

**Application by Keuper Gas Storage Limited (KGSL) for a Development Consent Order for
Underground Gas Storage Facility at Holford Brinefield**

**Comments of Cheshire West and Chester Council on the Examination Deadline 3
Submissions made by KGSP**

7th June 2016



**Cheshire West
and Chester**

Comments on KGSP response to LIR and CWAC Written Representation (KGSP document ref 10.8)

1. This response provides Cheshire West and Chester Council comments on the response by the applicant to the Council's Local Impact Report and written representation. Where KGSP comments are not directly referenced (by way of paragraph number) then the Council accepts the response from the applicant, considers this matter resolved and wishes to make no further comment. Comments are made on the latest draft of the DCO and the CEMP separately.
2. **Paragraph 1.12.2-8** – The Council notes the comments made regarding the noise matters. The Council is currently liaising with the applicant on these matters and is satisfied that a scheme of mitigation which would satisfactorily address the current concerns can be agreed. Until such time that agreement is reached then the Council wishes to maintain its position on this matter.
3. **Paragraph 3.2.8-11** – The comments made with regards to ecology are noted. The Council notes that its comments made through its written representations with regards to barn owl surveys at the MAA (paragraph 28) and the Whitley Pumping Station (33) have not been addressed.
4. **Paragraph 3.2.20** – The Council would again seek clarification as to whether the earthworks have been assessed through the LVIA as this does not appear to have been the case. The Council is broadly satisfied with the information provided but would request that the maximum height of the proposed bunds (3 metres) is specified through the draft CEMP 'MAA- Landscape and Visual Impacts' (paragraph 5.2.13).
5. **Paragraph 3.2.21** – The application is assessed on the basis of and mitigated in accordance with the worst-case scenario outlined within the ES. On this basis, and in the absence of a dedicated construction lay-down area, the Council would expect the applicant to demonstrate in plan form that the number of vehicles cited in the ES can be accommodated on site whilst having regard to the need for the storage of plant and construction materials, HGV deliveries and enabling vehicles to exit the site in forward gear. If this cannot be demonstrated then the ES should be revised to assess the impact upon the highway.
6. **Paragraph 3.2.22** - The Council acknowledges the comments made by the applicant regarding 'phase 2' of the SGSP. This, however, fails to address the possible cumulative impact which may arise from the implementation of SGSP 'phase 3' (for the remaining 8 consented caverns and associated infrastructure). The Council considers that these matters should have been assessed through the EIA. This notwithstanding, , the Council would accept a suitably worded obligation through the s106 agreement to prohibit the commencement/require the temporary cessation of KGSP where there would be overlap with the construction of SGSP as an alternative to assessment through the ES.

Comments on Draft DCO Revision 3 (KGSP document ref 3.1)

7. The following comments on the draft DCO (revision 3) also refer to the paragraph numbers in document reference 10.8 and, again, where KGSP comments are not directly referenced (by way

of paragraph number) then the Council accepts the response from the applicant, considers this matter resolved and wishes to make no further comment.

8. **Paragraph 1.12.11** – The Council’s position is that the scope of the definition of ‘maintenance’ remains too wide. The Council still considers the terms ‘alter’, ‘reconstruct’, ‘replace’ and ‘improve’ to be outside of what could reasonably be described as maintenance and that the definition should be amended accordingly.
9. **Paragraph 1.12.13** – The Council welcomes the changes made (including the insertion of maximum dimensions for the authorised development initially added in draft DCO revision 2) and acknowledges the reasoning put forward with regards the use of order land and order limits.
10. **Paragraphs 1.12.16-20** – The Council acknowledges the comments made by the applicant but would request that, for the purposes of clarity, the provisions of Part 3 are simplified so that the requirement to seek written agreement from the authority for the various works on the street provided for through articles 10-13 (of the revision 3) is instead provided for under a single article similar to article 15. This article should state that consent must be sought. The Council notes that no changes to the DCO have been made further to paragraph 42 of its representation.
11. **Paragraph 1.12.21** – The Council notes the comments made by the applicant but still considers it appropriate to ensure that there is a remediation scheme where appropriate.
12. **Paragraph 1.12.23** – The Council acknowledges the comments made by the applicant but would point out that the concerns raised relate to the use of these powers where they are not connected with the implementation of the authorised development. The Council does not consider that it would be appropriate to allow the rights conferred by article 29 (of draft DCO version 3.0) to be utilised more generally.
13. **Paragraph 1.12.25** – The Council does not consider this matter addressed and wishes to reiterate the concerns outlined in its original written representation on this matter. Further to comments made during the ISH, the Council would be satisfied with an approach that seeks to limit the PD rights which would be conferred by article 32 to the extent of the limits of deviation on the works plans (or to otherwise appropriate parameters) and is happy to work with the applicant to agree an amendment to this effect.
14. **Paragraph 1.12.26** – The Council does not consider that the response of the applicant wholly addresses its concerns. To clarify, the Council wishes to avoid this provision being used to remove trees which are obligated elsewhere through the requirements i.e. by way of an approved landscaping plan.
15. **Paragraph 1.12.27** – The Council is pleased that there is a willingness in principle to address its comments around the requirements and will work with the applicant to agree a position on these matters.

Comments on the CEMP (Rev 1) (KGSP document ref 6.5)

16. The Council is pleased that the document has been amended to ensure that the mitigation referred to in the ES is now explicitly referenced. This now provides a broadly suitable baseline for the formulation of a full CEMP to be submitted as per the requirements of the draft DCO. The Council is happy that the full detail can be agreed through the full CEMP submission. The Council would, however, request an explicit statement within the draft CEMP that all mitigation measures proposed through the ES will be included within the full CEMP in order to ensure consistency between the two documents. The Council also notes that the draft CEMP is not specifically referred to in requirement 3 of the DCO and would expect this to be the case.
17. The Council thinks it appropriate that a phasing plan is included within the CEMP so that the requirement for specific mitigation to be agreed measures can be triggered at the most appropriate phase of the development rather than it all being agreed prior to commencement.
18. It is noted at paragraph 2.41 that Site Environmental Standards would only apply to 'the majority of construction'. The Council seeks clarification as to what construction activity is excluded and for what reason it is excluded.
19. Paragraph 2.4.3 refers to best practice construction site management techniques. The Council requests that these are prescribed within the CEMP.
20. Any approval of mitigation measures which is sought and required through the Biodiversity Management Plan should be granted by the LPA as well as Natural England. The LPA is the relevant authority to deal with matters relating to impacts on protected species with Natural England's authority extended to protected habitats and European sites only.