordance with the Habitats Regulations. The likely result will be a need for more Appropriate Assessments and consideration of relevant information. The advice from NE also confirms that the tools available to inform the assessment of effects have been updated. The advice is also relevant to NRW (for cross border sites). The ExA further notes that competent authorities will need to carefully justify how further inputs from new plans or projects, either alone or in combination, will not adversely affect the integrity of the site in view of the conservation objectives.</p> <p>Applicant and IPs</p> <p>Please could:</p> <p>i) the Applicant confirm it acknowledges the updated advice of NRW/ NE;</p>	

ExQ1	Question to	Question	Applicant's Response
		ii) the Applicant and IPs advise whether they consider there to be adequate background information available to gauge subsequent effects to water quality.	The Applicant considers that there is adequate background information available to gauge subsequent effects to water quality. Additionally, REAC commitment D-WR-044 [AS-053] , as secured by Requirement 5 of the dDCO [AS-016] , requires turbidity monitoring to be undertaken by an Ecological Clerk of Works (ECOW) during the construction phase where deemed required by the Construction Contractor's Environmental Manager due to the sensitivity of aquatic species receptors.
		In addition to the above, the ExA notes sensitive land uses are identified within, or within 250m, of Sections 4, 5 and 6 include a SSSI, and a SAC and designated ancient woodland. Moreover, the local water environment is interconnected. Effects to both surface and groundwater during construction is presently not mitigated as the Applicant indicates that additional targeted site investigation and remediation strategy for point sources would be undertaken if necessary. The ExA asks the Applicant and IPs how that approach ensures the effects and safeguards to European sites are able to meet HRA requirements?	<p>The detailed CEMP will include management and monitoring plans for groundwater and surface water during construction as per REAC commitments D-WR-034 and D-WR-070 [AS-053], as secured by Requirement 5 of the dDCO [AS-016].</p> <p>The Applicant has committed to mitigate unacceptable contaminated land related risks to the environment and construction workers, with appropriate monitoring of works and compliance with the CEMP required as per REAC commitment D-LS-014 [AS-053], as secured by Requirement 5 of the dDCO [AS-016]. The Applicant considers that the proposed mitigation measures secured in the dDCO are sufficient to meet the requirements of HRA.</p>
Q1.10.9	Water environment Applicant and IPs, including WW, United Utilities and EA	Applicant With respect to groundwater resources and quality explain what mechanisms are/ would be in place to ensure that no private water supply can be derogated because of the works or operation of the scheme, even temporarily, without the prior written consent of the owner and the provision of mitigation measures?	The Applicant has assessed potential impacts to private water supplies in Chapter 18: Water Resources and Flood Risk of the ES [APP-070] and Appendix 18.2 [APP-164] and determined that no significant impacts are expected during construction or operation phases. Although it remains a possibility that there could be some private groundwater abstractions in existence which remain unknown, the Applicant believes that everything that can be done within reason to obtain such information on private abstractions has been done (i.e. contacting relevant Local Authorities, requesting information from affected landowners on their land as part of the diligent enquiry process). Prior to development commencing the Applicant will consult Local Authorities for this information. In the event new information is forthcoming regarding previously unknown private abstractions, the Applicant would look to understand the potential impact and provide appropriate mitigation. Commitment D-WR-072 has been added to the REAC [AS-053] and will be secured by Requirement 5 of the dDCO [AS-016] .
		Regarding potential impacts during construction and any proposed HDD activity. Clarify what investigations, assessments, mechanisms, and consultation requirements are to be secured to ensure HDD works will not pose a risk to groundwater resources.	<p>Mitigating potential impacts resulting from HDD will be based on site-specific assessment for locations where HDD is the confirmed approach at detailed design.</p> <p>If required, mitigation measures to prevent loss of drilling fluid during HDD works (usually an inert liquified bentonite clay) will be detailed in the Construction Environmental Management Plan (CEMP). Note, this is usually achieved through a mud engineer monitoring drilling fluid viscosity, density, annulus pressure, solids contents, filter cake quality and total mud volume and thereby ensuring the filter cake</p>

ExQ1	Question to	Question	Applicant's Response
			remains intact and that drilling fluid is not lost to the ground. Commitment D-WR-073 has been added to the REAC [AS-053] and will be secured by Requirement 5 of the dDCO [AS-016].
		IPs Your comments in regard to the above are invited.	
Q1.10.10	<i>Water environment</i> IPs, including NRW, WW, United Utilities, CWCC and FCC Applicant	The submitted WFD Assessment [APP-165] and Outline Construction Environmental Management Plan [APP-225] indicate that all new permanent structures would be set-back from watercourses, including outfalls, to avoid modifications to watercourses themselves. IPs Accounting for any locally known watercourses, outfalls, or hydrogeological anomalies which may be apparent; do IPs agree the Applicant's approach detailed in [APP-165] and [APP-225] would be possible?	
		Paragraph 7.1.7 of the WFD Assessment [APP-165] states that the DCO Proposed Development has been assessed and concluded to have no impact on the Wirral and West Cheshire Permo-Triassic Sandstone Aquifers, the Dee Permo-Triassic Sandstone, the Dee Carboniferous Coal Measures and the Clwyd Carboniferous Limestone Groundwater WFD water bodies. Do IPs agree with that conclusion? If not, please state your reasons.	
		The Applicant states the objectives of the DCO Proposed Development is to reinstate habitats where practicable. Where watercourses and riparian vegetation would be impacted, they would be reinstated post-construction and most watercourses would recover within two years. The exception would be where mature tree cover in the riparian zone is removed. Therefore, riparian enhancements are proposed to mitigate those impacts. Riparian enhancements are proposed at: East Central Drain; Finchetts Gutter Tributary; Backford Brook; Friars Park Ditch; and Alltami Brook. Should any further areas be considered? if so, state why.	The Applicant considered opportunities for delivering riparian enhancements within the Newbuild Infrastructure Boundary taking account of constraints for feasibility and delivery of these enhancements. The Applicant considers the proposed riparian enhancements at East Central Drain; Finchetts Gutter Tributary; Backford Brook; Friars Park Ditch; and Alltami Brook are sufficient to mitigate the impacts anticipated from vegetation clearance. Therefore, the Applicant considers no further areas are required to be enhanced to offset the predicted impacts.

ExQ1	Question to	Question	Applicant's Response
		<p>Applicant</p> <p>Paragraph 7.14 of the WFD Assessment [APP-165] states that the riparian enhancements may result in improvement in the River Condition Score for those watercourses once the tree cover is established. In addition, gravel augmentation is proposed on the Alltami Brook to off-set the potential reduction in spawning habitat and introduction of artificial bed material.</p> <p>Can the Applicant further explain what is meant by gravel augmentation and its implications to the management of watercourse silt? And how much artificial bed material is anticipated? Indicate the volume and the length of the brook impacted as well as the materials anticipated to be used.</p>	<p>Gravel augmentation is the addition of suitably sized gravel substrate mix to the bed of the watercourse. This technique is commonly used in river enhancement and river restoration schemes. Gravel augmentation of the correct sized substrate mix creates suitable fish spawning habitat. Such habitat has been observed to serve as a viable spawning habitat shortly after it has been installed.</p> <p>With regards to the management of watercourse silt, during operation, the DCO Proposed Development would not be contributing to additional silt to the watercourse. However, additional gravel substrate within the watercourse would form sediment bars that would serve to trap silt.</p> <p>The gravel augmentation has been proposed for Alltami Brook (REAC commitment D-WR-066 [AS-053], as secured by Requirement 5 of the dDCO [AS-016]). The Alltami Brook is a bedrock channel with a mix of gravel, cobble and boulder substrate. Silt has not been identified as a chronic issue on this watercourse which requires specific silt management.</p> <p>The Applicant proposes the length of the brook to be impacted by bedrock removal and replaced with artificial bed material to be no more than 4m (REAC commitment D-WR-063 [AS-053], as secured by Requirement 5 of the dDCO [AS-016]) across the full width of the channel. The depth of cut would be at least 2.5m below bed level, but the depth would be confirmed during detailed design and with further consultation with NRW.</p> <p>The Applicant has committed to a geomorphological assessment of the Alltami Brook to inform detailed design of the reinstated channel (REAC commitment D-WR-064 [AS-053]).</p>
		Has the inclusion of additional natural carbon sinks or water oxygen regeneration zones (or similar) to boost flora and fauna been considered at positions along watercourses? If not, state why not.	<p>The DCO Proposed Development will result in short-term, temporary, and localised impacts to watercourses where open-cut trench methods are required. Where watercourses are impacted, these will be reinstated post construction (REAC commitments D-BD-048; D-BD-049; D-WR-052 [AS-053], as secured by Requirement 5 of the dDCO [AS-016]). Given the localised nature of the works, it is not appropriate to introduce changes to small sections of watercourse that would not align with existing conditions.</p>
		The EA [RR-024] support the production of a Dewatering Management Plan and a Groundwater Management and Monitoring Plan. They wish to be a consultee on the approval of these plans. Can the Applicant confirm the provision within the DCO where the EAs request has been secured.	<p>Requirement 5(2)(l) and (i) of the DCO [AS-016] secures the commitment to produce a Dewatering Management Plan and a Groundwater Management and Monitoring Plan. The Applicant notes the request from the EA to be a consultee, which will be included in the outline Dewatering Management Plan and outline Groundwater Management and Monitoring Plan to be submitted during examination.</p>

ExQ1	Question to	Question	Applicant's Response
Q1.10.11	<i>Water Environment</i> Applicant, NRW and EA	It is noted that Section 6 of the Newbuild Infrastructure Boundary proposed by the DCO is not within a groundwater protection zone. Please confirm which sections of the pipeline would be located within ground water protection zones.	The Applicant assumes this query is referring to groundwater Source Protection Zones (SPZs). At no point is the DCO Proposed Development found within a groundwater SPZ. The closest SPZs are ~2 km south-east of the Newbuild Infrastructure Boundary at Elton, 2km south-east at Saughall and 0.7 km south-east at the River Dee.
Q1.10.12	<i>Licenses</i> Applicant and IPs, including NRW EA, CWCC and FCC	<p>The ExA notes that:</p> <ul style="list-style-type: none"> - A transfer licence or impoundment licence may be necessary if a temporary or permanent structure is required that restricts the flow of a waterway/ watercourse. - An Environmental Permit may be required for the importation and treatment of waste material falling outside the scope or limits detailed in the ES. - With respect to any 'Waste Materials' generated, the consenting authority for certain mobile plant permits (such as concrete crushers) is the relevant local authority, and therefore they should be listed along with the relevant national public body within the draft DCO if such provision is anticipated. <p>Applicant: Please provide clarification and an update on these matters, where applicable;</p>	These are now included in revision B of the Other Consents and Licences document [APP-046] submitted at Deadline 1.
		IPs: Comments in regard to the above are invited.	
Q1.10.13	Licenses Applicant	<p>The submitted 'Other Consents and Licences' document [APP-046] states applications are to be made to NRW for a Marine Licence and to Welsh Water for a Foul Water Sewer Requisition, post-DCO submission and before determination. In addition, it is indicated that an application may be made to NRW for a Water Abstraction Licence post-submission of the DCO application. Please can the Applicant:</p> <ul style="list-style-type: none"> i) provide an update on progress of these applications and any other consents, licences and permits as relevant; and ii) explain the basis for its approach in this regard. 	<p>The Applicant has prepared and submitted at Deadline 1 a new revision of the Other Consents and Licences [APP-046] document which outlines the progress on obtaining the consents/licenses listed in the document as well as including new consents/licenses to be required following discussions with the relevant bodies.</p> <p>This document will be updated and submitted throughout the examination where any further consents and licenses which are required have been identified or the anticipated submission date changes.</p> <p>Table 2.1 of the Other Consents and Licences [APP-046] document details the information on the other consents, licences or permits that are, or may be, required in connection with the construction, operation, maintenance or decommissioning of the DCO Proposed Development.</p>
Q1.10.14	<i>Outstanding matters</i> IPs, including CWCC, FCC, NRW,	Provide your comments on any outstanding land contamination or pollution control matters arising if you have not already done so.	

ExQ1	Question to	Question	Applicant's Response
	EA, WW and United Utilities		
Q1.10.15	Context Applicant	<p>The ExA notes that the pipeline termination point detailed within the DCO proposed development presently applied for finishes inland. There are further consenting processes applicable/ anticipated for the pipeline termination point to eventually reach the underground storage facility located at sea.</p> <p>ES Chapter 2 – The Project [APP-054] Paragraph 2.1.5 states that a proposed network of underground onshore and buried subsea pipelines will transport CO2 produced and captured by future hydrogen producing facilities and existing industrial premises in North-West England and North Wales for permanent offshore storage.</p> <p>As context to inform the Examination: -</p> <p>i) Provide an outline of the full consenting process needed for the section of the scheme anticipated from the inland DCO termination point to the storage facility at sea.</p>	<p>In October 2020, the UK Oil and Gas Authority (OGA) (now called the North Sea Transition Authority – NSTA) awarded Eni UK Limited a Carbon Dioxide Appraisal and Storage Licence (CS004). This Licence covers an area located within Liverpool Bay. Under the Licence, the Applicant has been able to carry out ‘appraisal and storage’ activities to establish the potential to reuse and repurpose depleted hydrocarbon reservoirs (Hamilton, Hamilton North and Lennox fields), and the associated infrastructure required to store CO₂ captured by the HyNet North West Project.</p> <p>During this ‘appraisal stage the Applicant has identified a CO₂ Transport & Storage system that would include:</p> <ul style="list-style-type: none"> • Redevelopment of the Point of Ayr terminal for service as a CO₂ Compression facility. The Applicant is seeking consent for this via a TCPA application. • Installation of power and communications cables between Point of Ayr and the offshore Douglas Platform. Consent for the installation of these cables from Mean High Water Springs to Douglas platform will be provided via a Marine Licence from NRM-MLT. Due to the jurisdictional overlap between Flintshire County Council, and NRW-MLT, the section between Point of Ayr and the Mean Low Water Springs level is also included in the Point of Ayr TCPA application. • Installation of power and communications cables between the offshore Douglas Platform and three satellite platforms. Consent for the installation of these cables will be provided by either a Pipelines Works Authorisation from the NSTA, or by Marine Licence from the MMO. • Repurposing of existing offshore pipelines and structures. The applicant is engaged with multiple regulatory bodies including NSTA, OPRED, NRW-MLT, MMO to identify the appropriate regulatory body and consenting regime for each element. At present the Applicant’s understanding is that consent for repurposing will be via the Carbon Storage Permit from NSTA. • Decommissioning of existing offshore pipelines and structures and removal where appropriate. The applicant is engaged with multiple regulatory bodies including NSTA, OPRED, NRW, MMO to identify the appropriate regulatory body and consenting regime for each element. • The utilisation of the depleted hydrocarbon gas reservoirs at Hamilton, Hamilton North, and Lennox as CO₂ stores. Consent will be via the Carbon Storage Permit from NSTA.

ExQ1	Question to	Question	Applicant's Response
			<p>The Applicant is seeking consent for the new offshore infrastructure and activities via a related Carbon Storage Permit under Carbon Dioxide Appraisal and Storage License CS004, The Carbon Storage Permit application, and associated Marine Licence applications, will be accompanied by an overarching Environmental Statement covering all works within Carbon Dioxide Appraisal and Storage Licence (CS004) area to Mean High Water Springs at Point of Ayr. The regulatory body for the Carbon Storage Permit is NSTA, with approval of the ES from OPRED.</p>
		<p>ii) How will CO2 once deposited in underground storage facility react over time? Will its physical composition alter in any significant way? For example, would it absorb into bedrock or other geological forms?</p>	<p>Carbon dioxide is stored via a number of physical and chemical mechanisms.</p> <p>For the Liverpool Bay carbon dioxide stores, the reaction over time of carbon dioxide in underground geological formations has been assessed in a comprehensive suite of geochemical studies. The objective of these geochemical studies is to assess the long term and secure carbon dioxide storage and containment, which is impacted by a number of factors such as the characteristics of the storage site (pressure, temperature, brine composition, rock mineralogy, etc.) and time. For the Hamilton, Hamilton North and Lennox fields that comprise the Liverpool Bay carbon dioxide stores, a work process was applied to describe the conditions of the site-specific geochemical systems and determine the interaction phenomena triggered by CO₂ injection. Laboratory analysis and extensive numerical geochemical models have been developed to evaluate:</p> <p>Carbon Dioxide trapping mechanisms:</p> <ul style="list-style-type: none"> • Structural: Carbon dioxide plume migration, extension, and stabilisation with time; • Solubility: Carbon dioxide dissolved in formation water (and related pH and chemical composition changes); • Residual: Carbon dioxide stored due to capillary forces; • Mineral: Carbon dioxide stored in newly precipitated minerals; <p>The effectiveness of the sequestration process is controlled by the combination of these different mechanisms that act simultaneously but on different timescales; as such, their contribution to the storage changes over time.</p> <ul style="list-style-type: none"> • Carbon dioxide injectivity (near-wellbore effects, mineral precipitation/dissolution paths, porosity/permeability variations) • Medium to long term carbon dioxide containment e.g. chemical interaction at the seal-reservoir-wellbore interface <p>To further assess the impact of each carbon dioxide trapping mechanism, evaluations were performed using advanced simulators for 10000 years post injection. The main conclusions are summarised below:</p>

ExQ1	Question to	Question	Applicant's Response
			<ul style="list-style-type: none"> • Structural and residual trapping have the most significant contribution to CO₂ storage. • Solubility trapping has the third most significant contribution according to the models. • Mineral trapping capacity has a minor influence. <p>Therefore, the bulk of the injected CO₂ will be stored within the geological structure in the form of gaseous and/or liquid CO₂.</p>
		iii) What is the total overall capacity of underground storage anticipated? Can an approximate be given of the number of years the storage facility (as a whole) could potentially be operationally active for?	The overall storage capacity is approximately 190 Million tonnes. Depending on the start-up timing of emitter projects and the total flow of CO ₂ from the emitter projects it is expected that this will be sufficient for approximately 25 years of operation.
		iv) What are the specific reasons the DCO proposed development has not been applied for as a start to end pipeline project rather than as separate components?	<p>We have interpreted this question to be seeking to understand why the facilities at Point of Ayr have not been included in the DCO proposed development. In defining the consenting strategy this question was given extensive consideration by the Applicant, including seeking specialist (then) QC opinion and engaging with Welsh Government.</p> <p>What falls within the definition of a 'pipeline', and is therefore the NSIP, needs to be considered with reference to s65 of the PLA which provides the definition which is incorporated into the Planning Act 2008:</p> <p><i>"In this Act "pipe-line" (except where the context otherwise requires) means <u>a pipe (together with any apparatus and works associated therewith), or system of pipes (together with any apparatus and works associated therewith)</u>, for the conveyance of any thing other than air, water, water vapour or steam, not being ... [list of excluded pipelines which are not relevant]</i></p> <p><i>(2) For the purposes of the foregoing subsection, <u>the following apparatus and works, and none other, shall be treated as being associated with a pipe, or system of pipes, namely,—</u></i></p> <p><i>(a) apparatus for inducing or facilitating the flow of any thing through the pipe or, as the case may be, through the system or any part thereof;</i></p> <p><i>(b) valves, valve chambers, manholes, inspection pits and similar works, being works annexed to, or incorporated in the course of, the pipe or system;</i></p> <p><i>(c) apparatus for supplying energy for the operation of any such apparatus as is mentioned in paragraph (a) of this subsection or of any such works as are mentioned in paragraph (b) thereof;</i></p> <p><i>(d) apparatus for the transmission of information for the operation of the pipe or system;</i></p>

ExQ1	Question to	Question	Applicant's Response
			<p>(e) apparatus for affording cathodic protection to the pipe or system;</p> <p>(f) a structure for the exclusive support of a part of the line or system; and</p> <p>(fa) in relation only to a pipe, or system of pipes, which is used to convey carbon dioxide to a carbon dioxide storage site, apparatus for treating and cooling carbon dioxide which is to flow through, or through any part of, the pipe or system.</p> <p>(3) In subsection (2)(fa), the reference to a pipe, or system of pipes, being used to convey carbon dioxide includes a pipe or system which is not being used for any purpose but which is intended to be used to convey carbon dioxide.” [emphasis added]</p> <p>This is therefore a definition which can include various ‘ancillary items’; what can be consented by the DCO is therefore not just the pipe itself but other infrastructure as well.</p> <ul style="list-style-type: none"> • The Point of Ayr Terminal marks the termination of the cross-country pipeline and its purpose is to compress the CO₂ to a higher pressure suitable for transport along the offshore pipeline and injection into the storage reservoirs. • It is considered that the Point of Ayr Terminal cannot be said to be part of the NSIP itself. To do so would stretch the definition of “pipeline” too far. If the Point of Ayr Terminal were in England then it could be regarded as associated development, but this is not possible in Wales. Whilst the Point of Ayr Terminal and the foreshore works constitute a linked project, it is not the same project and not part of the NSIP. <p>The Applicant also understands that Welsh Government would not be supportive of including Point of Ayr in the NSIP.</p>
		v) Should the pipeline route become blocked or inactive for significant periods how will carbon capture storage be dealt with inland? For example, is some short term inland interim carbon capture storage capacity anticipated? How does the DCO deal with such risks?	<p>It is not proposed to provide any inland interim storage facilities for CO₂. With respect to blockage of the pipeline route, impacted emitters would either need to shut down their operations or would continue operations and emit CO₂ as is the case for emitters currently in operation, subject to compliance with emissions permits in place and any other environment regulations in force. The DCO does not deal with this risk as it is outside the project scope, this is analogous National Grid not including battery storage in its distribution projects to cover where there was a failure on the Grid which does not allow power to be exported from the generation site.</p> <p>Blockage of the pipeline is considered unlikely; the CO₂ entry specification includes a limitation on solids entering the system, in terms of both amount and particle size.</p> <p>It should be noted that the offshore system offers some redundancy as it incorporates three receiving stores with CO₂ being injected into each via multiple wells.</p>

ExQ1	Question to	Question	Applicant's Response
Q1.10.16	<i>Scoping</i> Applicant	ES Chapter 11 (Land and Soils) [APP-063] at Paragraph 11.4.3 lists the elements scoped into the assessment, which are noted. However, the ExA asks whether the likely significant effect listed in the operation phase related to "Changes in site levels..." should also be considered as a likely significant effect during the construction phase of the Proposed Development and if not why.	The likely significant effect listed in the operation phase related to "Changes in site levels..." does not apply to the construction phase as it relates to the finished condition of the DCO Proposed Development post construction.
Q1.10.17	<i>Unexploded Ordnance</i> Applicant and Relevant Local Authorities (CWCC and FCC).	Chapter 11 (Land and Soils) of the ES [APP-063] indicates that 'no significant source of unexploded ordnance' was identified (Paragraph 11.6.25), but recommends formal unexploded ordnance awareness briefings be provided to all personnel involved in excavations. It also identifies an updated unexploded ordnance assessment will be produced prior to the commencement of construction. The ExA would ask: i) how these measures should be secured; and ii) whether such assessments should be submitted to and approved in writing by an appropriate body.	i) The updated UXO assessment will be produced prior to the commencement of the construction stage by a competent provider such as Zetica. The findings will be communicated to the Construction Contractor for inclusion in health and safety documentation, risk assessments and inductions. This has been included as REAC commitment D-LS-019 [AS-053], as secured by Requirement 5 of the dDCO [AS-016]. ii) There are no definitive regulations or regulatory bodies for the UXO industry.
Q1.10.18	<i>Mining and further investigations</i> Applicant	Paragraph 11.6.44 of ES Chapter 11 (Land and Soils) [APP-063] notes that both the Coal Mining Consultant Reports conclude further investigation is required. This paragraph also indicates that the eastern extent of Section 5 is close to areas previously investigated and remediated due to specific hazard reports and recommends that further investigations regarding these hazards be undertaken during any additional ground investigations. The ExA asks: i) Are the Coal Mining Consultant Reports, referred to above, the same as the Coal Mining Risk Assessment (Parts 1 to 10 inclusive) ([APP-121] to [APP-130]) submitted as part of the DCO Application Documentation. If not please signpost the ExA to where within the submitted Application documentation the Coal Mining Consultant Reports can be located.	Coal Mining Consultant Reports are produced by the Coal Authority and are included within the appendices of the Coal Mining Risk Assessment submitted as part of the DCO Application Documentation [AS-043 to AS-052].
		ii) When will the recommended further investigations be undertaken and will they be submitted into the Examination.	The additional ground investigations will be performed prior to the construction activities commencing in the relevant areas. They will not be submitted into the Examination.

ExQ1	Question to	Question	Applicant's Response
Q1.10.19	<i>Lead mining and contamination risks</i> Applicant	ES Chapter 11 (Land and Soils) [APP-063] refers to former lead mining and for potential lead contamination in the vicinity of Babel and Pentre Halkyn BVSs. However, the ExA has not been able to locate any further reference to such contamination risks and mitigation measures proposed, within the submitted DCO Application documentation. As such, please signpost where such information has been provided within the DCO Application documentation or submit information in regard to how such risks will be mitigated.	<p>The Applicant performed a ground investigation campaign which included the locations of Pentre-Halkyn BVS and Babel BVS. No lead mining activity was reported at these locations and no elevated levels of lead were recorded within the soil samples tested.</p> <p>The Applicant has committed to mitigate unacceptable contaminated land related risks to the environment and construction workers, with appropriate monitoring of works and compliance with the CEMP required as per REAC commitment D-LS-014 [AS-053], as secured by Requirement 5 of the dDCO [AS-016]).</p>
Q1.10.20	<i>Personal protective equipment</i> Applicant	Will any extra-ordinary personal protective equipment be required due to risk of lead contamination?	As no evidence of lead contamination was found during the ground investigation campaign, the Applicant does not foresee the use of additional personal protective equipment. However, if during the detailed design and/or construction phase, evidence of potential contamination or historic mining activities is observed, then works will be stopped and an investigation will be undertaken to confirm what is present. If personal protective equipment is then required, this will be implemented together with all other control measures that would be required for what has been encountered.
Q1.10.21	<i>High volatile organic carbons</i> CWCC	Paragraph 11.6.112 of ES Chapter 11 (Land and Soils) [APP-063] identifies a high volatile organic carbon result within the Stanlow manufacturing complex and notes further assessment will be required. It is also noted further ground investigation works will take place prior to construction. The ExA would ask whether prior to construction for the further ground investigation works to take place is appropriate and, if not, when should such further ground investigation works take place.	A series of Statements of Common Ground are being progressed, including with CWCC (document reference: D.7.2.2), as submitted at Deadline 1.
Q1.10.22	<i>Historical mine shafts or shallow workings</i> Applicant	The ExA notes ES Chapter 11 (Land and Soils) [APP-063] paragraph 11.8.5 and that the routing of the pipeline "...will be performed to avoid potential historical mine shafts or shallow workings identified by the Coal Authority..." However, the ExA would ask how the Applicant can be sure they are avoiding such mine shafts and shallow workings and what would happen in the event that during the course of construction unidentified mine shaft(s) or shallow workings were identified.	The information provided by the Coal Authority has been used by the Applicant to inform the routing of the pipeline, so as to avoid historical mine shafts and shallow workings. While there remains a risk of encountering unrecorded mine shafts and shallow workings during the construction phase, further ground investigations will be performed by the Construction Contractor to minimise this risk. In the potential event that a mining feature is encountered during the construction phase, work will be stopped and the feature fenced off. Remediation works will be determined and executed in consultation with the Coal Authority, in accordance with the Coal Authority Technical Guidance Note TGN02 (REAC commitments D-LS-003 and D-LS-004 [AS-053], as secured by Requirement 5 of the dDCO [AS-016]).

Table 2-11 – HRA

ExQ1	Question to	Question	Applicant's Response
Q1.11.1	NE and NRW	<p>NE has not made any comments on the Applicant's assessment of effects on the River Dee and Bala Lake/ Afon Dyfrdwy a Llyn Tegid SAC or Deeside and Buckley Newt Sites SAC. Can NE confirm whether it agrees with the Applicant's conclusions presented in [APP-226] in respect of these sites?</p> <p>NRW has not highlighted any concerns in respect of the Applicant's assessment of effects on the River Dee and Bala Lake/ Afon Dyfrdwy a Llyn Tegid SAC, Halkyn Mountain/ Mynydd Helygain SAC and Alyn Valley Woods/ Coedwigoedd Dyffryn Alun SAC. Can NRW confirm whether it agrees with the Applicant's conclusions in respect of these sites?</p>	
Q1.11.2	NE and NRW	<p>Does the Applicant's assessment of effects on European sites identify all the relevant sites and qualifying features which could be affected by the Proposed Development?</p> <p>Please confirm if the conservation objectives presented in Appendix A of [APP-226] are the correct ones for the sites covered in the Applicant's assessment of effects on European sites</p>	
Q1.11.3	Applicant	<p>It is noted that the draft DCO refers to decommissioning but the effects on European sites are not assessed in [APP-226]. The Applicant is requested to provide an updated HRA report which addresses this.</p> <p>In relation to in-combination effects on European sites, can the Applicant confirm if there are any updates to its in-combination assessment expected.</p>	<p>The Applicant acknowledges that decommissioning has been included in the dDCO [AS-016]. Therefore, the Applicant proposes to update the HRA to capture an assessment relating to decommissioning of the DCO Proposed Development by Deadline 2. Any impacts associated with decommissioning are anticipated to be comparable to those for construction. As such, the assessment for decommissioning is expected to broadly mirror that of the construction assessment.</p> <p>In relation to the in-combination assessment, Other Development 14 (A55 Red Route) has been removed from the HRA following discussions with NMWTRA. This action has been taken within the HRA (document reference: D.6.5.6 Rev B) submitted with the Applicant's Change Request 1 in March 2023. In addition, the short-list of Other Developments in Table 3 of Appendix 19-1 Inter-Project Effects Assessment was updated and issued as part of Change Request 1 (document reference: D.6.3.19.1 Rev B, now referred to as Table 1.3). Following a decision on the Change Request being made by the ExA, the HRA will be updated by the Applicant to reflect the changes to Appendix 19-1. However, it should be noted that the changes to Appendix 19-1 are not expected to have any material effect on the conclusions detailed within the HRA. No further updates are currently anticipated for the in-combination</p>

ExQ1	Question to	Question	Applicant's Response
			assessment. However, if additional or new information becomes available, the Applicant would review the need to update the HRA.
Q1.11.4	Methodology Applicant and IPs, including: CWCC; FCC; NE and NRW	<p>HRA – Information to inform an appropriate assessment [APP-226] indicates that there are 9 European sites within 10km of the DCO proposed development area:</p> <p>i) River Dee and Bala Lake/ Afon Dyfrdwy a Llyn Tegid SAC.</p> <p>ii) Deeside and Buckley Newt Sites SAC (immediately adjacent to the DCO proposed development area).</p> <p>iii) Halkyn Mountain/ Mynydd Helygain SAC (400m north at its closest point).</p> <p>iv) Mersey Estuary SPA (approx. 1.05km to the north).</p> <p>v) Mersey Estuary Ramsar (approx. 1.05km to the north).</p> <p>vi) Dee Estuary/ Aber Dyfrdwy SAC (approx. 1.2km to the north).</p> <p>vii) The Dee Estuary SPA (approximately 1.2km to the north).</p> <p>viii) The Dee Estuary Ramsar (approximately 1.2km to the north).</p> <p>ix) Alyn Valley Woods/ Coedwigoedd Dyffryn Alun SAC (approximately 6km to the southwest).</p> <p>IPs</p> <p>Do IPs concur with the list and agree that there are no omissions for the purposes of formal assessment?</p> <p>Have the defining features of all European sites been properly addressed by the Applicant?</p>	No response required.
		<p>Applicant</p> <p>The River Dee flow channel appears to run out towards, around and behind Hilbre Island. Where does the SPA/ Ramsar boundary for the Dee Estuary formally run to? Can a plan be provided/ signposted of the SPA boundaries relative to the pipeline route.</p>	<p>Hilbre Island falls within the boundaries of The Dee Estuary SPA/Ramsar and the Dee Estuary/Aber Dyfrdwy SAC. However, the Island is approximately 26km from where the DCO Proposed Development crosses under the River Dee; as such no effect is anticipated on this site.</p> <p>A figure (see Appendix C, document reference: D.7.10.3) has been produced to illustrate the location of Hilbre Island in relation to the DCO Proposed Development and the Dee Estuary SPA/Ramsar.</p>
Q1.11.5	Mitigation	The ExA acknowledges that the Applicant's proposal is that the REAC [APP-222] would be secured & implemented	Best practice refers to the Guidance for Pollution Prevention (GPPs), which represents environmental good practice (and regulatory guidance) in Wales and the

ExQ1	Question to	Question	Applicant's Response
	Applicant and IPs, including CWCC and FCC	<p>within the CEMP (an Outline CEMP [APP-226] is provided). Overall mitigation referred to includes best practice to control dust arising from construction processes.</p> <p>What 'best practice' is covered and what would it entail?</p> <p>Is any locally applied best practice applicable/ relevant in the respective administrative areas?</p>	<p>Pollution Prevention Guidelines (PPG) published by the Environment Agency, which represents sources of good practice in England. Whilst the PPG was withdrawn in 2015, it remains a useful resource for best practice information.</p> <p>For dust deposition specifically, the most comprehensive guidance on control measures is the Institute of Air Quality Management (IAQM) guidance on the assessment of dust from demolition and construction (available online). The IAQM dust guidance document was used for the assessment of impacts and development of appropriate mitigation measures within Chapter 6 Air Quality of the ES [APP-058].</p> <p>Paragraph 7.2.2 of the HRA [APP-226] outlines some of the best practice measures proposed to reduce dust dispersal and provides a cross-reference to the associated measure captured within the REAC [AS-053] and OCEMP [AS-055]. These include, for example, use of dust suppression techniques such as water sprays (measure D-AQ-015) and appropriate monitoring of activities with the potential to generate dust (measures D-AQ-008 to -011).</p> <p>The IAQM guidance is the primary source of guidance for the control of dust. A general guidance document ('How to prevent nuisance during construction work', available online) has been made available by Cheshire West and Chester Council which contains recommended control measures for the control of dust. These measures are aligned with the IAQM guidance, which is a more comprehensive source of guidance of dust management and mitigation. There is no known local best practice or guidance relevant to Flintshire for the DCO Proposed Development.</p>
Q1.11.6	Mitigation Applicant and IPs, including CWCC and FCC	<p>Measures are referred to in the ES that aim to avoid entrapment of otters in pipes. How will these measures be made compatible with the mitigations suggested for general safety and drainage technical details?</p> <p>Additionally, are there any further technical constraints anticipated in light of this added provision?</p>	<p>Proposals to avoid the entrapment of otters (and other wildlife) are detailed in measure D-BD-023 of the REAC [AS-053] and OCEMP [AS-055]. These proposals relate to the construction phase of the DCO Proposed Development only and include standard approaches, including the provision of a suitable means of escape if voids/trenches need to be left overnight (such as a ramp) and the temporary capping of exposed tunnels or pipes to prevent entry to wildlife during construction. These measures are not considered to be in conflict with any other mitigation proposals or drainage technical details.</p>
Q1.11.7	Mitigation/ Enhancement Applicant and IPs, including CWCC and FCC	<p>The ExA notes that Biodiversity Enhancements Planning Policy Wales 10 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity. This policy and subsequent policies in Chapter 6 of Planning Policy Wales 10 respond to the Section 6 Duty of the Environment (Wales) Act 2016. In line with that what options are available to provide ecological</p>	<p>The Applicant is in discussion with Flintshire County Council (FCC) and whilst a Biodiversity Net Gain scheme is still to be formalised, FCC have identified to the Applicant that 3 out of 4 of the priority habitats identified within Wales (and targeted for BNG), could be provided by FCC on its sites or by supplementing one of its existing programmes.</p> <p>The Applicant is engaged in discussion with landowners and trusts regarding the remaining habitat (woodland) that would be organised by the Applicant.</p> <p>The combination of the programme of work with FCC (which establishes a plan for hedgerow, river and pond habitats) and private landowners / wildlife trusts (for</p>

ExQ1	Question to	Question	Applicant's Response
		enhancements in offsite locations for Priority Habitats or other habitats including both terrestrial and aquatic environments?	<p>woodland) would manage the BNG1% targeted for Wales, whilst providing ecological enhancement at off-site locations.</p> <p>Outside of the BNG measurement, the Applicant has committed to the creation of additional woodland planting mitigation areas within the Newbuild Infrastructure Boundary (see Woodland and Individual Tree Mitigation of Section 9.10 of Chapter 9 – Biodiversity [AS-025]), which are not being counted towards the target of 1% BNG. Through the above means, the Applicant is aiming to realise net benefits for biodiversity. Additionally, as captured within Section 9.10 of Chapter 9 – Biodiversity [AS-025] and item D-BD-066 of the OCEMP [APP-055], the Applicant will explore opportunities to provide ecological enhancements during the development of the detailed design and during construction for the benefit of biodiversity; for example, recommendations for the exploration and creation of deadwood habitats utilising felled materials from construction works.</p>
Q1.11.8	Mitigation/ Enhancement Applicant and IPs, including CWCC and FCC, NRW and NE	Point out within the ES documentation (or elsewhere) where there are local strategic nature improvement or recovery strategies in the geographical area subject to the DCO that could potentially be used for the delivery of further ecological enhancement.	<p>The Applicant has discussed habitat offsetting directly with CWCC within England, with a view to providing habitat enhancements within the CWCC Ecological Network (part of the Local Plan Part 2 Policy DM44).</p> <p>Furthermore, parts of the Newbuild Infrastructure Boundary itself are located within the ecological network. Thirteen areas have been selected across the Order Limits for proposed tree planting to mitigate for the loss of trees during construction. These locations have been chosen on the basis of enhancing and improving existing green infrastructure within the Order Limits, benefitting the wider landscape which will also accord with enhancements to the Ecological Network within England.</p> <p>In Wales, the Applicant is in direct liaison with FCC around how it can best support local nature strategies in order to offset any residual impacts to Priority Habitats and achieve a net benefit in biodiversity. Any biodiversity enhancement strategy within Wales will ensure adherence to Planning Policy Wales 11 as well as the Environment (Wales) Act 2016. This will be achieved by first following a stepwise approach to the mitigation hierarchy before compensating as a last resort to ensure promotion of resilient ecological networks. These discussions are on-going but will be reported in the updated BNG assessment report to be submitted to the ExA during the examination period.</p> <p>Any local strategic nature improvement areas provided by FCC will be factored into future BNG assessments and will be detailed within updated BNG assessment reports to be submitted to the ExA during the examination.</p>

Table 2-12 – Landscape and Visual

ExQ1	Question to	Question	Applicant's Response
Q1.12.1	Update Applicant and IPs, including CWCC and FCC	Have there been any changes to the built environment in the vicinity of the land subject to scheme improvement currently submitted? If so, please identify where, and consider if the plans and statements would need to be updated/ amended.	<p>The Applicant is unaware of any changes to the built environment in the vicinity of the DCO Proposed Development since the assessment was completed.</p> <p>Appendix A of the Planning Statement [APP-048] sets out the recently constructed / determined planning applications within and 500m beyond the Order Limits. Additionally, Chapter 19: Combined and Cumulative Effects [APP-071] sets out the anticipated effects for future development in the vicinity of the Order Limits.</p>
Q1.12.2	Update Applicant and IPs, including CWCC	<p>Within Chapter 12 – Landscape and Visual Table 12.1 – Summary of Consultation Undertaken highlights Areas of concern for CWCC along the Newbuild CO2 Pipeline route are those where open cut trench method would impact upon vegetation and in particular mature trees. The ExA shares those concerns.</p> <p>Whilst it is stated by the Applicant this is to be avoided where possible via micro-siting the route and/ or using tunnelling methods. Can the Applicant further explain with signposting to other elements of the ES how the visual impact would be mitigated?</p> <p>Can a plan be submitted showing this detail to give more certainty?</p>	<p>The Register of Environmental Actions and Commitments (REAC) [AS-053], secured through the Construction Environmental Management Plan (CEMP) within Requirement 5 of the dDCO [AS-016], outlines the core commitments for the DCO Proposed Development and obligations for the management of biodiversity features, including trees and hedgerows. Section 12.8 of Chapter 12: Landscape and Visual [APP-064] and as outlined within the REAC [AS-053], secured through the CEMP within Requirement 5 of the DCO [AS-016], sets out “<i>Where areas of the Newbuild Carbon Dioxide Pipeline are to be constructed via open-cut trench method cross hedgerows, the extent of hedgerow to be removed will be a maximum of 15m.</i>” (D-LV-030) and a “<i>15m works exclusion zone or similar approved by an Arboriculturist is assumed</i>” (D-LV-015) for areas of ancient woodland.</p> <p>Chapter 4 – Consideration of Alternatives [APP-056] paragraph 4.5.38 sets out the routing considerations including minimising loss of vegetation. The specific trenchless crossing points are detailed in Appendix 3.1 – Table of Trenchless Crossings Rev A [APP-077] and they mainly relate to traffic and utilities constraints, but TRS-17, TRS-26 and TRS-35 consider the visual impact on recreational receptors. Trenchless crossing points are also shown within Figure 3.2 DCO Proposed Development [APP-176].</p> <p>An Arboricultural Impact Assessment has been provided [APP-115 and APP-116] to demarcate areas of woodland for removal and retention. Annex D – Preliminary Constraints And Impacts Plan, within this report identifies construction activities, including open-cut trench crossings and the identification of existing vegetation and trees which will be removed or may be at risk.</p> <p>Alterations to the Newbuild Infrastructure Boundary have been made through the Applicant's Change Request 1 (submitted on 27 March 2023) to retain vegetation where possible, notably at Backford Brook (refer to Change PS04 within the 2023 ES Addendum Change Request 1 (document reference: D.7.7).</p>
Q1.12.3	Update	<p>Applicant and IPs</p> <p>i) Please confirm if a local 'Design Review' (or any Conservation/ Heritage Working Party decision or similar)</p>	<p>The Applicant has been and will continue to engage with relevant statutory bodies and interested parties in relation to environmental assessment and mitigation associated with the DCO Proposed Development. A series of Statements of Common</p>

ExQ1	Question to	Question	Applicant's Response
	Applicant and IPs, including CWCC and FCC	process anticipated to be undertaken for any aspect of the DCO scheme proposed?	<p>Ground with key stakeholders have also been progressed, and submitted at Deadline 1.</p> <p>The Applicant will establish the following process to ensure that there is adequate opportunity for design review by LPAs. With reference to Requirement 4(4) of the dDCO [AS-016], “each of Works Nos. 1, 9, 20, 26, 36, 45, 48, 51, 53, and 55 may not be commenced until, for that Work No. the following details have been submitted to and approved by the relevant planning authority:</p> <ul style="list-style-type: none"> a) the siting, layout, scale and external appearance, including the colour, materials and surface finishes of all new permanent buildings and structures; b) details of permanent accesses to the public highway; c) details of any external lighting; and d) details of the noise ratings of any external machinery or potentially noisy installations (such as fans).”
		<p>Applicant</p> <p>ii) Explain how any working change or modification to the scheme as a result of local design considerations/ representations could be accommodated if necessary.</p>	<p>The Applicant proposes to establish regular consultations with the planning authorities to allow the Construction Contractor to engage in detailed discussions on the matters to be approved through the discharge of Requirements before applications for discharge are submitted, with the aim of identifying and resolving any potential concerns before applications for approval are made.</p> <p>There is some flexibility to allow detailed changes to be made and the Applicant intends to review any requests on a case-by-case basis.</p>
Q1.12.4	Methodology IPs, including Statutory Undertakers	<p>Chapter 12 Landscape and Visual, Table 12.2 lists the elements scoped out of the assessment. This includes recognition each AGI, BVS and control cabinet will require a connection to the local electricity network at the nearest practicable connection points.</p> <p>For the EIA, it is assumed that would be via the closest adopted highway. Any connection works up to that point would be undertaken via the respective statutory undertakers so are not included as part of the DCO Proposed Development. Do statutory undertakers agree the use of the highway is feasible? Do IPs agree with the elements scoped out? If not state why not.</p>	
Q1.12.5	Methodology IPs	<p>ES Chapter 12 – Landscape and Visual indicates that for all stages of construction, operation and decommissioning, the following elements have been scoped into the assessment:</p> <ul style="list-style-type: none"> - Landscape character and visual amenity of residents and recreational users within the 2km Study Area of the Newbuild Infrastructure Boundary; 	

ExQ1	Question to	Question	Applicant's Response
		<p>- Landscape character and visual amenity of residents and recreational users within the 500m Study Area of the three BVSs along the Flint Connection to PoA Terminal Pipeline.</p> <p>Do IPs agree with the suitability of those thresholds? If not state your reasons.</p>	
Q1.12.6	AGIs/ BVIs Elevations Mitigation Applicant	<p>Having regard to the Elevation/ Arrangement Plans [APP-019] and [APP-020] for AGIs and the BVIs [APP-016] and [APP-017]:-</p> <p>i) Provide accurate Elevation Plans that reflect what is detailed on the Arrangement Plans. Currently the Elevation Plans depict the site and adjoining land as being flat and level. However, the Arrangement Plans clearly depict engineering operations will be required to create a flat and level surface, by cutting into the land/ creating banking. Clearly this cannot be correct and the ExA would request the elevation plans be amended to correctly show levels/ topography of the proposed AGI/ BVS sites and the immediately adjoining land.</p>	<p>Updated AGI and BVS Elevation Plans to reflect these changes have not been provided at Deadline 1 to avoid confusion with the Applicant's submitted Change Request 1 (submitted on 27 March 2023). However, once a decision is made on this change request, these changes will be made to the appropriate version of the AGI and BVS Elevation Plans accordingly.</p>
		<p>ii) Confirm the external finishing materials and colour for the kiosks within the BVIs.</p>	<p>As outlined within Chapter 12 – Landscape and Visual [APP-064], the kiosks within the BVSs will be primarily made of profiled metal cladding and painted to a colour that fits the context in which they are located. This will be reseda green RAL ref: RAL6011 (or similar) for all locations with the exception of Stanlow AGI which may be left as galvanised or painted grey (due to the industrial setting within a refinery), as set out within commitment D-LV-021 within the REAC [AS-053], secured through the Scheme Design Requirement 4(4) of the dDCO [AS-016].</p>
		<p>iii) Confirm the colour of the exposed valves and perimeter fencing. Is there scope for recessive external finishings matching surrounding greenery to be selected?</p>	<p>The exposed valves at the AGI and BVS sites will be painted light grey. As outlined within Chapter 12 – Landscape and Visual [APP-064], the perimeter fencing around the AGIs and BVSs will be PVC coated reseda green RAL ref: RAL6011 (or similar) to ensure the colour that fits the context in which they are located. This will be the case everywhere with the exception of Stanlow AGI which may be a standard galvanised finish or coated grey (due to the industrial setting within a refinery), as set out within commitment D-LV-022 within the REAC [AS-053], secured through the Scheme Design Requirement 4(4) of the dDCO [AS-016]. The external finish paint will be subject to approval at Detailed Design stage with precise shade specified at that time, as set out under D-LV-021 within the REAC [AS-053], secured through the Scheme Design Requirement 4(4) of the dDCO [AS-016].</p>

ExQ1	Question to	Question	Applicant's Response
		iv) With respect to perimeter fencing, what scope is there to improve its attractiveness as well as ensuring functional requirements are met?	The primary function of the fence is as a safety feature to meet security requirements. As outlined within Chapter 12 – Landscape and Visual [APP-064] and as set out within commitment D-LV-22 of the REAC [AS-053] the fencing will be finished in a colour suitable to the local landscape context.
		v) Similarly, can coloured gravel/ paving be utilised in the same way for exposed areas?	Gravel materials will be locally sourced with the aim of harmonising with prevailing tones and colours within the landscape providing a greater level of integration as perceived in local views. This approach will be further developed at Detailed Design and as set out within commitment D-LV-023 within the REAC [AS-053], secured through the Scheme Design and Landscape and Ecology Management Plan (LEMP) Requirements 4(4) and 11 of the dDCO [AS-016].
		vi) Acknowledging new landscaping would take time to establish, please set out what complementary perimeter landscaping is to be used/ could be used to improve the attractiveness of the BVIs and AGIs from further afield?	The contents of the Outline Construction Environmental Management Plan (CEMP) [AS-055], secured through the CEMP by Requirement 5 of the dDCO [AS-016], sets out the measures to protect and retain vegetation likely to be affected by the DCO Proposed Development. In this way, existing landscape elements will provide some integration of the BVSs and AGIs whilst specific perimeter planting establishes and provides more effective screening in the medium to long term. The BVS and AGI Landscape Layouts [APP-023] have built upon these existing landscape features. Further detail in respect of planting numbers and specification will be provided at Detailed Design in accordance with commitment D-LV-024 of the REAC [AS-053]. As set out within commitment D-LV-021 within the REAC [AS-053], secured through the LEMP Requirement 11 of the dDCO [AS-016], and the response in 1.12.6ii above, the consideration has been given to the finish of the buildings, pipework and fencing for the BVSs and AGIs to mitigate the landscape and visual impact.
		vii) Explain how appearance choices of the AGI/ BVIs inclusive of any mitigation reflect current national and local design policies covering England and Wales.	<p>Section 12.2 of Chapter 12 – Landscape and Visual [APP-064] outlines the legislation and policy documents referenced for all landscape and visual works undertaken as part of the DCO. In respect of referenced mitigation guidance, the National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4) within section 2.21, Gas and Oil Pipelines Impacts: Biodiversity and Landscape and Visual, also provides policy guidance with regard to long term impacts and appropriate assessment and mitigation of pipeline features. The guidance states under point 2.21.3 “where it is unlikely to be possible to restore landscape to its original state, the applicant should set out measures to avoid, mitigate, or employ other landscape measures to compensate for, any adverse effect on the landscape.”</p> <p>Commitments associated with the retention and reinstatement of vegetation are included within the REAC [AS-053], secured by the CEMP and LEMP within Requirements 5 and 11 of the dDCO [AS-016]. At AGI and BVS locations where reinstatement of existing vegetation is not possible specific BVS and AGI Landscape Layouts [APP-023] with proposed mitigation have been prepared and designed to</p>

ExQ1	Question to	Question	Applicant's Response
			<p>limit landscape and visual impacts. Section 2.21.5 of the NPS (EN-4) guidance states <i>“mitigation measures to protect the landscape and ecology could include reducing the working width required for the installation of the pipeline in order to reduce the impact on the landscape where it will not be possible to fully reinstate the route.”</i> This guidance has been addressed under Section 12.8 of Chapter 12: Landscape and Visual [APP-064], which states <i>“Where areas of the Newbuild Carbon Dioxide Pipeline are to be constructed via open-cut trench method cross hedgerows, the extent of hedgerow to be removed will be a maximum of 15m.”</i> (D-LV-030) and a <i>“15m works exclusion zone or similar approved by an Arboriculturist is assumed”</i> for areas of ancient woodland (D-LV-015), as outlined within the REAC [AS-053], secured through the CEMP within Requirement 5 of the dDCO [AS-016]. Paragraph 2.21.6 of the NPS (EN-4) outlines the option to utilise horizontal direct drilling to reduce impacts on existing vegetation. Trenchless crossing points have been utilised throughout the design with locations detailed within Figure 3.2 DCO Proposed Development [APP-176].</p> <p>An Outline Landscape and Ecological Management Plan [APP-229], the contents of which is secured within Requirement 11 of the dDCO [AS-016] has also been prepared in line with EIA requirements to support mitigation proposals, to be built upon at Detailed Design stage.</p>
		viii) Confirm how the final external appearance details would be secured by the DCO.	<p>Commitments to the external appearance of BVS and AGI features have been outlined within the REAC [AS-053], specifically; D-LV-021, D-LV-022 and D-LV-023, which will be secured through the LEMP within Requirement 11 of the dDCO [AS-016].</p>
		ix) Explain how the incorporation of ‘stack heights’ referred to in venting processes and odour mitigation are factored in the likely significant effects to the appearance of the area	<p>The landscape and visual impact assessment for the DCO Proposed Development considers a maximum height parameter of 5m for the AGIs and BVSs as set out in Chapter 12 Landscape and Visual [APP-064]. As described in Chapter 3: Description of the Proposed Development [APP-055], the requirement for CO₂ venting will be limited to infrequent maintenance activities. Due to the infrequent and temporary nature of planned venting activities, the visual impact of the vent stacks is not anticipated to be significant.</p>
Q1.12.7	Applicant	<p>It is stated in ES Chapter 19 Table 19.2 that all cultural heritage ‘non-below ground’ construction effects were scoped out from the cumulative assessment because the cultural heritage assessment found they would be negligible. However, ES Chapter 8 identifies all the cultural heritage residual effects as slight adverse except one, which was predicted to experience a moderate adverse effect. Similarly, cumulative visual effects in Year 15 of operation are scoped out in Table 19.2 on the basis that they all would</p>	<p>The scope of the assessment for Combined and Cumulative Effects changed due to the identification of errata. In Chapter 19: Combined and Cumulative Effects of the 2022 ES [APP-071], Cultural Heritage was incorrectly scoped into the inter-project effects operation stage assessment and scoped out of the construction stage assessment. Cultural Heritage should be scoped into the construction stage assessment and scoped out of the operation stage assessment. Therefore, Table 19.2 within Chapter 19: Combined and Cumulative Effects of the 2022 ES [APP-071]</p>

ExQ1	Question to	Question	Applicant's Response
		have been effectively mitigated by then. However, according to the assessment contained in ES Chapter 12, all the visual amenity receptors, apart from two, for which a residual effect has been identified are predicted to experience a minor adverse effect at Year 15. Can the Applicant explain the discrepancies and provide a justification as to why cumulative effects can be excluded.	<p>should be replaced with Table 19.1 of 2023 ES Addendum Change Request 1' [document reference: D.7.7].</p> <p>Chapter 19: Combined and Cumulative Effects of the 2022 ES [APP-071] scopes out elements that are not considered to give rise to likely significant effects as a result of the DCO Proposed Development. Chapter 12: Landscape and Visual of the 2022 ES [APP-064] reports no residual significant effects for Year 15 of operation once mitigation has been applied. The Combined and Cumulative Effects Assessment therefore scopes out Year 15 and only looks at the inter-project effects with other developments associated with the construction years and Year 1 of operation (where residual significant effects are reported within Chapter 12: Landscape and Visual of the 2022 ES [APP-064]).</p>

Table 2-13 – Mineral Resource

ExQ1	Question to	Question	Applicant's Response
Q1.13.1	General IPs, including FCC and CWCC	Having regard to the Applicant's assessments contained within Appendix 11.3 Minerals Resource Assessment – Part's 1& 2 [APP-131] and [APP-132], are there any MSAs which are impacted upon by the proposed DCO in a way not already considered by the ES?	
		If so, how is the impact different to the conclusions reached in [APP-131] and [APP-132]. What are the implications?	
		If relevant highlight how any further sterilisation of mineral extraction areas not accounted for (formally safeguarded or otherwise) would specifically occur. Suggest any avoidance/ alteration/ mitigation that is needed.	
		Are any new MSAs expected/ proposed by way of plan update or any other means?	
		Highlight the details and status of any restoration plans for minerals areas relevant to the DCO area.	
Q1.13.2	General IPs	Third-party aggregate operators (such as Tarmac and Hanson) are noted within the ES to be located within 10-15 miles of some MSAs intercepted by the DCO Proposed Development. Are there any comments from IPs on any subsequent direct or indirect impacts to current commercial operations taking place in the area?	

ExQ1	Question to	Question	Applicant's Response
Q1.13.3	Mining Risks Applicant and IPs, including FCC, CWCC and the Coal Authority	<p>Hawarden Community Council [RR-038] comment that Flintshire is a heavily mined area (historically) with numerous mine shafts (coal, iron, lead) and, the country rock below the drift geology is extensively faulted.</p> <p>The ExA also acknowledges that historic mining is shown to be present across the western section for the pipeline route. There is potential for historic shallow workings along Colliery Lane, Deeside along the road and edges of the road itself. This includes areas to the west of Gladstone Way where a previous opencast was present.</p> <p>The area of Alltami Brook is also evidenced as having significant historical mining for which records have been obtained. It is recommended in the Applicant's assessments that pipeline routing be performed to avoid these historic workings albeit there is always the potential encounter unknown workings across this area. There are other coal shafts evidenced as recorded from the Coal Authority along the route, yet none have been observed during site walkovers and so it is not known how these have been capped and backfilled.</p> <p>With the above in mind, how would human safety be protected during construction given those potential hazards?</p>	<p>The Applicant is aware of the historic mining of the area and has engaged with the Coal Authority to understand the extent of this. This is not an uncommon risk in coal mining areas and a specific risk assessment has been produced [AS-043 to 052]. That assessment includes location specific assessments, including for the Alltami Brook area (section 5).</p> <p>As set out in the risk assessment, a number of recommendations including site specific investigations to inform the detailed design and limitations on excavations will be used (this is set out in the OCEMP, [AS-055] at D-LS-004 and secured by Requirement 5 of the dDCO [AS-016]). Other protection measures, including those related to human safety, would be carried out as required in any consent from the Coal Authority and would reflect site specific issues. These may for example include gas monitoring.</p> <p>ES – Scoping Opinion Responses [APP-076] states that “the Coal Authority considers that the Applicant has identified the coal mining risks associated with the DCO Proposed Development site and set out appropriate measures to mitigate the risk that these may have to the development”.</p>
		In addition to the above, the ExA notes the Applicant's Coal Mining Risk Assessment, Part 1 [APP-121], which states that the risk of potential shallow workings around Colliery Lane and Gladstone Way should be considered in any construction plan and that site investigation will be performed. When would the details of the construction plan and site investigation become available?	Details of further site investigation results will be available during the detailed design phase. Those details will be available to inform the construction plan and CEMP for the relevant works.
		Furthermore, the ExA asks how would/ should unexpected ground conditions be dealt with if the DCO is granted consent?	If unexpected ground conditions are encountered during site investigations, the Construction Contractor will seek to avoid these within the parameters and Order Limits allowed by the DCO. Where these cannot be avoided, suitable remediation works will be undertaken by the Construction Contractor to allow for construction activities to proceed in a safe manner. For example, if mine shafts are encountered, the Coal Authority will be consulted, and the shafts may be infilled or capped in accordance with their requirements.

ExQ1	Question to	Question	Applicant's Response
		Are adequate consultation measures, in regard to this matter, included within the DCO?	<p>The Applicant notes that where coal working may be impacted, consent from the Coal Authority will be required, who will retain oversight through the consenting process.</p> <p>The measures within the CEMP would require to be approved by the LPA. At present there is no specific requirement to consult on coal workings as the Coal Authority will be engaged through its own consenting process.</p>
Q1.13.4	Post Development Infrastructure Risks Applicant and IPs, including FCC and CWCC	Applicant The ExA notes that the ES states that mineral extraction would not be permitted within the pipeline easements. Can the Applicant explain the specific DCO mechanism(s) dealing with that restriction and the extent/ size of the easements involved?	<p>The mechanism is, in the first instance, the agreement of a restriction on the land as part of the voluntary land deal. Where such a deal cannot be reached and compulsory acquisition powers are used, a restrictive covenant would be imposed preventing works which could interfere with the pipeline or its surroundings. The restriction would apply to the rights corridor around the pipeline, being generally 24.4m wide.</p>
		The ExA understands that above ground access over the pipeline route would be unrestricted by the DCO having regard to current and any future mineral extraction in the local areas involved. What specific elements of the DCO allow such potential future access provision? Or is the provision achieved through omission of such restrictions only? Please clarify.	<p>The dDCO [AS-016] does not prevent landowners accessing over the pipeline route within their landholding. The purpose for which they take access does not affect that position. The pipeline is designed to allow access by farm machinery and traffic currently known to use the land. If very heavy machinery was needed, for example for mining, that use would be restricted without consent where it could damage the pipeline.</p>
		IPs Would permanent acquisition of the subsurface inhibit minerals extraction elsewhere?	

Table 2-14 – Noise and Vibration

ExQ1	Question to	Question	Applicant's Response
Q1.14.1	<i>Monitoring</i> Applicant and IPs, including FCC and CWCC	Applicant i) Outline how monitoring thresholds would be identified and implemented, and indicate whether the DCO should include a commitment to secure remedial measures should monitoring identify higher than predicted noise and vibration levels?	<p>Thresholds for significant effects during both construction and operational stages are defined in paragraphs 15.5.56 and 15.5.57 of the 2022 ES Chapter 15 - Noise and Vibration [APP-067].</p> <p>Construction Stage: the noise and vibration monitoring locations will be stipulated in the Noise and Vibration Management Plan. The Noise and Vibration Management Plan, committed in D-NV-001 of the Register of Environmental Actions and Commitments [AS-053] required under Requirement 5(2)(b) of the dDCO [AS-016], will also outline the actions which should be taken following noise threshold exceedances.</p> <p>D-NV-002 of the REAC [AS-053] commits the Applicant to undertake a consultation with the Local Planning Authorities Environmental Health Officers, or equivalent positions, to agree the parameters to be included in the Noise and Vibration Management Plan.</p>

ExQ1	Question to	Question	Applicant's Response
			Operational Stage: Requirement 14 of the dDCO [AS-016]) stipulates in item (3) that prior to the commencement of the development, the Applicant will submit a plan to the relevant authorities for approval detailing how noise monitoring will be undertaken within the initial six months of operation.
		ii) Can the Applicant explain if monitoring (and appropriate trigger levels) would be required to determine whether measures need to be implemented to further reduce noise? If so, how would these and any requisite remedial measures be secured?	D-NV-013 of the Register of Environmental Actions and Commitments [AS-053] required in Schedule 2 of the draft DCO [AS-016], commits the Applicant to undertake noise and vibration monitoring during the construction stage at locations stipulated in the Noise and Vibration Management Plan. The Noise and Vibration Management Plan will outline the actions which would be taken following noise threshold exceedances. The Applicant will implement the Noise and Vibration Management Plan following approval from the Local Planning Authority.
		iii) How can noise/ vibration mitigation for ecology be relied upon as being suitable based on the information presently known? Or is further information expected?	The Applicant has included provision for the creation of a Noise and Vibration Plan, to be developed at the detailed design stage (see D-NV-001 and D-NV-002 of Outline Construction Environmental Management Plan [AS-055] as secured by Requirement 5 of the dDCO [AS-016]). Additional mitigation measures have been prescribed within the OCEMP [AS-055] to avoid and reduce impacts upon protected and/or notable species, inclusive of noise and vibration, for example (but not limited to) D-BD-020, D-BD-021, D-BD-026, D-BD-040, and D-BD-057. Whilst Biodiversity mitigation items may not explicitly state noise or vibration as the driver for the mitigation prescription, the mitigation that will be applied will avoid or reduce impacts from construction affiliated noise and vibration (e.g. the implementation of exclusion buffers around features). ECoW provision (as prescribed within item D-BD-001 of the REAC [APP-053], as secured by the CEMP within Requirement 5 of the dDCO [AS-016]) during construction will provide additional support, advice and oversight of potential disturbance to protected and/or notable species advising of means to mitigate such impacts.
		iv) Prove an update where necessary.	No response required.
		Relevant Planning Authorities/ IPs: v) Comment on the need for monitoring of construction/ operational phase noise and mitigation.	

ExQ1	Question to	Question	Applicant's Response
Q1.14.2	Applicant	<p>The residual noise and vibration effects identified during construction (moderate and major) and decommissioning (moderate) are described as significant subject to the mitigation that would be contained in the Noise and Vibration Management Plan, which is required by draft DCO [APP-024] Requirement 5 to be included in the CEMP. Please can the Applicant:</p> <p>i) Clarify whether it is anticipated that the effects would remain significant following the implementation of the Plan; and</p>	<p>A reasonable worst-case assessment is presented in Chapter 15 - Noise and Vibration) [APP-067] of the 2022 ES and Chapter 15 of the ES Addendum Change Request 1 (document reference: D.7.7). The assessment shows significant noise effects during the night-time would relate to trenchless crossing activities.</p> <p>The Applicant is not able to confirm if the mitigated effects will remain significant, before detailed design is finalised. Therefore, the Applicant has included item D-NV-010 in the Register of Environmental Actions and Commitments [AS-053], as secured by the CEMP within Requirement 5 of the dDCO [AS-016]), stating that where construction activities near sensitive areas are expected to affect residents with a magnitude of medium and high then a set of enhanced mitigation measures will be proposed to and approved by the Local Authority. The Noise and Vibration Management Plan as secured by the CEMP within Requirement 5 of the dDCO [AS-016] will include the details of the enhanced mitigation measures. It is anticipated that these will include means of noise control at specific items of plant and noise-sensitive receptor re-housing, where practicable.</p>
		<p>ii) Explain how such a plan is secured for the decommissioning phase, given that the draft DCO only secures it for the construction phase.</p>	<p>The Decommissioning Environmental Management Plan will include a Noise and Vibration Management Plan, which will contain mitigation measures required for the decommissioning phase secured by Requirement 17 of the dDCO [AS-016].</p>
Q1.14.3	Applicant	<p>Please signpost the ExA to where within ES Chapter 15 (Noise and Vibration) [APP-067] the proposed standard construction hours have been specified. If the proposed standard construction hours are not specified within ES Chapter 15, please confirm the proposed standard construction hours (i.e. are they proposed to be 08:00 to 18:00 hours Monday to Sunday inclusive or another period).</p>	<p>Construction hours are 08:00 to 18:00 on weekdays (excluding public holidays). This is set out in Chapter 3 – Description of the Proposed Development [APP-055] of the 2022 ES and secured in requirement 13 of the dDCO [AS-016].</p> <p>The Applicant notes that a change request has been submitted to the Examining Authority, which seeks to add additional working hours of 08:00 to 13:00 on Saturdays. This is set out in the ES Addendum Change Request 1' (document reference: D.7.7), which provides an update to the description of the DCO Proposed Development [APP-055].</p>
Q1.14.4	Applicant and Relevant Local Authorities (CWCC and FCC)	<p>The ExA notes the Applicants decision not to submit an Operational Vibration Assessment and that no discussions, in regard to this matter, were held with the relevant Local Authorities (CWCC and FCC). However, the ExA would ask:</p> <p>i) the Applicant for a fuller explanation as to why it considered such an assessment was not required; and</p>	<p>The operation of the new equipment included in the Above Ground Installations (AGIs) and Block Valve Stations (BVSs) is not expected to give rise to a significant effect at the nearest sensitive receptor in terms of vibration as there is no rotating equipment / machinery within the AGIs and BVSs.</p> <p>The Applicant sent an email to CWCC and FCC on 27 September 2022 explaining about the intention to scope the matter of operational vibration out from the ES. This is captured in the Statements of Common Ground that being progressed with CWCC (document reference: D.7.2.2) and FCC (document reference: D.7.2.1), as submitted at Deadline 1.</p>
		<p>ii) whether the Relevant Local Authorities (CWCC and FCC) agree with the Applicant's decision that such an assessment was not required and, if not, why they do not agree.</p>	<p>The Applicant is not aware of any disagreement with CWCC and FCC on this approach.</p>

ExQ1	Question to	Question	Applicant's Response
Q1.14.5	Applicant	Please clarify paragraph 15.5.8 of ES Chapter 15 (Noise and Vibration) [APP-067]. Do you mean a home/ homes for elderly residents or homes of a certain age?	Paragraph 15.5.8 of ES Chapter 15 (Noise and Vibration) [APP-067] should read homes for elderly residents.
Q1.14.6	Relevant Local Authorities (CWCC and FCC)	<p>Having reviewed the methodology and calculations set out in ES Chapter 15 (Noise and Vibration) [APP-067], it would appear that very noisy equipment will be in use at certain locations for approximately 80% of the time. Indeed Paragraph 15.9.4 notes “...<i>some receptors in all sections are likely to experience either a medium or a high adverse noise impact at some point during the construction phase.</i>” It also records the magnitude of impact as being considered to be a “significant effect (significant)”.</p> <p>Bearing this in mind the ExA would ask the Relevant Local Authorities (CWCC and FCC) whether they:</p> <p>i) consider there to be a potential for complaint resulting from the use of such equipment and/ or the duration of such use of equipment; and</p> <p>ii) have any concerns in regard to Article 9 (Defence to Proceedings in respect of statutory nuisance) as set out in the draft DCO [APP-024].</p>	A series of Statements of Common Ground are being progressed, including with CWCC (document reference D.7.2.2) and FCC (document reference D.7.2.1), as submitted at Deadline 1.
Q1.14.7	Applicant	ES Chapter 15 (Noise and Vibration) [APP-067] paragraph 15.5.23 is noted but the ExA would ask the Applicant whether they acknowledge that noise levels in excess of the calculations could occur for limited periods and, if so, what mitigation is being proposed to address such occurrences.	The construction noise levels predicted and assessed in Chapter 15 (Noise and Vibration) of the ES [APP-067] are equally representative of shorter periods of time, for instance one hour. Construction noise levels within specific hours could be higher for short periods of time. The assessment approach utilised (in accordance with BS 5228-1:2009+A1:2014) is based on equivalent continuous sound levels that are necessarily averaged over a stated period. The approach does not seek to align impacts with very short duration noise events as it would be impractical to do so. However, the obligation to use the best practice measures approved by the Local Planning Authorities Environmental Health Officers (or equivalent position), as stated in D-NV-002 of the REAC [AS-053], as secured by the CEMP within Requirement 5 of the dDCO [AS-016]), to minimise noise will apply to all noise generation, regardless of its duration.
Q1.14.8	Applicant	Paragraph 15.5.46 of ES Chapter 15 (Noise and Vibration) [APP-067] is noted, as is the fact that secondary noise mitigation will be achieved through localised screening and best practicable means. However, the ExA would ask how such mitigation measures are to be secured at the detailed design stage. For example are such details to be specified	The Applicant is committed to submit a CEMP to the Local Planning Authority for approval, in accordance with Requirement 5 of dDCO [AS-016]. The CEMP will include a Noise and vibration Management Plan which will describe the secondary noise mitigation included in the detailed design. The Local Planning Authority will be consulted to agree on the parameters which will be incorporated in the Noise and Vibration Management Plan, in

ExQ1	Question to	Question	Applicant's Response
		as part of Requirement 4 (Scheme design) or Requirement 5 (CEMP) or some other mechanism. Please clarify, explaining your response in detail.	accordance with items D-NV-001 and D-NV-002 of the Register of Environmental Actions and Commitments [AS-053] .
Q1.14.9	Applicant	The ExA notes paragraph 15.9.5 of ES Chapter 15 (Noise and Vibration) [APP-067], but would ask what the Applicant means by the term 'difficult ground conditions'. Please define and provide examples, where necessary.	In this context, "difficult ground conditions" refers to the longer trenchless crossing locations where the local geology is expected to result in relatively slower tunnelling progress.
Q1.14.10	Applicant/ Relevant Local Authorities	Paragraph 15.10.4 of ES Chapter 15 (Noise and Vibration) [APP-067] is noted, as is the Applicants comment that, in consultation with the Relevant Local Authority, it will consider temporary re-housing where other mitigation measures do not prove sufficient. The ExA would ask: i) the Applicant to signpost where such mitigation is to be secured in the draft DCO [APP-024], REAC [APP-222] or other similar document and whether the use of the word 'consider' would be precise and/ or enforceable?	Item D-NV-010 of the Register of Environmental Actions and Commitments [AS-053] contains a commitment to consider temporary re-housing through consultation with the Local Authority for specific locations where other mitigation measures do not provide sufficient attenuation to prevent sleep disturbance during activities in the night-time period, which will be secured within the CEMP through Requirement 5 of the dDCO [AS-016] . The Applicant is of the opinion that the use of the word 'consider' is appropriate, as the thresholds for significant effects presented in Chapter 15 (Noise and Vibration) of the ES [APP-067] will be used to trigger this process on a case-by-case basis (this will take account of, but not be limited to location, duration of disturbance, and noise / vibration level).
		ii) Relevant Local Authorities (CWCC and FCC) whether the use of the word 'consider' would be precise and/ or enforceable?	
Q1.14.11	Applicant	ES Chapter 15 (Noise and Vibration) [APP-067] Paragraph 15.13.1 – Please clarify what is meant by the term 'Construction Constructor'. Is this an error?	The Applicant confirms that this is a typographical error. It should read Construction Contractor.

Table 2-15 – Planning Policy

ExQ1	Question to	Question	Applicant's Response
Q1.15.1	Applicant and IPs	<p>The Levelling-up and Regeneration Bill: reforms to national planning policy open consultation which opened in December 2022 is currently running to 2 March 2023, run by the Department for Levelling Up, Housing and Communities. A raft of reforms is being considered.</p> <p>The Applicant is requested to acknowledge that changes to national planning policy during the examination period would fall within the definition of important and relevant considerations in regard to the consideration of the DCO application made. Secondly, the Applicant is asked to</p>	<p>The Applicant acknowledges that changes to national planning policy during the examination period could fall within the definition of important and relevant considerations in regard to the consideration of the DCO application, although it notes that the determination of that is for the ExA.</p> <p>Following a review of the draft policy changes, the Applicant consider that the policy changes within the National Planning Policy Framework (NPPF) prospectus (December 2022) are not relevant to the DCO Proposed Development and as such, using the discretion provided by the ExA in the Rule 8 Letter [PD-012], the Applicant has not submitted a tracker of this document to avoid surplus information being submitted into the Examination.</p>

ExQ1	Question to	Question	Applicant's Response
		address any of the policy changes currently anticipated, as they would be relevant to this DCO Application.	<p>The Applicant will comment on any National Development Management Policies (NDMP) if these are released during the Examination. As no NDMP were released before Deadline 1, in accordance with the direction given by the ExA in the Rule 8 Letter [PD-012], no tracker of this document has been submitted.</p> <p>The Applicant will continue to monitor the development of national planning policy and update the NPS tracker (document reference: D.7.13), a first version of which is submitted at Deadline 1. The NPS tracker (document reference: D.7.13) will be updated at Deadline 2 to include discussion on the compliance of the DCO Proposed Development to the draft NPS EN-1 and EN-4 released by DESNZ on 30 March 2023.</p>
		IPs comments in regard to the above mentioned potential changes to national planning policy are invited.	
Q1.15.2	Applicant and IPs, including FCC and CWCC	Have direct/ indirect impacts related to planning policy for traveller sites/ communities been adequately addressed?	<p>In Cheshire West and Chester, there are no allocations of traveller sites within the Order Limits.</p> <p>A traveller site is located to the South of Stanlow AGI (south of the A5117). A planning application which was within the Order Limits of the DCO Proposed Development was submitted in October 2014 (14/04412/FUL) and permission was granted on Appeal (APP/A0665/W/15/3129221) in January 2019. However, the most recent removal or variance of a Condition application brought forward as part of that permission in March 2023 (23/00670/S73) has a reduced Red Line Boundary for the planning application, which does not intersect with the Order Limits.</p> <p>A further planning application was refused in February 2020 and not appealed (20/00773/FUL).</p> <p>As minor developments these were not included within the 2022 ES Chapter 19 - Combined and Cumulative Effects [APP-071] nor the Planning Statement [APP-048]. In Flintshire, the allocations of Magazine Lane (HN8.1) and Riverside Park (HN8.3) of Policy STR12, are 147 metres and 584 metres from the Order Limits, respectively. There are no allocations or currently planning permissions for traveller sites within the Order Limits.</p>

Table 2-16 – Socio-Economic Effect (PHH)

ExQ1	Question to	Question	Applicant's Response
Q1.16.1	General Applicant	Section 1.3 of the submitted Planning Statement [APP-048] refers to the construction of the CO2 pipeline as having the potential to generate regional and national demand for construction, engineering and manufacturing skills which will contribute to the economic benefits of 'The Project' of which	The Needs Case for the DCO Proposed Development [APP-049] outlines the context of the Government's objectives for a more resilient energy network and greenhouse gas emission reductions and should be read in conjunction with the Planning Statement [APP-048].

ExQ1	Question to	Question	Applicant's Response
		<p>the DCO Proposed Development applied for and subject to this Examination is part of.</p> <p>Can the Applicant:</p> <p>i) Further clarify (or through reference to the specific application information submitted) the specific nature and level of any job creation as part of the related economic benefits it is broadly referring to?</p>	<p>Section 2.3.10 and 2.3.11 of the Needs Case for the DCO Proposed Development [APP-049] provides further details regarding job creation.</p> <p>In addition to the detail referenced above, the Applicant is a member of the HyNet consortium. As part of this consortium, the University of Chester (UoC) has led a work package reviewing the social – economic benefit of the programme to the North West of England / North Wales region</p> <p>A preliminary report commissioned by the UoC issued on 5th May 2018 (a copy of which is submitted as Appendix B to this document, document reference: D.7.10.2), looked at the benefits to the region brought by 2050.</p> <p>In 2021, the UoC commissioned a further report to investigate the social economic benefits that the HyNet Project would bring. This report gave the following estimations:</p> <ul style="list-style-type: none"> • 42,000 jobs created / maintained in North West England and North Wales • Creation / maintenance of 55,000 UK jobs by 2030 • 6,000+ UK Construction jobs in any given year until at least 2030. <p>The creation / maintenance of these jobs would be achieved by delivering an estimated £5.4bn in capital investment and enabling a GVA of £110m each year and an estimated £16bn+ in cumulative socioeconomic benefit by 2050. The Hynet Project infrastructure will be an asset to the UK and will attract inward investment to North Wales and the North West of England.</p> <p>Whilst the Applicant acknowledges these benefits are related to the whole HyNet Project, the Applicant's project is critical to the success of HyNet, therefore the results of this report can be viewed as direct or indirect benefits associated with the DCO Proposed Development as they are directly or indirectly contingent on the successful completion of the Applicant's project.</p> <p>The direct and indirect jobs will largely be highly skilled jobs and will provide opportunities for the local communities, with the opportunity for the North West of England and North Wales to become a centre of excellence in the skills required to deliver and operate carbon capture, transport and storage systems necessary for a low carbon economy.</p>
		<p>ii) Confirm whether any of the associated anticipated economic benefits attributable to the DCO scheme able to be directed locally? For example, benefits which could potentially facilitate local employment opportunity/ social mobility from nearby settlement areas?</p>	<p>Refer to response to Q.1.16.1.</p> <p>In addition, the HyNet Consortium (of which the Applicant is a key member) has worked collaboratively under UoC's leadership and collaborative working with the Engineering Construction Industry Training Board (ECITB) to address provision for high skill job opportunities for the local community.</p>

ExQ1	Question to	Question	Applicant's Response
		iii) Advise of any discussions been undertaken to provide potential work pathway links/ opportunities with local education providers?	<p>This has been led by the HyNet Project, of which the Applicant is a key member. Within HyNet, links with work and opportunities have been led by the University of Chester (UoC) – a member of the HyNet consortium. The following pathways and institutions have been contacted and approached regarding the local skills agenda and work pathways.</p> <ul style="list-style-type: none"> • Cheshire College South & West - Employer Engagement Strategic Board • Cheshire & Warrington Local Skills Improvement Plan • Coleg Cambria • Kings School Chester • Warrington Skills Commission • Cheshire West and Chester Council Inclusive Economy • Green Industry Skills Fair • Climate Now week schools visits • Warrington jobs fair • The Engineering Construction Industry Training Board (ECITB); which has progressed to detailed discussions of a pilot programme being adopted. <p>UoC and the ECITB are now developing a pilot HyNet apprentice programme in the local area.</p> <p>General School engagement – in addition to the above visits and discussions on work pathways, the Applicant has proactively met with the following local education providers to discuss the development and the opportunity for interaction in the project and/or with the Applicant's existing outreach programmes:</p> <ul style="list-style-type: none"> • St Oswald's CE Primary school, Chester • Sandycroft CP school, Sandycroft <p>The Applicant is also proactively seeking similar discussions with educational institutions located adjacent to the pipeline route - two such examples are:</p> <ul style="list-style-type: none"> • Hawarden High School, Hawarden • Penarlag CP Primary School, Hawarden <p>The Applicant's existing outreach programmes also continue to provide educational opportunities to schools across the North Wales region. This is provided through the provision of environmental education (specifically coastal) and the DangerPoint education centre, which provides life skills education and has also recently developed a</p>

ExQ1	Question to	Question	Applicant's Response
			further tour focussing on sustainability and climate change in which reference is made to the HyNet project and CCS.
		iv) Confirm if there is scope within the expected procurement mechanisms available to the Applicant to enable local employment provision/ opportunities?	In accordance with the North Sea Transition Deal, released by the North Sea Transition Authority (previously the Oil and Gas Authority), the Applicant is promoting a local content requirement within the invitation to tender for construction contractors bidding for the HyNet Carbon Dioxide Pipeline contract. Tenderers are required to include a section on 'local content' within their bid, which will be considered as part of the technical and commercial evaluations prior to contract award.
		v) Commit to engagement with relevant Council's/ stakeholders to further explore maximising local socio-economic benefits wherever possible?	<p>The Applicant is already engaged with various stakeholders on this issue. On 29 March 2022, the Applicant presented to a HyNet Supply Chain webinar and made them aware of the Project. Over 250 local and national organisations attended the event to hear this update.</p> <p>The Applicant led a "Meet the Specifier" event alongside the Department of International Trade and the North Sea Transition Authority, at The Heath, Runcorn on 8 June 2022. During this event, the Applicant provided an overview of the project and the procurement requirements for the full onshore and offshore T&S system scope, as well as four individual sessions focused on particular project requirements potentially relevant to the local and national businesses.</p> <p>Frequent communications have been made by the Applicant, or on behalf of the Applicant (as part of discussions at a HyNet Consortium level), to various levels of government and local partnerships, focusing on the socio-economic benefits:</p> <ul style="list-style-type: none"> • Department of Energy Security and Net Zero • His Majesty's Treasury • Department for International Trade • North Sea Transition Authority • Welsh Government • Flintshire County Council • Cheshire West and Chester Council • Liverpool City Region • Net Zero North West • One Voice Wales • The Mersey-Dee Alliance • North Wales Mersey Dee Business Council

ExQ1	Question to	Question	Applicant's Response
			<ul style="list-style-type: none"> • Ellesmere Port Development Board • Queensferry Community Council • Sealand Community Council • Hawarden Community Council • Saughall Community Council • Mollington Community Council • Lea by Backford Community Council • Flint Town Community Council • Northop Hall Community Council (planned visit on 13th June 2023) <p>The Applicant intends to maintain positive engagement with all the listed parties (and any other arising stakeholders), including discussions related to maximising the socio-economic benefits as well as keeping the stakeholders updated on project progress and plans.</p>
		vi) Explain any socio-economic benefits associated to new fibre optic cable installation.	<p>The Applicant's fibre optic cable that is to be installed along the pipeline route shall be used solely for operation, control and system communication of the pipeline.</p> <p>Unfortunately, it will not be possible to link the fibre optic cable to adjacent communities.</p>
Q1.16.2	General IPs, including FCC and CWCC	<p>Having regard to the list of Stakeholders the Applicant has engaged with listed in Appendix A Meetings with Stakeholders [APP-032].</p> <p>Do IPs have any points they would wish to raise about potential construction, engineering and manufacturing skills, which could have the potential to provide economic benefits or local opportunity? For example are there any local employment or cross linked educational initiatives to make the Applicant aware of which they may be able to take into account in gauging the overall social-economic opportunities available?</p>	<p>A series of Statements of Common Ground are being progressed, including with Flintshire County Council (document reference: D.7.2.1), Cheshire West and Chester Borough Council (document reference: D.7.2.2), as submitted at Deadline 1.</p>
Q1.16.3	General Applicant and FCC	<p>Scope for a Community Benefit Fund is referenced within the full Relevant Representations received from FCC [RR-034] [RR-035]. They specifically comment <i>"that the construction of the pipeline would cause significant disruption to a number of communities in Flintshire for the duration of construction. Furthermore, should consent be granted, this would result in extending the life of the PoA Terminal which is currently expected to be restored by 2023. However, it is noted that the</i></p>	

ExQ1	Question to	Question	Applicant's Response
		<i>communities and industry of Flintshire would not benefit from receiving hydrogen until much later in the project as there are no immediate plans to construct a hydrogen pipeline in Flintshire. As such, it is considered reasonable for the developers to commit to providing a community benefit fund for those effected communities”.</i> FCC i) Explain what the suggested Community Benefit Fund you describe would be specifically used for?	
		ii) By what formal regulatory mechanism would you be seeking such funding from the Applicant if it is to be pursued?	
		iii) Detail how any policy/ statutory test associated to securing the funding requests described would be met.	
		iv) If you have not already done so advise on the full details any CILCS in place for the administrative area or any plans to introduce one.	

ExQ1	Question to	Question	Applicant's Response
		<p>Applicant</p> <p>v) What are your views on the principle of achieving a Community Benefit Fund having regard to the policy and legislative context it would need to be considered within?</p>	<p>The Applicant is preparing a voluntary Community Benefit Fund proposal for the benefit of communities along the pipeline route in England and Wales. This fund will be in addition to the current investment in community-based projects near to the existing Point of Ayr Terminal. These existing projects service the wider north Wales region and are linked to the current oil and gas extraction operations. Consequently, investment would be due to cease when oil and gas operations end. However, considering the extension to the life of the PoA Terminal that would follow DCO consent being granted, it is agreed that these projects should be maintained alongside the proposed further investment along the wider pipeline route.</p> <p>The Applicant notes that nothing in the 2022 ES identifies a need for a Community Benefit Fund either as mitigation or compensation for any identified effect of the proposal. The Applicant has not seen any evidence submitted to the Examination that such a fund is necessary to make the proposal acceptable in planning terms, as opposed to being considered to be desirable by some IPs. Accordingly, such a fund cannot be secured by requirement or planning obligation as it would not meet the test of necessity and cannot be demonstrated to directly relate to, and be related in scale and kind to the development as it does not address a specific, identified impact. Any obligation would accordingly fail to comply with regulation 122 of the Community Infrastructure Levy Regulations 2010 and the five tests for a valid planning requirement.</p> <p>The Applicant is proposing a voluntary Community Benefit Fund as set out above. This proposed Community Benefit Fund would be set up by the Applicant as part of its responsible business approach and is not proposed as a part of the DCO application. The Applicant does not accept that such a fund is necessary or justified within the planning context, and as a voluntary proposal, it therefore cannot be accorded any weight in the planning balance.</p> <p>The existing community and ecological management provision at the PoA Terminal is secured through a mixture of legal agreements, including section 106 planning obligations. The s106 agreements relate to the original consenting of the PoA Terminal and the Applicant accordingly agrees that extension of the life of the Terminal justifies a corresponding extension of the extant obligations.</p> <p>The Applicant has proposed to continue the currently valid commitments of the extant planning obligation in a new s106 agreement that will replace the current agreements. The new s106 agreement would be tied to and justified by the Town and Country Planning Act application for planning permission for the changes to, and extension of, the operational life of the PoA Terminal. It is accordingly outside the DCO process and the Applicant does not consider it attracts any weight in the DCO determination process.</p>
		<p>vi) The submitted Planning Statement [APP-048] references that mitigation is to be provided in accordance with paragraph 5.12.9 of EN-1 which states that the SoS should consider</p>	<p>Paragraph 5.1.2.9 of EN-1 provides that it should be considered whether “mitigation measures are necessary to mitigate any adverse socio-economic impacts of the development” (emphasis added). The Applicant has identified all the mitigation it</p>

ExQ1	Question to	Question	Applicant's Response
		whether mitigation measures are necessary to mitigate any adverse socio-economic impacts of the development. Having regard to all existing adverse socio-economic impact mitigation envisaged and proposed, do you agree there is policy scope to provide an additional broader local community benefit package in line with EN-1?	<p>considers to be necessary in the 2022 ES. As set out in the 2022 ES, the Applicant has identified no significant adverse effects post the application of the relevant mitigation in the relevant chapters which would necessitate or justify a general community benefit package being sought as a mitigation measure.</p> <p>The proposed development provides socio-economic benefits through the provision of construction jobs and supply chain opportunities, and supports the retention of high quality jobs at the Point of Ayr Terminal through the extension of its operational life. The proposed development will also support the decarbonisation of existing and new businesses providing continuing employment and investment in the local area.</p> <p>The majority of the pipeline will be buried with no significant residual effects on the neighbouring communities during the operational phase. Where there is a visual above ground impact (AGIs and BVSs), mitigation measures are proposed to minimise any impacts as far as practicable. The proposed voluntary Community Benefit Fund would allow for the provision of <u>additional</u> benefit to the communities along the pipeline route but does not form a mitigation measure which requires to be secured through the DCO.</p>
		vii) If you are in agreement, how would those elements be formally captured by the proposed DCO?	The Applicant does not agree and submits that no evidence has been produced by IPs to demonstrate that a community benefit fund is necessary or justified. The Applicant therefore does not agree that any such fund has been demonstrated to be a necessary mitigation measure as considered in paragraph 5.12.9 of NPS EN-1. Accordingly, the Applicant does not agree that such provision can be formally captured by the DCO process as any requirement seeking this would not meet the necessary tests and a planning obligation would not comply with regulation 122 as explained in response to part v above.
Q1.16.4	Agriculture Applicant	<p>Please:</p> <p>i) Confirm whether the Proposed Development would result in any severance issues for farms and, if so, how such severance issues are to be addressed/ mitigated?</p>	<p>The DCO Proposed Development has potential to result in severance of agricultural land holdings. Section 16.9 of Chapter 16 Population and Human Health [APP-068] outlines the impacts on agricultural land holdings (including implications for severance issues for farms) during operation (see Table 16.27 – Section 1; Table 16.28 – Section 2; Table 16.29 – Section 3; and Table 16.30 – Section 5 for details). It identifies whether the impact on land holdings would give rise to severance and access to adjacent land would be disrupted.</p> <p>Section 16.10 of Chapter 16 Population and Human Health [APP-068] outlines mitigation and enhancement measures. It identifies that compensation for the operational stage will be implemented for all agricultural land where there is a finding of significance, indicating that the operational viability of agricultural businesses could be adversely affected. These measures would primarily be in the form of financial compensation. This is also listed in the Register of Environmental Actions and Commitments (REAC) [AS-053].</p>
		ii) Explain if/ how short and long-term breaches of Agri-Environment schemes potentially caused by the Proposed	The Applicant will assess the impacts of the proposed development on Agri-Environmental schemes on a case-by-case basis to identify any potential short/long term

ExQ1	Question to	Question	Applicant's Response
		Development, would be dealt with and who would take responsibility for dealing with any breaches – the Applicant or the signatory of the scheme? If it is the signatory, is the Applicant proposing to provide any support/ advice?	breaches. If there is a breach of the Agri-Environmental scheme caused by the proposed development, then the Applicant would expect the signatory of the scheme to be responsible for notifying the relevant managing organisation of any breaches. The Applicant will provide support and advice to the signatory as required. Any losses as a result of the breach will also be assessed on a case-by-case basis, the Applicant will be responsible for compensation to the signatory of the scheme where proof of loss is provided. The Applicant would seek to agree compensation of any breaches via voluntary agreement.
		iii) Signpost where in the Application documents this information can be found if it has already been provided.	The Applicant refers to their response in Q1.16.4 (ii). The Applicant will assess any breaches of Agri-Environmental Schemes on a case-by-case basis.
Q1.16.5	<i>Agriculture Applicant</i>	A number of landowners have cited interference with agricultural business activity and other business activities with concerns to how compensation measures would be dealt with. Whilst the level of any potential compensation is not a matter for the Examination to determine, the Applicant is requested by the ExA to further clarify/ explain how it intends to deal with compensation issues for the benefit of all IPs.	Compensation issues will be dealt with on a case-by-case basis. The Applicant will use the services of a qualified Land Agent to liaise with the IPs and their representatives, make an assessment of the claim and propose a suitable offer in line with the Compensation Code where the tests for payment of compensation are met.
Q1.16.6	<i>Agriculture Rainford Hall Estate Limited on behalf of Messrs J & E Williams</i>	Your Relevant Representation [RR-069] cites the unavailability of the land at Aston Hill Farm, Aston Hill Lane, Deeside during the construction phase will have a serious impact to the farm's ability to spread slurry. You advise of regulatory changes come into effect from 1st April 2023 that would impact farmers in Wales, as they will be setting a maximum limit of 170kg/ha of nitrogen permitted for spreading. For the avoidance of doubt, please confirm the specific regulatory provision you are referring to?	The Applicant will continue to engage and negotiate with the landowner regarding the compound site in order to mitigate the impacts on their farming business as much as reasonably possible. The Applicant would be pleased to discuss the specific needs of the business and potential mitigation measures with the landowner in the context of the land agreements but notes in general that losses caused by the project will be compensated in line with the Compensation Code.
		Additionally, please provide full details of: i) the total land farmed by your client and	
		ii) the areas that you consider would be subject to disruption caused by the development proposed by this DCO Application.	

Table 2-17 – Traffic and Transportation

ExQ1	Question to	Question	Applicant's Response
Q1.17.1	<i>Traffic Management</i> IPs, including the Relevant Highway Authorities (Welsh Government, National Highways, CWCC, Etc.)	Having regard to the Outline Construction Traffic Management Plan (OCTMP) [APP-224] submitted. The measures are indicative and there are several traffic management concerns being raised by IPs through relevant representations. Considering those concerns as well as the characteristics of the local road network the ExA requests that traffic management issues are resolved during the examination as far as possible.	
		Relevant Highway Authorities What are your views in relation to the scope and content of the Outline Traffic Management Plan? Please explain your reasoning in relation to preferred options and any suggested inclusions or amendments.	
		IPs Comment on the content of the OCTMP are invited.	<p>The Applicant has progressed discussions with a number of stakeholders in relation to traffic management measures. This is captured in the relevant Statements of Common Ground (SoCG). The Applicant would in particular refer the ExA to the relevant Traffic and Transport table in the SoCG's for Flintshire County Council (document reference: D.7.2.1), Cheshire West and Chester Council (document reference: D.7.2.2), National Highways (document reference: D.7.2.9) and Welsh Government (document reference: D.7.2.10).</p> <p>The Applicant would like to highlight that none of the main stakeholders have made objections to the contents of the Outline Construction Traffic Management Plan [APP-224].</p>
Q1.17.2	<i>Parking/ Access</i> Applicant and IPs, including the Relevant Highway Authorities	Applicant Construction operatives are assumed to be parking at the main compound(s) during construction. However, the ExA would ask you to confirm whether the above assumption is correct and, if not to provide details of construction operative parking.	The Applicant confirms that as set out in paragraph 3.3.12 of the Outline Construction Traffic Management Plan [APP-224], workers (construction operatives) will be parking at the main compound(s) during construction.
		The ExA would also request full details of the location and design parameters of the parking provision for construction operative's vehicles to demonstrate that parking areas would include sufficient capacity to avoid "fly parking" on nearby local roads or other parking facilities in the vicinity. Clarify how would "fly parking" be prevented.	<p>Section 3.3.12 of the Outline Construction Traffic Management Plan [APP-224] outlines the characteristics of construction compounds. One characteristic is that parking provision for workers will be provided within the compounds.</p> <p>There is sufficient space within the allocated compound areas for worker (operative) parking. By way of reference, CWCC include within their Parking Standards Supplementary Planning Document (February 2022) that the recommended dimensions for a car parking space is 2.5m x 5m. Based on these dimensions, parking for a single car would require 12.5m² of space. The total area for all of the compounds serving the DCO Proposed Development is 392,000 m², which offers the flexibility for the</p>

ExQ1	Question to	Question	Applicant's Response
			<p>construction contractor ensure workers are parked within these compounds safely and transported to worksites as required.</p> <p>The precise number and required distribution of parking spaces will be determined by the construction contractor as each contractor would account for their individual requirements differently.</p> <p>The efficient management of space available within the compounds for worker (construction operative) parking will prevent “fly parking” on local roads. The Applicant is keen to ensure that “fly parking” on the Local Road Network (LRN) does not take place to reduce inconvenience on local residents and to ensure that construction traffic access via identified Construction Traffic Routes in Figure 17.4 Construction Traffic Routes [APP-214] is not compromised.</p>
a		<p>Relevant Highway Authorities/ IPs</p> <p>The ExA notes the content of ES - Figure 17.5 [APP-215] which provides proposed Access Locations envisaged; ES- Figure 17.4 Construction Traffic Routes [APP-214]; ES- Figure 17.7 Road Diversions [APP-217]; and the submitted OCTMP [APP-224]. However, the ExA would ask:</p> <p>i) Are there any further comments on the access locations or road diversions expected which would have a bearing on the content of the OCTMP at this stage?</p>	
		<p>ii) Do parties agree the OCTMP is suitable? If not, state why not.</p>	
		<p>iii) Other comments on the content of the above mentioned documents are invited.</p>	

ExQ1	Question to	Question	Applicant's Response
Q1.17.3	Access Applicant and Relevant Highway Authorities and CWCC	<p>Peel NRE in its Relevant Representation [RR-078] states that the proposed access road from Grinsome Road roundabout to the Pipeline/ AGI conflicts with the delivery of the approved Protos Plastics Park (CWCC Planning application ref. 21/04076/FUL) and that this could constrain the delivery of the development. Therefore, at this stage, Peel NRE objects to the proposed access to the Ince AGI and the Pipeline. The ExA notes Peel NRE's claim that it is the stated owner of land required for the Pipeline for the Ince AGI, and the associated proposed access, pipeline corridor, and construction compound (as shown on Works Plan ref. EN070007-D.2.4-WP-Sheet 1) ('Affected Land'). The Affected Land includes land at Ince Park, known as Protos – a 130ha development site comprising a major energy and resource recovery hub and ecological management areas which is a major employer near to Ince, Cheshire. Protos has extant planning permissions in place and the delivery of development is already well advanced. Protos benefits from outline planning permission (ref. 14/02277/S73) for a resource recovery park, and additionally, separate planning consents have been secured across individual plots for developments that are aligned to the ethos of Protos, including an Energy from Waste Facility (ref. 18/01543/S73), a biomass facility (ref. 14/02278/S73), a timber recycling plant (ref. 14/02271/S73), a plastic to hydrogen facility (ref. 19/03489/FUL), and a plastics park (ref. 21/04076/FUL). It is also noted by the ExA that Protos is stated as allocated in the Cheshire West and Chester Local Plan (Local Plan Part One Policies STRAT 4 and ENV 8; and Local Plan Part Two Policy EP6) and is safeguarded for a multi-modal resource recovery park and energy from waste facility for use in connection with the recycling, recovery and reprocessing of waste materials.</p> <p>Applicant</p> <p>i) Has an alternative means of access been identified to avoid conflicting with planned development at Protos?</p>	<p>The Applicant is in frequent discussions with Peel NRE (Peel) regarding the design and construction of the Ince AGI. The points highlighted, are being discussed with Peel and are under discussion in the SoCG, a draft of which is submitted at Deadline 1 (document reference: D.7.2.8). It is envisaged that the construction access will be managed appropriately so as not to impact Peel NRE or its tenants and is currently under discussion as part of the SoCG process with Peel. The DCO proposal for access into the Ince AGI area has been based on the existing road layout. It is understood that this layout may change as part of the future developments (led by Peel), however due to the uncertainty of these plans any possible changes have been scoped out of the DCO.</p> <p>The Applicant is able, in principle, to use alternative “A to B” access routes provided by Peel and in accordance with a suitable voluntary agreement so long as vehicle access is maintained. Negotiation of such an agreement is ongoing and accordingly the Applicant requires to maintain the CA powers for access in the dDCO at this stage. Those powers have to be over a defined route to avoid a disproportionate impact over an unreasonably large area of land. The accesses have accordingly been routed over existing ways to minimise impacts.</p> <p>The DCO Proposed Development has identified and assessed the impacts of routing construction traffic along two possible routes to the Ince AGI. One route is via Pool Lane and Grinsome Road with a second route via Ash Road. The assessment in Chapter 17 Traffic and Transport of the Environmental Statement [APP-069] and Chapter 17.13 - Transport Assessment Rev A [APP-161] has considered the possibility of all construction traffic using either of these routes. Access to the DCO Proposed Development via Ash Road included as part of the Applicant's change request submitted on 27 March 2023 would avoid conflict with the delivery of the approved Protos Plastics Park.</p>
		<p>ii) Would it be able to utilise simpler crossings over existing and proposed railway tracks and ditches? If so, how could that be undertaken?</p>	<p>It is understood that any reinstatement of the decommissioned railway spur referred to would need to include provisions for road access into the Ince AGI area.</p>

ExQ1	Question to	Question	Applicant's Response
		iii) The Consultation Report (document ref. D.5.1, Revision A, September 2022, reference S1-09), states the Applicant is open to changing the access route provided continued access is made available to the AGI. Can confirmation be given of any progress with those discussions and any next steps intended?	The Applicant is in frequent discussions with Peel NRE regarding the design and construction of the Ince AGI. The points highlighted, are being discussed with Peel NRE and are under discussion in the SoCG a draft of which is submitted at Deadline 1 (document reference: D.7.2.8). The Applicant is able to accept alternative similar "A to B" access routes so long as vehicle access is maintained as part of a voluntary agreement and is seeking to pursue that, however it is not yet concluded
		CWCC iv) Do you have any additional points to raise regarding the access provision issue outlined or comments towards securing any potential solutions?	
Q1.17.4	<i>Existing Highway Infrastructure/ Road maintenance</i> Applicant and IPs, including the Relevant Highway Authorities (ie Welsh Government, National Highways, Etc.)	Applicant Relevant Representation [RR-015] highlights concerns regarding the condition of existing highway infrastructure (including the A494 Dee Bridge) which could be potentially worsened by the DCO Proposed Development. Indeed, this issue may have already been anticipated in the formulation of the OCTMP.	It is assumed that the ExA is referring to RR-010. The Applicant acknowledges the challenges of crossing the River Dee adjacent to the A494 Dee Bridge, this was a consideration in selecting the Newbuild Carbon Dioxide Pipeline route options during the design development stage of the DCO Proposed Development. ES Chapter 4: Consideration of Alternatives [APP-056] provides details of the alternative route and design options considered for the DCO Proposed Development. The closest point of the DCO Proposed Development to the A494 Dee Bridge is approximately 850m and the Applicant does not consider the concerns raised applicable. The Applicant is engaging with NMWTRA and Scottish Power Energy networks on other matters.
		i) Can the Applicant further clarify how road maintenance issues associated with the condition of existing highway infrastructure is to be managed/ and or mitigated?	Table 8 of the Outline Construction Traffic Management Plan [APP-224] includes a mitigation measure related to Highway Condition Surveys, Maintenance and Repair that will be applicable to the Construction Traffic Routes. The document states that a highway inspection, monitoring and repair strategy, to be deployed during the construction of the DCO Proposed Development, will be agreed in advance with the LHAs and included in the final CTMP secured by Requirement 6 of the dDCO [AS-016].
		ii) What specific provisions in the DCO deal with road maintenance matters and how do they relate to the acknowledgement of any existing highway structure affected?	In the first instance, avoidance of structures with limitations would be done through routing measures and addressed in the CTMPs. Where there is a specific issue the measures considered above regarding inspection, monitoring and repair set out in the Outline Construction Management Plan [APP-224] would apply.
		iii) How would compensatory measures be dealt with for any unintended damage caused to the public highway or highway related infrastructure inclusive of any local bridges.	The above measures should cover where DCO traffic caused extraordinary damage, e.g. damage above normal wear and tear use of that highway. However, if they did not, a highway authority has powers under the Highways Act section 59 to seek the costs of any extra maintenance or repair required as result of that extraordinary traffic from the person responsible for it, in this case the Applicant.

ExQ1	Question to	Question	Applicant's Response
		IPs iv) Submit whatever comments you deem necessary.	
		v) Are there any existing recognised surveys which have been conducted which provide a basis for detailing the condition of any existing highway infrastructure potentially impacted upon. If so, please provide that information to the Examination.	
Q1.17.5	<i>Highway Infrastructure</i> Applicant and IPs, including the Relevant Highway Authorities (ie Welsh Government, National Highways, Etc.)	The Welsh Government has announced (February) the cancellation of a series of road building projects. Does the announcement or the suggested alternative improvements envisaged to the A494 at Aston Hill have any implications for the proposed DCO development? If so, please explain what those implications are and what are they likely to involve?	Chapter 17 Traffic and Transport of the 2022 ES [APP-069] made reference to the Welsh Government freeze on new road building schemes which was announced in June 2021, pending the outcome of a Roads Review. The ES chapter indicated that the DCO Proposed Development would be operational prior to commencement of construction of the Flintshire Corridor (Red Route) scheme. This scheme has therefore not been accounted for in the assessment. The Applicant is aware of the announcement by Welsh Government on 14 February 2023 in response to the completed Roads Review that all new road building schemes will be ceased. The Applicant is unaware of the detail of alternative proposals to improve the A494 at Aston Hill therefore it is not considered appropriate to include the construction or completion of any improvement scheme in the assessment of the DCO Proposed Development. The Applicant considers that the approach to assessment which did not consider the construction traffic associated with or the completion of the Flintshire Corridor scheme remains correct and robust. The construction of the DCO Proposed Development has assumed only the availability of existing highway infrastructure and has not been in any way dependent on the delivery of proposed new highway schemes.

Table 2-18 – Waste

No Questions

Table 2-19 – dDCO

ExQ1	Question to	Question	Applicant's Response
Q1.19.1	DCO – Associated Development Welsh Government/ FCC	Paragraph 1.4 (Associated Development) and 3.2 (Overview of the Legislative and Consenting Framework) of the submitted Planning Statement [APP-048] is noted. However, the ExA would draw the attention of the IPs listed against this question to Section 115 of the PA2008 (as amended by Section 43 of The Wales Act 2017), and to the definition of	

ExQ1	Question to	Question	Applicant's Response
		“pipeline” in Section 65 of the Pipelines Act 1962, specifically in relation to the BSVs and AGIs which form part of the scheme and are located in Wales. In the light of these Sections of the relevant Act, the ExA would ask the IPs listed: i) To review the above mentioned Sections/ Acts and confirm whether there is any Associated Development for the purposes of Section 115 of the PA2008 in relation to the elements of the proposed development wholly located in Wales and if so identify this.	
		ii) Confirm if they agree with the Applicant's analysis of the application of the Pipelines Act 1962 in relation to the Welsh BSVs.	
		iii) In the event that an IP disagrees with the Applicant's position on this matter, please set out the legal reasoning supporting the position taken.	
Q1.19.2	DCO General Applicant	Should there be a Schedule within the DCO that specifically lists the Plans and Documents to be certified? Please review and amend as required. In the event that such a schedule is not determined to be required please explain why.	The Applicant considers that the list in Article 44 of the Draft DCO [AS-016] already performs that function and is not so lengthy as to require the creation of a schedule.
Q1.19.3	DCO General Applicant	Contents page - Article 6 is not referenced correctly on the contents page, as it appears to have merged with Article 5 within the main body of the text within these Articles, as set out in the draft DCO. Please review and amend, as required.	An amendment was made to revision B [AS-016] to address this formatting error.
Q1.19.4	DCO General Applicant	Contents page - Schedule 10 (Protective Provisions) – Some of the Parts are incorrectly referenced. For example Part 4 refers to ‘Cadent’ but Part 4 actually relates to National Grid as Gas Undertaker, Part 5 relates to Cadent Gas Ltd and remaining sections need renumbering. Please review and update if required.	An amendment was made to revision B [AS-016] to address this formatting error.
Q1.19.5	DCO General Applicant	Contents Page – Schedule 11 (Removal of hedgerows) The Parts are not numbered and the Part that refers to ‘Removal of important hedgerows’ is blank. Please review and amend, as required.	An amendment was made to revision B [AS-016] to address this formatting error.

ExQ1	Question to	Question	Applicant's Response
Q1.19.6	DCO General Applicant	Contents page – paragraphs 2 and 3 below Schedule 12 on the contents page need updating. Please review and update, if required.	An amendment was made to revision B [AS-016] to address this formatting error.
Q1.19.7	DCO Articles Applicant	Article 2 (Interpretation) – Definition of “authorised development” refers to Schedule 1. However, the ExA considers the reference to “associated development” here to be odd, especially as no further reference is made to “associated development” in the draft DCO. Reference to “ancillary works” is made in Schedule 2. The Applicant should identify what is “associated development” confirming that it satisfies the criteria in section 115 of the PA2008. Please review and amend, as required.	The Applicant notes that the inclusion of ‘Associated Development’ is an error. This has been corrected in revision D of the Draft DCO submitted at Deadline 1.
Q1.19.8	DCO Articles Applicant	The Article 2 (Interpretation) – The term ‘CEMP’ is used in the draft DCO in Article 9 before it is explained in Schedule 2, Requirement 1 (Interpretation). Should it be included in Article 2, Interpretation?	The Applicant agrees that this definition should be moved forward from Schedule 1 to Article 2. This change has been made in revision D of the Draft DCO submitted at Deadline 1.
Q1.19.9	DCO Articles Applicant	Article 2 (Interpretation) – Definition of “commence” and enabling activities. Various enabling activities (site preparation works etc.) are specifically excluded from the definition of “commence” in Article 2. Some of these activities may overlap with the “such other works as may be necessary or expedient” at the end of Part 1 of Schedule 1. The ExA needs to be satisfied that these enabling activities will not give rise to any significant adverse environmental effects, contrary to the ES. Additionally, this definition would allow the enabling activities to take place before the relevant planning authority have approved details of measures to protect the environment under the Requirements and the ExA is aware that similar wording has been removed in other DCOs. Bearing these comments in mind, the ExA requests the definition of “commence” and enabling activities to be reviewed and amended to address the above mentioned comments, where necessary. The ExA would also ask that where no amendments are considered necessary the Applicant justifies its decision and provides any precedent for the position it has taken.	<p>There is naturally some overlap between the activities excluded in the definition of commence, the sweeper provisional and the definition of ancillary works precisely because the purpose of the exclusion from the definition of commencement is to allow certain, necessary, preliminary activities authorised by the DCO to be undertaken while all of the detailed plans needed under requirements are developed and improved. The activities scoped out are those with limited potential to have an impact which do not require detailed controls to be in place. The UK Government has set an ambitious target for the delivery of track 1 decarbonisations projects, including this application. In order to achieve this the Applicant requires to be able to twin track activities. For example, some vegetation clearance can only be undertaken outside of breeding bird periods. If that time period is missed because, for example, the paint colour for the kiosk on an AGI site has not been approved so that work cannot ‘commence’, a whole season would be lost. All pre-commencement works would be undertaken in accordance with the commitments in the 2022 ES, listed in the Register of Environmental Actions and Commitments [AS-053] and the outline plans. Other controls such as the need for EPS licences and the restrictions on disturbing breeding birds would also apply. The outline archaeological written scheme of investigation would apply as requirement 10(1) of the Draft DCO [AS-016] is not restricted to activities forming ‘commencement’.</p> <p>This approach is common in DCO’s to allow these nationally significant schemes to be commenced (and therefore delivered) quickly. The wording used in the Southampton to London Pipeline DCO excludes a number of operations including remediation works and diversion of services. The Applicant notes that this approach (of excluding preliminary</p>

ExQ1	Question to	Question	Applicant's Response
			<p>works from the definition of commence) has been followed in many recent DCOs including: The A47 Wansford to Sutton Order 2023, where the exceptions to commence are “<i>operations consisting of archaeological investigations and mitigation works, ecological surveys and pre-construction ecological mitigation, investigations for the purpose of assessing and monitoring ground conditions and levels, remedial work in respect of any contamination or other adverse ground conditions, erection of any temporary means of enclosure, receipt and erection of construction plant, equipment, welfare facilities and temporary buildings, diversion and laying of underground apparatus including site clearance, and the temporary display of site notices or advertisements</i>”. The Norfolk Vanguard Offshore Wind Farm Order 2022 where the excepted activities include “<i>operations consisting of site clearance, demolition work, archaeological investigations, environmental surveys, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground condition</i>”. The Thurrock Flexible Generation Plant Order 2022 where a category of works defined as permitted preliminary works are excluded. Those permitted preliminary works include site clearance and preparation works, intrusive surveys and infilling of ditches and creation of new ditches. The A417 Missing Link Order 2022, where the exceptions include soil stripping for compounds, stockpiling and creation of accesses.</p> <p>The Applicant accordingly has not proposed any change to this definition which it submits is necessary and well-precedented.</p>
Q1.19.10	DCO Articles Applicant	Article 2 (Interpretation) – The definition of “maintain” in Article 2 is extremely wide ranging and appears to offer considerable flexibility with no obligation, currently, to bound maintenance activities to those that would not give rise to any materially new or materially different environmental effects to those identified in the ES. Please review and amend, if required	The Applicant notes that activities which would result in materially new or different effects would not fall within the scope of the consent as they would be outside the envelope assessed in the EIA (noting that the ES is to be a certified document). The Applicant has added the requested wording at revision D of the Draft DCO submitted at Deadline 1 but notes that it considers that addition to be a ‘for the avoidance of doubt’ addition not a new limitation. It was therefore not originally included as the Applicant understand ‘for the avoidance of doubt’ wording to be discouraged under the SI drafting guidance.
Q1.19.11	DCO Articles Applicant	Article 2 (Interpretation) – Definition of the ‘access and rights of way plan’ refers to it being ‘...the plan certified as such by the SoS for the purposes of this Order’. However, the access and rights of way plan’ is not listed in Article 44 (Certification of Plans, Etc). Please review and amend, as required.	An amendment was made to revision B [AS-016] to add this to Article 44.
Q1.19.12	DCO Articles Applicant	Article 2 (Interpretation) – Definition of ‘Ancillary works’ – The definition is wide ranging and the ExA is concerned as to the extent of what would be encompassed by this definition and what ‘ancillary works’ would be granted by virtue of Article 3(1)(b) should the DCO be made. Additionally, the ExA would	As explained in the ES these are all of the matters needed to deliver the development. The Applicant submits that it cannot provide a complete and detailed list of all ancillary works at this time as the detailed design is not yet available and suggests that it would be counter-productive to do so as it would risk missing something out which is needed later, creating doubt. The Applicant notes that it is common for DCOs to include such a

ExQ1	Question to	Question	Applicant's Response
		comment that Schedule 1, Part 2 of the draft DCO appears to be vague. Please review and amend, as necessary. Should the Applicant disagree with the ExAs concern in this regard, please set out legal precedent justifying the position being put forward.	provision and would cite as an example the Southampton to London Pipeline DCO which includes in schedule 1 "such other works, including scaffolding, working sites storage areas, works of demolition or works of whatever nature, as may be necessary or expedient for the purposes of, or for purposes associated with or ancillary to, the construction, operation or maintenance of the authorised development".
Q1.19.13	DCO Articles Relevant Local Authority	Article 2 (Interpretation) – Definition of 'Commence' – Are the Relevant Local Authorities satisfied as to the list of exceptions within the definition of commencement?	
Q1.19.14	DCO Articles Applicant and the Relevant Highway Authorities (ie Welsh Government, National Highways, Etc.)	Article 2 (Interpretation) – Definition of 'Highway authority' – This definition is noted, but the ExA would ask whether or not NHs and/ or The Welsh Government should be included in this definition.	The term 'highway authority' is used within the draft DCO [AS-016] in relation to street work powers which are not proposed or sought over the Strategic Road Network. However, the Applicant agrees it may be desirable to bring the strategic authorities within the definition to aid in the drafting of requirements and the protective provisions. This change has been made in revision D of the Draft DCO submitted at Deadline 1.
Q1.19.15	DCO Articles Applicant	Article 2 (Interpretation) – Article 2(3) refers to 'work' whereas Article 2(6) refers to 'works'. Should reference be singular or plural? Additionally and in the interest of clarity, there is no definition of 'work'/ 'works' and the ExA would ask whether these reference should be referring to 'Work Numbers and/ or Work Plans?	Article 2(6) provides that: "References in this Order to numbered works are references to the works as numbered in Part 1 of Schedule 1 (authorised development)". The Applicant accordingly does not agree that no definition is given. The Applicant considers that whether it is 'work' or 'works depends on the context and it is accordingly correct to use both. Article 2(3) refers to points on 'a work'.
Q1.19.16	DCO Articles Applicant	Article 3 includes consent for the ancillary works (i.e. those in Part 2 of Schedule 1). However, the ExA is concerned that there is a potential disconnect between paragraph 2.2(i) of the Explanatory Memorandum (EM), which refers to "temporary ancillary works integral to the construction of the CO2 Pipeline including construction compounds and temporary access tracks" and Part 2 of Schedule 1 which does not list the 'ancillary works' but says they are "for the benefit or protection of land affected by the authorised development" and fall ""within the scope of the work assessed by the ES". The ExA is concerned this definition is too vague. Please review and amend, if required. Should no amendment be considered required, please justify why you consider the wording used to be adequate and not open to interpretation and provide legal precedents that supports the Applicant's position in this regard. Also please direct the ExA to where within the submitted Application	As explained in the ES, these are all of the matters needed to deliver the development. The Applicant submits that it cannot provide a complete and detailed list of all ancillary works at this time as the detailed design is not yet available and suggests that it would be counter-productive to do so as it would risk missing something out which is needed later, creating doubt. The Applicant notes that it is common for DCOs to include such a provision and would cite as an example the Southampton to London Pipeline DCO which includes in schedule 1 " <i>such other works, including scaffolding, working sites storage areas, works of demolition or works of whatever nature, as may be necessary or expedient for the purposes of, or for purposes associated with or ancillary to, the construction, operation or maintenance of the authorised development</i> ".

ExQ1	Question to	Question	Applicant's Response
		documentation full details of the 'ancillary works' has been provided.	
Q1.19.17	DCO Articles Applicant/ FCC	Article 4 (Operation and use of the authorised development) – Please confirm whether or not the use of the existing pipeline is currently restricted to the carrying of a specific gas/ liquid? Should such a restriction exist please provide full details of that restriction and whether, other than the DCO, any other permissions, consents, licences, etc. would be required for the repurposing of the existing pipeline.	<p>The Applicant considers that the existing pipeline is arguably restricted to the transportation of natural gas, which is the rationale for the drafting of Article 4.</p> <p>A pipeline construction authorisation was issued by the Secretary of State on 16 December 1993 for “a 24-inch natural gas cross-country pipeline from Point of Ayr to Connah’s quay” (the PCA). The PCA includes a deemed planning permission for the works authorised by the PCA (the Deemed Permission).</p> <p>The PCA is an authorisation under section 1 of the Pipelines Act 1962 to execute works “<i>for the construction of a cross country pipeline having a nominal diameter of 24 inches for the conveyance of natural gas between the proposed Onshore Process Plant at Point of Ayr and the proposed power station at Connah’s Quay</i>”. It includes, at paragraph 3, a direction that deemed planning permission under Part III of the TCPA 1990 is granted subject to the conditions in the schedule for “<i>the works authorised by, or by virtue of, this authorisation</i>”. The Deemed Permission therefore takes as the description of the development granted deemed planning permission the same description of works as the PCA.</p> <p>At the time of writing, Carbon Dioxide is not classified as a Dangerous Fluid for the purposes of the Pipeline Safety Regulations (PSR 96, Schedule 2) and as such does not constitute a Major Accident Hazard Pipeline (MAHP). As such, Notifications under Part III of the Regulations are not required. (Note, the Applicant continues to engage and consult with the UK Health and Safety Executive to share information on the project and monitor developments and potential changes to regulation and PSR96 for CO2 Pipelines).</p> <p>As such the change of use of the pipeline does not require further health and safety consents over those in place, hence no other consent for the repurposing is required.</p>
Q1.19.18	DCO Limits of Deviation Applicant	There appear to be a number of discrepancies and inconsistencies between the Limits of Deviation/ parameters specified in the ES and the draft DCO: i) ES Chapter 3 [APP-055] identifies the dimensions of the AGIs, BVSs and construction compounds, whilst the draft DCO at Table 1 in Schedule 2 Part 1 Requirement 4 identifies the maximum area of each, but the figures do not appear to match.	The dimensions in Chapter 3 of the Environmental Statement [APP-055] are for the whole area required for the AGI/BVS including outside of the fence line i.e. the earthworks are included, whereas the dimensions in the Draft DCO [AS-016] is only to the fence line.
		ii) ES Chapter 3 [APP-055] at paragraph 3.4.6 states that fencing at the AGI sites would be up to 3m high. However, the draft DCO at Table 1 in Schedule 2 Part 1 Requirement 4	This has been amended in revision B of the Draft DCO [AS-016].

ExQ1	Question to	Question	Applicant's Response
		appears to reference two maximum height; one refers to a 5m maximum for “buildings and structures including operational fencing” and the other refers to a 3.5m maximum for “fencing and gating”. The same Work Nos are identified against each.	
		iii) The maximum width of the permanent access tracks from the BVSs and AGIs is specified in ES Chapter 3 [APP-055] as 3m wide at the BVS sites and 6m at the AGI sites while it is set at 6m in draft DCO (Schedule 2 Part 1 Requirement 4 Table 1) for both the BVSs and the AGIs.	This is an error for the BVSs which should be 3m. This has been corrected in revision D of the Draft DCO submitted at Deadline 1.
		iv) ES Chapter 3 [APP-055] paragraph 3.6.26 states that the maximum working width of the open cut trenching works would be 32m; this parameter is not specified in the draft DCO;	The Draft DCO lists the maxima of permanent elements of the development and the construction compounds, it is not a definitive list of every working parameter and needs to be viewed alongside the outline plans. The maximum 32m working width is secured in the Outline Construction Environmental Management Plan [AS-055] on page 16 and is accordingly secured by the requirements.
		v) Draft DCO at Article 6 refers to a 35m maximum depth of the trenchless installation works, but this parameter is not mentioned in the ES.	This is a maximum allowed depth under the limits of deviation, not a parameter. Where the depth of the trenchless pipeline being installed could alter the environmental effects being reported, a specific REAC entry as secured through the Outline Construction Environmental Management Plan [AS-055] has been included. As an example, such a commitment has been included at the River Dee crossing REAC item D-BD-019.
		vi) The depth of the open cut trenches is specified in the ES Chapter 3 at paragraph 3.6.39 as typically between 2.5m and 6m; no reference is made to this parameter in the draft DCO.	This is a typical depth for assessment, it is not a parameter.
		vii) ES Chapter 5 [APP-057] at paragraph 5.12.10 states that a 5m Limit of Deviation in all directions from the edge of the earthworks for each of the AGIs and BVSs is depicted on ES Figure 3-2 [APP-176]. This is not specified in the draft DCO, which cross-refers to the Works Plans for the lateral Limits of Deviation. Please can the Applicant address these points.	The 5m is allowed from the indicative layout within the works area used for assessment. The AGIs and BVSs may be constructed within the works areas shown on the works plans but their overall final footprint is smaller than the works areas and micro siting of that footprint within the works area is what is being referred to in the 2022 ES. There are accordingly no limits of deviation to show as the work cannot deviate out with the works area.
Q1.19.19	DCO Limits of Deviation Applicant	Limits of deviation – i) Article 6(1)(b) sets the minimum limit the pipeline must be position below the surface of the ground, but allows an exception where compliance with that upward limit would be impractical. Please explain in what circumstances it is anticipated that this exception would be required?	The Applicant cannot at this stage guarantee that the minimum depth can be achieved in every location until the precise location and depth of geological features and other, existing services is known. Some older services under highways are not mapped to a degree of accuracy which would allow certainty in their locations and depths at this time. The Applicant will endeavour to achieve the minimum depth in all agricultural locations in order that normal farming use can be resumed over the pipeline, however until the

ExQ1	Question to	Question	Applicant's Response
			<p>final pre-commencement surveys are complete, and the final routing is known, the potential need for minor deviations from that cannot be ruled out.</p> <p>In some cases, pipeline protection measures such as warning tape or concrete protection may also be within the minimum depth to ensure the correct separation from the pipeline structure.</p>
		ii) Article 6(1)(c) – The ExA notes the limitations elsewhere within Article 6(1) and would ask why no limitation is being set within Article 6(1)(c)?	<p>The Applicant does not understand the question, Article 6(1) provides a limitation in the form of a maximum depth of 35m. If this should be a reference to 6(1)(e)(ii) “<i>downwards to any extent as may be found necessary or convenient</i>”, the Applicant would advise that at this time, pending completion of pre-commencement investigation, it cannot be certain exactly what ground conditions exist in every specific location or rule out unexpected structures or services. Any number put on this now would have to be very precautionary and therefore is likely to be higher than what would be needed in practice. The Applicant notes that going deeper than is required would incur unnecessary cost and time in construction and there is accordingly no incentive to do so. Any deeper works would therefore be driven by necessity to address a specific issue.</p>
		iii) Article 6(1)(d) and (e) are one sentence. Please review and amend, as required.	<p>This change has been made in revision D of the Draft DCO submitted at Deadline 1.</p>
		iv) Article 6(1)(f)(ii) – The ExA would question the use of the word ‘convenient’ and would ask the Applicant to justify why such a flexible term is acceptable/ appropriate for use in a DCO.	<p>‘Convenient’ allows for some flexibility to deliver the authorised development in the most practical and sensible manner without having to demonstrate that any deviation is ‘necessary’ rather than advantageous. In engineering terms, a deviation may not be strictly necessary because it can be made to work, however a deviation may prevent a sub-optimal solution being imposed. For example, a deviation may allow a reduction in impacts on ecology or other undertakers’ assets to be achieved. The Applicant notes that this is the standard wording for this form of Article and was used in article 6 of the Southampton to London Pipeline DCO.</p>
		v) The EM at paragraph 4.28 refers to the upwards limits of deviation for valve work as described in Schedule 1. However, no upwards limits of deviation for valve work appears to have been included in Schedule 1. Please review and amend, as required.	<p>The EM submitted at Deadline 1 has been amended. The valve height cannot deviate upwards by any significant amount as it has to connect with the pipeline and it is not proposed to raise the pipeline above ground level.</p>
		vi) The power to deviate vertically downwards is broad and whilst the explanation in paragraph 4.27 of the EM is noted the ExA would ask whether any such deviation should be restricted to that which would not give rise to any materially new or different environmental effects to those identified in the ES.	<p>The Applicant already considers that this restriction applies as to create materially new effects would be outwith the consent sought.</p>

ExQ1	Question to	Question	Applicant's Response
Q1.19.20	DCO Articles Relevant Statutory Undertakers	The ExA would ask relevant Statutory Undertakers for their comments in regard to the disapplication of the provisions set out in Article 8(1) of the draft DCO, which related to the powers to make bylaws under the Water Resources Act 1991 and the powers to make bylaws, the prohibition of obstructions, etc. in watercourses and authorisation of drainage works in connection with a ditch under the Land Drainage Act 1991.	
Q1.19.21	DCO Articles Applicant	Article 9 – This is the first use of the abbreviation CEMP in the draft DCO and there is no explanation of the term prior to this point. Please define in Article 2 (interpretation) and check the remainder of the draft DCO for any other abbreviations used and not defined elsewhere.	This change has been made in revision D of the Draft DCO submitted at Deadline 1.
Q1.19.22	DCO Articles Applicant	Article 10 (Street works) i) The EM at para 4.48-9 states “similar wording” can be found in other DCOs and the DCOs listed as examples are noted. However, as the Southampton to London Pipeline DCO 2020 is also a pipeline DCO, the ExA would ask the Applicant to explain how and why Article 10 of the Proposed DCO differs from the Southampton to London Pipeline DCO and other equivalent pipeline DCOs.	Article 10(1) of the Draft DCO and Article 11(1) of the Southampton to London Pipeline DCO which provide the principle power under this article are identical. The remainder of the article is identical in substance but has been ordered differently. Article 10(2) is equivalent to article 11(5) of the Southampton to London Pipeline DCO. That ordering affect the references within the rest of the article. It is considered that the ordering in the Draft DCO is logical as paragraph (2) sets out that the power in paragraph (1) is a statutory right for the stated purposes before moving onto the provisions regulating its exercise.
		ii) The Article refers to Schedule 3, Part 1 (streets subject to street works). However, Schedule 3, Part 1 refers to (...permanent street works). Please review the whole document to ensure consistency, amending as required. (eg Article 12(1)(a) and (b)).	Part 1 of Schedule 3 is correctly titled ‘streets subject to permanent street works’. Revision D of the Draft DCO submitted at Deadline 1 has been amended to correct this.
Q1.19.23	DCO Articles Relevant Local Authorities/ Statutory Undertaker	Article 10 (Street works) Article 10(5) refers to the consequences of a failure to notify the undertaker (Applicant/ developer) of a decision within a fixed period of time. In this instance it is 42 days, but there are some incidents of 28 days (see Articles 19(9) and 21(7)). The need to provide a decision within a fixed period, and the consequence of the failure to do so, occurs throughout the draft DCO generally (eg Articles 11(5), 14(7), 18(7), Etc.). The ExA would ask whether the Relevant Local Authorities/ Statutory Undertakers are satisfied in regard to the time limits	The Applicant notes that the 42 day period in article 10 is to authorise entry into and works on a street where as the power under article 21 is only to survey and investigate and is accordingly a lesser potential interference. The Applicant considers that 28 days to approve access to survey is reasonable. Article 19 concerns making connections to watercourses. The project is designed so that discharge is equivalent to greenfield run-off rate or lower and is not seeking to direct more water than currently flows into watercourses. The 28 day period accordingly applies only to the detail of the connection itself and is a sufficient period for that to be considered.

ExQ1	Question to	Question	Applicant's Response
		specified and if not what alternative would be considered acceptable?	
		In addition to the above, in regard to all Articles that express a consequence for failure to notify, the ExA would ask whether such articles should also specify the procedure to follow in the event of the Relevant Local Authority/ Statutory Undertaker making a negative decision which is received by the undertaker within the relevant period?	The Applicant is not aware of an appeals procedure equivalent to that for refusal of planning permission being in place for street works or drainage connections which refusals would be referred to. All refusals would therefore have to be appealed to the Secretary of State (SoS) but without the process in place in the Planning Inspectorate to administer those for the SoS. The Applicant therefore suggests that sending such consent refusals into what is really a planning process is inappropriate. The Applicant notes the consent cannot be unreasonably withheld and therefore where it is refused the authority should explain why, allowing the applicant to seek to resolve the reason for refusal by, for example, adjusting their proposals, rather than continuing with a proposals unacceptable to the authority.
		Should there be some form of cross reference to Article 47 (Requirements, Appeals, etc.) and Schedule 2, Part 2, Etc. of the draft DCO for example? If not please explain your reasoning in full.	
Q1.19.24	DCO Articles Applicant	Article 11 (Power to alter layout, etc. of streets): i) Article 11(1) - Please check the references to the column numbers in this Article, as they would appear to be inconsistent with the column numbers in the related Schedule and Part.	An amendment was made to revision B [AS-016] to update this.
		ii) In addition to the above please check the remainder of the draft DCO in terms of the cross referencing of the column numbers specified in an Article with the corresponding column numbers in the schedule to ensure consistency throughout the document; and	An amendment was made to revision B [AS-016] to update this.
		iii) The power in Article 11(2) is broad and applies to any street including outside the Order Limits and to an extensive list of potential works. The rationale for this should be explained in the EM but appears to be missing. Please provide the missing rationale or direct the ExA to the location of the rationale within the submitted Application documentation.	Article 11(2) is explained in paragraph 4.52 of the Explanatory Memorandum [AS-018].
		iv) Article 11(2)(h) has a superfluous 'and'. Additionally, please review the punctuation in Article 11(2) generally and throughout the draft DCO (ie see Article 15(2), 30(6)(b) and 32(5)(b)).	This has been reviewed in Revision D of the Draft DCO to be submitted at Deadline 1.

ExQ1	Question to	Question	Applicant's Response
Q1.19.25	DCO Articles Applicant	Article 12 (Application of the 1991 Act) - The powers within this Article 11(2) are broad and the rationale behind them should be explained in the EM. However, it is missing. Please provide the missing rationale or direct the ExA to the location of the rationale within the submitted Application documentation.	<p>This is set out in revision B of the Explanatory Memorandum [AS-018] at paragraph 4.52 for article 11(2) and 4.55 onwards for article 12.</p> <p>Article 12(2) lists the provisions which are specified to apply in order that the highway or street authority (which can be different to the LPA) have the information they need to manage the network.</p> <p>The rationale for the sections disapplied by article 12(4) is set out in paragraph 4.56 of the Explanatory Memorandum [AS-018].</p>
Q1.19.26	DCO Articles Applicant	Article 13 (Temporary restrictions of public rights of way) - Article 13(5) – Please review for superfluous wording and amend, if required.	An amendment was made to this article at revision B [AS-016] to delete the repeated wording.
Q1.19.27	DCO Articles Applicant	Article 14 (Temporary restriction of use of streets): i) Article 14(4) refers to Works Plans, but Schedule 5 Column 3 specifies the Access and Rights of Way Plans. Please check and clarify what Plans should be being referred to and amend as required;	This has been amended in Revision D of the Draft DCO to be submitted at Deadline 1.
		ii) Article 14(5)(a) – This is the only sub-paragraph, so why is it set out as a subparagraph? Additionally, should a paragraph similar to Article 14(5) be included within Article 13 (Temporary restrictions of public rights of way);	<p>This has been reviewed in Revision D of the Draft DCO to be submitted at Deadline 1.</p> <p>There are no PRowS shown on the plans which could need to be restricted but which have not been included in the relevant schedule. In any case, PRowS would not normally be used as a working site in the way streets may as the only works currently proposed to PRowS are reinstatement, not for example, creation of new junctions. The Applicant considers a change to Article 13 to be unnecessary.</p>
		iii) Article 14(7) refers to ‘...consent under paragraph (5)(c) but there is no such paragraph. Please review and amend, if required.	This has been amended in Revision D of the Draft DCO to be submitted at Deadline 1.
Q1.19.28	DCO Articles Applicant	Article 15 (Access to works) – The second reference in Article 15(2) to ‘...paragraph (1)...’ appears to be incorrect. Please check and amend, if required.	This has been amended in Revision D of the Draft DCO to be submitted at Deadline 1.
Q1.19.29	DCO Articles Applicant	Article 17 (Use of Private Roads) - The EM at para 4.70 states that “This article does not create a right of the undertaker to exclude other users...” However, the ExA is concerned that the power in Article 17(1) may in fact have this effect. As such the ExA would ask the Applicant to review Article 17(1) and amend, if required.	Article 17(1) provides “ <i>that the undertaker may use any private road... for the passage of persons or vehicles</i> ”, that creates a right to take access over a private road which would not otherwise exist, there is nothing in that power which would remove any other persons’ rights. In order to restrict the use of a private road the applicant would need wither to take temporary possession of it and/or compulsorily acquire it, and/or restrict it under the powers of article 14. This article in and of itself provides no power to stop any person exercising a private right of access. The other powers, which could have that effect, have their own restrictions. For example, where only access needs to be taken

ExQ1	Question to	Question	Applicant's Response
			over private roads under temporary possession powers and exclusive possession is not required, those routes have been shown in brown on the land plans and separated out in the temporary possession schedule to make that clear. Routes which are to be restricted under article 14 are listed in schedule 5.
Q1.19.30	DCO Articles Applicant	Article 18 (Traffic regulations) and Article 20 (Maintenance of drainage works) – The powers within these Articles are broad and the rationale behind them should be explained in the EM. However, they are missing. Please provide the missing rationale or direct the ExA to the location of the rationale within the submitted Application documentation.	This is set out in revision B of the Explanatory Memorandum [AS-018] at paragraphs 4.71 to 4.75 for article 18 and 4.80 and 4.81 for article 20.
Q1.19.31	DCO Articles Applicant	Article 21 (Authority to survey and investigate the land) – This Article would give power to enter onto “any land which may be affected by the proposed development” and only requires 14 days prior notice to be given. The need for such a broad power and the short duration of any notification period needs to be clearly explained in the EM. The ExA would ask for such a clear explanation and for any precedent and/ or legal justification to be clearly set out.	<p>This power is required to ensure that necessary surveying can be carried out. Although surveys have been carried out so far, pre-construction surveys are required, and the Applicant requires to be able to carry those out to deliver the development. It may be necessary to survey land for protected species which are mobile. Access to establish connections to the order land may also be required, for example to check hydrological connections. Surveys may be required not just to inform detailed design but for example by the Ecological Clerk of Works throughout construction or to respond to issues arising.</p> <p>As set out at paragraph 4.82 of the Explanatory Memorandum [AS-018] this wording is based on the model provisions and has considerable precedent including the recently made A417 Missing Link Development Consent Order 2022 and the Norfolk Vanguard Offshore Wind Farm Order 2022 at article 16.</p>
Q1.19.32	DCO Articles Applicant/ Relevant Local Authority	Article 23 (Removal of human remains) i) In terms of Article 23(2)(a), bearing in mind the prospective length/ width, which includes the limits of deviation, of the Proposed Development, the ExA would ask whether it would be appropriate to include the Work Number(s) where such human remains were found to be included within any such advertisement. If not please explain the reasons why.	The Applicant suggests that work numbers would not provide useful information to general public and especially those who may wish to respond over a description of the location of the find. The Applicant suggests it would be more appropriate to amend article 23(2) to require more specification as to where within the order land the remains have been found over using work numbers.
		ii) In terms of Article 23(2)(b), should this require the display of the notice in a conspicuous place on or near the Order land which is close to the location where the human remains were found?	The Applicant agrees that a similar amend to 23(2)(b) is appropriate.
		iii) Article 23(3) – How long is ‘reasonably practicable’? Please clarify and amend, if required.	Reasonably practicable is a commonly used term allowing for the practicalities of sending the notice. If for example the notice appears on a date which is a public holiday or a Sunday, it may not be practical to send a notice until the following working days.

ExQ1	Question to	Question	Applicant's Response
Q1.19.33	DCO Articles Applicant	<ul style="list-style-type: none"> Article 24 (Compulsory acquisition of land) – within this Article and subsequent Articles the numbering of the Articles, within the main body of the text, appears to get out of sequence (ie Article 24(2) refers to Articles 25 and 34 but should be referring to Articles 26 and 35, respectively). Please review all such references within the main body of the text of each Article to ensure they are correctly referenced and amend, if required. 	An amendment was made to revision B [AS-016] to address the numbering.
Q1.19.34	DCO Articles Applicant	Article 26 (Compulsory acquisition of rights and restrictive covenants) – Article 26(3) and (4) cross refers to Schedule 9 of the draft DCO. However, the title of Schedule 9 does not include the wording “and imposition of restrictive covenants”. Please check and amend, if required.	An amendment was made to revision B [AS-016] to address the numbering and title of schedule 8.
Q1.19.35	DCO Articles Applicant	Articles 27 (Statutory Authority to override easement and other rights) and Article 29 (Private rights) – Article 29 covers the suspension of private rights, whilst Article 27 gives the power to interfere with easements, etc. The ExA notes Paragraph 4.106 of the EM (in relation to Article 29) where it indicates the Applicant thinks private rights include easements and that no detailed investigations have been carried out. The ExA asks why the DCO needs to include both Articles, as the reasoning is not clear from the EM, and requests an explanation in regard to this matter.	<p>An easement is a right over land, it is clearly within the scope of private rights as, for example it can be a right of access for the owners and occupiers of a specific property, which is a private right.</p> <p>Articles 27 and 29 serve different legal purposes and do not overlap.</p> <p>Article 27 provides statutory authority to interfere with rights for the purpose of the law of nuisance – this means that article 27 can be used to provide a defence to actions in nuisance seeking to stop the authorised development because it interferes with a right. This would for example be a defence in an action seeking to injunct the Applicant from carrying out construction where that interferes with a right. This article does not suspend, remove or extinguish the right, it is about providing a defence to actions in nuisance only.</p> <p>Article 29 in contrast does remove or extinguish rights where they are incompatible with the authorised development. It only applies permanently where land is compulsorily purchased and the right is incompatible with the acquisition. Rights can be suspended where land is temporarily possessed (e.g. a right of access can be suspended where it would cross the construction site as use of that would be incompatible with a safe secure working site). It only applies to land being temporarily possessed and would not suspend rights on other land where article 27 is not limited in the same way and is about the right being infringed not the land occupied.</p>
		The ExA also asks what endeavours the Applicant has made to investigate these rights and easements and consult with the Affected Parties.	The Applicant does not accept that it has not carried out detailed investigations to establish extant rights. To the contrary the Applicant has carried out diligent inquiry to establish all rights in land including easements by reviewing the land registry, contacting landowners and occupiers requesting information, carrying out site visits, erecting site notices seeking information, and seeking to identify and engage with all rights holders.

ExQ1	Question to	Question	Applicant's Response
			However, and especially because some land and rights are unregistered and some affected persons did not respond to requests for information, it is not possible to definitive say that all rights have definitely been identified.
Q1.19.36	DCO Articles Applicant	Article 34 (Temporary use of land for carrying out the authorised development) and Article 35 (Temporary use of land for maintaining the authorised development) – i) Article 34(1)(a)(ii) – should this sub-paragraph be specifying columns (1) and (2) in Part 2 of Schedule 7? The ExA would ask whether it should be referring to columns (3) and (4) instead?	No, the reference to columns (1) and (2) is correct as those specify the plots of land concerned. Reference to columns 3 and 4 would not make sense as they do not specify the land but rather the purposes for which possession may be taken.
		ii) Article 34(1)(e) gives power to construct permanent works on the land in question. The ExA requests the Applicant justifies why Articles 34(1)(e) would fall within this Article related to temporary use, when permanent works are required and why full CA of the land is not being sought. Please provide a full written explanation, which provides legal president for such power to be granted as TP.	The Applicant notes that this explained in paragraph 4.120 of the Explanatory Memorandum [AS-018]. Full Compulsory Acquisition of this land would be disproportionate and unjustifiable. This is standard wording for this article within dDCOs as it allows, for example, land strengthening or retaining works to be left in situ, or the retention of works of protection around apparatus. In addition to the precedents cited in the Explanatory Memorandum and noting that this wording is based on the model provisions and therefore very common in DCOs, the Applicant notes that the very recent A47 Wansford to Sutton DCO (February 2023) includes the same provision in article 34.
		iii) The ExA notes that whilst the majority of the land over which TP may be taken during construction of the authorised development is listed in Schedule 7, Article 34(1)(a)(iii) extends this power more broadly to any other Order Land. The same applies in regard to Article 35(1)(a) in relation to maintenance. The ExA requests the Applicant justifies why Article 34(1)(a)(iii) and 35(1)(a) should allow such broad powers. The ExA asks what steps have been taken to alert all landowners/ occupiers of land within the Order Limits of this possibility.	The main purpose of Temporary Possession is to prevent the permanent acquisition of land which is only required temporarily from needing to be sought to ensure that the development can be constructed and maintained. Without this power the Applicant would have to seek more permanent acquisition in order to have certainty that the works required can be carried out. Not including this power in the DCO would have the undesirable consequence of increasing the need for Compulsory Acquisition. All identified landowners and occupiers have been formally consulted on the proposal, notified of the acceptance of the application and invited to participate in the process. Site notices were erected in accordance with the regulations to notify any person not individually identified. The notices stated that powers of compulsory acquisition and temporary possession of land was being sought. The application included the draft DCO which included the powers referred to.
		iv) Article 34(3)(a) – this sub-paragraph refers to Column (4) of Schedule 7 but does not clarify whether it is referring to Part 1 or Part 2 of Schedule 7 or both. Please clarify and amend, as required.	It refers to both. This has been amended.

ExQ1	Question to	Question	Applicant's Response
		v) Article 34(3) states 'The undertaker must not... remain in possession of any of the land...' but then sets out specific periods in relation to the land specified in paragraphs (1)(a)(i) and (1)(a)(iii) of the Article. The ExA would ask if there is any need to specify a specific period in relation to the land specified in paragraph (1)(a)(ii) of this Article?	v) Article 34(3) was amended in revision B of the Draft DCO [AS-016] to add (1)(a)(ii) to paragraph (3)(a).
		vi) The ExA would ask why a similar paragraph to Article 35(2) has not be included within Article 34?	vi) The Applicant notes that it has defined the Order limits to exclude all residential houses. The powers would accordingly not apply in practice under article 34. The drafting in article 35 has been included as standard drafting. It is suggested that as Temporary Possession for maintenance could be exercised later and it is possible that a new dwelling could have been constructed this drafting should be retained in article 35.
		vii) Should paragraphs be inserted within Articles 34 and 35 stating: a) nothing in the Articles 34 and 35 prevents the taking of TP more than once? b) any dispute as to the satisfactory removal of temporary works and restoration of land does not prevent the undertaker giving up possession of the land?	vii) There is no provision in either article which would prevent the taking of Temporary Possession on more than one occasion. The addition suggested is not necessary as there is nothing which imposes such a limit. That addition would therefore be a 'for the avoidance of doubt; addition not a new limitation. It was therefore not originally included as the Applicant understands 'for the avoidance of doubt' wording to be discouraged in statutory instrument drafting.
		viii) Should there be a cross reference within Articles 34 and 35 to the prevention of 'Double Recovery' as set out in Article 46? Please review (i) to (viii) above, providing a response to the questions raised and amend the DCO and EM, if required.	The Applicant does not consider such a reference to be necessary as the double recovery article applies to any claim under the order. The Applicant notes that such a cross reference is not include in the model provisions or the precedents reviewed and cited in the Explanatory Memorandum [AS-018].
Q1.19.37	DCO Articles Applicant	Article 35 (Temporary use of land for maintaining the authorised development) subparagraph (11) reads: <i>"In this article "the maintenance period", in relation to any part of the authorised development means the period following completion of that part of the authorised development until the commencement of decommissioning."</i> The operational life span of the Proposed Development is indicate being assumed to be 25 years, although it also recognises the pipeline infrastructure could be operational for up to 40 years. As such please explain how the maintenance uses secured by this Article can be considered to be temporary use of land and why it would not constitute permanent acquisition of land. In responding, please set out	The pipeline has been designed so that all routine or anticipated maintenance can be carried out within the areas subject to permanent acquisition of rights. That includes the necessary access to get to the pipeline corridor. The permanent rights sought over the pipeline would provide a corridor wide enough to enable digging down to the pipeline in the trenched areas. The rights sough also include rights to travel along the pipeline corridor to follow the pipeline route. The power sought under article 35 would accordingly only be required where works required for maintenance could not be carried out within the rights corridor, or where, for example, a temporary access is needed in a specific location. The taking of TP under this provision would accordingly be by exception and to carry out non-routine maintenance. It is not intended to be used routinely but is a fall back to allow necessary works of maintenance which require the occupation of land outside the rights corridor to be carried out. The exercise of this power would only be relied on where necessary to carry out works, where voluntary agreement could not be reached and following notice having been served. The exercise

ExQ1	Question to	Question	Applicant's Response
		any legal precedents and provide a legal opinion in relation to this matter.	<p>of the power is also liable to the payment of compensation which would include any compensation due for example for crop loss. The exercise would accordingly be temporary, as needed only and in response to some change in circumstances which necessitates the taking of land outside the permanent rights corridor. The inclusion of this power allows the acquisition of permanent rights to be restricted to the minimum identified as suitable for routine or anticipated works of maintenance. It accordingly minimises the impacts on affected landowners while providing certainty to the Applicant that in operation, if work needs to be carried out, the power is available as a last resort to get access to land. It is clearly in the public interest that the Applicant can carry out works of maintenance to the pipeline in accordance with the then relevant standards and compliance with the requirements of the HSE. Given the operational period it is possible that requirements may change or unexpected circumstances may arise which require works to be carried out using land outside the permanent rights corridor where that is necessary.</p> <p>Article 35 is standard DCO drafting for the reasons set out. An equivalent power has been included in numerous DCOs including:</p> <p>Southampton to London Pipeline Development Consent Order 2020; Norfolk Vanguard Offshore Wind Farm Order 2022; Thurrock Flexible Generation Plant Development Consent Order; 2022 A47/A11 Thickthorn Junction Development Consent Order, and 2022 A47 Wansford to Sutton Development Consent Order 2023.</p>
Q1.19.38	Applicant	Article 39 (Felling or lopping of trees and removal of hedgerows) and Schedule 11 (Removal of hedgerows) – i) The ExA does not consider it is clear whether the hedgerows covered by Schedule 11 are all of those which the Applicant is seeking power to remove. Part 2 refers to “important hedgerows” but is currently blank. Please clarify.	<p>Schedule 11 lists all of the existing hedgerows the Applicant proposes to remove. However, where new hedgerows are found at the time the construction is undertaken, they would also be subject to removal where required.</p> <p>Schedule 11 has been updated in revision B of the Draft DCO [AS-016].</p>
		ii) As currently drafted Schedule 11 is not called up by Article 39, so would appear to be a ‘dangling schedule’. Therefore Article 39 should be amended to address this matter.	This has been amended in revision B of the Draft DCO [AS-016].
		iii) Paragraph 4.138 of the EM states that Article 39 authorises the removal of any hedgerow as defined in the Hedgerow Regulations 1997. However, in the absence of a specific provision or definition to this effect, this is not the case as currently drafted. As such the ExA would ask for clarity as to whether the Applicant is only seeking power to remove hedgerows, as covered by Schedule 11 or the removal of any hedgerow within the Order Limits, as currently	<p>As above, the power is to remove any hedgerow with those known to be affected listed in schedule 11.</p> <p>It is stated in the article that <i>“In this article “hedgerow” has the same meaning as in the Hedgerows Regulations 1997”</i>. Therefore, the power to remove hedgerows is defined by the reference to the regulations. The Applicant accordingly does not agree that an amendment is necessary.</p>

ExQ1	Question to	Question	Applicant's Response
		set out in Article 39(4)? Also please amend the EM, if required.	This change has been made in revision D of the Draft DCO.
		iv) Below paragraph (4) the texts starting “In this Article...” appears. Should this texts be marked Paragraph (5)? Please review and amend, if required.	
Q1.19.39	DCO Articles Applicant	Article 40 (Trees subject to a TPO) – The ExA would ask the Applicant to clarify why this Article is required when the submitted Arboricultural Impact Assessment ([APP-115] and [APP-116]) note there to be no TPO along the line of the route, within the Order limits.	The Applicant cannot guarantee that no such order will be put in place or a new or expanded conservation area is brought forward. Accordingly, although there are currently no TPO trees in the order limits, the Applicant requires this power as a fall back should that change.
Q1.19.40	DCO Articles Applicant	Article 41 (Crown rights) – Paragraph 4.140 of the EM states that this Article reflects the terms of section 135 of the PA2008. As such, if it reflects this Section the ExA would ask why the Article is necessary. Furthermore, having reviewed the Article against the Section, the ExA would question whether it is truly reflective of that Section. Please expand the explanation in the EM as to why this Article is necessary and how it reflects Section 135 of the PA2008. In the event this Article is retained unchanged, the ExA would draw your attention to: i) Article 41(2) refers to the compulsory acquisition of an interest in any Crown land and then states, “as defined in the 2008 Act”. The ExA considers this should be more specific with the relevant sections of that Act being listed. Please review and amend, if required.	Section 135(2) provides that “ <i>An order granting development consent may include any other provision applying in relation to Crown land, or rights benefiting the Crown, only if the appropriate Crown authority consents to the inclusion of the provision.</i> ”. Article 41 entirely reflects, this but expands upon it for clarity and certainty. Crown land is defined in section 227 of the 2008 Act. The Applicant notes that this addition has not been made in recently granted orders, including article 50 of the A47 Wansford to Sutton Development Consent Order 2023 made in February 2023 which contains wording identical to that in the Draft DCO.
		ii) The ExA asks whether there should be a paragraph preventing the authorised development from commencing until agreement has been secured from the relevant Secretary of State/ Government Department, Etc. for the use of its land for the authorised development. Please review i) and ii) above and amend, if required.	The Applicant will already require consent to use any Crown land and consent is already being sought for that. The Applicant would object to a Grampian style provision preventing any work without that agreement as being unnecessary and disproportionate.
Q1.19.41	DCO Articles Applicant	Article 42 (Protective Provisions) – Refers to Schedule 10, but the ExA would ask the Applicant to be more specific by adding the wording ‘to the Order’, so the text reads ‘Schedule 10 (protective provisions) to the Order has effect.’ Any	An amendment was made to revision B [AS-016] to add the text noted.

ExQ1	Question to	Question	Applicant's Response
		alternative wording which would have the same effect is of course welcome.	
Q1.19.42	DCO Articles Applicant	Article 44 (Certification of plans, etc.) – i) The Crown Land Plans (Article 44(1)(b)) and the Special Category Land Plans (Article 44(1)(c)) both specify they consist of a key plan and sheets 1-37 inclusive. However, the Crown Land Plans [APP-009], as submitted, only consists of a key plan and sheet numbers 1/37, 2/37, 5/37, 6/37, 7/37, 8/37, 9/37, 17/37, 18/37, 19/37 and 22/37; and the Special Category Land Plans [APP-014] only consists of one plan (Drawing Number: EN070007-D.2.6-LP-Sheet 1). Please review and amend, if required.	This has been updated in revision D of the Draft DCO.
		ii) Article 44(1)(m) refers to the 'outline written scheme of archaeological investigation ', but the document reference is blank. A document of a similar, but not identical name has been submitted into the Examination (Document 6.5.2 'Outline Archaeological Written Scheme of Investigation) [APP-223]. Please clarify if the documents referred to are the same or whether they are different. If the latter when can the ExA expect that document to be entered into the Examination.	This has been corrected in Revision D of the Draft DCO.
		iii) The ExA would ask why the general arrangement plans, as defined in Article 2 and repeated at Article 44(1)(e) does not include the Location Plans for the BVSs (Document Reference D.2.7) [APP-015] or the AGIs (Document Reference D.2.10) [APP-018]. Please clarify.	The Applicant notes that location plans are not general arrangement plans which show the potential layout of sites, not the location.
Q1.19.43	DCO Schedules Applicant	Schedule 1 – Part 1 (Authorised development) – i) The Work Numbers consisting of the AGIs (Work Nos. 1, 9, 45 and 48) slightly vary from each other (i.e., Work nos. 1 and 45 refers to PIG launcher facilities, whereas Work Nos. 9 and 48 have PIG launcher and receiver facilities; Work nos. 9, 45 and 48 all have isolation valves, whereas Work No. 1 does not; Work no. 9 has a high intensity pressure protection system whereas Work nos. 1, 45 and 48, Etc).	This has been amended in Revision D of the Draft DCO submitted at Deadline 1 to allow launcher and receiver facilities in all AGIs for flexibility. There are differences between the AGIs in terms of the need for high pressure protection systems and the Applicant considers that these elements are correctly described.
		ii) Works nos. 1 and 9 both refer to 'comprising equipment for the control of the authorised development' whereas Work nos.	The term 'comprising equipment for the control of the authorised development' has been erroneously added to Work Nos. 1 and 9.

ExQ1	Question to	Question	Applicant's Response
		45 and 48 do not include reference to the 'Authorised Development.	<p>This text has been removed in Revision D of the Draft DCO which has been submitted as part of Deadline 1.</p> <p>The point is covered in the definition of the AGIs at Article 2 of the Draft DCO [AS-016].</p>
		iii) The Work Numbers consisting of the BVSs (Work Nos. 20, 26, 36, 51, 53 and 55) slightly vary with some referring to 'indicative location' (Work nos. 26 and 53) with the others only referring to 'location'. There is nothing on the submitted BVS Location Plan (Document Reference D.2.7) [APP-015] to indicate the locations of Work nos. 26 and 53 are indicative.	An update was made to remove the word 'indicative' from Work Nos. 26 and 53 in Revision B of the Draft DCO [AS-016].
		iv) No Works no. 23B is included within Schedule 1 Part 1, but Work No 23A is listed twice, although they clearly relate to two different Work nos.	An update was made to Schedule 1, Part 1 to include Work No. 23B and remove the surplus Work No. 23A at Revision B of the Draft DCO [AS-016].
		v) The format of most of the descriptions related to each Work no. confirm which Work Plans sheet number the Works No. are detailed on. However, this does not occur in all instances (ie Work Nos. 5C, 13A, 23B, 29A, Etc.) Additionally, there are various discrepancies throughout the Work Nos where some Work Number plans are either included where they should be or vice versa.	<p>An update was made to Work Nos. 5C, 13A and 29A in Revision B of the dDCO [AS-016].</p> <p>Update to Work No. 23B, as identified by the ExA and further missing Works Plans Nos. have been included in Revision D of the dDCO.</p>
		vi) The ExA needs to be clear that the rights granted by the DCO are legitimate, proportionate, and necessary. In this regard and having reviewed the Work nos. included within Schedule 1 of the draft DCO and compared them against the Work Plans, the ExA would, in the first instance seek clarification in regard to size/ amount of land proposed to be subject to CA/ TP, especially in relation to Work nos. 20, 40A, 44B, 47B, 51 and 53. Please note this list is not exhaustive and the ExA will seek to test the CA/ TP rights being sought throughout the Examination with a view to ensuring they are legitimate, proportionate, and necessary.	<p>The Statement of Reasons [AS-021] and [AS-022] confirms that the land identified within the Order Limits to be subject to compulsory acquisition is no more than is reasonably necessary for that purpose and is therefore proportionate.</p> <p>The size/amount of land proposed to be subject to CA/TP for the requested works numbers is as follows:</p> <p>Work no. 20 (Rock Bank BVS): 1.14ha</p> <p>Work no. 40A (Access off Old Aston Hill, approx. 260m north of St David's Park Interchange): 1.7ha</p> <p>Work no. 44B (Access off Village Road (B5125) (south)): 0.32ha</p> <p>Work no. 47B (Access off Starkey Lane (east)): 0.72ha</p> <p>Work no. 51 (Cornist Land BVS) 1.8ha. This area would be subject to change if the change request is accepted, varying this area to 2.56ha</p> <p>Work no. 53 (Pentre Halkyn BVS): 1.19ha</p> <p>Indicative site layouts for the above ground locations are shown on the BVS and AGI Landscape Layouts [APP-023], which set out possible layouts for these locations.</p>

ExQ1	Question to	Question	Applicant's Response
		vii) Work no. 57F is not shown on the Work Plans ([APP-010] and [APP-011]) (See sheet 5) and Work No. 57M appears twice (see Sheet 20). In terms of the Work No. 57M, the ExA would question whether there should be a Work No. 57N?	<p>The Applicant confirms the error on Sheet 6 of Work Plans [AS-012] and that Work No. 57F has been incorrectly labelled as 57E. Work No. 57F is correctly shown on Sheet 6 of the Work Plans [AS-012].</p> <p>With respect to Work No. 57M the Applicant notes the ExA's question and will add a new Work No. 57N.</p> <p>Updated Work Plans to reflect these changes have not been provided at Deadline 1 to avoid confusion with the Applicant's submitted Change Request 1 (submitted on 27 March 2023). However, once a decision is made on this change request, these changes will be made to the appropriate version of the Works Plans accordingly.</p>
		viii) Work no. 57I. The ExA would question whether the reference to '...west of Church Lane' is accurate enough for locational purposes and whether reference to 'Aston Hill' or East of Shotton Lane would be more appropriate for locational purposes.	The description has been updated to read 'west of Aston Hill/east of Shotton Lane' in Revision D of the dDCO, submitted at Deadline 1.
Q1.19.44	DCO Schedules Applicant	Schedule 2 (Requirements) – Please review and respond to the questions set out below and amend, as required:	The Applicant has been in discussion with both LPAs throughout the Pre-Application and Pre-Examination stages including sharing a draft of Schedule 2 (Requirements) and holding a meeting to discuss further.
		i) Please confirm the Applicant has engaged with the discharging authorities, as per the guidance contained in Advice Note 15 (See paragraph 19.2).	
		ii) The ExA considers the EM to be thin on detail in regard to Requirements, particularly as regard to the appropriateness and relevance of the requirements listed to this particular scheme. Prior precedents (although only described as “similar wording” rather than identical wording) have been cited, although their similarity to this scheme is not explained. Additionally, the EM states that many of the requirements are based on the (old) model provisions but does not explain why changes have been made or provide a justification for the inclusion of the Requirement. An example of this is Requirement 8 where no justification in the EM has been given.	<p>The requirements of each DCO vary with the specifics of the project and the negotiation of the wording with the relevant LPAs as the discharging authorities. The requirements cover the same principles as precedent DCOs but the wording is not identical as it reflects the specifics of this development, the structure of the control documents (CEMP, LEMP, CTMP etc) and ongoing discussion with the LPAs.</p> <p>With regard to the Explanatory Memorandum, the requirements simply control the development. Key points are picked out but the vast majority of the drafting is entirely self-explanatory and it would add unnecessary length and no value to the EM to replicate in that what each requirement does. The Applicant notes that the Explanatory note issued by Parliament for the Planning Act 2008 deals with the whole principle of the power to include requirements in a DCO and what they cover in a single, 2 sentence paragraph (208).</p>
		iii) Schedule 2 (Requirements) refers to Article 3 in the top right of its first page. This should refer to Article 43.	The Applicant has reviewed the dDCO considering this Written Question and can confirm Article 3 (Development consent etc. granted by the Order) is the correct dDCO article reference for Schedule 2 (Requirements).

ExQ1	Question to	Question	Applicant's Response
		iv) Throughout the Requirements terms such as 'undertaken', 'constructed' and 'implemented' appear to be used interchangeably. The ExA would ask for consistency and would ask that the use of such terms is reviewed and, where possible, the term 'implemented' or a variation thereof is used.	This has been reviewed and addressed in revision D of the dDCO submitted at deadline 1.
		v) In addition to iv) above, the ExA is concerned that, in the majority of cases, there does not appear to be any element within the Requirements for what is secured to be maintain as approved thereafter for the duration of the lifetime of the Authorised Development or whatever alternative period of time.	The dDCO as amended for revision D has clarified that the plan to be approved under requirement 17(1) covers the operational maintenance in accordance with the outline operational and maintenance environment management plan. The draft outline operational and maintenance environment management plan has also been submitted at Deadline 1.
		vi) There are several instance of the use of the word 'substantially'. Please see Requirements 5, 10 and 11 as examples. The ExA would ask whether the use of this word would be precise, in the interests of clarity	An update was made to remove the word 'substantially' from Work Nos. 5 and 11 in Revision B of the dDCO [AS-016].
		vii) Requirement 1 (Interpretation) "CTMP" is missing the word 'means'	An update was made to add the word 'means' at Revision D of the dDCO submitted at Deadline 1.
		viii) Requirement 3 (stages of authorised development) and Requirement 4 (Scheme Design) are noted, as is Requirement 19 that relates to applications that have been made to a relevant Local Authority. However, the ExA would ask for clarity in regard to whether these Requirements, and other similar Requirements, need to be submitted to the Relevant Local Authority as an Application and are therefore subject to the procedures set out in Part 2 (Applications made under requirements) of Schedule 2 of the draft DCO. This concern arises due to the wording of the Requirements differing from other Requirements, such as Requirement 5 where it explicitly refers to '...approval of the relevant planning authority...'	The submission of stages is proposed to give the LPAs visibility of the planned approach to the development. It is intended to assist the LPA in planning their work load by giving them warning of when applications would be made. It is not submitted for approval. Similarly, requirement 5(1) sets out maximum parameters for the design but does not require the details to be approved. The underground pipeline design will be engineering led with safety the key consideration. Once in situ, it will have no ongoing impacts in terms of visibility or landscape for example. For the above ground structures, revision B of the dDCO does provide for details to be submitted for approval before those works commence.
		ix) Should Requirement 6 include cross-reference to the relevant mitigation measures identified in the REAC?	The Register of Environmental Actions and Commitments (REAC) [AS-053] is a signposting document that shows where each commitment is secured. For example, it lists the commitments contained in the outline CEMP, CTMP and LEMP. It is not proposed to certify the REAC as it becomes a living document throughout construction where the main contractor uses it as a basis for monitoring the delivery of the various

ExQ1	Question to	Question	Applicant's Response
			commitments. Reference to the REAC itself is unnecessary and duplication and has been removed in revision B of the dDCO [AS-016].
		x) Requirement 7(3) is noted. However, the ExA would ask how long the consultation period would be and how this would fit with the timescales specified in Requirement 19(1) in relation to the notification of a decision.	This would be consultation under the process set out in Part 2 of Schedule 2 of the dDCO [AS-016].
		xi) Requirement 8 (Surface water drainage) – The ExA would ask why Work Nos. 36 and 55 are excluded when these BVS also appear to propose surface water drainage?	An update was made at Revision B of the dDCO [AS-016] to add Work Nos. 1, 9, 36, 45, 48, 53 and 55 to Requirement 8 (Surface water drainage).
		xii) Is there a need for a foul drainage Requirement, especially in relation to temporary logistic and construction compounds and AGIs/ BVS construction sites?	No foul drainage is needed for the operation of the BVS and AGIs as no facilities requiring foul drainage would be installed. On the construction compounds, the assumption which has been made is that foul water would be removed by tanker. Foul water would only be sent to a sewer if there was a suitable connection available within the Order Limits. It is considered unlikely that such connections will be available. The Applicant therefore considers that no such requirement is needed.
		xiii) Requirement 9 (Contaminated land and groundwater) – This requirement is noted, but the ExA would ask whether the works within the area of the contamination find should cease whilst the matter is investigated and reported on and what timescales are being incorporated into the different elements of this Requirement. (i.e., When does the reporting of a contamination find have to be reported to the Relevant Planning Authority; When does an investigation and risk assessment need to be completed; Etc.)	An update was made to add further detail to this requirement' at Revision D of the dDCO submitted at Deadline 1. Although the Applicant considers that the previous drafting would have stopped work due to the need to carry out assessments, this has been made explicit.
		xiv) Requirement 12 (Ecological surveys) – What happens in the event EPS are found to be present?	xiv) The outcomes of the EPS surveys will update previous survey results to provide current information to inform of any new constraints or considerations in advance of, or during, the construction of the DCO Proposed Development. These results may be subject to the mitigation provisions captured within D.6.5.4 – Outline Construction Environmental Management Plan [AS-055]. Alternatively, the results may necessitate a need to amend/update any existing EPS licence applications. Where EPS are found for which licences are not already identified as being required, the appropriate licences will be applied for from the relevant regulator.
		xv) Requirement 13 (Construction hours) – The ExA notes the wording of Requirement 13(1) and would comment: a) weekend working would appear to be unfettered.	a) and b) The Applicant does not agree with the interpretation of the requirement. Weekend working was not allowed for at all in the application version of the dDCO and was not sought in the ES. The wording in requirement 13 is: "construction works must only take place between 0800 and 1800 on weekdays (except public and bank holidays)" 'must only' specifically excludes works from taking place on weekends. The

ExQ1	Question to	Question	Applicant's Response
		<p>b) reference to construction work only taking place between 0800 and 1800 on weekdays (except public and bank holidays), does not appear to restrict working outside of these hours on public or bank holidays.</p> <p>Bearing a) and b) in mind, the ExA would ask whether weekend working is being proposed and, if so, whether such working should be restricted; and what is proposed in terms of public and bank holidays?</p> <p>c) In terms of Requirement 13(2), what is reasonably practical?</p> <p>d) Requirement 13(5) includes a definition of 'non-intrusive activities', which would include activities that would not create any discernible light, noise or vibration. The ExA would ask for a definition of the word 'discernible' and whether any consideration has been given to other nuisances such as smell, fumes, smoke, soot ash, dust grit, Etc.</p>	<p>Applicant notes that some restricted weekend working hours have been applied for as part of the change request submitted on 27 March 2023.</p> <p>No working on public or bank holidays is allowed under the drafting of requirement 13(1).</p> <p>c) Reasonably practicable is a commonly used term allowing for the practicalities of giving notice. If for example an emergency occurs in the middle of the night, it may be the next business day before any staff at the authority are available to be notified.</p> <p>d) There is considerable case law that planning conditions should be interpreted in context and having regard to ordinary and natural meaning of words. Discernible is defined within the Collins dictionary as meaning you can recognise it exists – e.g. people can observe or notice it, see light, hear noise etc. The Statutory Nuisance Statement [APP-047] considered the potential sources of nuisance from the development and concludes that nuisance from smell, smoke, fumes, soot, ash, dust and grit would not arise.</p>
		<p>xvi) Requirement 14 (Operational noise) – The term 'lawfully inhabited at the date of the making of this Order' causes some concern to the ExA. The ExA would ask:</p> <p>xvii) What happens in regard to a lawful properties included in Table 15-24 that are empty on the date of the making of the Order. For example, the property may be vacant pending sale or rental; not inhabited as the occupiers are on holiday or otherwise away; empty for any number of justifiable reasons, but lawfully capable of occupation. With this in mind, how would a Requirement including the above term be enforceable, precise and reasonable in all other respects. For example how does the Applicant or Relevant Local Authority demonstrate a particular residential property was 'lawfully inhabited' or otherwise at the date of the making of this Order'?</p>	<p>'Lawfully inhabited' is a legal term that means, in essence, that the building can be lawfully occupied. That is, that the building is not occupied in breach of other legislation. It does not mean actually occupied. A home is still lawfully occupied when the residents are on holiday, or even when a squatter is in illegal occupation as long as the building itself is authorised for occupation in principle. It is not lawfully occupied when it is, for example, constructed without the requisite consents in breach of planning control. The LPA would be best placed to establish that as controlling unlawful occupation is within their responsibilities.</p>
		xviii) Requirement 15 (Restoration of land) refers to 'authorised project'. Should this read authorised development?	<p>An update was made to change the word 'project' to 'development' in Requirement 15 (Restoration of land) (now Requirement 16 (Restoration of land)), at both occurrences, in Revision B of the dDCO [AS-016].</p>
		xix) Requirement 16 (Post CEMP) – The ExA would ask:	<p>The Applicant has made a further amendment to requirement 17 in Revision D of the dDCO to better specify the scope of the operational stage plan.</p> <p>The Applicant has no strong preference as to the formatting of this element as one or two requirements. The Applicant amended this requirement following discussion with the</p>

ExQ1	Question to	Question	Applicant's Response
		<p>e) whether the OMEMP must include the operational monitoring, maintenance and management works required by the OCEMP.</p> <p>f) whether the Requirement should refer to the CEMP</p> <p>c) whether decommissioning should be a Requirement in its own right, rather than being combined with post construction requirements;</p> <p>d) whether a minimum period of 6 months specified in Requirement 16(3) would be adequate in terms of decommissioning works?</p> <p>e) why this Requirement does not prevent decommissioning works taking place in advance of any formal approvals from the Relevant Local Authority.</p> <p>f) should the demolition management plan required by Requirement 16(4) include the need for: a phasing plan for any demolition and/ or removal works; a timetable for the implementation of the plan; and a plan of land restoration for any land not covered by Requirement 15.</p> <p>g) should Requirement 16(4), specify the waste management plan must include details related to the removal of all materials resulting from the decommissioning works from the land.</p>	<p>LPAs who asked for the decommissioning to be made clearer in this requirement not separated out which is why it is in its current format.</p> <p>The Applicant considers that six months in advance of the proposed start of decommissioning works is more than adequate and notes that submitting this too far in advance increase the chance of a change in circumstances requiring this to be amended</p>
		xx) Should Requirement 19 specify that an Application made to a relevant authority must be accompanied by confirmation as to whether it is likely that the subject matter of the application will give rise to any materially new or materially different environmental effects compared to those in the environmental statement and if it will then the Application must be accompanied by information setting out what those effects are.	This is a legal requirement under the EIA regulations and accordingly does not need to be stated as no application would be valid nor could be competently determined without this information.
		xxi) Requirement 20 (Multiple relevant authorities) – The ExA would ask what happens in the event of failure to provide comments within the specified time period?	The Application would be determined without the benefit of those comments.
		xxii) Requirement 21 (Further information) – The number '5' is used interchangeably with the word 'five'. Also reference to 'business days' is the first reference to such a term in this requirement and appears to be at odds to the term 'days'	Update has been made for consistency to use the word 'five', replacing the instance when the number '5' was used, at Revision D of the dDCO submitted at Deadline 1.

ExQ1	Question to	Question	Applicant's Response
		used elsewhere in the document. Please review and amend as required. Finally, the ExA would question whether the period specified for consultee responses (ie within 21 days of receipt of the application) is adequate?	Five business days is allowed to request further information as five days could be too short where that period falls over a weekend. This is deliberately different. 21 days is the standard drafting for responses and is the same as the period set out in the Southampton to London Pipeline DCO (see schedule 2, paragraph 25).
		xxiii) Requirement 22 (Fees) – The ExA would ask: a) what happens in the event of a change to the Fees Regulations. b) Requirement 22(1)(b) specifies a fee of £97 per application. However, this would appear to be at odds with the current Fees Regulations. c) what happens in the event of a validation dispute? (See Article 12 of the Town and Country Planning (Development Management Procedure) Order, 2015 (as amended).	a) If the fees are increased under the regulations the fee payable would increase to match. b) This has been updated in revision B of the dDCO [AS-016] . c) In case of a dispute the arbitration process would apply.
		xxiv) Requirement 23 (Appeals) – Requirement 23(1)(b) to (e) inclusive, should read '23(1)(a)(i) to (iv). In addition, what happens where any application to discharge a requirement will give rise to any materially new or materially different environmental effects compared to those in the environmental statement. Should there be a mechanism for that Application to have deemed to have been refused by the relevant planning authority at the end of the relevant period?	The Applicant notes that there is no requirement 23(1)(a), or (b) to (e) in revision B of the dDCO [AS-016] . If an application would give rise to a new or materially different environmental effect to those in the ES it would have to be refused. This situation is covered in the EIA regulations. The Applicant can appeal a failure to approve within the stated timeframe. Adding a deemed refusal is accordingly unnecessary and would prevent the parties reaching an agreement whereby the LPA can issue a late decision to approve.
		xxv) Requirement 24(7) refers to Planning Practice Guidance that has been superseded. Please review and amend, if required.	The Applicant assumes that the reference to the PPG being superseded is to the elements of the NPPF which supersede some, but not all, of the PPGs. The Applicant does not agree that the Appeals PPG has been superseded and notes that there is no equivalent guidance on Appeals in the NPPF.
Q1.19.45	DCO Schedules Applicant	Schedules 3 to 6 of the draft DCO [APP-024] cross refer to letters and numbers marked on the Access and Rights of Way Plans ([APP-012] and [APP-013]). However, not all of the letters and numbers marked on the Land Plans appear to be correctly referenced in the above mentioned Schedule, whilst some do not appear to be reference at all. For example, Part 1 of Schedule 3 to the draft DCO [APP-024] does not list the letter/ number points related to work numbers: - 46 (Sheet 20) - letter/ number points 20-F, 20-N and 20-O;	An amendment was made to revision B of the dDCO [AS-016] to update this.

ExQ1	Question to	Question	Applicant's Response
		<p>- 49 (Sheet 22) - letter/ number points 22-G, 22-K and 22-L; or</p> <p>- 50 (Sheet 50) letter/ number points 25-A, 25-C and 25-D.</p> <p>Similar incidences appear to occur in relation to Work Numbers: 54 (Sheets 27 and 28); and 59 (Sheet 29).</p> <p>Please review the Access and Rights of Way Plans ([APP-012] and [APP-013]) and the draft DCO [APP-024] to ensure all relevant reference points on the above mentioned plan are correctly referenced in the relevant schedules of the draft DCO [APP-024] and vice versa.</p>	
Q1.19.46	DCO Schedules Applicant	<p>Schedule 3, Part 1 (Streets subject to permanent street works) –</p> <p>i) the second row under column 3 refers to Work no. X. This also occurs in: - Schedule 3, Part 2 on page 75 in the third complete row under column 3</p>	An amendment was made to revision B of the dDCO [AS-016] to update this.
		<p>ii) Multiple occurrences in Schedule 4, Part 1. Please clarify. Please review and amend, if necessary.</p>	An amendment was made to revision B of the dDCO [AS-016] to update this.
Q1.19.47	DCO Schedules Applicant	Schedule 4, Part 1 has the title 'Highway to be stopped up for which no substitute is to be provided' Is this title correct?	This was an error and has been corrected in revision B of the dDCO [AS-016].
Q1.19.48	DCO Schedules Applicant	• Schedule 5, Column (3) – every entry starts TBC. Please clarify.	At application, work was ongoing to seek to reduce the number of highways where full width closures were being sought, the status was therefore listed as TBC while that was completed. An amendment was made to revision B [AS-016] to update this.
Q1.19.49	DCO Schedules Applicant	Schedule 6 - Second row column 3 refers to points marked 3-A and 3-B on sheet 3 of the access and rights of way plan. However, only 3-A is shown on this plan. Please clarify.	An amendment was made to revision B [AS-016] to update this.
Q1.19.50	DCO Schedules Applicant	Schedule 7:	For all 4 points, an amendment was made to revision B [AS-016] to update this.
		i) refers to Article 33 in the top right hand corner. This should refer to Article 34.	
		ii) Part 1 (page 87) penultimate row in Column (2) lists plot number 5-04 twice.	
		iii) Part 1 (page 89) Plot 15-02 appears to have been missed from the listings.	

ExQ1	Question to	Question	Applicant's Response
		iv) Part 1 (page 90) final five entries are duplicates of entries already listed above.	
Q1.19.51	DCO Schedules Applicant	Schedule 8 (Land in which new rights etc., may be acquired) – The ExA would question the broad approach taken in relation to the acquisition of new rights. Column 2 contains the list of new rights which may be acquired under Article 26. However, this is extremely long and open ended. The ExA considers the Applicant should specify which rights are being acquired, in respect of which plots, in the form of an extra schedule that mirrors the information given in the BoR. Please review and amend, if required.	The Applicant notes that the BoR [AS-023] simply provides for “permanent acquisition of rights”. The Applicant also notes that the SoR [AS-021] contains a table providing some further detailed on the rights sought and so has assumed that this is the change sought. The Applicant submits that adding a new schedule in addition to Schedule 8 covering the same plots and rights would risk creating inconsistency and confusion, in addition it would be a dangling schedule as the schedule to which the relevant article relates is Schedule 8. The Applicant has therefore amended Schedule 8 to better define which rights are sought on which plots.
Q1.19.52	DCO Schedules Applicant	Schedules 9 and 10 – The ExA would question the Article numbers referenced in the top right had corner. Please check and amend, if required.	Amendments were made to revision B [AS-016] to update these numbers.
Q1.19.53	DCO Schedules Applicant	Schedule 11, Part [] on page 136. The correct Part number needs to be added and the fields within this Part are all blank. Please review and update, as required.	An amendment was made to revision B [AS-016] to update this.
Q1.19.54	DCO Highways infrastructure Applicant	<p>NHs [RR-064] has noted that the Compulsory Powers are sought in relation to land forming part of the SRN being the M53 and M56, including acquisition of the subsurface of the carriageway itself at two locations where the pipeline crosses the SRN. To safeguard NHs' interests and the safety and integrity of the SRN, NHs objects to the inclusion of the Plots in the Order and to Compulsory Powers being granted in respect of them.</p> <p>The Plots constitute land acquired by NHs for the purpose of its statutory undertaking and, accordingly, this representation is made under section 56 and sections 127 and 138 of the PA2008. NHs considers that there is no compelling case in the public interest for the Compulsory Powers and that the Secretary of State, in applying section 127 of the PA2008, cannot conclude that the permanent acquisition of land forming the SRN and the creation of new rights and restrictions over all of the Plots can be created without serious detriment to NHs' undertaking. No other land is available to NHs to remedy the detriment.</p>	The Applicant notes that it proposes to install the pipeline under the SRN by mean of trenchless installation and without interfering with the highway use. The Applicant does not agree or accept that CA of sub-surface rights at depth below the highway (and in the Applicant's opinion below the legal extent of highway status) which does not interfere with the use of the highway can constitute serious detriment. The Applicant refers the ExA to the consideration of serious detriment in the answer to question 1.6.14. As set out in response to question 1.6.11, the Applicant did not include Protective Provisions (PP) for the benefit of National Highways (NH) in its application dDCO as it had not yet agreed with NH what the preferred approach for this project would be, and if for example the need for PPs would be obviated by another agreement. The Applicant has now received NH's standard PPs however the Applicant considers that these require amendment to reflect the specifics of this project. The standard PPs are drafted on the (understandable) basis that the impact on the SRN would be in the form of 'roadworks' in the sense of being works to the carriageway and related infrastructure or to build new SRN. In this case, the works require no alteration to the 'road' other than installation of the pipe at some depth below the operational carriageway. Sections of the standard drafting relate, for example, to opening works to traffic which do not apply to this project. The work to agree a site specific set of provisions is ongoing.

ExQ1	Question to	Question	Applicant's Response
		How does the Applicant propose to remedy the objection in terms of: (a) the inclusion of protective provisions in the Order for its benefit; and	
		(b) agreements with the Applicant that regulate (i) the manner in which rights over the Plots are acquired and the relevant works are carried out including terms which protect NHs' statutory undertaking and agreement that compulsory acquisition powers will not be exercised in relation to such land; and (ii) the carrying out of works in the vicinity of the SRN to safeguard NHs' statutory undertaking.	The Applicant is in discussion with NH as to the form of agreements required between the parties. It is currently anticipated that a combination of an agreement covering land rights and protective provisions could be used to address all of NH's concerns and ensure that they are given such approvals of the works under and adjacent to the SRN as are required to protect the highways undertaking.

Table 2-20 – Other

ExQ1	Question to	Question	Applicant's Response
Q1.20.1	Lighting IPs	The ExA notes that changes to light levels in the immediate area through artificial lighting during construction periods or subsequent operation has the potential to alter amenity conditions for existing nearby properties and/ or have potential impacts to wildlife and the wider local environment. Considering the scheme as a whole:- Do any IPs have any concerns regarding lighting during proposed construction phases, or arising from any other element of the scheme?	
Q1.20.2	Safety Applicant/ Health and Safety Executive/ Relevant Local Authorities (CWCC and FCC)	Relevant Representation [RR-081] indicates that the new pipeline and the AGI terminal at Ince is within very close proximity to land which is the subject of a Control of Major Accident Hazards (COMAH) impact zone.	It is understood and noted by the Applicant that the CF Fertiliser's Ince site is no longer subject to a COMAH impact zone (this site is located adjacent to the Ince AGI). This is logged in the CF Fertilisers SoCG) (document reference: D.7.2.29). Generally, during the development of the emergency plan, the Applicant will engage with the operators of COMAH sites in close proximity to the DCO Proposed Development. The Applicant has regularly engaged with the HSE during the design process to discuss the DCO Proposed Development and the health and safety measures integrated into the design.
		Applicant	The Applicant has been undertaking ongoing engagement with regards to the DCO Proposed Development with the HSE since 2021. This has taken the form of regular

ExQ1	Question to	Question	Applicant's Response
		<p>Please advise what consultation has taken place with the Health and Safety Executive (HSE) and whether the HSE have provided any site plans showing the HSE Zones.</p> <p>(Note: The ExA is aware that such plans may have been issued on a confidential basis and is not seeking the submission of such plans at this time. However, during the course of the examination it may seek the submission of such plans. If such plans are requested they would be likely to be sought through the submission of a public version that is redacted, along with an unredacted confidential version for the ExAs consideration).</p> <p>Please provide a copy of any correspondence received from the HSE in regard to this Proposed Development, excluding any plans that may have been issued by the HSE confidentially, or signpost the ExA to where within the submitted application documentation such correspondence can be located.</p>	<p>engagement meetings with the HSE Energy Division and the assigned focal points including: the Pipelines Inspector, who is assigned to the Applicant's current production assets (on and offshore); and a HSE Net Zero focal point.</p> <p>This engagement with the HSE (Energy Division) has covered a range of technical, design and regulatory topics in relation to the DCO Proposed Development. As a result of these discussions and the advice provided, the Applicant will follow the principles of the requirements of Pipelines Safety Regulations 1996 in terms of Part III Notifications, pending clarification of how CO2 will be managed within the current regulatory regime and under the Pipelines Safety Regulations 1996.</p> <p>In addition, to the aforementioned engagement activities, the Applicant has contacted the HSE Land Use Planning and the HSE Energy Division (pipelines) to request clarification on the requirement for a SoCG, initial acknowledgement responses have been received and dialogue will be progressed to confirm and establish requirements accordingly.</p> <p>Overall, as part of the engagement process, the HSE has not provided any site plans showing HSE Zones.</p> <p>The Applicant would not ordinarily expect these to be provided by HSE. As part of continuing / future engagement with emitters and other relevant third parties these plans and zones will be assessed and the required / appropriate risk control measures developed and implemented.</p> <p>The Applicant has not had any other direct consultation with or received any formal technical correspondence from the HSE (Energy Division or Land Use Planning Division).</p>
		<p>Also please confirm what provision would be made during the construction and operational phases to safeguard the public health of those involved in construction and operation of the facility? How would such provision be secured by the DCO?</p>	<p>The health and safety of the employees of the Applicant (during both construction and operation) will be managed via the development and implementation of a health and safety management system as required under: The Health and Safety at Work etc. Act 1974 (which sets out the duties on employers); The Management of Health and Safety at Work Regulations 1999; and The Construction (Design and Management) Regulations 2015.</p> <p>Construction</p> <p>Planning and execution of the detailed design and construction phase of the project will include hazard identification and risk assessment studies. These studies will identify the management arrangements required to protect the health and safety of employees and those that could potentially be affected by the construction of the DCO Proposed Development.</p>

ExQ1	Question to	Question	Applicant's Response
			<p>Operation</p> <p>Operation (including commissioning) of the DCO Proposed Development will be managed through the development, implementation and maintenance of management systems and arrangements relating to safety, operations, maintenance integrity and emergency response. These management systems and arrangements will be aligned to relevant codes, standards and industry guidelines and practices.</p> <p>The management arrangements for both the construction and operational phases will include consideration of interfaces and interactions with other facilities in close proximity to the DCO Proposed Development.</p> <p>The requirement for the implementation of a health and safety management system will be secured through the CEMP and the OMEMP under Requirements 5 and 17 of the Draft DCO [AS-016] respectively.</p> <p>The potential impact of the DCO Proposed Development on members of the public has been presented in Chapter 13 – Major Accidents and Disasters of the 2022 Environmental Statement [APP-065] and Appendix 13.2 – Environmental Statement Risk Record [APP-143] which concludes that all of the potential major accident and disaster events identified during the construction and operational stages will be appropriately managed.</p>
		<p>Health and Safety Executive/ Relevant Local Authorities</p> <p>Please confirm whether:</p> <p>i) the Proposed Development lies within the proximity of any designated Control of Major Accident Hazzard site(s), and if so please advise the ExA of any concerns you may have in regard to the Proposed Development and it proximity to those sites.</p>	
		<p>ii) the HSE has issued any comment and/ or issued any advice in relation to the Development which is the subject of this DCO Application. (ie has the HSE issued any letters in relation to the development proposed by this DCO Application that states they 'Do Not Advise Against' or 'Advise Against'). If so, please submit a copy of that advice letter in to the Examination.</p>	
Q1.20.3	Pipeline safety Regulations	<p>Please confirm whether or not, in the opinion of the Health and Safety Executive:</p> <p>i) the transportation of CO2 as proposed by this DCO Application would constitute the transportation of a</p>	

ExQ1	Question to	Question	Applicant's Response
	Health and Safety Executive	'Dangerous fluid' as defined in the Pipeline Safety Regulations 1996; and	
		ii) the proposed pipeline would/ would not be classified as a Major Accident Hazzard Pipeline by the same Regulations.	