

Appendix 3A

Scoping Opinion Responses

Scoping Opinion Responses

Consultee	Consideration	How addressed in this PEIR
Planning Inspectorate	On 26 January 2022, the Planning Inspectorate (the Inspectorate) received an application for a Scoping Opinion from Cadent Gas Limited (the Applicant) under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) for the proposed Hynet North West Hydrogen Pipeline Project (the Proposed Development). The Applicant notified the Secretary of State (SoS) under Regulation 8(1)(b) of those regulations that they propose to provide an Environmental Statement (ES) in respect of the Proposed Development and by virtue of Regulation 6(2)(a), the Proposed Development is 'EIA development'.	Noted.
Planning Inspectorate	The Applicant provided the necessary information to inform a request under EIA Regulation 10(3) in the form of a Scoping Report, available from: http://infrastructure.planninginspectorate.gov.uk/document/EN060006-000006	Noted.
Planning Inspectorate	This document is the Scoping Opinion (the Opinion) adopted by the Inspectorate on behalf of the SoS. This Opinion is made on the basis of the information provided in the Scoping Report, reflecting the Proposed Development as currently described by the Applicant. This Opinion should be read in conjunction with the Applicant's Scoping Report.	Noted.
Planning Inspectorate	The Inspectorate has set out in the following sections of this Opinion where it has/has not agreed to scope out certain aspects/matters on the basis of the information provided as part of the Scoping Report.	Noted.

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	The Inspectorate is content that the receipt of this Scoping Opinion should not prevent the Applicant from subsequently agreeing with the relevant consultation bodies to scope such aspects/matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the aspects/matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.	
Planning Inspectorate	Before adopting this Opinion, the Inspectorate has consulted the 'consultation bodies' listed in Appendix 1 in accordance with EIA Regulation 10(6). A list of those consultation bodies who replied within the statutory timeframe (along with copies of their comments) is provided in Appendix 2. These comments have been taken into account in the preparation of this Opinion	Noted.
Planning Inspectorate	The Inspectorate has published a series of advice notes on the National Infrastructure Planning website, including Advice Note 7: Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping (AN7). AN7 and its annexes provide guidance on EIA processes during the preapplication stages and advice to support applicants in the preparation of their ES.	Noted, relevant guidance will be taken into account at the appropriate assessment stages. With respect to the PEIR, direct reference to Advice Note 7 is made in Chapter 4: Approach to Preparing the PEIR.
Planning Inspectorate	Applicants should have particular regard to the standing advice in AN7, alongside other advice notes on the Planning Act 2008 (PA2008) process, available from: https://infrastructure.planninginspectorate.gov.uk/legislation-andadvice/advice-notes/	Noted, relevant Advice Notes will be taken into account at the appropriate assessment stages. With respect to the PEIR, direct reference to the PINS Advice Notes are made

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		in Chapter 4: Approach to Preparing the PEIR.
Planning Inspectorate	This Opinion should not be construed as implying that the Inspectorate agrees with the information or comments provided by the Applicant in their request for an opinion from the Inspectorate. In particular, comments from the Inspectorate in this Opinion are without prejudice to any later decisions taken (e.g. on formal submission of the application) that any development identified by the Applicant is necessarily to be treated as part of a Nationally Significant Infrastructure Project (NSIP) or Associated Development or development that does not require development consent.	Noted.
Planning Inspectorate	Paragraph 2.5.19 The Scoping Report explains that the requirement for block valves will be subject to further design and risk assessment and therefore no search area has been identified at this stage. Two points have currently been identified along the proposed pipeline network where block valves may be required. The ES should confirm the maximum number, final parameters and locations of the block valves and assess any likely significant effects resulting from their construction, operation/ maintenance or decommissioning.	Noted, the requirement for block valves will be confirmed with optionality for this element presented in Chapter 2: The Project. This optionality will be refined as part of the ongoing design, assessment and consultation process, with the refined design presented in the DCO application and assessed in the accompanying Environmental Statement.
Planning Inspectorate	Figure 1.2 Hydrogen Above Ground Installations (HAGIs) Search areas in which the HAGIs will be located are shown in Figure	Noted, the final HAGI locations and related information are to be

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	1.2 of the Scoping Report, although their precise locations are not yet defined. The ES should confirm the maximum number, final parameters and locations of the HAGIs (including the Central Hub) and assess any likely significant effects resulting from their construction, operation/ maintenance, or decommissioning.	confirmed as part of the design development. The optionality presented in Chapter 2: The Project will be refined as part of the ongoing design, assessment and consultation process, with the refined design presented in the DCO application and assessed in the accompanying Environmental Statement.
Planning Inspectorate	Paragraphs 2.4.1 - 2.4.5 Flexibility The Inspectorate notes the Applicant's desire to incorporate flexibility into their draft DCO (dDCO) and its intention to apply a 'Rochdale Envelope' approach for this purpose. Where the details of the Proposed Development cannot be defined precisely, the Applicant will apply a worst-case scenario. The Applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the Proposed Development have yet to be finalised and provide the reasons. At the time of application, any Proposed Development parameters should not be so wide-ranging as to represent effectively different developments. The development parameters should be clearly defined in the dDCO and in the accompanying ES. It is a matter for the Applicant, in preparing an ES, to consider whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters. The description of the Proposed Development in the ES must not be so	Noted, commentary around the use of the Rochdale Envelope and Limits of Deviation will be included in future environmental reporting.

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	wide that it is insufficiently certain to comply with the requirements of Regulation 14 of the EIA Regulations. It should be noted that if the Proposed Development materially changes prior to submission of the DCO application, the Applicant may wish to consider requesting a new scoping opinion.	
Planning Inspectorate	Paragraphs 2.5.12 and 2.6.44 Impacts from lighting The Scoping Report refers to the need for construction and operational lighting. The ES should clearly describe the location and design of construction and operational lighting and provide an assessment where significant effects are likely to occur. The design standards that any additional lighting will be required to meet should also be described in the ES, including any measures incorporated to avoid intrusive lighting impacts for human or ecological receptors.	This will be part of the design development and considered fully in the ES where significant effects are likely to occur.
Planning Inspectorate	Paragraph 2.6.1 Working widths The Scoping Report explains that each section of the pipeline would have a working width specific to the given leg diameter in effort to minimise the environmental impacts. The ES should define the applicable parameters for the width and depth of the trenches or apply a worse case. It should be clear how these parameters are secured through the dDCO or other legal mechanism.	Noted, Table 2.11 of Chapter 2: The Project provides indicative working widths for different pipeline diameters.
Planning Inspectorate	Paragraph 2.6.2 Temporary working areas (including pipe lay down areas, offices and compounds) The ES should identify the location and size of the temporary working	Temporary working areas are to be provided and where relevant will be assessed in the ES.

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	areas. Any likely significant effects resulting from their use should be assessed.	
Planning Inspectorate	Paragraphs 2.5.12 and 2.6.44 Impacts from lighting The Scoping Report refers to the need for construction and operational lighting. The ES should clearly describe the location and design of construction and operational lighting and provide an assessment where significant effects are likely to occur. The design standards that any additional lighting will be required to meet should also be described in the ES, including any measures incorporated to avoid intrusive lighting impacts for human or ecological receptors.	This will be part of the design development and considered fully in the ES where significant effects are likely to occur.
Planning Inspectorate	Paragraph 2.6.13 Access The ES should identify the locations of access routes to site for construction and maintenance. Any likely significant effects resulting from their use should be assessed.	Noted, temporary construction site accesses have been identified and are shown in Figure 2.17 and further discussion on construction access points are provided in Appendix 11A .
Planning Inspectorate	Paragraphs 4.5.8 -4.5.11 The wider Hynet North West Project The Scoping Report outlines the projects that form the wider Hynet North West Project. The ES should clearly describe the relationship between the Proposed Development and the wider Project, including the extent to which the Proposed Development is dependent on the delivery of the other projects and the development timelines of projects that form the wider Project, including an explanation of how these will be coordinated.	Noted, the ES will include commentary with respect to the relationship of the proposed development to the wider Hynet Project. Any commentary will align with that provided in the Need Case.

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Planning Inspectorate	Demolition works The ES should describe any necessary demolition works including location(s) of such works. Any likely significant effects resulting from such works should be assessed.	Noted. If demolition is required, this will be identified and assessed.
Planning Inspectorate	HAGI search area - Burtonwood The Scoping Report text refers to Burtonwood HAGI, which is also shown on accompanying figure(s). However, the corridor doesn't seemingly extend to Burtonwood nor is there a Burtonwood HAGI shown on any plans. It is suggested that the area is described as 'Bold Heath HAGI search area' and should be amended. The Applicant's attention is drawn to the consultation response from St Helens Borough Council in this regard (see Appendix 2 of this Opinion).	Noted, the naming of key project features will be reviewed and confirmed in future environmental reporting. It should be noted that this HAGI has now been removed and will not be referred to in future reporting.
Planning Inspectorate	Management of waste material There is no reference within the Scoping Report to waste materials or how they will be managed. As the project is likely to generate substantial volumes of excavated waste material, a description of how this will be managed should be included in the ES and any likely significant effects resulting from the management of waste material (including any contaminated waste) should be assessed. The Applicant's attention is drawn to the consultation response from St Helens Borough Council in this regard (see Appendix 2 of this report).	The primary approach to management of excavated materials on the project will be to seek to reuse subsoil and topsoil as part of the reinstatement. This is described in section 2.6 of the Scoping Report, 'Pipeline construction'. Table 12.3 describes the measures by which clean excavated material would be reused (via implementation of a Materials Management Plan). The assessment of this will be

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		covered in Chapter 12 - Ground Conditions of the PEIR and ES. Table 12.3 of the PEIR also describes the process by which excavated materials would be assessed to ensure they are suitable for reuse. Where materials are not suitable for reuse and become a waste (for example because of gross contamination), appropriate site management will be in place and potentially disposal off site in accordance with the necessary waste legislation. The assessment of this will be covered in Chapter 12 - Ground Conditions of the PEIR and ES. The detail of the Materials Management Strategy is expected to be post-consent and to be secured in the DCO.
Planning Inspectorate	Easements The description of the physical characteristics of the Proposed Development in the ES should include the details of required	Noted, the details of required easements will be provided in the ES.

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	easements, to ensure that the extent of the likely impacts from the Proposed Development (for example, sterilisation of mineral resource) is fully understood.	
Planning Inspectorate	Construction dewatering Paragraph 2.6.18 of the Scoping Report states that dewatering of trenches may be required. The ES should identify sensitive receptors which may be affected by dewatering (including for example ancient woodland as identified in Table 9.9 of the Scoping Report) and assess any likely significant effects. The ES and associated management plan documents should set out the minimum environmental requirements that contractors will be required to apply when managing dewatering discharges.	Noted, the impacts of dewatering will be considered in the ES and relevant mitigation measures provided and secured in an Outline Code of Construction Practice (CoCP).
Planning Inspectorate	Paragraphs 2.8.1 - 2.8.4 Decommissioning The Applicant proposes to scope out consideration of effects resulting from the decommissioning of the Proposed Development on the basis that the nature of the works and the proposed implementation of a Decommissioning Plan would address the relevant statutory requirements at the time, including any extant commitments with landowners and statutory authorities and to take account of any developed technology and good practice. The Inspectorate notes that the design life of the pipeline and HAGIs is 40 years (although it is anticipated that the actual life of the pipeline would extend well over 40 years) but considers that a long-term assessment enables the decommissioning of the works to be taken into account in the design and use of materials such that structures can be made safe or removed with the minimum of disruption. An assessment of impacts resulting from decommissioning should therefore be provided in the	Noted, decommissioning is considered in the PEIR and will be considered in the ES.

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	ES. The assessment should be proportionate but include a description of the process and methods of decommissioning, land use requirements and estimated timescales. Any decommissioning associated with dismantling and replacing particular elements of the Proposed Development (e.g. HAGIs) once they reach the end of their design life should be assessed if significant effects are likely to occur. The Inspectorate notes paragraph 4.2.3 of the overarching NPS for Energy (NPS EN-1), which states that the ES should cover the environmental effects arising from decommissioning of the project.	
Planning Inspectorate	Paragraph 4.5.1 Cumulative Effects The Inspectorate notes the potential for the proposed pipeline route corridor to cross identified routes of High Speed 2 (HS2), which could potentially impact land for associated construction, infrastructure and mitigation measures identified as part of that project. The proposed timescales for the construction of HS2 present the possibility that the schemes could potentially be under construction simultaneously. The ES should therefore fully assess the cumulative impacts from the Proposed Development together with relevant other developments, including HS2. Effort should be made to agree the other developments with the relevant consultation bodies, including the local planning authorities.	Noted, consideration will be given to cumulative impacts, however, it should be noted that the impacts will be reduced due to the removal of the HS2 Goldbourne link. Agreement on schemes to be considered in the cumulative impact assessment will be sought, with a long list and preliminary short list provided as part of the PEIR. The full assessment will be completed as part of the ES.
Planning Inspectorate	Transboundary Schedule 4 Part 5 of the EIA Regulations requires a description of the likely significant transboundary effects to be provided in an ES. The Inspectorate considers that the potential for significant transboundary	Noted, the ES will include the transboundary screening matrix.

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	effects on the environment is unlikely given the nature, scale and location of the Proposed Development.	
Planning Inspectorate	Mitigation and monitoring The Scoping Report places reliance on a Code of Construction Practice (CoCP) and Construction Environmental Management Plan (CEMP) as mechanisms for securing embedded environmental measures. The Applicant should provide draft/ outline copies of the CoCP and CEMP (containing details of any measures referred to in the ES) and demonstrate how these will be secured through the DCO or other legal mechanism.	Noted, an Outline CoCP will be included with the DCO application and a commitments register will detail how measures are to be secured.
Planning Inspectorate	Site boundary Chapter 2, Section 2.5 of the Scoping Report states that connection is required to NSG Pilkington's Greengate Works, Glass Futures and a further short connection is required east at Micklehead Green to NGF Europe Ltd. The Proposed Development site boundary as presented does not appear to include the Glass Futures Site. The Proposed Development boundary submitted with the ES should include the full extent of the proposed works and the scope of the environmental assessment should be extended to cover this area. The Applicant's attention is drawn to the consultation response from St Helens Borough Council in this regard (see Appendix 2 of this Opinion).	Amended, the Preliminary Order Limits presented in the PEIR account for the Glass Futures site.
	Existing infrastructure The Scoping Report identifies existing infrastructure assets within or in proximity to the Proposed Development site boundary. The assessment in the ES should take into account the locations of existing infrastructure and identify any interactions between it and the Proposed Development. Any significant effects that are likely to occur	Noted, the technical topic assessments presented in the PEIR and the ES will take account of existing infrastructure.

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	should be assessed. The Applicant's attention is drawn to the scoping consultation responses in this regard such as from Network Rail, National Grid and INOVYN Enterprises Limited (Appendix 2 of this Opinion).	
Planning Inspectorate	Coordination with Environmental Permitting In light of the use of novel technology for which there may be only limited understanding of the best available techniques, early engagement with the Environment Agency regarding permitting and alignment of the permitting process with the DCO Examination should be considered.	Consultation is being conducted with the Environment Agency. The Applicant will ensure that where appropriate there is alignment between the permitting process and the DCO Examination.
Planning Inspectorate	Confidential annexes Public bodies have a responsibility to avoid releasing environmental information that could bring about harm to sensitive or vulnerable ecological features. Specific survey and assessment data relating to the presence and locations of species such as badgers, rare birds and plants that could be subject to disturbance, damage, persecution or commercial exploitation resulting from publication of the information, should be provided in the ES as a confidential annex. All other assessment information should be included in an ES chapter, as normal, with a placeholder explaining that a confidential annex has been submitted to the Inspectorate and may be made available subject to request.	Noted, sensitive information will be redacted and provided as a confidential annex to relevant consultees. All other information will be retained and shared with public bodies.
Planning Inspectorate	Impacts The ES should include an assessment of any impacts to navigation (e.g. lighting) which are likely to result in significant effects. The	Chapter 2: The Project identifies the requirement for temporary bridging. Any

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	assessment methodology and any necessary mitigation measures should be discussed and effort made to agree them with relevant consultation bodies.	bridging across canals will be discussed with the respective navigation authority, with heights of temporary bridging in accordance with navigation authority requirements.

HyNet North West Hydrogen Pipeline

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