

NOTIFICATION OF INTENTION TO SUBMIT A CHANGE REQUEST (3)

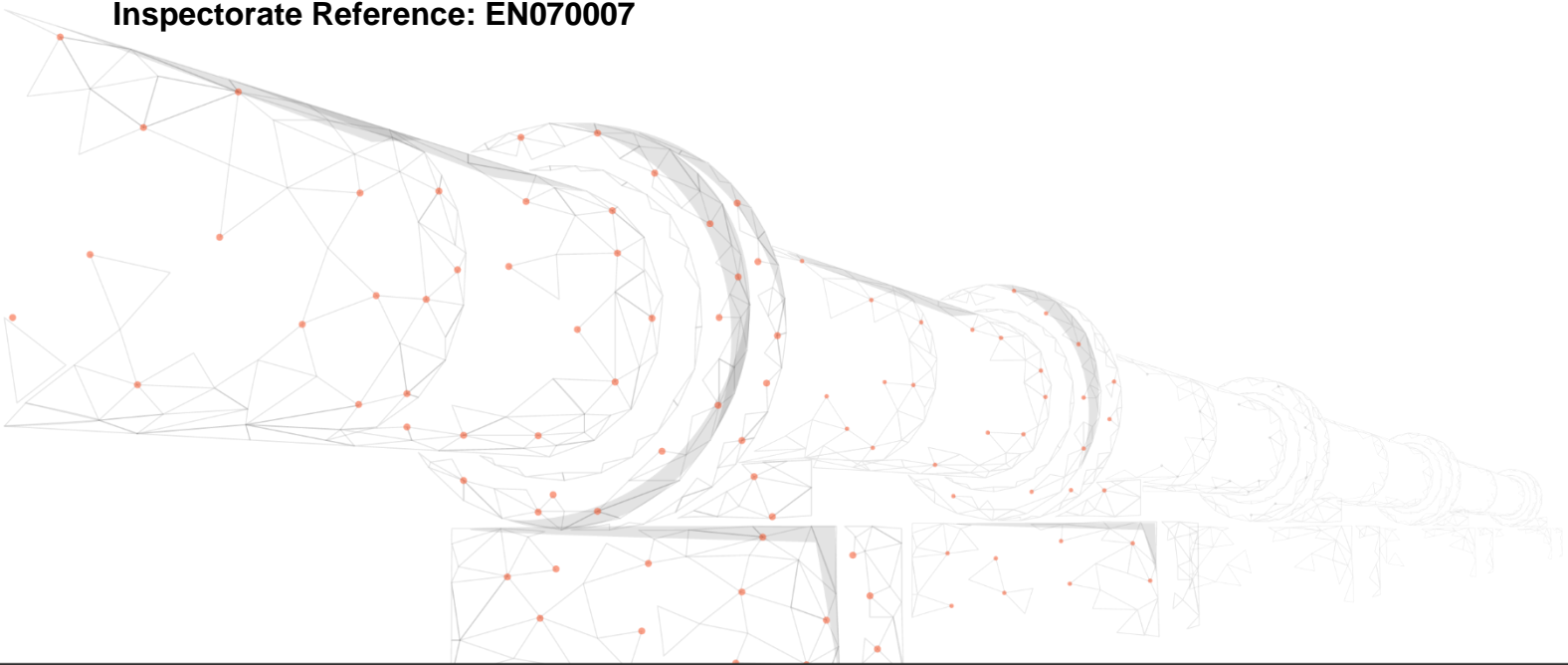
HyNet Carbon Dioxide Pipeline DCO

Planning Act 2008

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Applicant: Liverpool Bay CCS Limited

Inspectorate Reference: EN070007



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20 June 2023

Dear Mr Stephens,

EN070007 HyNet Carbon Dioxide Pipeline – Notification of Intention to Submit a Change Request (3)

This letter is a notification of the Applicant's intention to submit a change request (referred to as 'Change Request 3') for the attention of the Examining Authority ('ExA').

This is in addition to Change Request 1 and Change Request 2 submitted by the Applicant on 27 March 2023 and 26 May 2023 respectively and accepted into the Examination by the ExA on 24 April 2023 and 02 June 2023 respectively.

The Applicant considers that this Change Request 3 will result in a more acceptable development as it relates to the removal of land interests from the DCO Proposed Development and does not impact additional land interests. The change also results in a slight localised reduction of effects as reported in the 2022 Environmental Statement ('ES') and subsequent Change Request Addenda. The Applicant recognises that the timing of this Change Request 3 requires explanation to the ExA and Interested Parties ('IPs') as to the ability for the change to be sufficiently considered in the remaining time of the Examination. Due to the nature of the change, it is the Applicant's view (as set out in this notification) that no new consultation is required and it can, therefore, be properly accommodated as per the timetable set out in Section 5 of this Notification.

1. Introduction

The Applicant's application for a Development Consent Order ('DCO') was submitted on 03 October 2022 and was accepted for Examination on 31 October 2022 ('DCO Application'). Since that time, the Applicant has continued to engage with IPs with a view to addressing their comments and agreeing common ground, while also continuing with project development and design refinement.

This letter accordingly notifies the ExA that the Applicant is preparing, and intends to submit, a change request and provides a summary of the scope of the proposed request.

An ES was submitted to the Planning Inspectorate in October 2022 as part of the DCO Application (“2022 ES”) and subsequently updated with confirmatory environmental surveys accepted by the ExA as part of the Applicant’s Section 51 advice response on 14 March 2023. Furthermore, the Applicant submitted the 2023 ES Addendum Change Request 1 **[CR1-124]** and 2023 ES Addendum Change Request 2 **[CR2-017]**, in response to the proposed changes to the DCO Proposed Development as part of Change Requests 1 and 2.

The 2022 ES along with the confirmatory surveys and the Change Request Addenda above (“ES as amended”) now form the environmental assessment position for the DCO Proposed Development and these form the baseline for the further work carried out to assess the changes in Change Request 3.

The Applicant is undertaking, and will submit, an Environmental Technical Note regarding the likely effects of the proposed change. The proposed change does not result in changes to the overall likely significant effects as reported in the ES as amended; therefore the ES conclusions have not materially changed. As such, it is the Applicant’s view that a change request ES addendum, as submitted for previous change requests, is not required.

While the Applicant notes that the Environmental Technical Note could form supplementary environmental information, there is no statutory requirement to consult on this. The Applicant considers that the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 **will not** be engaged due to the change. This is because the change involves removal of land from within the Order limits. Therefore, as the proposed changes do not require the inclusion of “additional land” (as defined in the Infrastructure Planning (Compulsory Acquisition) Regulations 2010), the changes do not require to be publicised or consulted on in accordance with those Regulations.

The proposed change is not so substantial or different in character as to be a different project.

2. Proposed Change

The removal of the Temporary Logistics and Construction Compound (Work No. 41A), removal of the Temporary Working Area (Work No. 41D) and the extension of the Temporary Access (Work No. 41B) to meet the Carbon Dioxide Pipeline Works (Work No. 41), to take account of the removal of the above works. This will result in the removal of land from the Order Limits (specifically land parcels 18-08, 18-09, 18-12 and the partial removal of parcel 18-13), and no new land will be impacted.

The Applicant has continued to engage with the landowner at this location regarding the use of and impact to their land during the construction and operation of the DCO Proposed Development.

Following concerns raised by the landowner in private meetings, written representations to the Examination and oral submissions at the hearings in the week commencing 05 June

2023, the Applicant has agreed to remove the temporary logistics and construction compound at Holywell Road (B5125), in Flintshire ("Shotton Lane Centralised Compound").

Some of the construction traffic originally assessed to use this compound will now use the compounds at River Dee (Work No. 31A) and Northop Hall (Work No. 44C). Some pipeline construction traffic would still require to take access at this location and the traffic associated with creation and remediation of the compound will be no longer required. The traffic impact resulting is the reduction of traffic at the Holywell Road compound and a non-significant increase in traffic at the River Dee and Northop Hall compounds.

3. Environmental Technical Note

The Applicant is producing an Environmental Technical Note to document how the proposed change would affect the environmental assessments reported in the ES as amended, and the extent to which these would be different as a result of the proposed changes described in Section 2. However, the proposed change is not expected to result in changes to the overall likely significant effects as reported in the ES as amended. The Applicant intends to submit the Environmental Technical Note as part of Change Request 3.

In addition to the Environmental Technical Note, the Applicant will also provide updates to documents that would be affected by Change Request 3. This includes (but is not limited to):

- Updated GIS Shapefile;
- Land plans;
- Works plans;
- Access and Rights of Way plans;
- Draft Development Consent Order (dDCO);
- Statement of Reasons; and
- Book of Reference.

4. Consultation

The Planning Inspectorate's Advice Note Sixteen sets out that an Applicant who intends to make a request for a change to a DCO application is expected to consult all those prescribed in the Planning Act 2008 under section 42(a) to (d) who would be affected by the proposed change (giving a minimum of 28 days). Applicants are also recommended to consider whether wider consultation is required to enable affected persons to make representations on the changes to the application. The Applicant confirms that there would be no new affected persons created as a result of the change. The affected landowner of the compound area for which removal is sought has specifically requested this change be sought as part of ongoing engagement.

The change proposed by the Applicant in Change Request 3 has arisen following consultation and having regard to the feedback from the affected landowner. The Applicant is preparing an Environmental Technical Note to support the proposed change request. The Applicant notes that there is no statutory requirement to consult on or publicise this under EIA Regulations and that this is confirmed in the Planning Inspectorate's Advice Note Sixteen.

The Applicant considers that further consultation on the proposed change is unnecessary as it is a result of the feedback received from the affected landowner. Furthermore, the Applicant has informed and provided an opportunity for response to Flintshire County Council Highways prior to the submission of this notification.

It is also submitted that consultation under the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 **is not** required due to the removal of land interests subject to compulsory acquisition.

5. Examination Timetable Impact - Next Steps

In light of the above, the Applicant has been considering the appropriate approach to bringing forward the proposed change in the context of the Planning Act 2008: Guidance for the examination of applications for development consent (DCLG), and the Planning Inspectorate's Advice Note Sixteen.

As requested in the guidance, the Applicant has provided below an explanation of how this request can be accommodated within the Examination timetable. The Applicant has assumed that the ExA uses the maximum of 28 days to consider whether to accept this request.

The Applicant acknowledges that any proposed change is ultimately a decision for the ExA.

The Applicant proposes the following next steps and programme:

- Change request to be submitted at Deadline 5 (04 July 2023);
- ExA decision by 01 August 2023 (28 days);
- As set out above, no consultation is thought to be required and confirmation will be provided that the landowner affected has been consulted; and
- Issues related to the change could be raised by Interested Parties in the hearings scheduled for the week commencing 07 August 2023, and further questions could be included in ExQ3 scheduled for issue on 15 August 2023.

Yours sincerely,

Martin Currie

Director

Liverpool Bay CCS Limited