



SCOPING OPINION:

Proposed HyNet North West Hydrogen Pipeline Project

Case Reference: EN060006

Adopted by the Planning Inspectorate (on behalf of the Secretary of State) pursuant to Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

08 March 2022



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APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED

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1. INTRODUCTION

- 1.7.1 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'.
- 1.7.2 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>
- 1.7.3 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.
- 1.7.4 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. 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.
- 1.7.5 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.
- 1.7.6 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 pre-application stages and advice to support applicants in the preparation of their ES.
- 1.7.7 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-and-advice/advice-notes/>

- 1.7.8 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.

2. OVERARCHING COMMENTS

2.1 Description of the Proposed Development

(Scoping Report Section 2)

ID	Ref	Description	Inspectorate's comments
2.1.1	Paragraph 2.5.19	Block valves	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.
2.1.2	Figure 1.2	Hydrogen Above Ground Installations (HAGIs)	Search areas in which the HAGIs will be located are shown in Figure 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.
2.1.3	Paragraphs 2.4.1 - 2.4.5	Flexibility	<p>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.</p> <p>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</p>

ID	Ref	Description	Inspectorate's comments
			<p>not be so wide-ranging as to represent effectively different developments.</p> <p>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 wide that it is insufficiently certain to comply with the requirements of Regulation 14 of the EIA Regulations.</p> <p>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.</p>
2.1.4	Paragraphs 2.5.12 and 2.6.44	Impacts from lighting	<p>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.</p>
2.1.5	Paragraph 2.6.1	Working widths	<p>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.</p>
2.1.6	Paragraph 2.6.2	Temporary working areas (including pipe lay down areas, offices and compounds)	<p>The ES should identify the location and size of the temporary working areas. Any likely significant effects resulting from their use should be assessed.</p>

ID	Ref	Description	Inspectorate's comments
2.1.7	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.
2.1.8	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.
2.1.9	n/a	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.
2.1.10	n/a	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).
2.1.11	n/a	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

ID	Ref	Description	Inspectorate's comments
			Applicant's attention is drawn to the consultation response from St Helens Borough Council in this regard (see Appendix 2 of this report).
2.1.12	n/a	Easements	The description of the physical characteristics of the Proposed Development in the ES should include the details of required easements, to ensure that the extent of the likely impacts from the Proposed Development (for example, sterilisation of mineral resource) is fully understood.

2.2 EIA Methodology and Scope of Assessment

(Scoping Report Section 4)

ID	Ref	Description	Inspectorate's comments
2.2.1	Paragraph 2.6.18	Construction dewatering	<p>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.</p>
2.2.2	Paragraphs 2.8.1 - 2.8.4	Decommissioning	<p>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.</p> <p>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.</p> <p>An assessment of impacts resulting from decommissioning should therefore be provided in the ES. The assessment should be proportionate but include a description of the process and methods of decommissioning, land use requirements and estimated timescales.</p>

ID	Ref	Description	Inspectorate's comments
			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.
2.2.3	Paragraph 4.5.1	Cumulative Effects	<p>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.</p> <p>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.</p>
2.2.4	Paragraph 4.6.1	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 effects on the environment is unlikely given the nature, scale and location of the Proposed Development.
2.2.5	n/a	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

ID	Ref	Description	Inspectorate's comments
			demonstrate how these will be secured through the DCO or other legal mechanism.
2.2.6	n/a	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).
2.2.7	n/a	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 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).
2.2.8	n/a	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.

3. ENVIRONMENTAL ASPECT COMMENTS

3.1 Ecology

(Scoping Report Section 5)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.1.1	Paragraph 5.6.16	Midland Meres and Mosses Phase 1 Ramsar	<p>The Applicant proposes to scope out effects on this designated site on the basis that there are no ornithological features designated as part of the Ramsar, and there is no hydrological connectivity between the site and the Proposed Development.</p> <p>The Inspectorate considers that effects on this designated site can be scoped out on this basis.</p>
3.1.2	Paragraph 5.6.16	Dee Estuary Special Protection Area (SPA) and Ramsar	<p>The Applicant proposes to scope out effects on these designated sites on the basis that the sites qualifying features are unlikely to forage within the proposed site boundary or a 500m buffer, given the distance from the Proposed Development (c. 13.5km west) and the lack of hydrological connectivity between the Proposed Development and Ramsar site.</p> <p>The Inspectorate considers that if it can be demonstrated there is no potential effect pathway between the Proposed Development and these designated sites, then the Inspectorate agrees that these can be scoped out.</p>
3.1.3	Paragraph 5.6.16	Mersey Narrows and North Wirral Foreshore SPA and Ramsar	<p>The Applicant proposes to scope out effects on these designated sites on the basis that the sites qualifying features are unlikely to forage within the proposed site boundary or 500m buffer, given the distance from the Proposed Development (c. 18.2km north west) and the lack</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			<p>of hydrological connectivity between the Proposed Development and Ramsar site.</p> <p>The Inspectorate considers that insufficient evidence has been submitted to demonstrate that the Proposed Development will not impact on functionally linked land. The ES should identify the potential for bird species associated with the designated sites to be present and assess any likely significant effects.</p>
3.1.4	Paragraph 5.6.16	Ribble and Alt Estuaries SPA and Ramsar	<p>The Applicant proposes to scope out effects on these designated sites on the basis that the sites qualifying features are unlikely to forage within the proposed site boundary or 500m buffer, given the distance from the Proposed Development (c. 18.5km north west) and the lack of hydrological connectivity between the Proposed Development and Ramsar site. The Applicant highlights that the upper limit of pink-footed goose (a qualifying feature of the SPA) foraging activity from winter roost sites is 15-20km with farmland the principal foraging habitat in winter and states that given the amount of grassland habitat within the wider area, impacts on this species are considered negligible.</p> <p>The Inspectorate considers that if it can be demonstrated there is no potential effect pathway between the Proposed Development and these designated sites, then the Inspectorate agrees that these can be scoped out.</p>
3.1.5	Paragraph 5.6.16	Non-Schedule 1 nesting birds	<p>The Applicant proposes to scope breeding bird surveys targeted at non-Schedule 1 species out of the assessment on the basis that any effects upon active nests of breeding birds can be mitigated via the embedded environmental measures listed in Table 5.5 of the Scoping Report (eg timing of vegetation clearance works outside the breeding bird season) and where this is not possible, through carrying out pre-construction nest checks and where a nest is found, through</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			<p>implementing measures such as protective buffers and ecological monitoring.</p> <p>Subject to demonstrating that the timing of works will avoid impacts to breeding birds and that this is secured through the DCO or other legal mechanism, the Inspectorate is content that this matter can be scoped out.</p>
3.1.6	Paragraph 5.6.16	Dormice	<p>The Applicant proposes to scope out the potential for significant effects on dormice due to the location of the Proposed Development and the lack of suitable connective habitat to the nearest known population.</p> <p>The Inspectorate considers that an assessment of effects on dormice can be scoped out on the basis of the arguments presented. However, should the further studies and surveys proposed to inform the impact assessment identify possible presence of this species, the ES should include an assessment of impacts on dormice.</p>
3.1.7	Paragraph 5.6.16	Reptiles	<p>The Applicant proposes to scope out the potential for significant effects on reptiles due to the location of the Proposed Development, the limited footprint located within predominantly sub-optimal agricultural landscape along with the employment of embedded environmental measures included within Table 5.5, which the Applicant states would avoid significant effects on reptiles.</p> <p>In the absence of the detailed routing information, the Inspectorate does not consider there is sufficient information to reasonably conclude that there will be no likely significant effects on reptiles. Accordingly, the ES should include an assessment of these matters, or information demonstrating agreement with the relevant consultation bodies and the absence of likely significant effects.</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.1.8	Paragraph 5.6.6	Ecological features determined to be important at negligible level	With the exception of species receiving specific legal protection, or those subject to legal control, the Applicant proposes to scope out all ecological features determined to be important at negligible level from the assessment. The Inspectorate remains concerned about the proposal to scope out species of negligible importance and advises that this should only be done with the agreement of relevant stakeholders.

ID	Ref	Description	Inspectorate's comments
3.1.9	Paragraph 5.7.15	Biodiversity Net Gain (BNG)	The Inspectorate notes that BNG proposals are currently being considered by the Applicant. The assessment of BNG reported in the ES should be based on an appropriate metric that allows clear understanding of how gains and losses have been calculated. The ES should clearly distinguish between mitigation for significant adverse effects on biodiversity from wider enhancement measures.
3.1.10	Table 5.7	Functionally linked land	Table 5.7 of the Scoping Report identifies potentially significant effects from noise and physical activities leading to disturbance of SPA qualifying features and Site of Special Scientific Interest (SSSI) designated species using functionally linked land. The ES should also consider the impacts that any direct loss of functionally linked land may have on relevant European and nationally designated sites.
3.1.11	Table 5.9	Winter bird walkover surveys	Table 5.9 of the Scoping Report states that winter bird survey methods will involve walking a number of transects, will be undertaken in two key areas within the scoping red line boundary and will focus on detecting qualifying features of the Mersey Estuary SPA

ID	Ref	Description	Inspectorate's comments
			<p>using functionally linked land within the Zone of Influence of the designated site.</p> <p>It is unclear how the two key areas have been identified or why these are representative of the effects of the Proposed Development on wintering birds. The baseline survey data contained within the ES should be representative of the full effects of the scheme. The ES should include evidence that the extent, location and methodology of surveys has been agreed with relevant consultation bodies.</p>
3.1.12	Paragraph 7.6.7 and Table 5.7	Migratory fish species	<p>The Scoping Report states that direct effects on fish populations such as disturbance from artificial light, noise or vibration, and habitat removal, loss, or damage during construction will be assessed within the ES.</p> <p>The ES should also consider the potential impacts from construction and operational activities on migratory fish transiting the area e.g. to/from the Mersey Estuary.</p>
3.1.13	n/a	Confidential annexes	<p>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.</p>

3.2 Historic Environment

(Scoping Report Section 6)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.2.1	Paragraph 6.6.10	Assessment scope - likely effects	<p>The Applicant proposes that, where experience and available evidence indicates an effect-receptor pathway will not lead to a significant impact with regards to the EIA Regulations 2017 the pathway is scoped out from assessment.</p> <p>Where professional judgement is applied to inform the approach to the assessment, this should be clearly set out in the ES. If agreement cannot be reached with relevant consultation bodies, or there is lack of/ limited evidence to support the approach, then an assessment should be undertaken in the ES in accordance with recognised practice.</p>
3.2.2	Paragraph 6.6.4	Assessment spatial scope – operational phase	<p>The Applicant proposes that due to the buried nature of the pipeline, the spatial scope of assessment during the operational phase will be confined to a maximum 1km study area around each of the HAGI search areas. This may be refined following the selection of HAGI locations and consideration of topography and the sensitivity of surrounding heritage assets.</p> <p>The Inspectorate is content with this approach in relation to the HAGI search areas, however advises that consideration should be given to the potential for operational phase effects on setting as a result of vegetation clearance along the pipeline corridor for the purpose of easements. The ES should assess any likely significant effects.</p>

ID	Ref	Description	Inspectorate's comments
3.2.3	n/a	Assessment methodology – geomorphological survey	<p>It is advised that a geophysical survey should not be carried out without first carrying out a geomorphological survey of the study area. This should take the form of a desk-based geoarchaeological assessment and deposit model. This is vital in order to understand the nature of the geology and deposits in the area and to inform the choice of the correct geophysical survey method.</p> <p>The Applicant's attention is drawn to the consultation response from Historic England in this regard (see Appendix 2 of this Opinion).</p>
3.2.4	n/a	Assessment methodology - preservation and palaeoenvironmental assessment	<p>As locally present deposits of peat and organic-rich alluvium are valuable historic environment resources due to their potential to contain palaeoenvironmental information (plant remains, pollen, insects etc.), a preservation and palaeoenvironmental assessment should be carried out on any such deposits to assess their potential before any dewatering within the study area.</p> <p>The Applicant's attention is drawn to the consultation response from the Historic England in this regard (see Appendix 2 of this Opinion).</p>

3.3 Water Environment

(Scoping Report Section 7)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.3.1	Paragraph 7.6.4	<p>Construction and operational phases:</p> <ul style="list-style-type: none"> • Ordinary watercourses upstream or upslope of the Proposed Development • Ponds and lakes upstream or upslope of the Proposed Development 	<p>The Scoping Report does not include Water Framework Directive surface water bodies (river and transitional), ponds or lakes upstream or upslope of the Proposed Development within the proposed scope of the water environment assessment.</p> <p>The Inspectorate considers that if the Proposed Development would not directly or indirectly affect these waterbodies, this matter can be scoped out of the ES.</p>
3.3.2	Paragraph 7.6.7	<p>Assessment scope – biological elements of ecological status of river water bodies (macroinvertebrates and fish)</p>	<p>The Applicant proposes that biological elements of ecological status for river water bodies (macroinvertebrates and fish) will not be part of future water environment assessments within the ES, however the potential for indirect effects on biology elements which could occur as a direct result of changes to the water quality or the hydromorphology of a water feature, will be part of the future biodiversity assessment, if required.</p> <p>The Inspectorate does not consider that the Scoping Report explains why this matter should be scoped out. In the absence of further justification, an assessment of effects on macroinvertebrates and fish should be provided in the ES.</p>
3.3.3	Paragraph 7.6.15	<p>Assessment scope - likely effects</p>	<p>The Applicant proposes that, where experience and available evidence indicates an effect-receptor pathway will not lead to a significant impact with regards to the EIA Regulations 2017 the pathway is scoped out from assessment.</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			<p>Where professional judgement is applied to inform the approach to the assessment, this should be clearly set out in the ES. If agreement cannot be reached with relevant consultation bodies, or there is lack of/ limited evidence to support the approach, then an assessment should be undertaken in the ES in accordance with recognised practice.</p>
3.3.4	Paragraph 7.6.21	Operation and maintenance – groundwater levels	<p>The Applicant proposes that, based on knowledge of the baseline environment, the nature of planned works and existing best practice, together with evidence from other large infrastructure projects, the operation and maintenance activities would not involve dewatering works and therefore no impact on groundwater levels is anticipated.</p> <p>The Inspectorate considers that insufficient evidence has been provided by the Applicant with regards to permanent impacts to groundwater flows and levels, either within the footprint of the Proposed Development or as a result of changes associated with barrier effects caused by buried structures, especially within areas already at risk of flooding.</p> <p>The Inspectorate therefore considers that effects on operational groundwater levels cannot be scoped out and this matter should be assessed and included within the ES. The Inspectorate is content that effects during maintenance can be scoped out.</p>
3.3.5	Paragraph 7.6.22	Operational phase – surface and groundwater quality	<p>The Applicant proposes that, subject to embedded mitigation (Table 7.10 of the Scoping Report) in place and no routine discharges and/or dewatering operations, there is minimal risk of leakage of hazardous substances to impact surface or groundwater quality.</p> <p>The Inspectorate is content that this matter can be scoped out of further assessment but considers that the ES should provide details of how any water is to be captured, treated and disposed of, especially</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			in proximity to water crossings and with regards to potential dewatering of excavations and trenches.
3.3.6	Paragraph 7.6.22	Operational phase – flood risk	<p>The Applicant proposes that an assessment of flood risk during the operational phase of the Proposed Development can be scoped out, on the basis that the construction of HAGIs within Flood Zones 2 and 3 would be avoided as far as possible, and where this cannot be avoided, suitable flood risk mitigation measures would be specified in the Flood Risk Assessment (FRA) and Drainage Strategy.</p> <p>The Inspectorate is content with this approach for buried pipeline infrastructure, however flood risk for above ground development including the HAGIs should be addressed, including demonstration of any flood protection or resilience measures. The ES should include details of the sequential and exception tests as they have been applied to the Proposed Development.</p>

ID	Ref	Description	Inspectorate's comments
3.3.7	Paragraph 7.6.22	Flood risk methodology – surface development	The Scoping Report proposes that the only surface manifestation of the Proposed Development will be the HAGIs. This is considered to be inconsistent with the Description of the Development and future assessment work should also include, for example, block valve compounds and other relevant forms of surface development.
3.3.8	Paragraphs 7.4.39 - 7.4.42	Flood Zones	The Scoping Report identifies Flood Zones across the Study Area however does not include sub-categories, such as an area of high probability (Flood Zone 3a) or functional floodplain (Flood Zone 3b). The ES should provide an accurate and consistent description of the baseline flood risk for each element of the Proposed Development and

ID	Ref	Description	Inspectorate's comments
			the description should clearly distinguish between Flood Zones, including Flood Zones 3a and 3b where relevant.
3.3.9	Paragraph 7.4.58	Sustainable Drainage Systems (SuDS)	The Inspectorate considers that SuDS requirements should be considered in relation to each element of the Proposed Development, including block valve compounds where proposed and the Cathodic Protection (CP) system, where the drainage environment is likely to be affected. The Applicant make effort to agree the location, design and management of SuDS for the Proposed Development with relevant consultation bodies and evidence this within the ES.
3.3.10	Table 7.11	Impacts from bentonite breakout	For the avoidance of doubt, the ES should include consideration of the impacts from bentonite breakout during Horizontal Directional Drilling (HDD) works on aquatic environment receptors and water resource receptors.
3.3.11	Table 7.12	Sensitivity of receptors	Table 7.12 of the Scoping Report does not include a 'Very High' category of receptor sensitivity, as might be expected when applying an approach informed by the Design Manual for Roads and Bridges (DMRB). This has the potential to undervalue or underestimate significance of effect. Where the assessment deviates from established guidance, the Applicant should ensure that this is clearly stated and suitably justified in the ES. The Applicant should seek agreement with the relevant consultation bodies regarding the methodology used in the assessment and evidence this in the ES.
3.3.12	n/a	Nutrient loads	The ES should outline any impact of the Proposed Development on nutrient levels and, where relevant, any strategic solutions for nutrient neutrality or Diffuse Water Pollution Plans which may be being developed or implemented, to mitigate and address the impacts of elevated nutrient levels. The Applicant's attention is drawn to the

ID	Ref	Description	Inspectorate's comments
			consultation response from Natural England in this regard (see Appendix 2 of this Opinion).

3.4 Landscape and Visual

(Scoping Report Section 8)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.4.1	Paragraph 8.6.2	Operational effects	<p>The Applicant proposes to scope out landscape and visual effects resulting from the operational period of the Proposed Development (with the exception of the HAGIs) from the ES assessment, on the basis that the pipeline will be buried along the entire route and will consequently not be visible.</p> <p>The Inspectorate is content that significant effects on landscape and visual receptors are not likely to arise from the operational buried pipeline itself and agrees this matter can be scoped out of the assessment. However, the Inspectorate advises that consideration should be given to the potential for operational phase effects on landscape and visual receptors as a result of any planting restrictions imposed by the easements. The ES should assess any likely significant effects.</p> <p>Landscape and visual impacts resulting from other relevant forms of surface development (in addition to the HAGIs), such as the proposed block valve compounds, should be assessed in the ES where significant effects are likely.</p>
3.4.2	Paragraphs 8.6.3 and 8.6.9	<p>Effects arising from:</p> <ul style="list-style-type: none"> • Pipeline construction; • Site clearance; and • Construction activity along pipeline route (traffic, plant and cranes) 	<p>The Applicant proposes to scope out landscape and visual effects resulting from pipeline construction from the ES assessment, on the basis that construction activities are subject to very short timescales (i.e. several days), and therefore there is a short window for any discernible adverse effect upon high sensitivity landscape and visual receptors. Effects from site clearance are described as localised.</p> <p>The Inspectorate considers that in the absence of certainty regarding the locations of construction activities and facilities (e.g. construction</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			<p>compounds), the potential for significant effects resulting from the presence and movement of construction plant and associated temporary construction infrastructure, as well as vegetation clearance and other material removal, cannot be excluded. The ES should provide an assessment of impacts from construction of the Proposed Development where significant effects are likely.</p>
3.4.3	Paragraph 8.6.9	Operational phase – maintenance activity	<p>The Applicant proposes to scope out landscape and visual impacts arising from the movement of vehicles and activity associated with maintenance visits to the HAGIs during the operational phase, given the infrequent nature of maintenance requirements.</p> <p>The Inspectorate is content that this matter can be scoped out of further assessment.</p>
3.4.4	Paragraph 8.6.9	Scope of assessment – National Landscape Character Areas (LCA)	<p>The Applicant proposes to scope out the impact of the Proposed Development upon National LCAs on the basis that the scale of change from the Proposed Development is unlikely to result in significant effects during either the construction or operational phases, together with the expansive geographical extent of the National LCAs and the transitory nature of landscape impacts associated with the construction phase of the Project and the localised effects that would occur during the operational phase. Further, the Applicant proposes that such an assessment would also duplicate the detailed assessment based on local LCAs/ types that will be scoped in.</p> <p>The Inspectorate agrees that the impact of the Proposed Development upon National LCAs can be scoped out, on the basis of the evidence presented.</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.4.5	Paragraph 8.6.9	Methodology – views from Registered Parks and Gardens and Country Parks to edge of study area but outside Zone of Theoretical Visibility (ZTV)	<p>The Applicant proposes that views experienced by visitors to Registered Parks and Gardens and Country Parks that lie just within or close to the edge of the study area but outside the ZTV of the Proposed Development should be scoped out, as no operational elements would be visible.</p> <p>The Inspectorate is content that this matter can be scoped out of further assessment.</p>
3.4.6	Paragraph 8.6.9	Methodology – visual receptors of medium and low sensitivity where focus is not on the landscape	<p>The Applicant proposes to scope out visual receptors that are likely to fall into the medium and low sensitivity categories (including road users, railway passengers, retail and industrial estates, schools, people at their place of work, and people engaging in active sports, where the focus is not on the landscape). This is on the basis that, given the reduced sensitivity of the receptors, the magnitude of change resulting from the Proposed Development would need to be greater than Low to result in potentially significant visual effects and this scenario is not predicted to occur based on the receptor locations and the draft ZTV of the HAGI search areas.</p> <p>The Inspectorate agrees that this matter can be scoped out on the basis of the evidence presented.</p>

ID	Ref	Description	Inspectorate's comments
3.4.7	Paragraph 8.4.3	Landscape designations	<p>The Inspectorate notes that the Cheshire Sandstone Ridge is being considered for status as an Area of Outstanding Natural Beauty (AONB) by Natural England. The ES should consider the implications of a future designation as part of the assessment of landscape and visual impacts and the assignment of significance.</p>

ID	Ref	Description	Inspectorate's comments
3.4.8	Paragraphs 8.3.3 and 8.4.14	Methodology – viewpoints	The Applicant should make effort to agree the number and location of viewpoints with relevant consultation bodies.
3.4.9	n/a	Scope of assessment – lighting	The Scoping Report refers to the need for temporary lighting. The ES should contain an assessment of lighting effects on visual amenity and landscape character during construction and operation or a justification as to why significant effects would not arise. The Applicant's attention is drawn to the consultation response from the Canal and River Trust in this regard (see Appendix 2 of this Opinion).
3.4.10	n/a	Scope of assessment – cumulative effects	The cumulative impact of any tree removal to facilitate the development should be assessed within the LVIA and conclusions drawn with regards to the potential for significant effects. The Applicant's attention is drawn to consultation responses from the Canal and River Trust in this regard (see Appendix 2 of this Opinion).
3.4.11	n/a	Scope of assessment – Green Belt	Construction and operational landscape and visual impacts on the Green Belt should be assessed as part of the ES. The Applicant's attention is drawn to the consultation responses from Cheshire West and Chester Council and Action Bridge Parish Council in this regard (see Appendix 2 of this Opinion).

3.5 Air Quality

(Scoping Report Section 9)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.5.1	Paragraph 9.6.11	Construction – emissions from Non-Road Mobile Machinery (NRMM)	<p>The Scoping Report proposes to scope out this matter on the basis that emissions are controlled by the NRMM (Emission of Gaseous and Particulate Pollutants) Regulations 1999 (as amended) and the scale, duration and distance of construction activity to relevant receptors is not considered to be of a magnitude that would require detailed assessment.</p> <p>Whilst the Inspectorate considers that emissions from NRMM are unlikely to be significant in most cases, in the absence of detail regarding the location of temporary compounds with respect to receptors and the type and duration of NRMM to be deployed the Inspectorate does not consider that this matter may be scoped out based on current evidence. The ES should include an assessment of emissions from NRMM on sensitive receptors where significant effects are likely.</p>
3.5.2	Paragraph 9.6.11	Operational road traffic emissions	<p>The Scoping Report proposes to scope out this matter on the basis that it is not considered that operational traffic flows associated with the maintenance of the Proposed Development would exceed the Environmental Protection UK (EPUK) and Institute of Air Quality Management (IAQM) criteria for a detailed air quality assessment. The Inspectorate agrees that the road traffic emissions associated with the operation of the Proposed Development are unlikely to give rise to significant effects and agree that this matter can be scoped out from further assessment.</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			The description of development within the ES should provide details of the likely operational traffic movements by vehicle type and number.

ID	Ref	Description	Inspectorate's comments
3.5.3	Paragraph 9.6.5	Sensitive receptors	In addition to the potential receptors identified, impacts from changes in air quality on residents of waterways and recreational receptors (e.g. users of canals) should be assessed where significant effects are likely.
3.5.4	Paragraph 9.6.8 and Table 9.9	Non-statutory sites designated for nature conservation and protected species	Scoping Report Paragraph 9.6.8 and Table 9.9 provisionally list statutory sites designated for nature conservation and ancient woodland as sensitive receptors that will be considered in the assessment of air quality. The Applicant should also provide an assessment of air quality impacts on non-statutory sites for nature conservation, including Local Wildlife Sites (LWS) and protected species where significant effects are likely to occur and cross-reference the ecology chapter (and vice-versa) where relevant.
3.5.5	n/a	Study area	The ES should include a figure/ figures to identify the final study areas for each element of the air quality assessment, including the location of human and ecological receptors that have been considered.
3.5.6	Table 9.5	Scope of Assessment – Warrington Air Quality Management Area (AQMA)	The Scoping Report does not mention the Warrington AQMA which covers the town centre ring road and major arterial roads. The Warrington AQMA has potential to be affected by any construction works and traffic rerouting and should therefore be considered within

ID	Ref	Description	Inspectorate's comments
			further assessment work. The Applicant's attention is drawn to the consultation response from Warrington Borough Council in this regard (see Appendix 2 of this report).

3.6 Noise and Vibration

(Scoping Report Section 10)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.6.1	Paragraph 10.1.5	Methodology – noise monitoring	<p>The Scoping Report proposes to scope out baseline noise monitoring for a construction noise assessment along the route of the buried pipework, except where this is considered critical for establishing an elevated baseline (for instance at receptor locations adjacent to a motorway potentially affected by horizontal drilling).</p> <p>The Inspectorate agrees that this matter can be scoped out of further assessment, with the exception of such circumstances as highlighted above.</p>
3.6.2	Paragraph 10.4.2	Methodology – vibration monitoring	<p>The Scoping Report proposes to scope out vibration monitoring, on the basis that vibration will be assessed as an absolute (not relative) value. The Inspectorate is content with this approach.</p>
3.6.3	Paragraph 10.4.2	Methodology – noise monitoring within the vicinity of the Instrumentation and Control (I&C) kiosks and block valves	<p>The Scoping Report proposes to scope out noise monitoring within the vicinity of the I&C kiosks and block valves on the basis that they do not contain noise generating development and an assessment is therefore not proposed to be undertaken.</p> <p>The Inspectorate agrees that this matter can be scoped out of further assessment. The ES should include relevant engineering specifications to demonstrate that block valves and kiosks do not give rise to noise and vibration emissions and should demonstrate that consultation has been undertaken with relevant Environmental Health Officers on this matter.</p>
3.6.4	Paragraph 10.4.2	Methodology – noise monitoring of existing road traffic noise	<p>The Scoping Report proposes to scope out noise monitoring in relation to existing road traffic noise on the basis that this will be determined</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			<p>through calculation using traffic flow data, except where baseline traffic flows are too low to comply with predictions requirements.</p> <p>The Inspectorate is content with this approach.</p>
3.6.5	Paragraph 10.6.7	Study area - operational phase	<p>The Scoping Report proposes to scope out an assessment of effects beyond the study area identified for the HAGIs, as they are considered to have the potential to generate noise during operation and there is no mechanism for the propagation of sound from pipework and valves that are buried.</p> <p>The Inspectorate agrees that there should be no noise associated with the operation of the buried pipeline itself during the operational phase and is content this matter can be scoped out of further assessment.</p>
3.6.6	Table 10.5	Construction phase - pipe laying activities for human receptors, quiet or important outside leisure areas beyond 100m from the centreline of the pipe route	<p>The Scoping Report proposes to scope out pipe laying activity for human receptors, quiet or important outside leisure areas beyond 100m from the centreline of the pipe route, on the basis that it is a short-term activity.</p> <p>The Inspectorate notes a 300m study area from the boundary of newbuild infrastructure was adopted for the Hynet North West Carbon Dioxide Pipeline. In light of the similar nature of the proposals, the Inspectorate considers that the potential for significant construction noise effects within a 300m study area should be addressed in the ES.</p>
3.6.7	Table 10.5	Construction phase - adverse health effects	<p>The Scoping Report proposes to scope out adverse health effects during the construction phase on the basis that noise levels from the construction is unlikely to be sufficiently high or for a duration to result in adverse health effects. In addition, the health of human receptors will be protected via the avoidance of noise levels above the SOAEL and controlled via a CoCP.</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			The Inspectorate agrees that this matter can be scoped out of further assessment.
3.6.8	Table 10.5	Operational phase - noise from HAGIs where these only contain block valves	<p>The Scoping Report proposes to scope out noise from HAGIs during the operational phase where they only contain block valves, on the basis that they do not contain noise generating equipment.</p> <p>The Inspectorate agrees that this matter can be scoped out of further assessment. The ES should include relevant engineering specifications to demonstrate that block valves do not give rise to noise emissions and should demonstrate that consultation has been undertaken with relevant Environmental Health Officers on this matter.</p>
3.6.9	Table 10.5	Operational phase - effects due to vibration from operation of equipment at HAGIs	<p>The Scoping Report proposes to scope out effects due to vibration from operation of equipment at HAGIs during the operational phase, on the basis that there is no rotating machinery at HAGIs.</p> <p>The Inspectorate agrees that this matter can be scoped out of further assessment. The ES should include relevant engineering specifications to demonstrate that there are no sources of vibration producing equipment and should demonstrate that consultation has been undertaken with relevant Environmental Health Officers on this matter.</p>
3.6.10	Table 10.5	Operational phase - maintenance	<p>The Applicant proposes to scope out an assessment of maintenance activities during the operational phase, on the basis that any activities are likely to be minor in nature in terms of noise generation, and of a short duration.</p> <p>The Inspectorate agrees with this approach in principle, however the EIA should secure a notification process for noise sensitive receptors affected by pigging activities in the vicinity of HAGIs, this should</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			include consultation with relevant Environmental Health Officers regarding indicative noise levels. The Applicant's attention is drawn to the consultation response from Cheshire West and Chester Council in this regard (see Appendix 2 of this Opinion).
3.6.11	Table 10.5	Operational phase - road traffic for maintenance	The Applicant proposes to scope out road traffic associated with maintenance during the operational phase, such as staff attending site via car or van. The Inspectorate is satisfied that such traffic movements are likely to be infrequent and unlikely to give rise to any likely significant effects and therefore this matter can be scoped out of further assessment.
3.6.12	Table 10.5	Operational phase - adverse health effects	The Applicant proposes to scope out adverse health effects associated with the operational phase of development, on the basis that noise will be controlled through design and provision of mitigation, to levels established through assessment in accordance with BS 4142 ¹ . The Inspectorate is content with this approach.

ID	Ref	Description	Inspectorate's comments
3.6.13	Paragraph 10.5.4	Mitigation measures	The Scoping Report refers to noise mitigation measures, including enclosures. The ES should address the potential adverse effects of mitigation measures in the relevant aspect chapters of the ES (e.g. Landscape and Visual) where significant effects are likely to occur.

¹ British Standards Institute - BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound. London, BSI, 2014, 2019

ID	Ref	Description	Inspectorate's comments
3.6.14	Paragraph 10.7.12	Construction site noise and haul routes	The Inspectorate notes that the duration of effect criteria applied in addition to Category A, B, C criteria equate to the noise insulation criteria in BS 5228 ² . The ES should explain why the ABC method has been modified in this way and justify the approach, demonstrating that the bar for identification of a likely significant effect has not been set artificially high. The Applicant should seek agreement from relevant local authorities regarding the final criteria where possible.
3.6.15	n/a	Migratory fish species	The Applicant's attention is drawn to the Inspectorate's comments in Table 3.0 above (Ecology) regarding impacts to migratory fish.

² British Standards Institute. BS 5228-2:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites. Part 2 - Vibration. London, BSI, 2008.

3.7 Traffic and Transport

(Scoping Report Section 11)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.7.1	Paragraph 11.7.6	Operational phase - effects	The Applicant proposes to scope out effects on roads and users of these routes from traffic associated with the operational phase and maintenance activities, on the basis that the volume of vehicle movements during operation would be low, taking into account the expected maintenance operations associated with the project. The Inspectorate agrees that the magnitude of change and significance of effect would be negligible on that basis and agrees that this matter can be scoped out of further assessment on the basis of the evidence provided.
3.7.2	Paragraph 11.7.6	Decommissioning phase - effects on roads, Public Rights of Way (PRoW) and users of these routes	The Applicant proposes to scope out effects on roads, PRoWs and users of these routes from traffic associated with the decommissioning phase on the basis that decommissioning would involve leaving the pipeline in-situ and making it safe, which would typically involve rail, road and watercourse crossings being filled with grout and the removal of all HAGIs, followed by restoration of the land to its former use. The Inspectorate considers that the effects associated with pipeline decommissioning are unlikely to be significant, however insufficient information has been provided regarding the location of HAGIs to understand the scale and nature of effects on PRoWs and users during the decommissioning phase and these effects should be assessed in the ES.
3.7.3	Paragraph 11.7.6	Effects on roads, PRoWs and users of these routes from Hazardous loads at all phases of the Proposed Development	The Applicant proposes that effects on roads, PRoWs and users of these routes from hazardous loads at all phases of the Proposed Development can be scoped out, on the basis that no hazardous loads are anticipated. The Inspectorate is content with this approach.

ID	Ref	Description	Inspectorate's comments
3.7.4	n/a	Scope of assessment – canal bridges	The potential impact of Heavy Goods Vehicle (HGV) traffic on canal bridges should be assessed as part of the ES, with particular regard to load bearing capacity and the use of bridges by heavy vehicles and the risk of harm to both users and the underlying structure of the highway and waterways. The Applicant's attention is drawn to consultation responses from the Canal and River Trust in this regard (see Appendix 2 of this Opinion).
3.7.5	n/a	Scope of assessment – construction traffic	The Inspectorate notes that construction traffic is likely to pass through or be in close proximity to multiple residential areas, including small towns and villages. The Applicant should demonstrate that the route for construction traffic has considered the suitability of roads for HGVs, particularly those transporting Abnormal Indivisible Loads (AIL) and that construction routes have been developed to avoid impacts on the local community where possible. The Applicant's attention is drawn to consultation responses from Helsby Parish Council, Pickmere Parish Council, Lostock Gralam Parish Council, Acton Bridge Parish Council and Thornton le Moors Parish Council in this regard (see Appendix 2 of this Opinion).
3.7.6	n/a	Scope of assessment – PRow	Scoping consultation responses have identified a number of pending PRow and footpaths that appear not to have been addressed in the Scoping Report, the Inspectorate considers that these should be incorporated into the PRow assessment. The Applicant's attention is drawn to the consultation response from Cheshire West and Chester Council in this regard (see Appendix 2 of this report).
3.7.7	n/a	Impacts	The ES should include an assessment of any impacts to navigation (e.g. lighting) which are likely to result in significant effects. The assessment methodology and any necessary mitigation measures

ID	Ref	Description	Inspectorate's comments
			should be discussed and effort made to agree them with relevant consultation bodies.

3.8 Ground Conditions

(Scoping Report Section 12)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.8.1	Table 12.6	<p>Impacts to human health receptors (construction workers) during construction phase from:</p> <ul style="list-style-type: none"> ▪ construction activities located on, or adjacent to landfills and other potentially contaminated sites <p>Impacts to human health receptors (construction/operational workers) during construction and operational phases from:</p> <ul style="list-style-type: none"> ▪ equipment maintenance and storage of fuels/oils 	<p>The Applicant explains that construction workers would be subject to the Construction Design Management (CDM) Regulations and safe working practices as part of normal construction health and safety management procedures under the Health and Safety at Work etc. Act (1974) and regulations made under the Act. In addition, the Applicant proposes that embedded measures (as detailed in Section 12.5 of the Scoping Report) will enable the minimisation of ground condition effects and the prevention of pollution incidents that could result in significant effects on construction/operational workers.</p> <p>The ES should confirm how the delivery of the embedded measures is secured through the CoCP and dDCO requirement (or other suitably robust methods). Subject to this, the Inspectorate is content that significant effects on construction/operational workers are not likely and that these matters can be scoped out of further assessment.</p>

ID	Ref	Description	Inspectorate's comments
3.8.2	Table 12.3	Excavated materials disposal	The Scoping Report does not explain how material excavated during the construction phase would be disposed of, or reused, if required. This matter must be addressed in the ES and any likely significant effects assessed.

ID	Ref	Description	Inspectorate's comments
3.8.3	n/a	Scope of assessment – ground stability	<p>The pipeline is proposed to pass through an area with a known risk of subsidence due to salt and brine extraction, the ES should consider the potential for the Proposed Development to increase subsidence risk or be affected by ground instability. Any likely significant effects should be assessed.</p> <p>The Applicant should make effort to consult with the Brine Subsidence Compensation Board in relation to any proposed sections of the pipeline within their area.</p>
3.8.4	n/a	Scope of assessment - remediation	<p>The ES should include a full description of any remediation which may be required and confirm how this is to be secured.</p> <p>The ES should assess any likely significant effects which could occur as a result of remediation. Any assumptions in this regard (for example, traffic movements, waste handling, and contaminated land) should be clearly stated in the ES.</p>

3.9 Agriculture and Soil Resources

(Scoping Report Section 13)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.9.1	Paragraph 13.6.4	Operational phase - temporary loss of topsoil and agricultural land and potential damage to topsoil and agricultural land during hydrogen pipeline maintenance activity	The Applicant proposes to scope out the temporary loss of topsoil and agricultural land and potential damage to topsoil and agricultural land during hydrogen pipeline maintenance activity on the basis that the pipeline can be inspected internally using intelligent in-line inspection (ILI) pigging technology, meaning that any intrusive maintenance work can be precisely targeted and is likely to be infrequent and limited in extent. The Inspectorate agrees that significant effects are unlikely and is therefore content that this matter can be scoped out of further assessment.

ID	Ref	Description	Inspectorate's comments
3.9.2	n/a	n/a	n/a

3.10 Land Use

(Scoping Report Section 14)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.10.1	Paragraph 14.8.5	Assessment methodology – direct effects on linear features	<p>The Applicant proposes that direct effects on linear features such as national trails, cycle routes and Public Rights of Way during the operational phase can be scoped out on the basis that all land from the pipeline route would be reinstated to its original condition on completion of the construction works. In addition, any permanent land take required for a HAGI which would impact on a linear route would see a diversion of that route around the HAGI.</p> <p>In the absence of detailed information regarding the sensitivity of the routes proposed for diversion, the Inspectorate does not consider that it is appropriate to scope out an assessment of effects. The ES should provide an assessment, or evidence to demonstrate that such diversions would not give rise to a likely significant effect.</p>
3.10.2	Paragraph 14.8.5	Assessment Methodology – effects effect on salt minerals	<p>The Applicant proposes to scope out effects on salt minerals on the basis that the pipeline would not be laid at a depth and would therefore not impact on these resources (salt is extracted at 120-250m depth).</p> <p>The Scoping Report does not state whether there would be a requirement for restrictions of development over the route of the pipeline corridor. The Proposed Development therefore has potential to sterilise the mineral resource and impact on any above ground infrastructure required in connection with any salt extraction.</p> <p>The Inspectorate therefore considers that this matter cannot be scoped out. Potential impacts on existing salt and brine extraction and the use of the existing salt caverns (including sterilisation of</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			resource) should be assessed within the ES and any necessary mitigation measures described.
3.10.3	Paragraph 14.8.5	Impacts from decommissioning	Please refer to the Inspectorate's comments in Table 2.2 of this Scoping Opinion.
3.10.4	Paragraph 14.9.4	Quantitative impact assessment – tourism	The Applicant states that no quantitative impact assessment on tourism will be undertaken, with the assessment utilising available tourism data and published studies and applying professional judgement to reach conclusions, to provide a qualitative assessment of the effects on tourism, focussing on tourism related businesses that could be affected by the Proposed Development along with amenity impacts to tourism and recreation resources. The Inspectorate is content with this approach and agrees that a qualitative assessment would be sufficient.

ID	Ref	Description	Inspectorate's comments
3.10.5	Table 14.2	Construction impacts	Should construction works be required within or near to the Mersey Estuary, the ES should assess impacts on commercial fishing where significant effects are likely.
3.10.6	n/a	Scope of assessment – mineral supply and sterilisation	Existing mineral sites and resources (including Holford Brinefield) should be included within the ES baseline, scope and evaluation to assess the impact of the Proposed Development on minerals provision and the potential for effective mineral sterilisation. The Applicant's attention is drawn to the consultation responses from Cheshire West

ID	Ref	Description	Inspectorate's comments
			and Chester Council and St Helens Borough Council in this regard (see Appendix 2 of this Opinion).

3.11 People and Communities

(Scoping Report Section 15)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.11.1	Paragraph 15.6.16	Operational phase - employment effects under normal operation of the pipeline	The Scoping Report proposes to scope this matter out from further assessment on the basis that the workforce that must be physically in attendance locally is small compared to the size of local employment markets. Where remote working is in operation, effects will be small compared to wider regional or national employment markets and are also likely to be geographically distributed. The Inspectorate agrees that the potential for significant effects would be unlikely and is therefore content that this matter can be scoped out of further assessment.
3.11.2	Paragraph 15.6.17	Construction and operational phases - effects on mental health arising specifically from the use of hydrogen gas in the pipeline network	The Scoping Report proposes to scope this matter out from further assessment on the basis that safety is an overriding priority for the Project and the use of hydrogen is highly regulated. General public concern is scoped-in under 'Concern over hydrogen safety' and effects related to people and communities in the near vicinity of the Project will be identified and addressed through targeted communications and mitigation programmes (e.g. with landowners). For the wider public, general communication programmes in relation to the Project will provide a source of clear and objective information to increase knowledge and awareness. The Inspectorate agrees that the Project should work with health professionals as required on a case-by-case basis and that the assessment of People and Communities will scope out further mental health effects from general consideration. On the basis of the above, the Inspectorate is content with the approach proposed by the Applicant.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.11.3	Paragraph 15.6.18	Construction and operational phases – effects on tourism	<p>The Scoping Report proposes to scope this matter out from further assessment on the basis that the relatively large population in the area of the six councils has access to a range of recreational/ cultural amenities and facilities. The tourism offer in the region is based on use of the same recreational amenities and facilities, rather than on flagship destinations, and so will not lead to additional types of effects. As the area is not a primary tourist destination, magnitudes of effects additional to existing recreational effects are likely to be small. Baseline recreational information such as that based on surveys of all users will already include use by tourists.</p> <p>The Inspectorate is content with this approach.</p>
3.11.4	Paragraph 15.6.19	Construction and operational phases - effects on individual economic sectors which do not directly supply the materials, equipment and services required by the Proposed Development	<p>The Scoping Report proposes to scope this matter out from further assessment on the basis that whilst these sectors may see increased demand from indirect purchases, the effects will be assessed as part of the overall effects on the regional economy, and not broken down by individual sectors. The Inspectorate is content with this approach.</p>
3.11.5	Paragraph 15.6.20	Construction and operational Phases - transboundary effects	<p>The Scoping Report proposes to scope this matter out from further assessment on the basis that the only identified possible transboundary effect is increased demand for skilled labour from Ireland, however the size of the local labour market is likely to dwarf such effects. The Inspectorate agrees that, on this basis, the potential for significant effects would be unlikely and is therefore content that this matter can be scoped out of further assessment.</p>
3.11.6	Paragraph 15.6.21	Construction and operational phases - effects on social cohesion	<p>The Scoping Report proposes to scope this matter out from further assessment on the basis that the workforce is not expected, as a whole, to be of a nature or scale that would lead to significant effects</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			on social cohesion. The Inspectorate agrees that this matter can be scoped out of further assessment.

ID	Ref	Description	Inspectorate's comments
3.11.7	n/a	n/a	n/a

3.12 Major Accidents and Disasters

(Scoping Report Section 16)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.12.1	Paragraph 16.6.14 and Appendix 16A	Accidents during maintenance	The Scoping Report states that the risk of accidents during maintenance of the Proposed Development would be managed through good design and procedural controls. In view of the nature and characteristics of the Proposed Development, the Inspectorate is content that accidents during maintenance are not likely to lead to significant effects on the environment and agrees this matter can be scoped out of the ES.
3.12.2	Paragraph 16.6.14 and Appendix 16A	Physical accidents during construction including dropped objects, heavy plant and temporary works	The Scoping Report states that all construction activities would be managed in compliance with the Construction (Design and Management) (CDM) Regulations 2015 and through the CoCP. In view of the nature and characteristics of the Proposed Development, the Inspectorate is content that physical accidents during construction are not likely to lead to significant effects on the environment and agrees this matter can be scoped out of the ES.
3.12.3	Paragraph 16.6.14 and Appendix 16A	Encountering unexploded ordnance (UXO) during intrusive construction works	<p>The Scoping Report states that UXO hazard across the study area is mostly low (but with some area of moderate risk) and there are well developed construction industry practices that would be applied. The CEMP would include risk assessment to identify the potential for UXO hazard and mitigate, where necessary, the potential impacts.</p> <p>The Inspectorate is content to scope out further assessment for areas of low risk, but considers that the ES should give further consideration to the potential for likely significant effects to arise on human or ecological receptors in areas identified as having moderate risk.</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.12.4	Paragraph 16.6.14 and Appendix 16A	Construction phase traffic accidents	<p>The Applicant proposes to scope out the assessment of construction phase traffic accidents from the Major Accidents and Disasters ES Chapter. The assessment would instead be presented in the Traffic and Transport ES Chapter.</p> <p>The Inspectorate is content with this approach but advises the Applicant to provide clear cross-referencing in the Major Accidents and Disasters ES aspect chapter to where the assessment is located.</p>
3.12.5	Paragraph 16.6.14 and Appendix 16A	Impacts on aviation; Impacts from aircraft crashes	<p>The Inspectorate has considered the nature and characteristics of the Proposed Development and the distance from the nearest airport (stated in the Scoping Report to be ">5km at the nearest point"). On this basis, the Inspectorate is content that the impacts of the Proposed Development on aviation or impacts from aircraft crashes are not likely to result in significant effects. These matters can be scoped out of the ES.</p>
3.12.6	Paragraph 16.6.14 and Appendix 16A	Impacts on transport network and from transport network	<p>The Scoping Report states "<i>it is anticipated</i>" that transport networks including road and rail infrastructure would be crossed using trenchless techniques. The pipeline at a crossing point would be designed such that it would be protected from any rail or road accidents. Pipeline crossings would be undertaken in compliance with the CDM Regulations and in accordance with methodologies agreed with the relevant stakeholder (highways authority/rail network).</p> <p>Regarding construction, the Inspectorate notes that the use of trenchless techniques for crossings is anticipated but not confirmed at this stage. For any crossings not subject to trenchless techniques, the ES should assess any impacts on and from the transport network from the risk of major accidents and disasters during construction which are likely to result in significant effects. For crossings subject</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			<p>to trenchless techniques, the Inspectorate is content that impacts on the transport network and from the transport network are not likely to result in significant effects in terms of major accidents and disasters and agrees that this matter can be scoped out.</p> <p>Regarding operation, as the pipeline would be a buried feature, the Inspectorate considers that impacts on the transport network and from the transport network are not likely to result in significant effects in terms of major accidents and disasters and agrees that this matter can be scoped out.</p>
3.12.7	Paragraph 16.6.14 and Appendix 16A	Impacts on waterways and from waterways	<p>The Scoping Report states "<i>it is anticipated</i>" that major rivers and canals would be crossed using trenchless techniques. It is stated that impacts on and from waterways would be managed through the proper design and construction of waterway crossings, that construction works would be undertaken in compliance with the CDM Regulations and in accordance with methodologies agreed with the relevant stakeholder (notably the Environment Agency).</p> <p>Regarding construction, the Inspectorate notes that the use of trenchless techniques for crossings is anticipated but not confirmed at this stage. For any crossings not subject to trenchless techniques, the ES should assess any impacts on and from waterways during construction which are likely to result in significant effects in terms of major accidents and disasters. For crossings subject to trenchless techniques, the Inspectorate is content that impacts on and from waterways are not likely to result in significant effects in terms of major accidents and disasters and agrees that this matter can be scoped out.</p> <p>Regarding operation, as the pipeline would be a sealed and buried feature, the Inspectorate considers that impacts on waterways and from waterways are not likely to result in significant effects in terms</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			of major accidents and disasters and agrees that this matter can be scoped out.
3.12.8	Paragraph 16.6.14 and Appendix 16A	Leaks and spills	The Scoping Report seeks to scope out impacts from construction leaks and spills from the Major Accidents and Disasters ES Chapter. The Inspectorate notes that these matters will be considered elsewhere in the ES and is satisfied that they can be scoped out of the Major Accidents and Disasters ES Chapter.
3.12.9	Paragraph 16.6.14 and Appendix 16A	Structural collapse of Proposed Development assets	The Scoping Report explains that structural collapse will be prevented through the proper design of the assets and construction practices in compliance with CDM and the Building Regulations. Considering this together with the nature and characteristics of the Proposed Development and that ground stability issues are required to be addressed, the Inspectorate is content that further consideration of structural collapse of Proposed Development assets can be scoped out.
3.12.10	Paragraph 16.6.14 and Appendix 16A	Accidents at nuclear facilities	The Scoping Report seeks to scope out risks to the Proposed Development from accidents at nuclear facilities, noting that the Proposed Development is outside of the Detailed Emergency Planning Zone and Outline Planning Zone of any Nuclear Licensed Site. However, in view of the scoping consultation response from the ONR (which states that the Proposed Development is within the 12km consultation zone for the nuclear site at Capenhurst), the Inspectorate does not agree to scope this matter out of the ES. The ES should assess impacts from accidents at nuclear facilities (both on and from the Proposed Development) where significant effects are likely.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.12.11	<p>Paragraph 16.6.14 and Appendix 16A</p> <p>Paragraph 16.6.14 and Appendix 16A</p>	<ul style="list-style-type: none"> • Loss of utility supply; • Cyber attack; • Terrorism; • Widespread public disorder; • Biological threats; • Lightning hazards; • Seismic hazards; and • Space weather. 	<p>Based on the reasoning and evidence presented in the Scoping Report, the Inspectorate is content that risks to or from the Proposed Development from these matters are not likely to result in significant effects. These matters can be scoped out of the assessment.</p>
3.12.12	<p>Paragraph 16.6.14 and Appendix 16A</p>	<p>Extreme weather</p>	<p>The Scoping Report states that extreme weather would be managed through good design to accommodate all foreseeable design loads which will account for the effects of climate change. However, paragraph 16.4.26 acknowledges that climate change is expected to alter the prevalence of extreme weather conditions.</p> <p>The Inspectorate considers it does not have sufficient evidence that the Proposed Development would not be vulnerable to extreme weather such that a significant effect can be excluded with certainty. Therefore, the Inspectorate is not in a position to agree to scope this matter out from the assessment. Any impacts from extreme weather which may result in significant effects in terms of major accidents and disasters should be assessed in the ES.</p>
3.12.13	<p>Paragraph 16.6.14 and Appendix 16A</p>	<p>Dam breach/reservoir failure and flood risk</p>	<p>The Applicant proposes to scope out the assessments of dam breach/ reservoir failure and flood risk from the Major Accidents and Disasters ES Chapter. The assessment would instead be presented in the Water Environment ES Chapter.</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			The Inspectorate is content with this approach but advises the Applicant to provide clear cross-referencing in the Major Accidents and Disasters ES aspect chapter to where the assessments are located.

ID	Ref	Description	Inspectorate's comments
3.12.14	Paragraphs 16.6.1 – 16.6.6	Study area/s	A number of the applicable study areas are explained to have been defined " <i>based on professional judgement</i> ". The Inspectorate acknowledges the lack of established guidance in this regard but advises that the ES should explain the reasoning and/ or evidence used to determine these distances rather than just referring to professional judgement.
3.12.15	Paragraph 16.7.2	Guidance	The Scoping Report refers to a lack of established guidance for this aspect topic. The assessment should refer to the IEMA guidance document ' <i>Major Accidents and Disasters in EIA</i> ³ , where relevant.

³ Institute of Environmental Management (IEMA) (September 2020) - *Major Accidents and Disasters in EIA – A Primer*

3.13 Climate Change

(Scoping Report Section 17)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.13.1	Paragraph 17.7.1	GHG emissions and CCR effects associated with decommissioning	Please refer to the Inspectorate's comments in Table 2.2 of this Scoping Opinion.
3.13.2	Table 0.8 (page 428)	GHG emissions from operation and maintenance (project life cycle stages B1 to B5 and B7 to B9)	It appears from Table 0.8 (page 428) of the Scoping Report that GHG emissions during operation and maintenance are proposed to be scoped out for project life cycle stages B1 to B9 inclusive. Considering the nature and characteristics of the Proposed Development, the Inspectorate is content that GHG emissions are not likely to result in significant effects for project life cycle stages B1 to B5 and B7 to B9. GHG emissions from operation and maintenance (project life cycle stages B1 to B5 and B7 to B9) can be scoped out of the ES assessment.
3.13.3	Table 0.8 (page 428)	GHG emissions from operational energy use (project life cycle stage B6)	The Inspectorate does not consider sufficient evidence has been provided to scope out GHG emissions from operational energy use (project life cycle stage B6). The ES must assess impacts from operational energy use (such as pumping and compression) where significant effects are likely.

ID	Ref	Description	Inspectorate's comments
3.13.4	Table 0.4 (page 417)	Guidance	The Scoping Report refers to the 2017 IEMA guidance on Assessing Greenhouse Gas Emissions and Evaluating their Significance. The ES

ID	Ref	Description	Inspectorate's comments
			assessment methodology should refer to the 2 nd Edition of this guidance, published since submission of the Scoping Report ⁴ .
3.13.5	Paragraph 12.4.10 and Figure 12.5	GHG emissions arising from disturbance of landfill sites	The Inspectorate notes from paragraph 12.4.10/ Figure 12.5 of the Scoping Report that numerous historic and authorised landfill sites are present within the study area for the Ground Conditions aspect. In the event that the pipeline route cannot avoid all these sites, the potential to increase, or give rise to, GHG emissions from these sites during construction should be included in the assessment.

⁴ IEMA (February 2022) Assessing Greenhouse Gas Emissions and Evaluating their Significance (online)

APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED

TABLE A1: PRESCRIBED CONSULTATION BODIES⁵

SCHEDULE 1 DESCRIPTION	ORGANISATION
The Health and Safety Executive	Health and Safety Executive
The National Health Service Commissioning Board	NHS England
The relevant Clinical Commissioning Group	NHS Cheshire Clinical Commissioning Group (CCG)
	NHS Halton CCG
	NHS St Helens CCG
	NHS Trafford CCG
	NHS Warrington CCG
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	Historic England
The relevant fire and rescue authority	Greater Manchester Fire and Rescue Service
	Merseyside Fire and Rescue Service
	Cheshire Fire and Rescue Service
The relevant police and crime commissioner	Merseyside Police and Crime Commissioner
	Greater Manchester Police and Crime Commissioner
	Police and Crime Commissioner for Cheshire

⁵ Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the 'APFP Regulations')

SCHEDULE 1 DESCRIPTION	ORGANISATION
The relevant parish council(s) or, where the application relates to land [in] Wales or Scotland, the relevant community council	Daresbury Parish Council
	Preston Brook Parish Council
	Moore Parish Council
	Lymm Parish Council
	Walton Parish Council
	Penketh Parish Council
	Appleton Parish Council
	Great Sankey Parish Council
	Hatton Parish Council
	Stretton Parish Council
	Stockton Heath Parish Council
	Frodsham Town Council
	Rainhill Parish Council
	Bold Parish Council
	Warburton Parish Council
	Dunham Massey Parish Council
	Partington Parish Council
	Carrington Parish Council
	High Legh Parish Council
	Plumley with Toft and Bexton Parish Council
Pickmere Parish Council	
Tabley Parish Council	
Aston by Budworth Parish Council	
Agden Parish Council	

SCHEDULE 1 DESCRIPTION	ORGANISATION
	Millington Parish Council
	Allostock Parish Council
	Cuddington Parish Council
	Whitegate and Marton Parish Council
	Winsford Town Council
	Northwich Town Council
	Crowton Parish Council
	Dutton Parish Council
	Astrobus Parish Council
	Thornton-le-Moors Parish Council
	Dunham on the Hill and Hapsford Parish Council
	Elton Parish Council
	Helsby Parish Council
	Weaverham Parish Council
	Bostock Parish Council
	Davenham Parish Council
	Hartford Parish Council
	Lach Dennis and Lostock Green Parish Council
	Lower Peover Parish Council
	Kingsley Parish Council
	Acton Bridge Parish Council
	Little Leigh Parish Council
	Whitley Parish Council
	Barton Parish Council

SCHEDULE 1 DESCRIPTION	ORGANISATION
	Anderton with Marbury Parish Council
	Comberbach Parish Council
	Wincham Parish Council
	Ince Parish Council
	Moulton Parish Council
	Lostock Gralam Parish Council
	Sutton Weaver Parish Council
	Great Budworth Parish Council
	Marston Parish Council
The Environment Agency	The Environment Agency
The Maritime and Coastguard Agency	Maritime & Coastguard Agency
The Maritime and Coastguard Agency - Regional Office	The Maritime and Coastguard Agency - Liverpool
The Marine Management Organisation	Marine Management Organisation
The Civil Aviation Authority	Civil Aviation Authority
Integrated Transport Authorities (ITAs) and Passenger Transport Executives (PTEs)	MerseyTravel (Passenger Transport Executive)
	Travel for Greater Manchester (Passenger Transport Executive)
The Relevant Highways Authority	Cheshire East Council
	Cheshire West and Chester Council
	St Helens Borough Council
	Trafford Council
	Halton Borough Council
	Warrington Borough Council
The relevant strategic highways company	National Highways

SCHEDULE 1 DESCRIPTION	ORGANISATION
The Coal Authority	The Coal Authority
The Canal and River Trust	The Canal and River Trust
Trinity House	Trinity House
United Kingdom Health Security Agency, an executive agency of the Department of Health and Social Care	UK Health Security Agency
Relevant statutory undertakers	See Table A2 below.
The Crown Estate Commissioners	The Crown Estate
The Forestry Commission	The Forestry Commission
The Secretary of State for Defence	Ministry of Defence
The Office for Nuclear Regulation (the ONR)	The Office for Nuclear Regulation (the ONR)

TABLE A2: RELEVANT STATUTORY UNDERTAKERS⁶

STATUTORY UNDERTAKER	ORGANISATION
The relevant Clinical Commissioning Group	NHS Cheshire Clinical Commissioning Group (CCG)
	NHS Halton CCG
	NHS St Helens CCG
	NHS Trafford CCG
	NHS Warrington CCG
The National Health Service Commissioning Board	NHS England
The relevant NHS Trust	North West Ambulance Service NHS Trust
Railways	Network Rail Infrastructure Ltd

⁶ 'Statutory Undertaker' is defined in the APFP Regulations as having the same meaning as in Section 127 of the Planning Act 2008 (PA2008)

STATUTORY UNDERTAKER	ORGANISATION
	Highways England Historical Railways Estate
Canal Or Inland Navigation Authorities	The Canal and River Trust
	Association of Inland Navigation Authorities (AINA)
Dock and Harbour authority	Peel Ports
Civil Aviation Authority	Civil Aviation Authority
Licence Holder (Chapter 1 Of Part 1 Of Transport Act 2000)	NATS En-Route Safeguarding
Universal Service Provider	Royal Mail Group
Homes and Communities Agency	Homes England
The Environment Agency	The Environment Agency
The relevant water and sewage undertaker	United Utilities
The relevant public gas transporter	Cadent Gas Limited
	Last Mile Gas Ltd
	Energy Assets Pipelines Limited
	ES Pipelines Ltd
	ESP Networks Ltd
	ESP Pipelines Ltd
	ESP Connections Ltd
	Fulcrum Pipelines Limited
	Harlaxton Gas Networks Limited
	GTC Pipelines Limited
	Independent Pipelines Limited
	Indigo Pipelines Limited
Leep Gas Networks Limited	

STATUTORY UNDERTAKER	ORGANISATION
	Murphy Gas Networks limited
	Quadrant Pipelines Limited
	Squire Energy Limited
	National Grid Gas Plc
	Scotland Gas Networks Plc
	Southern Gas Networks Plc
	INOVYN Enterprises Limited
The relevant electricity generator with CPO Powers	Carrington Power Limited
	SSE Thermal
	Intergen
The relevant electricity distributor with CPO Powers	Eclipse Power Network Limited
	Energy Assets Networks Limited
	ESP Electricity Limited
	Forbury Assets Limited
	Fulcrum Electricity Assets Limited
	Harlaxton Energy Networks Limited
	Independent Power Networks Limited
	Indigo Power Limited
	Last Mile Electricity Ltd
	Leep Electricity Networks Limited
	Murphy Power Distribution Limited
	The Electricity Network Company Limited
	UK Power Distribution Limited
	Utility Assets Limited
	Vattenfall Networks Limited

STATUTORY UNDERTAKER	ORGANISATION
	Electricity North West Limited
	SP Manweb Plc
The relevant electricity transmitter with CPO Powers	National Grid Electricity Transmission Plc
	National Grid Electricity System Operator Limited

TABLE A3: SECTION 43 LOCAL AUTHORITIES (FOR THE PURPOSES OF SECTION 42(1)(B))⁷

LOCAL AUTHORITY ⁸
High Peak Borough Council
West Lancashire Borough Council
Staffordshire Moorlands District Council
Newcastle under Lyme Borough Council
Peak District National Park Authority
Knowsley Metropolitan Borough Council
Liverpool City Council
Manchester City Council
Wigan Council
Wirral Council
Cheshire East Council
Cheshire West and Chester Council
Stockport Metropolitan Borough Council
St Helens Borough Council
Trafford Metropolitan Borough Council

⁷ Sections 43 and 42(B) of the PA2008

⁸ As defined in Section 43(3) of the PA2008

LOCAL AUTHORITY⁸
Salford City Council
Halton Borough Council
Shropshire Council
Flintshire County Council
Warrington Borough Council
Wrexham County Borough Council
Staffordshire County Council
Lancashire County Council
Derbyshire County Council

TABLE A4: NON-PRESCRIBED CONSULTATION BODIES

ORGANISATION
Liverpool City Region Combined Authority
Greater Manchester Combined Authority
Royal National Lifeboat Institution
Little Bollington Parish Meeting
Byley Parish Meeting
Aston Parish Meeting

APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES

CONSULTATION BODIES WHO REPLIED BY THE STATUTORY DEADLINE:
Acton Bridge Parish Council
Canal & River Trust
Cheshire East Council
Cheshire Police (on behalf of Police and Crime Commissioner for Cheshire)
Cheshire West and Chester Borough Council
Coal Authority
Environment Agency
Flintshire County Council
Health and Safety Executive
Helsby Parish Council
Historic England
Homes England
INOVYN Enterprises Limited
Knowsley Metropolitan Borough Council
Lostock Gralam Parish Council
Marine Management Organisation
Maritime & Coastguard Agency
Ministry of Defence
National Grid
National Highways
NATS Safeguarding
Natural England

Network Rail
Office for Nuclear Regulation
Pickmere Parish Council
Royal Mail
St Helens Borough Council
Thornton le Moors Parish Council
Trafford Council
Trinity House
UK Health Security Agency
Warrington Borough Council
West Lancashire Borough Council
Wirral Council

Acton Bridge Parish Council are a consultation body for the **HyNet North West Hydrogen Pipeline**.

They have information and concerns that they want considered for the Scoping Opinion.

At the Parish Council meeting held on 7th February 2022, they agreed that in principle the installation of a hydrogen pipe was a positive move towards the introduction of greener energy solutions.

However, a few concerns were raised that they would like to put forward in the consultation for the Scoping Opinion:

1. What measures will be put in place to limit disruption to local residents during the installation?
2. What plans are in place to return the sites to their pre-installation condition?
3. For the above ground installations:
 - a. What will the visibility be like for walkers and boats, in what is a green belt area?
 - b. In relation to the siting of the Central Hub: Will it be flood lit? What will be the impact on the surrounding countryside?
 - c. The area is protected by CW&C local plans and is recognised as 'an area of special County value'.
4. Is the risk of flooding being taken into account when considering the siting of the pipes and the HAGIs?

Taking each point in more detail:

1. The A49 that runs south of Warrington from the M56 and through Acton Bridge is a major road with a large volume of traffic. The plans look like there will be major disruption to this road and are no suitable diversions with the only alternative being diversions through small local villages which would have a significant impact on residents who live both in and around the vicinity. The A49 at Acton Bridge is also the only major crossing point of the waterway in this area. This would mean long detours would be required to Frodsham or Northwich, which also needs to be taken into account. The works will need to be planned very carefully with a full understanding of the traffic and routes that will be impacted, otherwise there will be gridlock.

Consideration will need to be given to routes, facilities, storage etc for the Contractors completing the work, such that it minimises impact on the local residents.

2. The pipes and Central Hub are currently planned to be sited in a rural area in and around Acton Bridge, that is covered by the Green Belt. Particularly with reference to the underground pipes, the Parish Council would like to see guarantees that any areas disrupted by the works will be returned to the same condition as prior to the works.
3. For the above ground installations:
 - a. What steps/mitigations are being planned to make sure that an area in the Green Belt will be kept as an aesthetically pleasing area. Particularly for visitors and people doing recreational activities such as walking or travelling on the canal that runs right by where the Central Hub is possibly to be sited. The area close to Acton Bridge is situated very close to the Cheshire Sandstone Ridge which is currently shortlisted to be given the status of an Area of Outstanding Natural Beauty. The Parish Council would want to see the plans include guarantees to ensure the beauty of the surrounding countryside and canal are protected, and that no views are compromised.
 - b. What are the plans for mitigation of the impact the Central Hub might have on the local surroundings? Especially as there is likely to be 24-hour security, lighting and traffic. This facility has the potential to have a very negative impact on the surrounding area and local residents.
 - c. The Parish Council would also like it to be noted that there is protection offered by the CW&C Local Plans (Including the retained policies from VRDC) to the Weaver Valley where the Valley is recognised as 'an area of special County value'.
4. The pipeline and Central Hub are potentially going to be sited in an area, or extremely close to an area, that is prone to flooding. As recently as January 2021 storm Christoph meant that around 30 homes, including in cottages on Warrington Road, Acton Bridge and bungalows on Sandy Lane, Weaverham were extensively damaged. Homes had to be evacuated and a great deal of the surrounding land was also submerged. The Parish Council would like to understand what mitigations will be in place to ensure that flooding will not have any impact on the integrity and security of the pipes and the Central Hub.

Environmental Services
Central Operations
Temple Quay House
2 The Square
Bristol
BS1 6PN

Your Ref EN060006-000006

Our Ref IPP-152

Thursday 17th February 2022

Dear Sir/Madam

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). Regulations 10 and 11. Scoping consultation.

Application by Cadent Gas Limited (the Applicant) for an Order granting Development Consent for the HyNet North West Hydrogen Pipeline (the Proposed Development)

Scoping Consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested.

Thank you for your consultation in respect of the above.

The Canal & River Trust (the Trust) are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a prescribed consultee in the Nationally Significant Infrastructure Projects (NSIPs) process.

Following consideration of the scoping consultation we have the following comments to make:

The Trust own, manage and operate the Trent & Mersey Canal, Weaver Navigation (part of which we only have a right of navigation for) and parts of the former St Helens (Sankey Canal). The Trust also own and manage the Anderton Boat Lift, a Scheduled Ancient Monument and Grade II* Listed Building. As land owner/ operator of the waterways the Trust would wish to see any potential impacts on; our waterway users (boaters, towpath users and wildlife); infrastructure (the canal, bridges, culverts, towpaths, embankments etc); or the habitats that our waterway support; fully identified and addressed within the Environmental Statement (ES) and supporting application documents. It is extremely important that our waterways and navigational safety along the canals both during construction and operation of the development are maintained. The proposed works, construction routes and construction compounds have the potential to impact on the waterway infrastructure.

The Scoping Report provides information on the likely nature and form of the proposed development and identifies areas of potential impacts. The proposed methodologies identified in the report appear to be broadly appropriate.

The Trust consider that it is necessary that the following matters should be considered within the Environmental Statement. These are ordered to reflect the chapters within the Scoping Report.

Canal & River Trust

Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire DE13 7DN

T 0303 040 4040 E canalrivertrust.org.uk/contact-us W canalrivertrust.org.uk

Ecology

The Trust agree that ecology should be scoped into the Environmental Statement. The waterways potentially support rich ecology and biodiversity and the development could have an adverse impact on the ecology of the waterway. As detailed below water quality must be protected during and post works, with consideration given to protecting the wildlife corridors along and to the canal from, water pollution, air pollution and light pollution during construction and during the operation of the development. The potential impacts on the waterway corridor should be fully considered within the environmental statement and should detail appropriate and proportionate mitigation.

According to our records and based on the broad corridors it does not appear that any of the proposed routes fall within a SSSI or European Protected site that the Trust has responsibility for. It does appear that a number of the routes will fall within areas where our waterways are County Wildlife Site.

The Ecological chapter of the scoping document appears to include all the surveys and impacts reviews and assessments of everything that we would expect to see within this chapter including: protected species, protected sites, invasive species, habitats and species of concern, trees & fishery.

With regards to bats, waterway corridors often form dark havens for bats where they can forage and roost without disturbance from light, which should be protected. The existing trees and hedgerows within the corridor of works also play an important role for bat foraging and commuting as well as potentially for bat roosts. Bats would also be particularly sensitive to the lighting that might be provided within the scheme, especially during the construction phase. Regard would also need to be given to nesting birds and other protected species which may be present along the route.

An assessment of the presence of Invasive non-native species will be required on the finalised route corridors and measures must be in place to ensure there is no spread of them during construction or routine maintenance of the pipeline and associated infrastructure. Any invasive species found along the routes would also need to be considered and treated/remediated/removed accordingly to prevent them spreading.

In terms of mitigation and biodiversity net gain there may be potential to consider compensatory planting along our waterways on Trust land in the vicinity of the crossings.

Historic Environment

Although the majority of the completed works would be underground, the Trust agree that cultural heritage should be scoped into the Environmental Statement. The waterways are over 200 years old and should be considered as a non-designated heritage asset for the purposes of the assessment.

The route corridors would be close to the Anderton Boat Lift which is a listed structure; designated as a Scheduled Ancient Monument and within the Middlewich Conservation Area and Broken Cross to Barnton Conservation Area. Parts of the Trent & Mersey Canal are also within the Middlewich Conservation Area and Broken Cross to Barnton Conservation Area. Given the designations, the Anderton Boat Lift site should be afforded the highest level of protection and assessed accordingly within the Environmental Statement.

In general, our waterways fall within the corridor of the works which could experience significant impacts to their setting and significance from the scheme both temporarily during construction and permanently once completed. Indeed, the extent of the works corridors could have an adverse impact on a number of canal related listed assets including bridges, locks, tunnels and milepost markers. The ES will need to include an assessment of the heritage and archaeology and the proposed works on these heritage assets and their setting and how the proposals would impact on them in terms of physical and visual impact on views, setting and appearance. Any impacts would need to be mitigated accordingly to avoid harm to significance.

Canal & River Trust

Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire DE13 7DN

T 0303 040 4040 **E** canalrivertrust.org.uk/contact-us **W** canalrivertrust.org.uk

Water Environment

The route corridors could impact a number of watercourses and ditches which passes under our waterways via culverts, or in some instance may even discharge into the canals. These would need to be located and protected to ensure the potential for silty waters or contaminants entering the canal is mitigated. Our records indicate that there are a lot of culverts in this area, many of which may be sewers or combined sewers and which may cross the proposed line of the pipeline depending on the final route corridor.

The details of how any water is to be captured, treated and disposed of should be considered especially in proximity to the water crossings, especially in terms of dewatering excavations and trenches. Regard would also need to be given to run-off and surface water discharge from the construction compounds.

The Trust is not a land drainage authority and such discharges to our waterway are not granted as of right – where they are granted they will be subject to the completion of a commercial agreement.

Any impact on the canal from drainage or flood risk should be included within the ES as this could affect both water quality and quantity and have a wider impact on our network.

Landscape and Visual Impact

The Trust agree that landscape and visual impacts should be scoped into the Environmental Statement. The waterway and its users (boaters and towpath users) should be recognised as visual receptors with high sensitivity within the Landscape and Visual Impact Assessment (LVIA). The waterway corridors within the corridor of works have the potential to be of a broad range of character types from the waterways passing through urban and rural settings, from open rolling fields, to passing along tree lined cuttings to being carried on elevated embankments. These character types would need to be assessed. We welcome that the canal corridors have been acknowledged as potential visual receptors which will be assessed further within the ES.

The siting of the Hydrogen Above Ground Installations (HAGIs) and any other such above ground infrastructure in close proximity to the canal corridors should be avoided, where they are proposed mitigation should be provided to limit the visual impact.

There are potentially significant temporary effects during the construction and permanent visual effects to the area following completion which would affect the current character, tranquillity and experience of the waterways. It is understood that the intention is for the pipeline to be underground along its length, including underneath the canals, the undergrounding of the pipe would help mitigate the long term visual impact of the works. Each crossing (underground) of the waterways should be subject to careful individual assessment, consideration and mitigation appropriate to the character of the area.

The impact of lighting (temporary and permanent) within the development site should also be considered as part of the LVIA. This should cross-cut with the biodiversity chapter in terms of the impact on protected species and other waterway users which would be particularly susceptible to lighting.

The cumulative impact of any tree removal to facilitate the development would need to be assessed and mitigated accordingly.

Air Quality

The Trust agree that air quality should be scoped into the Environmental Statement. The canals should be identified as sensitive receptors particularly with regards to dust emissions during construction and the significant excavations that would be required. Mitigation measures should be set out to ensure that regular checks of the waterways are undertaken during construction and for a period following completion of the works.

Canal & River Trust

Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire DE13 7DN

T 0303 040 4040 E canalrivertrust.org.uk/contact-us W canalrivertrust.org.uk

The waterway users should be identified as sensitive receptors that may be affected. It should be clarified that users of the waterway for recreation, boaters, both leisure users and residential, along with pedestrians and cyclists on the towpaths as well as wildlife are all sensitive receptors, especially during construction.

Noise and Vibration

The Trust agree that noise and vibration should be scoped into the Environmental Statement. The waterway corridors are tranquil spaces and contribute to the health and wellbeing of the nearby residents and users (boaters, anglers, commuters, leisure and recreational users on the towpath). These spaces should be protected from intrusive forms of development and any potential impacts such as noise should be kept to a minimum. We would ask that waterways and their users are included as noise sensitive receptors in the assessment. The proposal both during construction and future operation has the potential to impact on users of the waterway from noise and vibration. This includes boaters (both residential and leisure users) and recreational users along the canal towpaths, as well as wildlife. We consider that boaters/canal users/wildlife should be considered as specific receptors in terms of noise and mitigated accordingly.

It is understood that the proposal is for Horizontal Directional Drilling (HDD) under the canals, this technique would be required to have due regard to the vibration limits of the canal, as set out within the Trusts Code of Practice. Therefore, in terms of vibration, it would be important that the structural integrity of the canal is safeguarded. The undergrounding of the pipe under the waterway is welcome and is our preference. We would have significant concerns if the pipe crossings were to be above ground. The undergrounding of the pipe would however potentially have an adverse impact on the structural integrity of the canal infrastructure, which is not built to modern engineering standards and is very susceptible to vibration impacts.

At this stage, it is unclear how close construction traffic, plant and machinery would get to the waterway corridor, such activities also have the potential to impact the waterway infrastructure from surcharging or loading our assets. An appropriate buffer should be provided to the canal where no plant, machinery or construction traffic should track, or indeed materials be stored.

Any trees to be removed in the vicinity of the canals or supporting infrastructure should include a methodology for removing trees and treating the roots to prevent shrinkage whilst ensuring that the integrity of the canal is maintained and protected.

Traffic and Transport

The proposed works, in particular the construction routes would potentially cross our waterways. The potential impact on the canal bridges should be assessed as part of the Environmental Statement. Of particular concern would be the use of accommodation bridges owned by the Trust. Accordingly, the Trust has different obligations maintaining such bridges in comparison with public road bridges. When the canals were built, the accommodation bridges were built to restore existing routes which were severed by the new canal. Therefore, the load obligation would ordinarily be the previous use, for example by horse-drawn carts. If nothing has changed and bridges have not subsequently been strengthened, then the previous use still defines the required load bearing capacity of the bridge, with the modern equivalent deemed as being a 3-tonne maximum gross vehicle weight. This does not mean that the bridges do not necessarily have the capacity to carry an increased vehicle weight, but that the Trust has no obligation to maintain it at any greater capacity. As a consequence, the use of accommodation bridges by vehicles heavier than 3 tonnes may increase the risk of harm to both users and the underlying structure of the highway and waterways.

Ground Conditions

Contamination and pollution would have a negative effect on the waterway corridors. We ask that any contaminated land assessment and especially any mitigation considers the canals as sensitive receptors and are considered in any conceptual models.

Canal & River Trust

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The contamination assessments should consider the canals as receptors as part of any assessment which would be susceptible to pollution. The location and sealing of any existing drainage across the development sites to the canal should also be considered and addressed. Potential pollution of watercourses during construction would also need to be addressed

The chapter should also consider ground conditions in terms of construction works in close proximity to the waterway infrastructure which could potentially adversely affect the structural integrity of the waterways. It is essential that structural integrity of the waterways are not put at risk as part of any development proposal, including excavations, drilling, earthmoving or vibrations from plant and machinery which could, in the worst case scenario, result in the failure of the canal infrastructure.

It is interesting that the Scoping EIA omits a chapter to cover geotechnical constraints. It is unclear at what exact depth the pipeline will be laid, but it is noted that the pipeline route corridor both southern options A and B will pass through the Cheshire Brine Compensation District and across areas of other mining (e.g. coal). This could have implications of potential future subsidence/ground collapse and hence possible risk to rupture/damage of the hydrogen pipeline and associated infrastructure.

Where the route is to pass over or within 250m of a canal and navigable waterway, the Trust should be provided with the relevant geoenvironmental and geotechnical assessments for their review and comment.

Any Construction Environment Management Plan should include an environmental pollution emergency response protocol in the event of an environmental pollution taking place. The Canal & River Trust should be included within the pollution response plan. Any stockpiling of materials etc should be sited away from canal corridors.

People and Communities

The Trust agree that people and communities should be scoped into the Environmental Statement. The waterways should be acknowledged as important recreational features for local communities as part of the assessment to be safeguarded from adverse impacts associated with the development.

The Trust as landowner

The Trust has a duty under the Trusts Agreement with the Secretary of State for Environment, Food and Rural Affairs (28 June 2012) to operate and manage the waterways and towpaths for public use and enjoyment. Additionally, the Trust has a duty under S105 Transport Act 1968 to maintain commercial and cruising waterways in a suitable condition for use by the public.

The Trust owns the canal, water and the towpath network for a number of the waterways which may be directly impacted by the works, forming Infrastructure Trust Property. In addition to this the Trust also own parcels of land along the route corridor which may be impacted.

The Trust is a statutory undertaker which has specific duties to protect the waterways. Accordingly, we have a duty to resist the use of compulsory purchase powers which may negatively affect our land or undertakings. **Alternatively, should any compulsory acquisition powers over the Trust's land be sought, such acquisition should only be with the consent of the Trust.**

Separate discussions would need to take place between the Trust and the promoters, especially on the canal undergrounding detailing, design, engineering and agreements to access/enter our land as necessary.

The Trust would be happy to discuss any of the above with the applicants in more detail to ensure that all aspects are considered in the preparation of the Environmental Statement. We also recommend that the applicant contact our Utilities/Estates Team by emailing [REDACTED]

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to discuss licences / agreements that will be required for any canal crossing (above or below ground).

Finally, the Trust will require any works to comply with the Canal & River Trust “Code of Practice for Works affecting the Canal & River Trust” and the applicant is advised to contact the Works Engineering Team by emailing Enquiries.TPWNorth@canalrivertrust.org.uk in order to ensure that any necessary consents are obtained.

Please do not hesitate to contact me with any queries you may have.

Yours sincerely,

Tim Bettany-Simmons MRTPI
Area Planner & Special Projects Officer

[REDACTED]
[REDACTED]

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design>

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CHESHIRE EAST COUNCIL HYNET SCOPING REPORT CONSULTATION RESPONSE

Environmental Topic	Comments
Cumulative impacts with HS2	<p>The route of the pipeline corridor within Cheshire East crosses the proposed route of the HS2 phase 2b at A533 south of Northwich and to the north at the A559. It also impacts on the land identified as required for associated construction, infrastructure and mitigation measures.</p> <p>HS2 has the potential to present very significant adverse environmental impacts on local receptors and land use both through construction and operation. This includes disruption and severance of highways and public rights of way, impacts from construction noise dust and emissions, loss of agricultural land, and impacts on infrastructure and services. There are also anticipated to be significant impacts on biodiversity, tree coverage, landscape and visual impacts and impacts to flood risk, drainage and heritage assets.</p> <p>The proposed timescales for the construction of HS2 phase 2b would mean that both schemes could potentially be under construction simultaneously. There is therefore the potential for significant cumulative impacts from both schemes. The full extent of all direct and indirect cumulative impacts should therefore be assessed.</p>
Mineral planning policy	<p>The proposed application area is likely to be within or close to an allocated 'Area of Search' in the Cheshire Replacement Mineral Local Plan 1999 (CRMLP) on land north of M56/Agden Hall. The CRMLP forms part of the Development Plan and the impact on this allocation in terms of potential for sterilisation of mineral resources and associated impact on the overall sand and gravel landbank for the authority should be assessed and this should also be identified on Figure 14.2.</p> <p>When assessing the magnitude of effects, as set out in table 14.3, the impact on sand and gravel should take account of the fact that reserves in the North West have reduced significantly over the last few years and very few of the minerals planning authorities within the North West have the required 7-year supply. Cheshire East currently has less than the required 7 year supply set out in planning policy and is likely to experience additional pressure on reserves in the future. There could also be significant sterilisation resulting from HS2. As such, it is particularly important to prevent sterilisation of sand and gravel resources in this area.</p> <p>Environmental measures should be included in table 14.1 to avoid or minimise conflict with areas of known mineral resource and prevent potential sterilisation of minerals. It should also refer to prior extraction of minerals and use of extracted minerals during construction where possible.</p> <p>Page 345 paragraph 14.8.5 says that the 'effects on salt mineral resources are scoped out as the pipeline would not be laid at depth which would impact on these resources as salt is extracted at 120m + depth'. It is not known if there would be a requirement for restrictions</p>

	<p>of development over the route of the pipeline corridor. There is the potential for sterilising the mineral resource and impacting on any above ground infrastructure required in connection with any salt extraction. The potential impact on existing salt and brine extraction and the use of the existing salt caverns should also be taken into account in the assessment.</p> <p>The pipeline route impacts on Holford Brinefield which lies partly within CEC boundary. There is a need to assess the impact on the operation of this existing mineral supply site, and assess any potential sterilisation of the mineral due to the presence of having a pipeline and associated easement on the land.</p>
Other Planning policy	<p>The table lists relevant adopted policies from the Cheshire East Local Plan Strategy. We agree with the inclusion of all the listed policies, and they are all fully relevant to the project. Table 3.2 covers Cheshire East Council and identifies a range of policies from the Cheshire East Local Plan Strategy 2017. The list should also include reference to SE7 Historic Environment, SE10 Minerals and SE11 Waste, CO4 Transport.</p> <p>The Scoping Report also fails to identify the saved policies from the other legacy adopted development plans within Cheshire East. The following saved plans are considered to be relevant to this scheme and should be included in the assessment:</p> <p><u>Macclesfield Borough Local Plan policies</u> NE11 to 14 – Nature Conservation NE17 – habitat enhancement BE2 - historic fabric BE21, BE22 and BE24 – archaeology DC3 – Amenity DC6 – circulation and access DC9 – tree protection DC13/DC14 – noise DC17/DC19/DC20 Water DC63 – contaminated land <u>Cheshire Replacement Minerals Local Plan</u> Policy 6 – prior extraction <u>Cheshire Replacement Waste Local Plan</u> Policy 11 – development and waste recycling</p>
Ecology	<p><u>Botanical/Habitat Surveys</u></p> <p>UKHAB surveys should be undertaken of all habitats potentially affected by the route. It is suggested that this in addition to or instead of the proposed Phase One Habitat Surveys. All habitats affected by the route or subject to enhancements as means of providing compensation as part of the scheme should be subject to a condition assessment in accordance with the Natural England Version 3 biodiversity metric methodology. The results of the UKHAB and Conditions assessment</p>

	<p>would inform the assessment of the schemes likelihood of delivering a Biodiversity Net gain.</p> <p><u>Desk Study</u> As part of the data gathering exercise undertaken to inform the desk study_Cheshire and Wirral Ornithology Society should be contacted for bird data and Cheshire Wildlife Trust for Local Wildlife Site data.</p> <p><u>Assessment of County Importance Receptors</u> Cheshire and Wirral LWS selection criteria must be used to identify habitats and species assemblages of County Importance.</p> <p><u>Breeding Birds</u> No surveys for non-schedule 1 bird species are currently proposed. This is only acceptable if no habitats considered likely to support important bird assemblages are likely to be affected by proposed route. If there is a loss of habitat with significant potential to support important assemblages of breeding birds (such as woodland, wetland, scrub etc.) then detailed bird surveys should be included within the scope of the EIA process.</p> <p><u>Biodiversity Net Gain</u> In order to assess the overall loss/gains of biodiversity an assessment undertaken in accordance with the Defra Biodiversity 'Metric' version 3 must be undertaken and incorporated into the ES. If additional habitat creation measures are required to ensure the site achieves a net gain for biodiversity consideration should be given to the creation of additional ponds and species rich grassland. Offsite habitat creation may be required if an appropriate level of habitat creation cannot be delivered on site</p>
Archaeology	<p>The historic environment is considered in Section 6 (Pages 119-140) of the EIA scoping report which accompanies this application, where it is confirmed that a full assessment of the effect of the proposed development on the historic environment will be undertaken. It is confirmed that this study will be undertaken in accordance with established professional practice and will involve the consultation of appropriate sources of information (relevant Historic Environment Records and other sources of information such as historic mapping and aerial photographs). It is also stated that the study will seek to identify the likely impact on heritage assets within the study area, both in terms of physical impact as a result of construction and with regard to the effect on the 'setting' of significant heritage assets. Clearly, some data gathering has already been undertaken as Figure 6.1 shows the designated heritage assets within the study area (Scheduled Monuments, Listed Buildings, Registered Parks and Gardens). However, a full picture of the impact of the development on the historic environment will also require the incorporation of information with regard to non-designated heritage assets and it is confirmed that these data will be obtained from the relevant Historic Environment Records.</p>

	<p>It is advised that this approach is appropriate and the resulting report will allow the impact of the scheme to be assessed and further measures developed to mitigate the effect of the scheme on the historic environment. Crucially, Paragraph 6.5.2 of the scoping report confirms that, where an unavoidable impact on the historic environment will occur, an overarching written scheme of investigation will be produced and agreed with relevant consultees in order to ensure that an appropriate mitigation is in place. At this early stage in the process, details of this programme are not to be expected but it seems likely that this would consist of a programme of field evaluation and, where necessary excavation and watching brief, with provision for an appropriate level of reporting. Again, it is advised that this represents an appropriate approach which is in line with that adopted on similar major infrastructure schemes.</p>
<p>Landscape and Visual</p>	<p>Landscape and Visual Impact Assessment</p> <p>The Landscape and Visual Assessment should be based on the principles and follow the Guidelines for Landscape and Visual Impact Assessment (Third Edition), published April 2013, by the Landscape Institute and Institute of Environmental Management and Assessment, as well as An Approach to Landscape Character Assessment, published October 2014 Natural England.</p> <p>Landscape Designations and Planning Policy</p> <p>The local planning policy context for the sites is provided by the Cheshire East Local Plan Strategy (2017).</p> <p>Landscape and heritage designations including SSSI, RAMSAR, Historic England Register of Registered Parks and Gardens, Scheduled Ancient Monuments, Conservation Areas, Listed Buildings and Local Landscape Designation Areas – LLDs, formerly Areas of Special County Value (ASCV).</p> <p>National Planning Policy Framework, Paragraph 174.</p> <p>Site Description</p> <p>This should include information on the Geographical location in relation to surrounding towns, villages and buildings and infrastructure. This should include the boundary of the application site and land under control of applicant; a site description and setting – Description of application route and current uses. All Highways, access and Public rights of way should also be clearly identified on a Drawing.</p> <p>The route and surrounding area; this should include information on topography; information should extend into the surrounding area to allow the site to be seen in context. AOD should be given for nearby settlements.</p>

Information should also cover land use for the route area surrounding the proposed development, as well as current uses of application site; the built environment – individual properties near the application area, along with distances, nearby villages and urban areas in relation to the road / transport infrastructure.

Reference should be made to the Cheshire Landscape Character Assessment, 2018 and Local Landscape Designation Areas where appropriate.

Landscape effects

The assessment should include the following areas;

- Landscape sensitivity: *“Landscape receptors need to be assessed firstly in terms of their **sensitivity**, combining judgements of their susceptibility to the type of change or development proposed and the value attached to the landscape”.* (GLVIA3, 5.39)
- Susceptibility to change: *“Landscape receptors need to be assessed firstly in terms of their **sensitivity**, combining judgements of their susceptibility to the type of change or development proposed and the value attached to the landscape”.* (GLVIA3, 5.39)
- Value of landscape receptor: *“The value of the Landscape Character Types or Areas that may be affected based on the review of any designations at both national and local levels, and, where there are no designations judgements based on criteria that can be used to establish landscape value; The value of individual contributors to landscape character, especially the key characteristics, which may include individual elements of the landscape, particular landscape features, notable aesthetic, perceptual or experiential qualities, and combinations of these contributors”* (GLVIA3, 5.44).
- Magnitude of landscape effects: 4.8. The methodology used for the quantification of the magnitude of landscape effects is based on the:
Size or scale of the change to the landscape resource,
The geographical extent of the area influenced (the Study Area);
and its duration and reversibility. (GLVIA3, 5.48).
- Significance of landscape effects: To draw conclusions about significance, the separate judgements about the sensitivity of the landscape receptors and the magnitude of the landscape effects need to be combined to allow a final judgement to be made about whether each significant effect is significant or not. Significance can only be defined in relation to each development and its specific location.

Visual effects

	<p>The assessment should include the following areas;</p> <ul style="list-style-type: none"> • The susceptibility of different visual receptors to changes in views and visual amenity is mainly a function of the occupation or activity of people experiencing views at particular locations and the extent to which attention or interest may therefore be focused on the views. (GLVIA3 6.33). <p>Magnitude of visual effects</p> <ul style="list-style-type: none"> • Each of the visual effects identified needs to be evaluated in terms of its: <ol style="list-style-type: none"> 1. Size or scale of the visual change; 2. The geographical extent of the area influenced 3. Its duration and reversibility. (GLVIA3 6.38). <p>The visual effect</p> <ul style="list-style-type: none"> • The sensitivity of visual receptors to the development and the magnitude of the change resulting from the development, determine the level of visual effect of the development. Thresholds of levels of visual effect are determined from different combinations of sensitivity and magnitude to which different emphasis may apply. <p>Potential cumulative impacts</p> <ul style="list-style-type: none"> • The assessment should also consider the cumulative landscape and visual impacts, particularly in relation to the HS2 route, which is in close proximity, and visual effects that may result from adding new types of change, identifying a ZTV in the study area, as well as international, national, regional designations, or where appropriate local levels. <p>Mitigation</p> <ul style="list-style-type: none"> • The assessment should include an assessment of the proposed mitigation as part of the assessment process.
Built Heritage	<p>Table 6.4 under the ‘high sensitivity receptor type’ the table identifies any non-designated heritage assets (NDHA) of demonstrable equivalence as designated assets. We question if this is correct and how are the NDHA being assessed? The NPPF only makes this distinction with scheduled monuments. This should also be made clear.</p> <p>The report says: <i>High Assets of national importance, which have significance for an outstanding level of historic, archaeological, architectural, and/or artistic interest. Designated heritage assets, <u>or non-designated heritage assets of demonstrable equivalence, of national importance.</u></i></p> <p>This is very specific for the buildings at risk, therefore we are not clear how the harm in substantial terms then equates to the bringing back into use an at risk building? This should be clarified.</p> <p><i>With reference to this section of the report:</i></p>

	<p><i>6.5 Adverse ;High Loss of significance resulting from irreversible total or substantial demolition or disturbance of a heritage asset or from the total disassociation of an asset from its setting.</i></p> <p><i>Beneficial ;Sympathetic restoration of an at[1]risk or otherwise degraded heritage asset and/or its setting. Bringing an at-risk heritage asset into sustainable use, with robust long-term management secured</i></p> <p>There is reference to the assessment of NDHAs. This will apply to archaeology and also heritage generally, however there is no identification of local listed buildings on the map attached on the scoping report and no information of when this will be provided. For buildings, structures, archaeology not on the local list, this should be identified by the HER/tithe maps to see what is of significant or worth further investigation, including farm steads. There is little information provided about how these assets are going to be identified.</p> <p>It is important to consider the overlaps with historic landscape assessment and heritage for cumulative impacts. There is mention of heritage at risk in the impacts, it is not clear if there any intention to identify which these are.</p>
Flood Risk	<p>With reference to SuDS page 152/153. We would note that we do have emerging CEC specific SuDS documentation in draft which should be considered for inclusion.</p> <p>Section 7.3 also confirms the importance and need to consult with LLFA at appropriate time concerning detail and the need to obtain appropriate consents/approvals for detailed design and construction works. We would support this statement.</p>
Air quality	The proposed scope of considered acceptable.
Contaminated Land	<p>The proposed methodology contained within Chapter 12 (Ground Conditions) is considered accepted subject to the following comments:</p> <ul style="list-style-type: none"> • In addition to the information in Table 12.2, the contaminated land team at Cheshire East Council is also able to provide information on any areas of potentially contaminated land (sites prioritised for further inspection under Part 2A of the Environmental Protection Act 1990), known ground investigations, known private water supplies and possible Foot and Mouth burial pits (1967 outbreak) within the scoping boundary. • We are pleased to see Cadent’s commitment to using the SuRF Framework as part of any future remedial options appraisals. <p>We would recommend an environmental search be undertaken with us for the scoping boundary, for information we may hold which may benefit the assessment. Search requests should be sent to landquality@cheshireeast.gov.uk in the first instance.</p>

Noise and Vibration	The scope of the assessment is generally considered acceptable. As per the report, we advise that a Construction Environmental Management Plan (CEMP) and a noise impact assessment should be submitted with the application.
Land stability	Chapter 12 section should include ground instability as there may be areas that experience ground instability and subsidence due to salt and brine extraction and also due to natural salt erosion and solution. Areas at risk of subsidence should be avoided and construction of the pipeline has the potential to increase instability. As such, ground instability and risk of subsidence should be included in the baseline, scope and evaluation. The Brine Subsidence Compensation Board should also be consulted in relation to any proposed sections of the pipeline within their area.
Highways	The proposed scope and methodology of assessment in relation to the traffic and transport impact of the pipeline is considered acceptable; the assessment will need to be mindful of the latest iteration of the planned HS2 phase2B railway
Other general comments	<p>It is not clear if there is a need for any additional land take for construction footprint, mitigation, access etc. This should be included as part of the assessment.</p> <p>Page 382 – paragraph 15.7.31. There needs to be a clear understanding of any potential negative impacts on extant permissions in light of the NPPF ‘agent of change’ principle.</p> <p>Page 390 - It is not clear if the assessment includes hazardous pipelines and hazardous installations under HSE control, and other infrastructure such as that covered by national grid</p>

From: [REDACTED]
To: [Hynet Hydrogen Pipeline](#)
Subject: EN060006-000006 ~[OFFICIAL]~
Date: 23 February 2022 10:00:38
Attachments: [REDACTED]

Good morning,

In terms of items to be included in the Environmental Statement, Cheshire Police would consider items in respect of location, and impact environmentally, which would assist with our assessment as to whether this development would be subject to any Environmentalist Protests that could have an impact locally.

We would also have an interest in relation to any security provision included from a Counter Terrorism perspective.

Kind regards,

James

James Wilson – T/Chief Inspector – Uniform Operations

Cheshire Constabulary HQ | Oakmere Road | Winsford | Cheshire | CW7 2UA

Phone: [REDACTED] Mobile: [REDACTED] | Email: [REDACTED]

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Development Management

Planning Service
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our reference:	your reference:	please ask for:	date:
22/00308/AAC	EN060006	Mr Ben Greenwood 01606 288545 ben.greenwood@cheshirewestandchester.gov.uk	23 February 2022

Dear Sir/Madam

Proposal: EIA Scoping Opinion Consultation

Location : Hynet North West Carbon Dioxide Pipeline

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017(the EIA Regulations) – Regulations 10 and 11

Further to the EIA scoping consultation letter dated 27 January 2022 on behalf of Cheshire West and Chester Brough Council I can provide the following response in respect the proposed scope of the Environmental Statement (ES) and content of specific topic areas.

Environmental Statement Layout and compliance with EIA Regulations (2017)

Having reviewed the 'Hynet North West Hydrogen Pipeline Project' EIA Scoping Report (Revision 01) dated January 2022 (807733-WOOD-IA-SC-RP-M5-20942), and hereafter referred to as The Scoping Report, I can advise that the proposed structure, scope and layout of the proposed ES appears acceptable and in general accordance with the provisions of the relevant EIA Regulations (2017) and appropriate National Policy Statements.

The overall approach for the Assessment of Alternatives including the appraisal process of strategic alternatives and options for the H₂ pipeline route as outlined within section 2.3



of the Scoping Report is supported. It is advised that the Assessment of Alternatives should include detailed consideration of the overall location and design of the development in relation to other parts of Hynet including location of the Hydrogen Production Plant as well as for siting and layout of the individual Hydrogen Above Ground Installations (HAGIs).

The overall approach to the Assessment of Cumulative Impacts outlined within the Scoping Report is supported. It is advised that any assessment consider all cumulative impacts with other major planning applications, including associated Hynet developments, Hydrogen Production Plant (HPP) and Carbon Dioxide Pipeline including other nearby major developments at Protos, Tata / Winnington Works and the other employment schemes within neighbouring locations such as Stanlow and the Thornton Science Park.

In terms of the relevant Planning Policy background please refer to the full comments of the Council's Policy Team as attached (Appendix A).

The following specific topic areas of the Scoping Report have been considered by the Council.

Ecology (Section 5)

Midlands Meres and Mosses Phase 1 Ramsar:

Due to the potential for dust/air pollution associated with the development, and without any further information on the impacts, owing to its proximity it is advised that Midlands Meres and Mosses should be scoped into any assessment. It is also noted that cormorant, gadwall, pochard and shoveler occur at levels of national importance at this site. Due to relatively short distance between the development and Ramsar, it is recommended that consideration is given to the effects of the development upon these populations e.g. noise during construction.

Dee Estuary SPA and Ramsar:

It is agreed that due to the distance of the works and the lack of hydrological connection, it is not expected that the development will adversely affect habitats or species/populations for which the Dee Estuary Ramsar and SPA is designated. Natural England's Functionally Linked Land map of land supporting the Dee Estuary have been referenced.

Mersey Narrows and North Wirral Foreshore SPA and Ramsar:

Whilst these sites fall outside of Cheshire West and Chester, areas of proposed works fall within Functionally Linked Land adjacent to the Mersey Estuary in CWaC. The Mersey Estuary is also directly linked these sites. For these to be scoped out of any assessment further justification would be required.

Non-schedule 1 nesting birds:

Where only vegetation is to be cleared and no structures/buildings are to be demolished, best practice measures are sufficient.

Dormouse:

It is agreed that it is reasonably unlikely that dormouse would be present in the development area.

Reptiles:

Scoping out of reptiles is accepted provided best practice measures are in place e.g. sensitive clearance of work areas.

It is advised that the assessment should specifically refer to trees, woodlands, traditional orchards and hedgerows including reference to any Tree Preservation Orders, within the baseline, scope and evaluation.

It is noted that the pipeline route falls within the area covered by the Mersey Forest, which should also be taken into account.

The scoping report should also include reference to the ecological network for Cheshire West and Chester (CWaC), as set out in the Local Plan and referred to in policy DM 44. This identifies core areas, wildlife corridors and stepping stones, restoration areas and buffer zones – all of which are included within the potential pipeline area.

Cultural Heritage (Section 6)

Conservation and Design

The Council's Conservation Officer is in general agreement with the scope and assessment of Cultural Heritage matters, including the historic built environment as set out within Section 6 of the Scoping Report. They advise the resulting report will allow the impact of the scheme to be fully assessed and for the relevant mitigation measures to be implemented, but advise that further research is also needed to include non-designated heritage assets to gain the full understanding of any impacts.

Archaeology

The Archaeology Planning Advisory Service (APAS) is in general agreement with the Scoping Reports proposed assessment requirements outlined within Section 6 of the Scoping Report and advise that the proposed approach is appropriate, and the resulting report(s) will allow the impact of the scheme to be assessed and further measures developed to mitigate the effect of the scheme on the historic environment.

For information, the full comments of APAS are attached (Appendix C).

Water Environment (Section 7)



The Lead Local Flood Authority (LLFA) is in general agreement with the Scoping Reports proposed assessment requirements outlined within Section 7 of the Scoping Report, but do raise the specific comments:

- Flood risk assessment and drainage strategy should be included for all above ground installations (HAGIs and block valves) and in addition mitigation where in Flood risk zones 2 and 3.
- Mitigation measures should be provided for any trenched crossing of 'ordinary' watercourses.
- Provision of a groundwater risk assessment of longitudinal below ground structures.
- Consideration of above ground layout in respect the retention of overland flow routes, including surface water management plans (inc hydraulic calculations) and SuDS.

For information, the full comments of the LLFA are attached (Appendix B).

Landscape and Visual (Section 8)

The Councils Landscape Officer is in general agreement with the Scoping Reports proposed assessment requirements outlined within Section 8 of the Scoping Report.

The Councils Planning Policy Team advise that his section should also include reference to Green Belt and impacts on the Green Belt should be included within the baseline, scope and evaluation. This is particularly important in relation to HAGIs.

Landscape and Visual Impacts

Please refer to the CWAC Landscape Strategy 2016

<https://www.cheshirewestandchester.gov.uk/residents/planning-and-building-control/total-environment/landscape-character-assessment.aspx>

Please also make reference to CWAC Areas of Special County Value Report 2017 (See attached)

LVA Viewpoints and Visualisations

Please provide selection of viewpoints for agreement and include viewpoints where photomontages are proposed. This should be supported by a layout plan and detailed proposals.

Given the nature of the underground pipeline, there is agreement that the most significant landscape and visual impacts are likely to occur during construction operations and in areas closest to the construction compounds.

Mitigation



There is agreement that mitigation measures should be developed at an early stage. Methods of mitigation should include careful design to minimise the loss of features such as mature specimen trees, hedgerows and also to include for proposed measures such as replacement planting.

Please note the LVIA should not be a paper exercise. It should demonstrate an iterative process whereby the assessment has helped to shape and form the proposed development. Please consider at an early stage.

Please provide:

LVIA -including detailed methodology

Section views and elevations

Photomontages

Viewpoints -for all viewpoints, please include a red line to illustrate the extent of the proposed development including the position of the highest built features.

Include views from Public Rights of Ways.

Landscape Layout Plans. Include for planting species and specifications. Include for hard and soft landscaping.

Information on all proposed storage compounds including fencing detailing

Existing and proposed features for removal

Information on protection of existing boundary landscaping

Information on proposed boundary treatment.

Landscape Strategy and Design rational to support proposals and mitigation measures.

Management and Maintenance Plan

Air Quality (Section 9)

The Councils Environmental Protection Unit (EPU) agree with the content and in particular the embedded measures set out in Table 9.6. EPU do not believe the scale of the project and the associated traffic flows are likely to present an issue with regard to exceedances of the air quality objectives but it is advised that it would be prudent to agree the assessment criteria to demonstrate this and to that end we agree the details proposed.

Construction dust is likely to have local impacts but will be subject to measures to limit and control. The Councils EPU agree the content of para 9.6.11 in terms of scoping out the effects of NRMM and operational road traffic. With regard to NRMM irrespective of the EIA requirements, the applicant should note the content of DM31 and explanation para. 13.28 of the Local Plan, many aspects will be covered through the CEMPs.

Noise and Vibration (Section 10)

With regard to construction noise, it is proposed that baseline noise assessments are not required, the intention is to consider Category A, as per BS5228, applies at all locations as



a default position. It is noted that the applicant wants to reserve the right to conduct background surveys at specific locations and review the Category against BS5228 with a view to re-evaluating the category depending on the outcome of the background survey. The Councils EPU would advise that we consider this approach to construction noise appropriate for the purpose of laying of pipes and construction of HAGIs and Block Valves (BVs).

Paragraph 10.1.6 confirms that best practice will be embedded within site management and construction operations taking measures from the Code of Construction Practice and ensuring their implementation through the CEMP(s) (Construction Environmental Management Plan).

Site compounds and depots will need to be assessed on a site-by-site basis and will need to meet the requirements of Planning Policy DM30 regarding noise and hours of operation.

Traffic noise will be assessed via utilising the CRTN tool and given the volume of traffic associated with the construction phase and the transient nature at most locations. The Councils EPU have no concerns on this especially given the proposed hours of work are between 08:00 and 18:00 Monday to Saturday. Out of hours work will need assessing in-line with Policy DM30 but traffic noise is not likely to be significant except perhaps at depot sites / construction compounds. Onsite vehicle movements at depots will need to be assessed in accordance with DM30 and specifically BS4142.

Likely significant events

The Councils EPU agree table 10.4 as realistic scenarios where further assessment will be warranted. Regarding Table 10.5, Elements proposed to be scoped out - In terms of operational noise it is proposed to scope out pipeline noise and BVs. The Councils EPU have no objection to the screening out of pipeline noise and in principle we would agree the approach of a BV but as no indicative noise levels have been provided that we could find to support the screening out of BVs, we would advise that further supporting information is provided before agreeing this.

The Councils EPU agree to the proposal to scope out Instrumentation Kiosks.

Operational noise assessment is therefore directed toward HAGIs with pressure reduction units. Pigging is screened out as an infrequent exercise but again, similar to BV noise, there are no indicative levels to support this and again we would advise against doing so until further information is submitted. Pigging is a necessary operation, if the impact is significant then it needs to be identified at this stage and not omitted because of frequency. On provision of acceptable further information supporting its removal from the assessment process then we will happily agree this.

10.7 Assessment methodology



With regard to Table 10.6, “Establishing the sensitivity of the receptor”, the Councils EPU advise that for those elements where construction noise is likely to be short in duration, limited to weeks rather than months, the criteria is acceptable. However where there is exposure over a prolonged time then the definition does not hold and those elements in the medium category should be elevated to the high category in such circumstances. Short term there is scope for them to adapt but there are time constraints on this and this should be factored in and would better align with Table 4.1. Operational noise is assessed through other means as discussed elsewhere.

Determination of significance – construction site noise and haul routes

With regard to the matter of magnitude and in the context of Table 4.2 and 10.7, the Councils EPU recognise the difficulty in applying this principle to assessment criteria which already inherently include the concept of magnitude. Consequently we strongly disagree with the criteria laid out in para 10.7.12. It would only be marginally more acceptable if it were applied to a working day window. The incorporation of an additional and/or criteria of an increase of 5dB(A) over the relevant/applicable category, be that Category A, B or C would provide better sense and more in line with BS5228.

In any event out of hours working as specified in DM30 of the Local Plan shall only be considered on a site-by-site basis and will require more detailed analysis and justification. That justification only likely to be supported in the event of health and safety reasons when works cannot be undertaken safely between the hours of 08:00 and 18:00 or in the event of crossings to minimise time.

Determination of significance – construction traffic noise on public highway

The Councils EPU agree the content of Table 10.8. Given the nature of the development and the number of vehicle movements likely, most reasonable scenarios will see a negligible or low magnitude based on the criteria advocated in Table 8, the greatest impact will be on approach roads to depots/compounds where heavy plant is stored overnight or else at the point where construction is ongoing, this latter being likely short lived in duration. Any scenario outside the negligible category is only likely to occur on roads with existing very low traffic levels. Whilst again the criteria applied in para 10.7.12 is applied in para 10.7.14 for medium or high magnitudes, and our concerns over the absurdity of their application remain, we do not consider this to be a high risk matter away from depot locations. On approach roads to depot locations the movement of traffic is likely to only be an issue at night and then only for brief periods of time and in any event night working will have to be subject to separate approval and justified. Ultimately depot location selection should ensure these factors are considered in the selection criteria and weighted accordingly. In other words do not choose a depot/compound location where traffic movements are likely to result in residential complaint.

Determination of significance – construction vibration

The Councils EPU agree the levels in Table 10.9 and note that damage resulting from construction vibration is an issue that has to be dealt with privately, levels set out in Table



10.10 should not occur and activities which identify potential for elevated levels should be carefully planned and subject to review to identify alternative construction measures.

Operational Assessment methodology

The Councils EPU note para 10.7.22 and advise a precautionary approach is advocated to deal with uncertainty. We note para 10.7.25 but generally we support a rating level of 5dB below background but that can be relaxed for areas with very low background levels, within that context we agree the content of para 10.7.28.

Non-routine operation

The Councils EPU agree para 10.7.32 and 10.7.33

Traffic and Transport (Section 11)

Highways

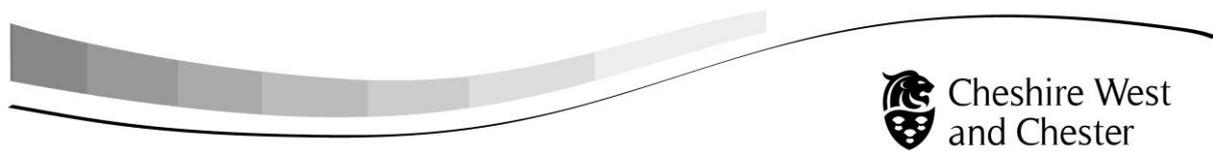
The Councils Highways Officer is supportive of the general proposed scope of the Traffic and Transportation assessment section of the ES. They however note that the ES Transport Chapter would appear to only include a Construction Traffic Management Plan (CTMP) and not a specific Transport Assessment (TA). The Highways Officer advises that, as much of the impacts are related to the Construction Period, as the ongoing traffic for maintenance of the pipeline etc. will be small and that this approach could be acceptable, but provided that the CTMP does undertake a TA type assessment for the construction period.

Public Rights of Way

The Councils Public Rights of Way Officer advise that a detailed methodology for the assessment or consideration of impacts to Public Rights of Way (PROW) should be scoped into the ES, including direct and indirect impacts for both construction and operation phases. The assessment should include consideration to construction methods including any vibration impacts on any right of way as well as impacts upon users of the PROW network from construction traffic and accidents. The assessments also need to address the impact on different classes of users where the status of the way is more than a footpath (eg bridleway, restricted byway). For example, at Frodsham, there is a restricted byway on the line north of the M56 and the class of user includes non-mechanical vehicles; Restricted Byway 23 Helsby is used for emergency access to M56 and; the routes on the north side of the M56 are prone to anti-social behaviour (fly tipping) so sensitivity will be needed approaching any closures and direction of traffic flow.

The following specific PROW matters are also raised:

- The proposed route over land to the east of Northwich is affected by advance proposals for the HS2 project. The PROW are currently under notice of modifications under the HS2 Bill.



- North of Northwich; A multi-user promoted route has been missed – at Aston/Dutton the Aston ring is a horse riding recreational route (attached) at Aston Heath. The routes are currently closed due to no through route from badger disturbance near the river but are expected to be repaired this summer 2022, with an expected increase in traffic thereafter.
- East- Antrobus area has a few pending applications for an upgrade of status, there may be higher status traffic than the prowl suggests (eg footpath being used by horse riders);
- Weaverham south of Winnington Lane - there is a pending Order for a FP from Winnington Lane through Beech woods;
- On the route south of Gorstage at the Forest hill sand quarry, there are some permissive pedestrians routes;
- At Whatcroft, the footpath along the canal walk includes access routes at the canal bridges which do not show up on maps. I think they may form part of a circular walks;
- East of Lostock we have had counters in place and the footpath linking the north and south side of the A556 by-pass shows heavy usage
- Woodland adjacent to A556 on north side and then east of Lostock, reportedly has walkers –we have received queries about claiming prowl in this area, although there are no pending applications.
- A558 Higher Marston pedestrian route to Northwich – this area; Northwich – Comberbach, Marston, Wincham, have connecting footpaths with road walking if possible, mitigate with pedestrian walkways.

Ground Conditions (Section 12)

Chapter 12 Ground Conditions of the Scoping Report states that baseline data will be collected for ground conditions and presented as a Phase 1 Desk Study to accompany the Environmental Statement. The Councils EPU concur with this approach. Construction strategies are to be implemented that seek to maximise the reuse of excavated clean material from the pipeline construction corridor where practicable and feasible. Further details regarding the proposals for excavated materials should be provided at the appropriate stage.

The Councils EPU is satisfied with the information provided relating to land contamination and agree with the impacts and activities scoped out of the ground conditions assessment contained within Table 12.6.

Ground instability considerations are particularly important in the Cheshire West and Chester area as there are areas that experience ground instability and subsidence due to salt and brine extraction and also due to natural salt erosion and solution. Areas at risk of

subsidence should be avoided and construction of the pipeline has the potential to increase instability.

It is advised that ground instability and risk of subsidence should be included in the ES baseline, scope and evaluation.

Paragraph 12.4.10 identifies numerous historical and authorised landfills present within the study area and that further information will be obtained to inform an assessment about the risks posed from the landfills. It should be noted that there are also many other existing and proposed waste management facilities within the pipeline zones. These waste management facilities, hazardous waste sites, energy from waste sites and aggregate recycling facilities may have hazard zones associated with them and could result in other environmental effects that could impact on construction of the pipeline. This includes energy from waste and waste recycling at Protos, Ellesmere Port and underground storage of hazardous waste at Minosus, Winsford Rock Salt Mine. It is also important that the pipeline avoids existing and proposed waste management facilities including the nearby Gowy Landfill, and does not impact on their future operation or access requirements, so that there is no negative impact on waste management and disposal provision within Cheshire West.

Land Use (Section 14)

A number of Mineral Safeguarding Areas (MSAs) Preferred areas for future mineral extraction as well as minerals infrastructure for both sand and gravel and salt, both brine and rock salt, lie within the Scoping Boundary.

It is welcomed that impacts upon MSAs for sand and gravel have been identified within the Scoping Report, however it is recommended that reference and assessments should also clearly be made in respect salt and brine resources as well as allocations, existing sites and minerals infrastructure.

The Councils Planning Policy Team have provided detailed comments in this respect (as appended to this letter) and provide the following recommendations:

- Paragraph 14.5.5 - Environmental measures should be included in table 14.1 to avoid or minimise conflict with MSAs and prevent sterilisation of large areas of land.
- Paragraph 14.5.16 - The impact on the operation of existing quarries and their ability to expand in the future should be included within the baseline, scope and evaluation to ensure that there is no negative impact on minerals provision.
- Paragraph 14.8.5 - Salt and brine extraction both require above ground works in some locations and as such should not be scoped out of any assessment.
- Table 14.3 – When assessing the magnitude of effects, as set out in table 14.3 the impact on sand and gravel should take account of the fact that reserves in the North West have

reduced significantly over the last few years and very few of the minerals planning authorities within the North West have the required 7-year supply.

- Table 14.4 – it is agreed that mineral sites are of high sensitivity, but this should also include Preferred Areas for sand and gravel as well.
- The potential impact on existing salt and brine extraction and the use of the existing salt caverns should also be taken into account in the scoping.

People and Communities (Section 15)

As is outlined within the appended Planning Policy comments it is advised that this section should also include the following:

- An assessment of the impact on existing employment sites and employment allocations within the scope, baseline, receptors and effects
- Potential impact on quality of life, residential amenity and visual amenity for those living in the area.

Climate (Section 17)

The Councils Climate Change team are broadly supportive of the project and consider the measures proposed in the EIA to be largely comprehensive, however from Table 0.8 A5 Construction; the proposal that land use will not be affected by GHG's through the pipelines route does not seem to take into account the suggested size of the HAGI's or the pipeline route potentially disrupting other land use change for decarbonisation. It is recommended that this is considered in the wider context. Table 0.8 B6 Operation the project should comment on not being viewed in isolation particularly where the GHG operation may not be significant in themselves but will act as an enabler to associated projects described in Chapter 2 which have much greater potential to release GHG's.

Yours faithfully

Mr Ben Greenwood

Senior Planning Officer



Appendix A - Planning Policy comments on HyNet Hydrogen Pipeline Environmental Statement Scoping Report

Section of the Scoping Report	Comments
General comment	<p>Throughout the main part of the document references to the Cheshire West and Chester adopted development plan just seem to refer to the Local Plan (Part One) Strategic Policies which was adopted in 2015 and do not refer to the Local Plan (Part Two) Land Allocations and Detailed Policies, which was adopted in 2019. The Local Plan (Part Two) is also relevant and includes several policies that are relevant to the thematic chapters within the scoping report (see comment below for more details). The Local Plan (Part Two) is referred to in Appendix 3A, but this has the incorrect adoption date of 2015 (Part Two was adopted in 2019).</p>
Page 53, table 3.1	<p>The table lists relevant adopted policies from the Cheshire West and Chester Local Plan (Part One). We agree with the inclusion of all the listed policies, and they are all fully relevant to the project. We also agree with those listed in the Appendix. However, table 3.1 should also include other policies from the Local Plan (Part One) and Local Plan (Part Two) that are relevant to the thematic chapters:</p> <ul style="list-style-type: none"> - STRAT 10 Transport and accessibility - SOC 6 Open space, sport and recreation - ENV 8 Managing waste - GBC 2 Protection of landscape - T 4 Rail corridors - M 1 Future sand and gravel working - M 2 Minerals safeguarding areas – prior extraction of mineral - M 6 Salt and brine working - DM 2 Impact on residential amenity - DM 4 Sustainable construction - DM 30 Noise - DM 31 Air quality - DM 32 Land contamination and instability - DM 33 New or extensions to hazardous installations - DM 34 Development in the vicinity of hazardous installations - DM 38 Waterways and mooring facilities - DM 40 Flood risk

	<ul style="list-style-type: none"> - DM 41 Sustainable Drainage Systems (SuDS) - DM 42 Flood water storage - DM 43 Water quality, supply and treatment - DM 44 Protecting and enhancing the natural environment - DM 45 Trees, woodland and hedgerows - DM 46 Development in conservation areas - DM 47 Listed buildings - DM 48 Non-designated heritage assets - DM 50 Archaeology - DM 53 Energy generation, storage and district heat networks <p>There are also several Neighbourhood Plans are covered either fully or partly by the pipeline routes and the policies within these Neighbourhood Plan also form part of the statutory development plan and will need to be taken into account where relevant.</p>
Page 67, para 4.5.8	<p>This identifies that the Stanlow hydrogen production facility, CCUS infrastructure and hydrogen storage facility will be considered as part of the cumulative effects assessment. How much information on these other three parts of the project is currently available? Has this information been made public? Have alternative sites for the hydrogen production facility, CCUS infrastructure and hydrogen storage facility been considered? Have alternatives now been discounted? Alternative facilities would lead to different pipeline requirements. It should also consider cumulative impacts with other major planning applications, such as those at Protos, Tata / Winnington Works and the other employment schemes within neighbouring locations such as Stanlow and Thornton Science Park.</p> <p>What is meant by the 'Stanlow hydrogen production facility'? Is this the blending site, Fulcrum proposal or another site?</p>
Page 68, para 4.6.1	<p>This could include transboundary effects between England and Wales.</p>
Page 73 onwards, chapter 5 Ecology	<p>This should specifically refer to trees, woodlands, traditional orchards and hedgerows within the baseline, scope and evaluation. The pipeline route falls within the area covered by the Mersey Forest, which should also be taken into account and policy DM 45 identifies that development affecting woodland should support the aims of the Mersey Forest Plan where relevant. The scope could also refer to trees with Tree Preservation Orders. The scoping report should include reference to the ecological network for Cheshire West and Chester (CWaC), as set out in the Local Plan and referred to in policy DM 44. This identifies core areas, wildlife corridors and stepping stones, restoration areas and buffer zones – all of which are included within the potential pipeline area. The location of the pipeline within these different sections of the ecological network will influence biodiversity net gain calculations using the DEFRA metric.</p>
Page 84, footnote 77	<p>This refers to the CWaC public map viewer. It should be noted that the public map viewer includes constraints such as listed buildings, Tree Preservation Orders and Public Rights of Way for example, but does not include Local Plan policies or allocations. To view the Local Plan interactive map, please go to https://maps.cheshirewestandchester.gov.uk/cwac/localplan</p>

Page 199 onwards, chapter 8 Landscape and visual	This should include reference to Green Belt and impacts on the Green Belt should be included within the baseline, scope and evaluation. This is particularly important in relation to HAGIs.
Page 293 onwards, chapter 12 Ground conditions	This section should include ground instability. This is particularly important in Cheshire West and Chester as there are areas that experience ground instability and subsidence due to salt and brine extraction and also due to natural salt erosion and solution. Areas at risk of subsidence should be avoided and construction of the pipeline has the potential to increase instability. As such, ground instability and risk of subsidence should be included in the baseline, scope and evaluation. The Brine Subsidence Compensation Board should also be consulted in relation to any proposed sections of the pipeline within their area.
Page 293 onwards, chapter 12 Ground conditions	Land contamination is particularly important around Ellesmere Port. The area around Stanlow and Encirc (former Ince Power Station) has a legacy of former industrial uses and is close to a historic landfill site.
Page 300, para 12.4.10	This paragraph identifies that numerous historical and authorised landfills are present within the study area and that further information will be obtained to inform an assessment about the risks posed from the landfills. There are also many other existing and proposed waste management facilities within the pipeline zones. These waste management facilities, such as hazardous waste sites, energy from waste sites and aggregate recycling facilities may have hazard zones associated with them and could result in other environmental effects that could impact on construction of the pipeline. This includes energy from waste and waste recycling at Protos, Ellesmere Port and underground storage of hazardous waste at Minosus, Winsford Rock Salt Mine. It is also important that the pipeline avoids existing and proposed waste management facilities and does not impact on their future operation or access requirements, so that there is no negative impact on waste management and disposal provision within CWaC.
After page 318, figure 12.5	What is meant by historic and authorised landfills? Does this include operational landfill sites and those with planning permission but are not yet operational? Where has information been taken from regarding the authorised landfills? A list should be provided of all relevant landfill sites. The consideration of landfill sites within CWaC should include Gowy landfill site (which is currently operational but is also partly being capped and restored). Gowy landfill does not appear to be shown on figure 12.5. It is not within the boundary of the pipeline route but is relatively close to it. There is also storage of hazardous waste underground at Minosus, Winsford Rock Salt Mine.
Page 338 onwards, chapter 14 Land use	Mineral resources are covered within the land use chapter (chapter 14). Paragraph 14.5.5 identifies that mineral safeguarding areas for sand and gravel exist within the West Corridor (and also in the East Corridor and both options in the South Corridor). What about salt and brine? Allocations, existing sites and minerals infrastructure should all also be included as potential receptors. Environmental measures should be included in table 14.1 to avoid or minimise conflict with MSAs and prevent sterilisation of large areas of land. It should also refer to prior extraction of minerals and use of extracted minerals during construction where possible.

<p>Page 342, paragraph 14.5.16</p>	<p>This identifies that mineral safeguarding areas for salt and sand and gravel resources exist within both options in the south corridor. The south corridor option A covers the safeguarded existing Forest Hill sand and gravel quarry (Local Plan Part Two policy M1 A), the allocated site for sand and gravel north of the railway to extend Forest Hill, Sandiway (policy M 1.B, which now has planning permission), the preferred area at Moss Farm and north of the railway forming an extension to Forest Hill, Sandiway (policy M 1.C) and part of the area of search (policy M 1.D). It also includes part of the preferred area for rock salt (policy M 6). The south corridor option B covers part of the sand and gravel mineral safeguarding area and the salt mineral safeguarding area. It also includes the preferred area for controlled brine extraction and the safeguarded site at Holford brinefields. The west corridor, north corridor, east corridor, central hub, and some AGIs include part of the sand and gravel mineral safeguarding area. As such, the pipeline route could impact on existing and potential future sand and gravel quarries and this could have very significant impacts on the ability of CWaC to meet its sand and gravel requirements and provide sufficient reserves. It may also impact on salt and brine extraction. The impact on the operation of existing quarries and their ability to expand in the future should be included within the baseline, scope and evaluation to ensure that there is no negative impact on minerals provision.</p>
<p>Page 345, para 14.8.5</p>	<p>This paragraph identifies that the effects on salt minerals resources are scoped out as the pipeline would not be laid at a depth which would impact on these resources as it states salt is extracted at 120-250m depth. It is not clear whether the statement refers to salt and brine extraction or just to salt. Salt and brine extraction both require above ground works in some locations and as such, the pipeline could impact on this and should be taken into account. It is suggested that Inovyn and Compass Minerals are contacted as they are the key salt and brine operators in the CWaC area.</p>
<p>Page 346, table 14.3</p>	<p>When assessing the magnitude of effects, as set out in table 14.3 the impact on sand and gravel should take account of the fact that reserves in the North West have reduced significantly over the last few years and very few of the minerals planning authorities within the North West have the required 7-year supply. Cheshire West and Chester currently has a 7-year supply, but only just and is likely to experience additional pressure on reserves in the future. There may also be significant additional sterilisation and extraction as a result of HS2. As such, it is particularly important to prevent sterilisation of sand and gravel resources in this area.</p>
<p>Page 346, table 14.4</p>	<p>This refers to receptor sensitivity and identifies that existing or allocated mineral sites are high sensitivity. We agree that these are high sensitivity, but this should also include Preferred Areas for sand and gravel (as identified in policy M 1 of the Cheshire West and Chester Local Plan (Part Two)). The Preferred Area is not an allocation but identifies an area that is likely to be more suitable for sand and gravel extraction and this is required to ensure that the Council maintains a steady and adequate supply of aggregate land-won sand and gravel throughout the plan period and a minimum seven-year landbank. This is particularly important given the current and anticipated future pressures on sand and gravel extraction described above. The potential pipeline routes cover quite large sections of the sand and gravel mineral safeguarding areas, but for most of the route there would be the ability for the pipeline to avoid the mineral safeguarding areas. It is key to ensure that the pipeline does not cut across large sections of safeguarded mineral reserves causing sterilisation.</p>

After page 347, figure 14.2	Do references to mineral safeguarding areas within the report just cover sand and gravel? Salt mineral safeguarding areas (salt and brine) should also be included as the pipeline could still impact on any above ground requirements for salt or brine extraction and the minerals operators should be contacted to identify any potential impacts. The potential impact on existing salt and brine extraction and the use of the existing salt caverns should also be taken into account in the scoping.
Page 348 onwards, chapter 15 People and communities	This should also include an assessment of the impact on existing employment sites and employment allocations within the scope, baseline, receptors and effects. If the pipeline was to impact on the operation of existing employment sites, prevent the construction of future employment developments or impact on the range and choice of employment land this would impact negatively on people and communities. It could also include the potential impact on quality of life, residential amenity and visual amenity for those living in the area.
Page 381, para 15.7.21	This refers to use of land for construction sites, exclusion zones, laydown areas and access routes for construction works. Is there any additional land take outside the areas shown on the map?
Page 381, para 15.7.24	This refers to transport movements. The area around Ellesmere Port / Encirc / Protos has conditions attached to specific businesses / developments to limit the impact of HGV movements on residents in Ince and Elton. This should be taken into account and further information on transport movements provided during construction and any cumulative effects with established traffic levels.
Page 382, para 15.7.31	This refers to change in land use, reducing land available and restricting potential uses of neighbouring land. This is a very important point and CWaC would need to understand if there are any impacts on delivery of our strategic development requirements (housing / employment) or on provision of waste facilities, open space facilities or minerals supply as a result of the proposed developments). There is also a need to consider extant planning permissions alongside the local plan allocations. The NPPF para 187 'agent of change' principle identifies that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.
Page 390, table 0.4	The table includes COMAH establishments but does not refer to pipelines covered by HSE. There are several of these pipelines, especially in the Ellesmere Port / Stanlow area. There are also national grid cables and overhead lines that should be taken into consideration.
Page 394, para 16.4.16	Identifies that there are 17 low density residential areas partly or entirely encompassed within the study area. Does this include the residential Gypsy and Traveller site near Ellesmere Port?
Page 396, para 16.4.29	This identifies that the pipeline will be notified as a Major Accident Hazard pipeline, which is likely to have a consultation distance and appropriate land use planning restrictions applied by the HSE and which would prevent inappropriate future development in the vicinity of the pipeline. What would this distance be? We require this information to be able to assess the potential impacts, particularly impacts on the delivery of Local Plan requirements and allocations.
Page 443, table 18.1	The ecology section should refer to net gain. The traffic and transport section should mention residential amenity impacts. The land use section should mention mineral resources.

Page 3A38, table 3A.2	This includes summaries of Local Plan policies and includes more policies for CWaC than are highlighted in table 3.1 of the main report. The tables should be consistent and should include all relevant policies from the Local Plan (Part One and Part Two) (see comments above regarding table 3.1). There is a typo 'V1 Flood Risk and Water Management' – this should be 'ENV 1'.
Page 16A8	Within the table it states that Cheshire is known for its salt caverns, which have been used for storage of both liquid and gas hydrocarbon fuels and that the project will be routed to avoid these where practicable, but the potential to impact on storage caverns will be assessed in the EIA. The salt caverns are also used for other types of storage, including storage of documents (at Deepstore) and storage of hazardous waste (at Minosus). The impact on all types of existing storage and the potential for future storage should be taken into account, along with the potential for impacts on salt extraction to create future caverns.
	<p>Additional evidence base documents that should be considered / referred to are:</p> <ul style="list-style-type: none"> • Landscape Strategy for Cheshire West and Chester Borough Part 2 2016 - https://consult.cheshirewestandchester.gov.uk/file/3910762 • The Cheshire Historic Land Characterisation Study 2007 - https://www.cheshirearchaeology.org.uk/?page_id=175 • Local Transport Strategy – update 2017-2030 (LTP3) - https://www.cheshirewestandchester.gov.uk/residents/transport-and-roads/public-transport/documents/Local-Transport-Plan-update-2017.pdf

Appendix B

22/03308/AAC Request for a formal opinion on the scope of an Environmental Statement (ES) under Regulation 10 and 11 of the Environmental Impact Assessment Regulations 2017: HyNet North West Hydrogen Pipeline

(Lead Local Flood Authority response – 16th February 2022)

The proposal is to scope in water to consider impacts on the surface water and groundwater receptors to include Main Rivers, Ordinary Watercourses and WFD water bodies. We are in agreement with the proposed assessment requirements, but have the following specific comments:

Above ground installations, block valve stations and compound areas will require a flood risk assessment and drainage strategy in accordance with NPPF. Where development is proposed within Flood Zone 2 and 3 mitigation measures should be provided in accordance with NPPF and Environment Agency standing advice.

Where ordinary watercourses are crossed via trenched crossings, a Land Drainage Consent will be required for both the temporary and permanent works and mitigation measures provided through temporary diversion or pumping along with method statement for undertaking the works.

Potential for increased groundwater flood risk up gradient of longitudinal below ground structures should be assessed and mitigation measures provided to manage any temporary and permanent groundwater emergence at the surface.

The proposed development is generally within an area at low risk of surface water flooding but there are parts of the development which are at medium to high risk of surface water flooding which need to be considered as part of the above ground layout to ensure any overland flow routes are retained.

Surface water management for the above ground works needs to follow the drainage hierarchy:

- Infiltration into ground
- Connection to the watercourse
- Connection to discharge water sewer and as a last resort;
- Connection to the combined sewer.

SuDS should be designed to control surface water as close to its source as possible. Well-designed sustainable drainage systems also provide opportunities to:

- reduce the causes and impacts of flooding,
- remove pollutants from urban run-off at source,
- combine water management with green space providing benefits for amenity, recreation and wildlife.

The use of SuDS should also help achieve the sustainability objectives of the National Planning Policy Framework (NPPF).

The suitability of sustainable drainage systems should be assessed in accordance with paragraphs 051, 079 and 080 of the revised NPPF Planning Practice Guidance for Flood Risk and Coastal Change (<https://www.gov.uk/guidance/flood-risk-and-coastal-change>).

Sustainable drainage systems should be designed in line with national Non-Statutory Technical Standards for SuDS (<https://www.gov.uk/government/publications/sustainable-drainage-systems->

[non-statutory-technical-standards](#)) and local policies ENV1, DM40, DM41, DM42 and DM43 of the Core Strategy.

Surface water attenuation requirements should be assessed that offer a reduction in surface water runoff rate in line with the Policy DM 41 (i.e. at least 30% betterment on brownfield flows and greenfield runoff for existing greenfield sites). Please note that all new connections to the watercourses shall comply with reduction of flows to greenfield runoff rates.

Surface water should be managed to ensure there is no increased surface water from the proposed development and runoff from extreme events should be managed such that adjacent third party land is not affected.

Hydraulic calculations and drawings to support the design need to be provided along with an assessment of overland flow routes for extreme events that is diverted away from buildings.

Maintenance of SuDS is essential for its proper operation and a clear management and maintenance plan for the lifetime of the works.

In considering a development that includes a sustainable drainage system, Cheshire West and Chester Council as local planning authority will want to be satisfied that the proposed minimum standards of operation are appropriate and that there are clear arrangements in place for ongoing maintenance. Information sought by Cheshire West and Chester Council would be no more than necessary, having regard to the nature and scale of the development concerned in line with NPPF Paragraph 081.

A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime should be provided.

Appendix C – Comments of Archaeologist (APAS)

HyNet North West Hydrogen Pipeline: Scoping Opinion Consultation (Ref 22/00308/AAC)

Thank you for your consultation concerning the scope of the proposed EIA for this project

The historic environment is considered in Section 6 (Pages 119-140) of the EIA scoping report which accompanies this application, where it is confirmed that a full assessment of the effect of the proposed development on the historic environment will be undertaken. It is confirmed that this study will be undertaken in accordance with established professional practice and will involve the consultation of appropriate sources of information (relevant Historic Environment Records and other sources of information such as historic mapping and aerial photographs). It is also stated that the study will seek to identify the likely impact on heritage assets within the study area, both in terms of physical impact as a result of construction and with regard to the effect on the 'setting' of significant heritage assets. Clearly, some data gathering has already been undertaken as Figure 6.1 shows the designated heritage assets within the study area (Scheduled Monuments, Listed Buildings, Registered Parks and Gardens). However, a full picture of the impact of the development on the historic environment will also require the incorporation of information with regard to non-designated heritage assets and it is confirmed that these data will be obtained from the relevant Historic Environment Records.

It is advised that this approach is appropriate, and the resulting report will allow the impact of the scheme to be assessed and further measures developed to mitigate the effect of the scheme on the historic environment. Crucially, Paragraph 6.5.2 of the scoping report confirms that, where an unavoidable impact on the historic environment will occur, an overarching written scheme of investigation will be produced and agreed with relevant consultees in order to ensure that an appropriate mitigation is in place. At this early stage in the process, details of this programme are not to be expected but it seems likely that this would consist of a programme of field evaluation and, where necessary excavation and watching brief, with provision for an appropriate level of reporting. Again, it is advised that this represents an appropriate approach which is in line with that adopted on similar major infrastructure schemes.

Please note that the Archaeology Planning Advisory Service (APAS) also provides archaeological development-management advice to Cheshire East Council, Warrington Borough Council, and Halton Borough Council, all of whom have consulted APAS with regard to the present scoping report. APAS will be providing separate responses to all of these authorities but, in each case, the advice will reflect that provided to Cheshire West and Chester Council. In addition, it is noted that the scoping report proposes a full consideration of the effect of the development on the historic built environment. This is an area that the authority's conservation officers will be best placed to advise on.

Mark Leah

Development Management Archaeologist and Team Leader

Cheshire Archaeology Planning Advisory Service,
Economy and Housing
Cheshire West and Chester Council



The Coal
Authority



INVESTOR IN PEOPLE



RTPI
Learning Partner

200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.gov.uk/coalauthority

For the attention of: Mr T Brumwell | Associate EIA Advisor
The Planning Inspectorate

[By Email: hynethydrogenpipeline@planninginspectorate.gov.uk]

11 February 2022

Dear Mr Brumwell

Your ref: EN060006-000006

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11

Application by Cadent Gas Limited (the Applicant) for an Order granting Development Consent for the HyNet North West Hydrogen Pipeline (the Proposed Development)

Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested

Thank you for your notification of 27 January 2022 seeking the views of the Coal Authority on the above EIA Scoping Opinion.

The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

Having carried out a review of the project location area (Figure 1.1) our records indicate that it is only areas within 'St Helens District' that falls within the Development High Risk Area, as defined by the Coal Authority.

Where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner (National Planning Policy Framework paras. 183 and 184).

We note that the submission is accompanied by an Environmental Impact Assessment (EIA) Scoping Report (January 2022) and Table 12.2 identified that coal mining datasets will be used to inform the ground conditions baseline. We would therefore request that once the extent of the pipeline / hubs are confirmed, due consideration is given to the potential risks posed to the development by the coal mining legacy features present within the site.

In the event that any mine entries are within the areas of development, the Coal Authority is of the opinion that building over the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with our adopted policy:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

I hope this is helpful but please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely



Deb Roberts M.Sc. MRTPI

Planning & Development Manager

General Information for the Applicant / Developer

The Coal Mining Risk Assessment should be prepared by a "competent body". Links to the relevant professional institutions of competent bodies can be found at:

<https://www.gov.uk/planning-applications-coal-mining-risk-assessments>

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The

Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:

<https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

The Planning Inspectorate
Environmental Services
Temple Quay House
2 The Square
Bristol, BS1 6PN

Our ref: SO/2022/121894/01-L01
Your ref: EN060006-000006
Date: 23rd February 2022

FAO Emma Cottam

Dear Emma

PLANNING ACT 2008 (AS AMENDED) AND THE INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (THE EIA REGULATIONS) – REGULATIONS 10 AND 11

APPLICATION BY CADENT GAS LIMITED (THE APPLICANT) FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE HYNET NORTH WEST HYDROGEN PIPELINE (THE PROPOSED DEVELOPMENT)

SCOPING CONSULTATION AND NOTIFICATION OF THE APPLICANT'S CONTACT DETAILS AND DUTY TO MAKE AVAILABLE INFORMATION TO THE APPLICANT IF REQUESTED

Thank you for referring the HyNet North West Hydrogen Pipeline Scoping consultation (*HyNet North West Hydrogen Pipeline, EIA Scoping Report, Doc ref. 0001, Volume 0001, Revision 1, January 2022*) to the Environment Agency. The consultation was received in this office on the 27th of January 2022.

Environment Agency comments

We generally agree with the proposed scope, both in terms of the proposed Environmental Statement structure & methodology and with regards to technical matters within our remit. However, we provide the following observations and recommendations we wish to see for consideration and inclusion.

Decommissioning

We note the decommissioning phase of the scheme is to be scoped out of the Environmental Statement for further assessment due to '*the nature of the works and the proposed implementation of a Decommissioning Plan*'. The Decommissioning Plan will '*...address the relevant statutory requirements at the time, any extant commitments with landowners and statutory authorities and take account of any developed technology and good practice*' (Paragraph 4.2.10, page 60). While we have no concerns in principle at

Environment Agency
Richard Fairclough House Knutsford Road, Warrington, WA4 1HT.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

Cont/d..

this stage with this approach, the acceptability of decommissioning proposals will remain an important factor as to whether the project is considered acceptable to us. For example, we may have concerns should a watercourse be subject to 'open cut' method of installation resulting in pipeline sections cutting through a watercourse channel (above the watercourse bed). Off further concern would be where decommissioning then results in the pipeline being left in situ crossing a watercourse and filled with grout (Paragraph 2.8.2, Page 46) leaving it there in 'perpetuity'. A far better method of installation, which would also be more compliant to the Water Framework Directive and remove the potential to cause flow blockages (which increases flood risk), would be to ensure all watercourse crossing are undertaken by horizontal directional drilling underneath a watercourse channel. We recognise this is discussed within the Ecology Chapter (Table 5.5, page 98).

Section 7 correctly identifies the requirement under the Environmental Permitting (England and Wales) Regulations 2016, to obtain flood risk activity permits and/or exemptions for temporary and permanent physical works affecting 'main river' watercourses, including pipeline crossings. The applicant should not assume any permit will be granted so we encourage dialog with us to discuss the wider scheme including the Crossing Schedule at the earliest opportunity. Please refer to our Advice/Guidance below.

For works impacting non main watercourses, we recommend contact is made with the relevant lead local flood authorities which in the case of this scheme are the local planning authorities the pipeline will travel through.

In terms of protecting the water environment from contaminated land please refer to our comments under the heading Chapter 12. Ground Conditions, below.

Chapter 5. Ecology

We generally concur with the contents of this chapter, however the impacts from construction vibration to migratory fish species during the migratory season should be considered if it cannot be avoided, especially where the pipeline will cross the Mersey. These comments are also applicable to Chapter 10. Noise and Vibration.

Chapter 7. Water Environment

The overall scope of this chapter is generally acceptable providing the following observations/recommendations are considered and included.

Paragraph 7.4.59 & 7.4.60, page 181, describes how Water Framework Directive change will be considered with paragraph 7.4.60 stating '*It may be appropriate to assess construction related effects against the existing baseline surface water environment, however potential operational effects should take account of a future baseline environment that assumes Good Ecological Status/Potential will be attained during the lifetime of the Project*'. The construction of any new modifications to rivers will also need to consider long term impact(s) on achieving Water Framework Directive Good Ecological Status or Good Ecological Potential.

Table 7.12, page 192, provides definitions of receptor sensitivity to be used in the assessment with examples of receptors placed in each class, including the following 'very low' sensitivity receptor.

Sensitivity	Criteria	Examples
Very low	<p>Aquatic environment feature with a low yield and/or quality at a local scale, with good potential for substitution.</p> <p>Water resources that do not support human health, and of only limited economic benefit.</p> <p>Property and infrastructure that are resilient to flooding.</p>	Small, artificial, or heavily modified watercourses with low habitat potential, e.g. agricultural, forestry or road-side drainage ditches.

While there are a lot of heavily modified waterbodies within our operational area and can agree some could be considered as low-quality habitat, the approach should be to ensure they do not deteriorate further as part of the scheme. Indeed, we would recommend opportunities need to be taken to reduce modifications wherever possible.

An assessment of the risk of Water Framework Directive waterbody status deterioration would seem appropriate for inclusion. If deterioration is considered likely, the Environmental Statement must address how these impacts will be avoided, minimised and/or mitigated.

It should be noted the Scoping Report does not appear to contain specific reference to Water Framework Directive mitigation measures associated with Heavily Modified Waterbodies. (These must not to be confused with measures to mitigate environmental effects from the development proposal). Paragraph 7.6.7, page 187, states the intention to assess the effects on Water Framework Directive biological elements as a direct result of hydromorphology changes, which we support. However, the Environmental statement must also assess whether any of the development proposals prevent any heavily modified waterbody mitigation measure being completed, because this would prevent the legal objective of ‘good ecological potential’ for that heavily modified waterbody.

We can provide a list of the mitigation measures identified for each heavily modified waterbody affected by the proposed development

Table 7.13, page 196, provides examples and criteria of magnitude of change including the following ‘high’ magnitude.

Magnitude	Criteria	Examples
High	Results in complete loss or major change to feature, of sufficient magnitude to affect its use/integrity.	Deterioration in river flow regime, morphology or water quality, leading to sustained, permanent or long-term breach of relevant COs or non-temporary downgrading (deterioration) of WFD surface water body status (including downgrading of individual WFD elements), or resulting in the inability of the surface water body to attain Good status by the relevant deadline in line with the measures identified in the RBMP.

		<p>Deterioration in groundwater levels, flows or water quality, leading to non-temporary downgrading of WFD groundwater body status, or the inability of the groundwater body to attain Good status in line with the measures identified in the RBMP.</p> <p>Complete or severely reduced water availability and/or quality, compromising the ability of water users to abstract.</p> <p>Change in flood risk resulting in potential loss of life or major damage to the property or infrastructure.</p>
--	--	--

The 'high' magnitude example must also reference to not achieving Good Ecological Potential as well as Good Ecological Status.

Chapter 10. Noise and Vibration

Please see earlier comments regarding migratory fish species above (Chapter 5. Ecology).

Chapter 12. Ground Conditions

In terms of dealing with contaminated land (and these comments are also applicable to Chapter 7. Water Environment), as a more detailed assessment of the pipeline route is considered we recommend local contaminated land risk management guidance is followed to ensure risks to controlled waters are addressed. Local contaminated land risk management guidance suggests;

- Provision of a preliminary risk assessment identifying potential contamination associated with all previous uses, a conceptual model of the site indicating all sources, pathways and receptors, and potentially unacceptable risks arising from contamination at the site.
- A site investigation scheme based on the preliminary risk assessment to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- The results of the site investigation and the detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- A verification plan providing details of the data that will be collected to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action.
- And possibly a verification report that confirmation remediation and/or ongoing monitoring has been completed.

In addressing the above please refer to guidance that should be followed listed under Advice/Guidance below.

Advice/Guidance

Flood Activity Permit

Under the Environmental Permitting (England and Wales) Regulations 2016 to obtain flood risk activity permits and/or exemptions for temporary and permanent physical works affecting main river watercourses. Specifically:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the riverbank, culvert, or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit [Flood risk activities: environmental permits - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/flood-risk-activities-environmental-permits) or contact our National Customer Contact Centre on 03708 506 506.

It should not be assumed any permit will automatically be forthcoming .

Groundwater position statements

We would like to refer the applicant/enquirer to our groundwater position statements in [The Environment Agency's approach to groundwater protection \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/publications/the-environment-agencys-approach-to-groundwater-protection). This publication sets out our position for a wide range of activities and developments. Including:

- Waste management
- Discharge of liquid effluents
- Land contamination
- Ground source heat pumps
- Drainage

Model Procedures and good practice

Former land use(s), soil and /or groundwater contamination may exist at the site and the associated risks to controlled waters should be addressed by:

- Follow the risk management framework provided in <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm> , when dealing with land affected by contamination
- Refer to our [Land contamination: technical guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/land-contamination-technical-guidance) for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health
- Consider using the [NQMS \(claire.co.uk\)](https://www.nqms.co.uk) which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to [https://www.gov.uk/contaminated-land](https://www.gov.uk/government/publications/contaminated-land) for more information
- Refer to our groundwater position statements in [The Environment Agency's approach to groundwater protection \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/publications/the-environment-agencys-approach-to-groundwater-protection), available from gov.uk.

All investigations of land potentially affected by contamination should be carried out by or under the direction of a suitably qualified competent person and in accordance with BS 10175 (2001) Code of practice for the investigation of potentially contaminated sites.

Waste on-site

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites
-

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to:

- The position statement nationalarchives.gov.uk on the Definition of Waste: Development Industry Code of Practice
- The [Environmental management : Waste - detailed information - GOV.UK \(www.gov.uk\)](http://www.gov.uk) page

Waste to be taken off-site

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment, and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12-month period, the developer will need to register with us as a hazardous waste producer. Refer to the [Hazardous waste: Producers and holders - GOV.UK \(www.gov.uk\)](http://www.gov.uk) pages for more information.

Dewatering

Dewatering is the removal/abstraction of water (predominantly, but not confined to, groundwater) in order to locally lower water levels near the excavation. This can allow operations to take place, such as mining, quarrying, building, engineering works or other operations, whether underground or on the surface. Any dewatering activities on-site could have an impact upon local wells, water supplies and/or nearby watercourses and environmental interests. This activity was previously exempt from requiring an abstraction licence. Since 1 January 2018, most cases of new planned dewatering operations above 20 cubic metres a day will require a water abstraction licence from us prior to the commencement of dewatering activities at the site. More information is available on gov.uk:

[Apply for a water abstraction or impounding licence - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Regulatory position statements

If dewatering and discharging into surface water is required during development, the following Regulatory Position Statement will apply: 'Temporary dewatering from excavations to surface water.'

[Temporary dewatering from excavations to surface water - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Discharges to surface and groundwater

If it is proposed to discharge liquid effluent or wastewater to surface water or the ground, refer to the following.

[Discharges to surface water and groundwater: environmental permits - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Environmental Data & Information

Most of our data/information is now freely available at [Environmental Data - GOV.UK \(www.gov.uk\)](https://www.gov.uk) and we refer any initial requests to that location in the first instance.

Should additional information be required our Customer & Engagement team should be contacted directly InfoRequests.GMMC@environment-agency.gov.uk

Next Steps

We encourage the applicant to contact us to discuss the scheme through our cost recovery service. Through this service we can provide detailed and bespoke advice and answer technical questions for a charged fee which equates to £100 per hour VAT and we will agree an estimated cost upfront.

The terms and conditions of our charged for service are available upon request and we recommend that you contact the area Sustainable Places team at the following email address SPPlanning.RFH@environment-agency.gov.uk

Please forward a copy of this letter to the applicant/developer.

Yours sincerely

Mr. Stephen Sayce
Sustainable Places Technical Specialist

Direct e-mail



Andrew Farrow
Chief Officer (Planning, Environment & Economy)
Prif Swyddog (Cynllunio, Amgylchedd ac Economi)



The Planning Inspectorate Environmental Services
Temple Quay House
2 The Square
Bristol
BS1 6PN

Your Ref/Eich Cyf EN060006-000006
Our Ref/Ein Cyf HJP/064141
Date/Dyddiad 16/02/2022
Ask for/Gofynner am Miss H Parish
Direct Dial/Rhif Union 01352 703253
Visit our Website at: www.flintshire.gov.uk/planning
Ewch i'n Gwefan yn: www.siryfflint.gov.uk/cynllunio

Dear Ms Cottam,

**Planning Act 2008 (as amended) and The Infrastructure Planning
(Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) –
Regulations 10 and 11**

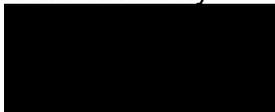
**Application by Cadent Gas Limited (the Applicant) for an Order granting
Development Consent for the HyNet North West Hydrogen Pipeline (the
Proposed Development)**

**Scoping consultation and notification of the Applicant's contact details and
duty to make available information to the Applicant if requested**

Thank you for your letter dated 27 January 2022 pertaining to the above.

Flintshire as neighbouring authority has no comments to make on the applicant's
Scoping Report.

Yours sincerely



Andrew Farrow
Chief Officer (Planning, Environment & Economy)
Prif Swyddog (Cynllunio, Amgylchedd ac Economi)

County Hall, Mold. CH7 6NB
www.flintshire.gov.uk
Neuadd y Sir, Yr Wyddgrug. CH7 6NB
www.siryfflint.gov.uk

We welcome correspondence in Welsh. We will respond to
correspondence received in Welsh without delay.

Rydym yn croesawu gohebiaeth Gymraeg. Ymatebwn yn ddi-oed i
ohebiaeth a dderbynnir drwy gyfrwng y Gymraeg.



CEMHD Policy - Land Use Planning,
NSIP Consultations,
Building 1.2,
Redgrave Court,
Merton Road,
Bootle, Merseyside
L20 7HS.

HSE email: NSIP.applications@hse.gov.uk
Date: 16 February 2022

FAO Emma Cottam
The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN
By email only

Your Ref: EN060006-000006
Our Ref: 4.2.1.6930.

Dear Ms Cottam

**PROPOSED HYNET NORTH WEST HYDROGEN PIPELINE (the project)
PROPOSAL BY CADENT GAS LTD (the applicant)
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (as amended) REGULATIONS 10 and 11**

Thank you for your letter of 27 January 2022 regarding the information to be provided in an environmental statement relating to the above project. HSE does not comment on EIA Scoping Reports but the following information is likely to be useful to the applicant.

HSE's land use planning advice

Will the proposed development fall within any of HSE's consultation distances?

1. With reference to the document **EIA Scoping Report, HyNet North West Hydrogen Pipeline Project, Cadent Ltd (January 2022, Revision 1 Volume 0001, Document ref. 0001)** it is clear, owing to both the nature and scale of the proposed development (**Figure 1.1. Scoping red line boundary, Sheet A: Overview**), that the proposed development either originates, passes through and/or cut across a series of HSE public safety consultation zones associated with a number of Major Accident Hazard Installation(s) and Major Accident Hazard Pipeline(s).
2. It would appear that the location of Control Room(s), Construction Compound(s) and the like are yet to be fixed, consequently HSE is currently not in a position to provide an indication of its' statutory Land Use Planning advice. However as a general point HSE will not advise against a proposed development, providing the proposed development does not introduce populations, either permanent or temporary, into any of HSE's public safety consultation zones, unrelated to the proposed development, which are assigned to individual Major Accident Hazard Installation(s) and/or Major Accident Hazard Pipeline(s). For more information please refer to HSE's Land Use Planning Methodology, which can be found at <https://www.hse.gov.uk/landuseplanning/methodology.htm>
3. Please note if at any time a new Major Accident Hazard Pipeline, unrelated to the proposed development, is introduced or existing Pipeline(s) are modified prior to the determination of a future application, then the

HSE reserves the right to revise its advice. Likewise if prior to the determination of a future application, a Hazardous Substances Consent is granted for a new Major Hazard Installation, unrelated to the proposed development or a Hazardous Substances Consent is varied for an existing Major Hazard Installation in the vicinity of the proposed project, then again the HSE reserves the right to revise its advice.

4. The Applicant notes at Para 16.3.3 (**EIA Scoping Report**) that the proposed Hydrogen Pipeline development will be subject to the Pipelines Safety Regulations 1996; consequently HSE will need to be consulted/notified under these regulations.
5. Although it is implied on pages 3A30 & 3A31 (**EIA Scoping Report**) that the proposed development will not be subject to the Control of Major Accident Hazards Regulations 2015 (COMAH), the Applicant/Developer is still subject to the Health and Safety at Work Act 1974, along with all regulations made under the Act (most notably The Management of Health and Safety Regulations 1992).

Would Hazardous Substances Consent be needed?

6. The presence of hazardous substances on, over or under land at or above set threshold quantities (Controlled Quantities) may require Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances) Act 1990 as amended. The substances, alone or when aggregated with others, for which HSC is required, and the associated Controlled Quantities, are set out in both The Planning (Hazardous Substances) Regulations 2015.
7. Hazardous Substances Consent would be required if the proposed development site is intending to store or use any of the Named Hazardous Substances or Categories of Substances and Preparations at or above the controlled quantities set out in schedule 1 of these Regulations.
8. It is noted on pages 3A30 & 3A31 (**EIA Scoping Report**) that at this initial stage of the project the Applicant is of the view, owing to insufficient inventories of hazardous substances, that there will be no requirement to obtain Hazardous Substances Consent. If however this situation changes, further information on HSC should be sought from the relevant Hazardous Substances Authorities.

Explosives sites

HSE's Explosives Inspectorate has no comment to make on this application.

Electrical Safety

No comment from a planning perspective.

At this time, please send any further communication on this project directly to the HSE's designated e-mail account for NSIP applications at nsip.applications@hse.gov.uk. We are currently unable to accept hard copies, as our offices have limited access.

Yours sincerely,

AJC

Pp Allan Benson
CEMHD4 NSIP Consultation Team

From: parishclerk@helsbyparish.org.uk
To: [Hynet Hydrogen Pipeline](#)
Cc: [REDACTED]
Subject: EN060006-000006 - HyNet North West Hydrogen Pipeline - Reg 10 Consultation and Reg 11 Notification
Date: 16 February 2022 13:29:16
Attachments: [REDACTED]

Dear Sir/Madam,

Thank you for your letter of 27th January 2022 in relation to an application by Cadent Gas Limited for an Order granting Development Consent for the HyNet North West Hydrogen Pipeline.

Helsby Parish Council is pleased to have been identified by the Planning Inspectorate as a consultation body as part of this scoping consultation exercise to identify any information to be provided in an Environmental Statement (ES) relating to the proposed new pipeline.

The Council wishes to support the assessments proposed, particularly in terms of the impact of traffic and transport on the West corridor described in Sections 11.5.7 and 11.5.8. We note that consultations will be held with highways authorities and Cheshire West and Chester Council in this respect but we would also like to request that town and parish councils are involved too. As a local council, we have detailed knowledge and experience of the likely impact of construction traffic in our areas.

In particular, we would like to point out the following observations at this stage:

- If the M56 is closed for any reason, the A56 becomes gridlocked;
- There is a new cycle lane being constructed along the A56 between Helsby and Frodsham which is likely to be busy with pupils attending Helsby High School;
- The access route off the A56 down Lower Rake Lane (as shown in Figure 11.1) includes a bridge over the railway line which has width and weight restrictions. This will limit the type of construction vehicles able to use the route;
- The access route off the A56 down Hatley Lane and Straight Length (as shown in Figure 11.1) passes under a railway bridge which has a height restriction. Again, this will limit the suitability for construction vehicles. The alternative route down Godscroft Lane has the same problem. In addition, the Godscroft Lane/A56 junction adjoins the high school and is a very busy area of the A56.

We hope you are able to take these comments into consideration and we look forward to receiving further information about the proposed development in due course.

Yours faithfully,

Claire



Historic England

Direct Dial: 0161 242 1412

Our Ref: PL00765842

Ms Emma Cottam
The Planning Inspectorate

23 February 2022

Dear Ms Cottam

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) - Regulations 10 and 11

Application by Cadent Gas Limited (the Applicant) for an Order granting Development Consent for the HyNet North West Hydrogen Pipeline (the Proposed Development)

Your ref: EN060006-000006

Thank you for your letter of 27 January 2022 consulting Historic England about the above EIA Scoping Report. The proposed development could, potentially, have an impact upon a number of designated heritage assets and their settings along the route of the proposed pipeline. We would expect the Environmental Report to contain a thorough assessment of the likely effects which the proposed development might have upon those elements which contribute to the significance of these assets.

We would also expect the Environment Report to consider the potential impacts which the proposals might have upon un-designated heritage assets. These ought to be included as they are valued components of the historic environment. They have not been considered at the scoping stage, though we note from paragraph 6.4.17 that they will be considered in the ES itself.

We would expect the assessment to clearly demonstrate that the extent of the proposed study area is of the appropriate size to ensure that all heritage assets likely to be affected by this development have been included and can be properly assessed. It is important that the Assessment is designed to ensure that all impacts are fully understood, using where necessary techniques such as photomontages to illustrate and assess setting impacts. Historic England would welcome the opportunity to assist in agreeing suitable viewpoints for these.

The submitted Scoping Report proposes an appropriate study area, in our view,



SUITES 3.3 AND 3.4 CANADA HOUSE 3 CHEPSTOW STREET MANCHESTER M1 5FW

Telephone 0161 242 1416
HistoricEngland.org.uk



extending 1km from the scoping red line boundary around the route of the buried pipeline. Within this area the applicants appear to have identified all known designated heritage assets. In identifying these assets, they appear to have consulted appropriate sources of information, including the National Heritage List for England and the Cheshire, Greater Manchester and Merseyside Historic Environment Records. In this connection, it is important that the conservation staff and archaeological advisors of the local authority areas through which the Proposed Development will pass are involved in the development of the assessment. They are best placed to advise on local historic environment issues and priorities, how the policy or proposal can be tailored to minimise potential adverse impacts on the historic environment, and the nature and design of any required mitigation measures, together with opportunities for securing wider benefits for the future conservation and management of heritage assets. It appears from the information contained in the Scoping Report that they have been fully consulted on the work that has taken place to date, and we would expect them to continue to be so as the work proceeds.

The assessment should also take account of the potential impact which associated activities (such as construction activity, servicing and maintenance, and associated traffic) might have upon perceptions, understanding and appreciation of the heritage assets in the area. Assessment should also consider, where appropriate, the likelihood of alterations to drainage patterns that might lead to in situ decomposition or destruction of below ground archaeological remains and deposits, and can also lead to subsidence of buildings and monuments.

The proposed assessment methodology set out in sections 6.6 and 6.7 of the Scoping Report includes the production of a Historic Environment Desk-Based Assessment, with a site walkover and subsequent geophysical survey being carried out in order to assess the archaeological remains within the study area.

We strongly recommend that geophysical survey should not be carried out without first carrying out a geomorphological survey of the study area. This should take the form of a desk-based geoarchaeological assessment and deposit model. This is vital in order to understand the nature of the geology and deposits in the area, which will inform the choice of the correct geophysical survey method. We recommend that Historic England's guidance on deposit modelling should be added to the technical guidance listed in Section 6.2. (<https://historicengland.org.uk/images-books/publications/deposit-modelling-and-archaeology/>).

This area of Cheshire is low-lying and has the potential for deep deposits of peat and organic-rich alluvium, which could potentially seal former ground surfaces and archaeology which standard geophysical survey methods might not pick up, especially deposits deeper than 1 metre. That is why it is vital to carry out a geomorphological survey of the study area in order to inform the choice of geophysical technique. This



SUITES 3.3 AND 3.4 CANADA HOUSE 3 CHEPSTOW STREET MANCHESTER M1 5FW

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may also mean that coring or test pitting may be required in advance of any geophysical work. We recommend that the second bullet-point of paragraph 6.4.3 should be amended to recognise the potential requirement for borehole survey, especially in areas of alluvium and peat. Given that the Proposed Development will pass through areas of peat and organic-rich alluvium, particularly in the area around Stanlow and Ince, we suggest that the 'regional literature' referred to in paragraph 6.4.2 should include studies such as Leah et al (2007), *The Wetlands of Cheshire*.

Peat and organic-rich alluvium are valuable historic environment resources due to their potential to contain palaeoenvironmental information (plant remains, pollen, insects etc.). Such burial environments are susceptible to degradation and geochemical changes including the dewatering of surrounding areas. A preservation and palaeoenvironmental assessment should be carried out on any such deposits to assess their potential before any dewatering in the study area.

Finally, we recommend that there should be some consideration of the option of preserving archaeological remains in situ, should previously unknown but significant archaeological assets be encountered during the course of construction. Our guidance <https://historicengland.org.uk/images-books/publications/preserving-archaeological-remains/> would be of relevance here.

Yours Sincerely

Andrew Davison
Inspector of Ancient Monuments
E-mail: [REDACTED]





Homes
England

Environmental Services
Central Operations
Temple Quay House
2 The Square
Bristol
BS1 6PN

By email: hynethydrogenpipeline@planninginspectorate.gov.uk

24th February 2022

Dear Sir / Madam,

Consultation on the Application by Cadent Gas Limited (the Applicant) for an Order granting Development Consent for the HyNet North West Hydrogen Pipeline (the Proposed Development) - Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested

Homes England Response

As a prescribed body, we would firstly like to thank you for the opportunity to comment on the above consultation.

Homes England is the government's housing accelerator. We have the appetite, influence, expertise, and resources to drive positive market change. By releasing more land to developers who want to make a difference, we're making possible the new homes England needs, helping to improve neighbourhoods and grow communities.

Homes England does not wish to make any comments on this consultation. We will however continue to engage with you as appropriate.

Yours faithfully,



P.P Nicola Elsworth
Head of Planning and Enabling

Homes England
1st Floor Churchgate House
56 Oxford Street
Manchester
M1 6EU

Please send all Local Plan and related consultations to
nwlocalplanconsultat@homesengland.gov.uk

0300 1234 500
www.gov.uk/homes-england

OFFICIAL

The Planning Inspectorate
Environmental Services
Central Operations
Temple Quay House
2 The Square
Bristol
BS1 6PN

By email to: hynethydrogenpipeline@planninginspectorate.gov.uk

13 February 2022

Ref **EN060006-000006**

Application by Cadent Gas Limited for an Order granting Development Consent for the HyNet North West Pipeline

In response to your scoping consultation for the above project

Dear Sir/Madam,

INOVYN Enterprises Limited owns and operates a significant number of various brine, water, chemical and compressed air pipelines, power and instrumentation cables and other services and infrastructure within and in close proximity to the Proposed Order Limits. Particularly in land areas around Northwich, Lostock Gralam to Lach Dennis and between Lostock Gralam and Runcorn. These services are within land owned by INOVYN Enterprises Limited, INOVYN ChlorVinyls Limited and within land owned by other parties for which INOVYN have easement rights. In addition, the Proposed Order Limits affect a number of third party occupiers of INOVYN land at both Runcorn and Northwich, some of whom operate COMAH controlled chemical and storage facilities.

It is likely that many INOVYN services and infrastructure are at a shallower depth than the proposed hydrogen pipeline, necessitating crossing under our services and infrastructure. For each of these crossings the necessary protection must be incorporated into the design and the environmental impacts assessed. A safe working method must be agreed with INOVYN and an allowance for an INOVYN supervision representative to be on site at the time.

INOVYN request that the potential impact of the proposed scheme on INOVYN infrastructure and existing assets as set out above is considered in any subsequent reports, including in the Environmental Statement, and as part of any subsequent

application. Where the promoter intends to acquire land, extinguish rights, or interfere with any of INOVYN apparatus protective provisions will be required in a form acceptable to INOVYN to be included within the DCO.

INOVYN requests to be consulted at the earliest stages to ensure that the most appropriate protective provisions are included within the DCO application to safeguard the integrity of our apparatus and to remove the requirement for objection. All consultations should be sent to the following:
richard.stevenson@inovyn.com as well as by post to:

Richard Stevenson
INOVYN Enterprises Limited
Banks Lane Offices
Banks Lane
PO Box 9
Runcorn
WA7 4JE

Please note that the registered address for INOVYN Enterprises Limited is now the address above and not the address used in the scoping consultation letter (South Parade, Runcorn)

INOVYN confirm that it wishes to be consulted generally on this project via the contact details above.

Yours faithfully

A solid black rectangular box redacting the signature of Richard D. Stevenson.

R D Stevenson
INOVYN Enterprises Limited

From: [REDACTED]
To: [HyNet Hydrogen Pipeline](#)
Subject: EN060006-000006 - HyNet North West Hydrogen Pipeline - Reg 10 Consultation and Reg 11 Notification Our Ref 22/00076/NEI
Date: 24 February 2022 10:58:03
Attachments: [REDACTED]

Dear Sir/ Madam

Thank you for consulting Knowsley Metropolitan Borough Council on the above EIA Scoping Report.

I can confirm that the Local Planning Authority has the following comments.

HIGHWAYS

The proposed pipeline 'Scoping Boundary' (based on Figure 14.1 – EIA Scoping Report) does not encroach into the Knowsley Borough Boundary (although a small section of the Land Use Study Area does). The adopted highway should not be directly affected as a result; however, a couple of roads mentioned within Chapter 11 (Traffic and Transport) do run through Knowsley.

Although the specific sections of the roads discussed are outside the borough, it is within Knowsley Council's interests to remain aware of any construction traffic that may be routed through our network.

The EIA document is subject to change and the road networks discussed as part of the study area are an estimation of those routes which could be utilised by construction traffic. Knowsley Council is not included within the EIA document as being a key stakeholder for consultation, given that the pipeline is not proposed to run through our Borough (or construction traffic). However, it is Knowsley Council's request that we remain up to date on any amendments to the scheme and any proposed routes for construction traffic that could utilise our highway network.

ENVIRONMENTAL

The extent of the boundary lies just outside of Knowsley (Figure 1.1, "Scoping red line boundary") and we do not believe that the development will have any significant impacts on Knowsley residents, in terms of noise, air quality and ground conditions (although these will be assessed in due course as part of the application process).

Yours Sincerely

Mark Quinn
Principal Planner
Planning

Telephone: [REDACTED]

Knowsley Council, Nutgrove Building - Second Floor, Westmorland Road, Huyton, Knowsley, L36 9FB



From: [REDACTED]
To: [Hynet Hydrogen Pipeline](#)
Cc: [REDACTED]
Subject: Comments for Hynet Hydrogen Pipeline
Date: 22 February 2022 12:29:16

Sir/Madam,

The Lostock Gralam Parish Council have the following comments regarding the Hynet Hydrogen Pipeline Project and wish the comments be noted in the Environmental Statement (ES).

After reviewing the HyNet North West Hydrogen Pipeline Project, Cadent Ltd, EIA Scoping Report January 2022. Revision 1. Volume 0001. Document ref. 0001.

We have the following comments:

In the document it states the following:-

The South Corridor options consisted of:

- An option running from Winsford around the southern and western extents of Northwich to connect with the central hub.
- An option running from Winsford around the eastern and northern extents of Northwich to connect with the central hub.
- This corridor option extends approximately east from the Central Hub, crossing the A49 before going through fields around Comberbach with a crossing of the A559 and proceeding through fields around Great Budworth, Upper Marston and Wincham. The corridor crosses the A556 and heads approximately south to the HAGI and connection for the Hydrogen Storage Facility crossing fields and regional rail line (between Plumley and Lostock Graham stations) and around Lach Dennis
-

Comment:-

For the 'An option running from Winsford around the eastern and northern extents of Northwich to connect with the central hub' we are concerned that the area already has several large scale projects either started or ongoing within the proposed timeframe of construction and commissioning, to have further workings would blight the local community even more and that this option in our opinion should not be considered.

In the document it states the following:-

Construction is expected to commence in 2025 with commissioning in 2027. The Project would be fully operational from late 2027 to early 2028

Comment:-

This timeline clashes with the HS2 build project in the Lostock Gralam area and looking at the possible route of the pipeline it encroaches on the HS2 Smoker Viaduct South Satellite Compound and the construction of the Smoker Viaduct.

We are concerned that this has not been considered and may cause further disruption and blight on the local area with PROWs already being closed leading to less outdoor spaces and more traffic movements.

It is possible that the routes may cause conflict with each other and cause safety concerns.

There will be a greater impact on local wildlife, noise, vehicular movements, environment, well being etc.

We hope that you take these comments onbaord and apply them to the ES and Risk assessments so that if the preferd route is follwed in the Lostock Gralam area then maximun mitigation is applied to minimase the impact on the local communtiy.



Lostock Gralam Parish Council

Email: Lostockgralam.pc@outlook.com

Address: Lostock Gralam PC, PO Box 768, Northwich, CW9 9TS

Visit: www.Lostockgralamparishcouncil.co.uk



Maritime &
Coastguard
Agency

Sam Chudley
Maritime and Coastguard Agency
Bay 2/24
Spring Place
105 Commercial Road
Southampton
SO15 1EG

www.gov.uk/mca

Your Ref: EN060006-000006

24 February 2022

Via email: hynethydrogenpipeline@planninginspectorate.gov.uk

Dear Emma,

Application by Cadent Gas Limited (the Applicant) for an Order granting Development Consent for the HyNet Northwest Hydrogen Pipeline (the Proposed Development) Report

Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested

Thank you for your letter dated 27th January 2022 inviting comments on the Scoping Report for the proposed HyNet Northwest Hydrogen Pipeline. The Scoping Report has been considered by representatives of UK Technical Services Navigation, and the MCA would like to respond as follows:

We note that the project includes the construction, operation and maintenance of up to 125km of new pipeline to distribute hydrogen to industry and blending with the gas network in the Northwest. The pipeline would vary in diameter along the route between approximately 6" and 48". Two main types of pipes expected to be used are Carbon Steel (CS) and Polyethylene (PE) pipes. The pipeline would be buried along the entire route apart from at locations where Hydrogen Above Ground Installations (HAGIs) are required. It is currently envisaged that 12 HAGIs and two block valves would be required at points along the network.

The MCA has an interest in the works associated with the marine environment, and the potential impact on the safety of navigation, access to ports, harbours and marinas and any impact on our search and rescue obligations. We note from the Scoping Report that works are likely to be undertaken in the vicinity of several waterbodies and watercourses throughout the Study Area including the River Mersey, the Manchester Ship Canal, the Trent and Mersey Canal and the River Weaver, as well as scattered smaller tributaries.

It would be useful at Scoping Stage for the applicant to confirm whether there are any works below the Mean High-Water Springs which will require a Marine Licence by the Marine Management Organisation. The MCA would expect any works in the marine environment to be subject to the

appropriate consents under the Marine and Coastal Access Act (2009) before carrying out any marine licensable works. <https://www.gov.uk/guidance/marine-licensing-definitions>

We would expect confirmation of whether any proposed works would have a potential impact on vessels and the safety of navigation on the various rivers and canals within the Study Area. Where any works may fall within the jurisdiction of a Statutory Harbour Authority, they will need to be consulted as part of this consideration, in accordance with the Port Marine Safety Code and its Guide to Good Practice. Where any impact has been identified, the Environmental Statement should assess this and a Navigation Risk Assessment may be required.

The MCA would also need to consider any assets it owns or has access to within the Study Area, and whether the project has any implications for MCA infrastructure and its capabilities for HM Coastguards' Search and Rescue obligations.

I hope you find this information useful at Scoping Stage.

Yours sincerely,

A solid black rectangular box used to redact the signature of Sam Chudley.

Sam Chudley
maritime licence advisor
UK Technical Services Navigation

From: [SM-MMO-SH - MFA Marine Consents \(MMO\)](#)
To: [Hynet Hydrogen Pipeline](#)
Subject: FW: EN060006-000006 - HyNet North West Hydrogen Pipeline - Reg 10 Consultation and Reg 11 Notification
Date: 27 January 2022 13:37:14
Attachments: 

Marine Licensing, Wildlife Licences and other permissions

-
Dear Sir/Madam,

Please be aware that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.

Response to your consultation

The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are; marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing European grants.

Marine Licensing

Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009.

Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence.

Applicants should be directed to the MMO's online portal to register for an application for marine licence

<https://www.gov.uk/guidance/make-a-marine-licence-application>

You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in English waters.

The MMO is also the authority responsible for processing and determining Harbour Orders in England, together with granting consent under various local Acts and orders regarding harbours.

A wildlife licence is also required for activities that that would affect a UK or European protected marine species.

The MMO is a signatory to the [coastal concordat](#) and operates in accordance with its principles. Should the activities subject to planning permission meet the above criteria then the applicant should be directed to the follow pages: [check if you need a marine licence](#) and asked to quote the following information on any resultant marine licence application:

- local planning authority name,
- planning officer name and contact details,
- planning application reference.

Following submission of a marine licence application a case team will be in touch with the relevant planning officer to discuss next steps.

Environmental Impact Assessment

With respect to projects that require a marine licence the [EIA Directive \(codified in Directive 2011/92/EU\)](#) is transposed into UK law by [the Marine Works \(Environmental Impact Assessment\) Regulations 2007 \(the MWR\)](#), as amended. Before a marine licence can be granted for projects that require EIA, MMO must ensure that applications for a marine licence are compliant with the MWR.

In cases where a project requires both a marine licence and terrestrial planning permission, both the MWR and The Town and Country Planning (Environmental Impact Assessment) Regulations <http://www.legislation.gov.uk/uksi/2017/571/contents/made> may be applicable.

If this consultation request relates to a project capable of falling within either set of EIA regulations, then it is advised that the applicant submit a request directly to the MMO to ensure any requirements under the MWR are considered adequately at the following link

<https://www.gov.uk/guidance/make-a-marine-licence-application>

Marine Planning

Under the Marine and Coastal Access Act 2009 ch.4, 58, public authorities must make decisions in accordance with marine policy documents and if it takes a decision that is against these policies it must state its reasons. MMO as such are responsible for implementing the relevant Marine Plans for their area, through existing regulatory and decision-making processes.

Marine plans will inform and guide decision makers on development in marine and coastal areas. Proposals should conform with all relevant policies, taking account of economic, environmental and social considerations. Marine plans are a statutory consideration for public authorities with decision making functions.

At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark.

A [map](#) showing how England's waters have been split into 6 marine plan areas is available on our website. For further information on how to apply the marine plans please visit our [Explore Marine Plans](#) service.

Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure that necessary regulations are adhered to. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the [Marine and Coastal Access Act](#) and the [UK Marine Policy Statement](#) unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our [online guidance](#) and the [Planning Advisory Service soundness self-assessment checklist](#). If you wish to contact your local marine planning officer you can find their details on our [gov.uk page](#).

Minerals and waste plans and local aggregate assessments

If you are consulting on a mineral/waste plan or local aggregate assessment, the MMO recommend reference to marine aggregates is included and reference to be made to the documents below;

- The Marine Policy Statement (MPS), section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK) construction industry.
- The National Planning Policy Framework (NPPF) which sets out policies for national (England) construction minerals supply.
- The Managed Aggregate Supply System (MASS) which includes specific references to the role of marine aggregates in the wider portfolio of supply.
- The National and regional guidelines for aggregates provision in England 2005-2020 predict likely aggregate demand over this period including marine supply.

The NPPF informed MASS guidance requires local mineral planning authorities to prepare Local Aggregate Assessments, these assessments have to consider the opportunities and constraints of all mineral supplies into their planning regions – including marine. This means that even land-locked counties, may have to consider the role that marine sourced supplies (delivered by rail or river) play – particularly where land based resources are becoming increasingly constrained.

If you require further guidance on the Marine Licencing process, please follow the link <https://www.gov.uk/topic/planning-development/marine-licences>

Regards
Andy

Andy Davis | Administration Officer Business Support Team | Her Majesty's
Government – Marine Management Organisation Tel: +44 [REDACTED] Mob:

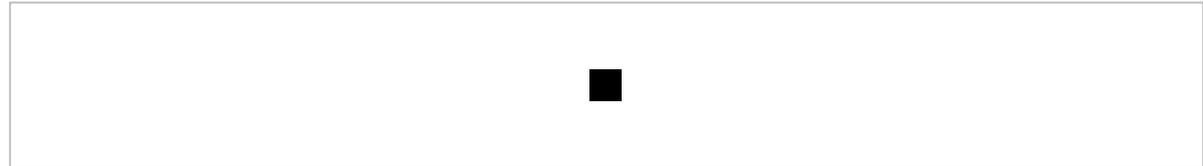
[REDACTED] | Lancaster House, Hampshire Court,
Newcastle Business Park, Newcastle upon Tyne, NE4 7YH
[REDACTED]

[REDACTED]

During the current health emergency, the Marine Management Organisation is continuing to provide vital services and support to our customers and stakeholders. We are in the main working remotely, in line with the latest advice from Government, and continue to be contactable by email, phone and on-line. Please keep in touch with us and let us know how we can help you

<https://www.gov.uk/mmo>

Our MMO Values: Together we are **Accountable**, **Innovative**, **Engaging** and **Inclusive**



From: Hynet Hydrogen Pipeline <HynetHydrogenPipeline@planninginspectorate.gov.uk>

Sent: 27 January 2022 10:55

Subject: EN060006-000006 - HyNet North West Hydrogen Pipeline - Reg 10 Consultation and Reg 11 Notification

You don't often get email from hynethydrogenpipeline@planninginspectorate.gov.uk. [Learn why this is important](#)

Dear Sir/Madam

Please see attached correspondence on the proposed HyNet North West Hydrogen Pipeline.

Please note the deadline for consultation responses is **Thursday 24 February 2022** which is a statutory requirement that cannot be extended.

Kind regards,

Todd Brumwell



Todd Brumwell | Associate EIA Advisor
The Planning Inspectorate
T [REDACTED]

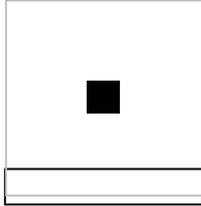
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[which can be accessed by clicking this link.](#)

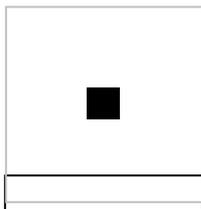


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DPC:76616c646f72



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Marine Management Organisation

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Lancaster House F +44 (0)191 376 2681
Hampshire Court www.gov.uk/mmo
Newcastle upon Tyne
NE4 7YH

Emma Cottam
Environmental Services
Central Operations
Temple Quay House
2 The Square
Bristol
BS1 6PN

Your reference: EN060006-000006

Our reference: DCO/2022/00002

24 February 2022

Dear Emma Cottam

Formal scoping request under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 for the HyNet North West Hydrogen Pipeline Project

Thank you for your scoping opinion request of 27th January 2022 and for providing the Marine Management Organisation (MMO) with the opportunity to comment on HyNet North West Hydrogen Pipeline Project Environmental Impact Assessment (EIA) Scoping Report. Below outlines the MMO's Scoping Opinion under the Regulations 10 and 11 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

The MMO's role in Nationally Significant Infrastructure Projects

The MMO was established by the Marine and Coastal Access Act 2009 (the "2009 Act") to contribute to sustainable development in the marine area and to promote clean, healthy, safe, productive and biologically diverse oceans and seas. The responsibilities of the MMO include the licensing of construction works, deposits and removals in English inshore and offshore waters and for Welsh and Northern Ireland offshore waters by way of a marine licence¹. Inshore waters include any area which is submerged at mean high water spring ("MHWS") tide. They also include the waters of every estuary, river or channel where the tide flows at MHWS tide. Waters in areas which are closed permanently or intermittently by a lock or other artificial means against the regular action of the tide are included, where seawater flows into or out from the area. In the case of Nationally Significant Infrastructure Projects ("NSIPs"), the 2008 Act enables Development Consent Order's ("DCO") for projects which affect the marine environment to include provisions which deem marine licences².

As a prescribed consultee under the 2008 Act, the MMO advises developers during preapplication on those aspects of a project that may have an impact on the marine area or those who use it. In addition to considering the impacts of any construction, deposit or removal within the marine area, this also includes assessing any risks to

¹ Under Part 4 of the 2017 Act

² Section 149A of the 2008 Act



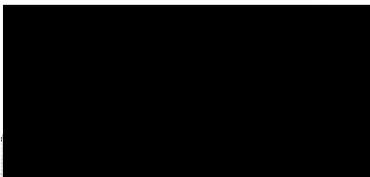
human health, other legitimate uses of the sea and any potential impacts on the marine environment from terrestrial works. Where a marine licence is deemed within a DCO, the MMO is the delivery body responsible for post-consent monitoring, variation, enforcement and revocation of provisions relating to the marine environment. As such, the MMO has a keen interest in ensuring that provisions drafted in a deemed marine licence (“DML”) enable the MMO to fulfil these obligations. Further information on licensable activities can be found on the MMO’s website³. Further information on the interaction between the Planning Inspectorate and the MMO can be found in our joint advice note⁴.

Please find attached the scoping opinion of the MMO. In providing these comments, the MMO has sought the views of our technical advisors at the Centre for Environment, Fisheries and Aquaculture Science (Cefas).

The MMO reserves the right to make further comments on the project throughout the preapplication process and may modify its present advice or opinion in view of any additional information that may come to our attention. This representation is also submitted without prejudice to any decision the MMO may make on any associated application for consent, permission, approval or any other type of authorisation submitted to the MMO either for the works in the marine area or for any other authorisation relevant to the proposed development.

If you require any further information, please do not hesitate to contact me using the details provided below.

Yours Sincerely



Ashley Endacott
Marine Licensing Case Officer

D: [REDACTED]

E: [REDACTED]

³ <https://www.gov.uk/planning-development/marine-licences>

⁴ http://infrastructure.planningportal.gov.uk/wp-content/uploads/2013/04/Advice_note-11-v2.pdf



Scoping Opinion

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) (“the Regulations”)

Title: HyNet North West Hydrogen Pipeline Project, Cheshire UK.

Applicant: Cadent Gas Limited

MMO Reference: DCO/2022/00002

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1 Proposal

The HyNet Northwest Hydrogen Pipeline Project (hereafter 'the project').

1.1 Project Background

The project is a proposal by Cadent Gas Ltd to construct and operate the UK's first 100 per cent hydrogen pipeline. It will deliver hydrogen to multiple industrial users and power generators, taking hydrogen to gas blending points for introduction into the existing gas network.

The project includes the construction, operation and maintenance of up to 125km of new pipeline to distribute hydrogen to industry and for blending with the gas network in the Northwest, and a number of Hydrogen Above Ground Installations.

2 Location

The project is located across the north west of England, which is displayed in Figure 1 below.

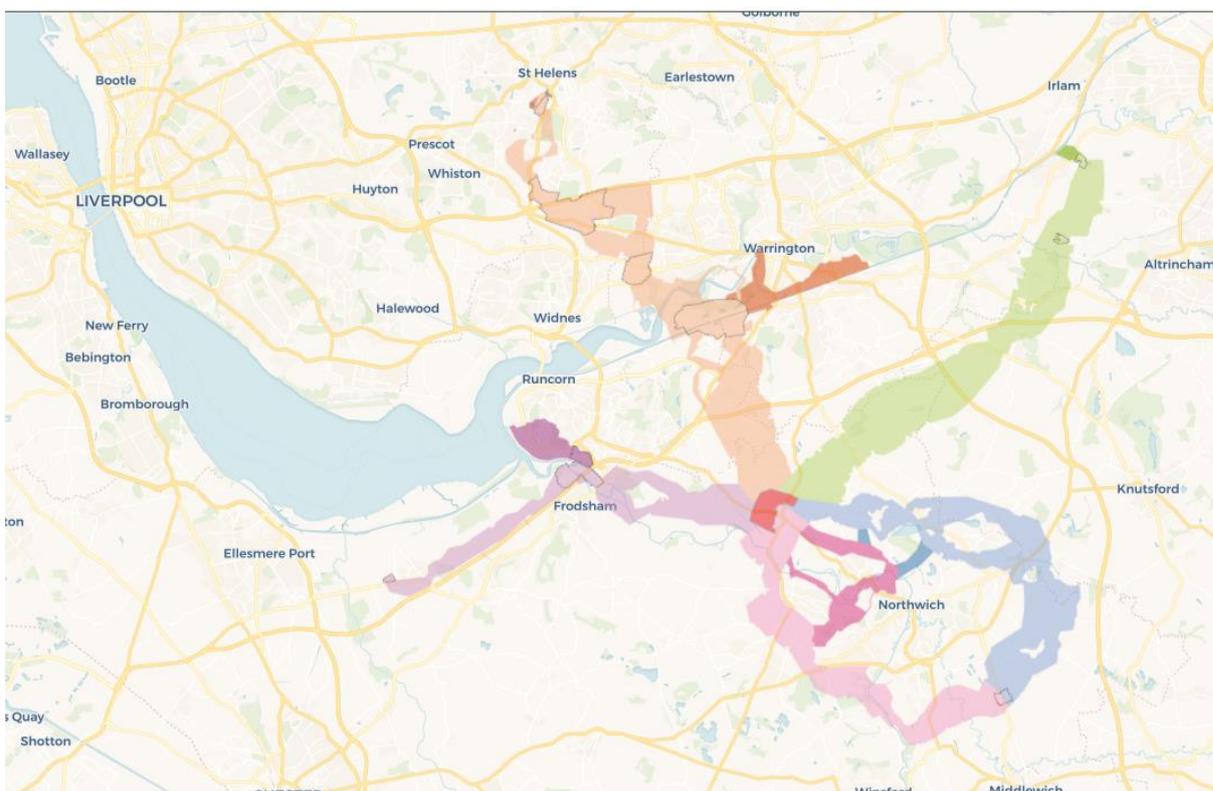


Figure 1: Location of works across north west England. Image taken from applicants website.



3 Scoping Opinion

Pursuant of regulations 10 and 11 of the Regulations, Cadent Gas Limited have requested a Scoping Opinion from the MMO. In so doing a Scoping Report entitled “HyNet North West Hydrogen Pipeline Project EIA Scoping Report” has been submitted to the MMO for review.

The MMO agrees with the topics outlined in the Scoping Report and in addition, we outline that the following aspects be considered further during the EIA and must be included in any resulting Environmental Statement (ES).

3.1 Marine Planning

- 3.1.1** The MMO highlights that the project is proposed to take place within the North West Inshore Marine Plan area, yet this has not been referenced within the report. The MMO believes that for the final ES a table is produced to highlight all policies within this plan area and whether these have been screened in or out, including justification. The MMO welcomes any further discussions with Cadent Gas Limited in relation to this.

3.2 Cumulative Effects

- 3.2.1** The MMO wishes to highlight that in sub-section 4.5.1., it states “a *Cumulative Effects Assessment (CEA)* will be carried out for the Project, which will examine the result from the combined impacts of the Project with other developments on the same single receptor or resource as required under Paragraph 5(e) of Schedule 4 of the EIA Regulations⁴⁴ and the interaction of environmental aspect effects occurring as a result of the Project in accordance with Regulation 5(2). Two types of effects will be considered’: these being inter-project effects and intra-project effects. This assessment will be undertaken in the environmental statement and not in the scoping report stage and thus it is not possible to assess its adequacy at present.

3.3 Benthic Ecology

- 3.3.1** The MMO notes that the scoping report sufficiently identifies all the potential impacts of the project on ecological receptors.
- 3.3.2** The MMO is satisfied that there is a wide suite of embedded mitigation and management measures outlined which, in combination, will make a notable impact to the potential ecological impacts of the project.
- 3.3.3** It is evident that while the project may interact with a wide range of ecological receptors, these are principally terrestrial and the aquatic receptors that might be affected are generally freshwater. There is unlikely to be a significant effect of the project on marine benthic ecology features. The only pathway for marine ecology impacts is via potential impacts to the Mersey Estuary Special Protection Area (SPA) which lies circa 205m to the west at its closest point to the scoping red line boundary of the project. A Habitats Regulations Assessment (HRA) screening report will be prepared to address whether the project may potentially impact such National Site Network sites.



3.4 Coastal Processes

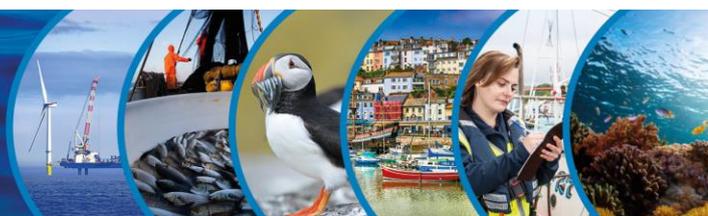
- 3.4.1** The MMO notes that the scoping report identifies all the potential impacts of the project on coastal processes receptors.
- 3.4.2** The MMO is satisfied that the embedded mitigation and management measures outlined in this report are sufficiently identified to tackle potential climate impacts of the project.
- 3.4.3** In relation to section 17.6 that states “embedded mitigation to mitigate the vulnerability of the Project to climate change will be explored within future environmental reporting” the MMO advises that the time frame for reporting needs to be finalised now and agreed upon. Identifying key areas to be impacted by river and coastal flooding and erosion is important and these areas need to be monitored for any triggers that might indicate need for mitigation.

3.5 Fish Ecology and Fisheries

- 3.5.1** The MMO notes that although the information on fish ecology within the scoping report is somewhat high-level, the ecology assessment will consider potential impacts on freshwater receptors (including fish) and will use available desk-based resources and field survey data to support the assessment. In addition, relevant published evidence and technical engagement with specialist consultees (i.e., Environment Agency, Natural Resources Wales, Natural England) will be undertaken. The Guidelines for Preliminary Ecological Appraisal (CIEEM, 2017) and Guidelines for Ecological Impact Assessment in the UK and Ireland (CIEEM, 2019) will be considered when determining measures to avoid, minimise or reduce negative impacts on ecological receptors. The MMO anticipate that these will provide a generally comprehensive description of the baseline environment.
- 3.5.2** The Mersey Estuary is a triple designated area covering a SPA, a Site of Special Scientific Interest (SSSI) and a Ramsar site. The following fish species have been identified as species of conservation importance that occur within a number of watercourses that cross the Scoping red line boundary; Atlantic salmon (*Salmo salar*), brown trout (*Salmo trutta morpha fario*), sea trout (*Salmo trutta morpha trutta*), river lamprey (*Lampetra fluviatilis*), brook lamprey (*Lampetra planeri*), bullhead (*Cottus gobio*) and European eel (*Anguilla anguilla*) all of which are Species of Principal Importance (SPI) and most of which have suffered population declines.



- 3.5.3** Impacts which have potential to affect ecological receptors have been identified as follows; habitat loss or degradation, fragmentation of habitats, increase in noise and vibration, increased light levels, changes in ground water levels resulting in habitat change, and introduction of non-native species. Table 5.7 presents a high-level summary of the environmental impacts and the resulting potential effects on ecology which recognises that there is potential for aquatic and fish habitats to be affected during the construction and operational phases of the project. Although this section is somewhat brief, the MMO agree that at this stage, given the extent of works within the marine environment is not fully known, the potential impacts on fish receptors identified by the Applicant are appropriate. The MMO recognises that direct effects on fish populations such as disturbance from artificial light and noise or vibration, and habitat removal/ loss/damage during construction will be further assessed in the EIA, which we agree is appropriate.
- 3.5.4** The MMO advises that migratory fish species should be included in the assessment and the various conservation statuses of these species should also be considered. Potential impacts from construction and operational activities should be adequately assessed in relation to migratory fish transiting the area e.g. to/from the Mersey Estuary.
- 3.5.5** At this stage the information presented on fish receptors is high-level, and although the MMO agree that the data sources and evidence proposed by the Applicant are appropriate, additional relevant research and data sources that could be used to inform the desk-based assessment on fish ecology include:
- 3.5.5.1** The Environmental Agency Transitional and Coastal Waters (TraC) data base is a recommended source from which data on fish species in the Mersey can be acquired.
 - 3.5.5.2** Cefas spawning maps (Coull et al., 1998 and Ellis et al., 2012) present a synthesis of the English Near West Coast Beam trawl surveys (BTS) and English Celtic and Irish Sea groundfish surveys (GFS) that may provide useful information for the EIA, especially as the west coast is an important spawning and nursery ground for species such as thornback ray, cod, whiting, sole, plaice, sandeel and herring. According to Coull et al. (1998) and Ellis et al. (2012), nursery and spawning grounds for several marine fish may extend into the Mersey Estuary.
 - 3.5.5.3** The Fish Atlas of the Celtic Sea, North Sea and Baltic Sea (Heessen et al., 2015) provides an overview of 40 years of information collected from internationally coordinated and national surveys and presents data and information on the recent distribution and biology of demersal and small pelagic fish in these ecoregions. It may provide the Applicant with a useful resource of information on fish receptors in the wider Mersey estuary.



- 3.5.5.4** There is a wide variety of commercially exploitable fish species found in the Mersey estuary, including cod, whiting, herring, plaice and flounder. Charter fishing and commercial fishing activity are both undertaken within the estuary, so in the event that construction works are required within or near to the Mersey estuary, the MMO would expect the potential impacts on commercial charter boat operators in the Mersey, and other types of commercial fishing to be scoped into the assessment. It would also be beneficial to consult with North Western Inshore Fisheries and Conservation Authority and local fishing/angling associations to gather evidence to characterise any fishing activity being conducted in the Mersey estuary which may be in/directly affected by the proposal.
- 3.5.5.5** Potts and Swaby (1993) contains a summary of fish in the Mersey Estuary from a range of published and unpublished literature. Also, Langston et al. (2006) produced a characterisation of the Mersey Estuary Special Protection Area, which contains information about fish present in the Mersey Estuary.
- 3.5.6** The MMO note that a watercourse survey (including fish surveys if deemed necessary), will be undertaken to map/record fish characterisation. It is anticipated that larger waterbodies will be avoided, and surveys of these waterbodies are not currently planned. Given the existing data sources available the MMO agree that site-specific fish surveys might not be necessary. However, if fisheries surveys are not undertaken, the MMO recommend that the limitations of the data sources used (e.g., gear selectivity and the timing of surveys) are acknowledged within the ES.
- 3.5.7** The MMO are satisfied that a number of embedded/good practice environmental mitigation measures are proposed to reduce the likelihood of potential impacts on ecology receptors. However, no mitigation measures have been proposed in the context of fish. Given that detailed information on the project is not yet available, it is not possible to determine what mitigation measures (if any) would be appropriate or warranted for the project. The MMO would expect appropriate mitigation measures (if required) to be discussed / adopted for the project once a detailed assessment has been undertaken during the EIA.
- 3.5.8** In the context of assessing cumulative effects on fish receptors, no specific information on how these will be assessed has been provided. Therefore, the MMO recommend that the Applicant includes a summary table of the current stages, locations and timings of construction works for relevant developments in the study area as part of the ES. This will help to identify potential overlaps between the construction/operational activities of the project with other projects nearby that could lead to cumulative impacts on fish receptors.



3.6 Underwater Noise

- 3.6.1** The MMO note that within the Study Area, the main rivers can be divided into three Water Framework Directive (WFD) Management Catchments, the Upper and Lower Mersey and the Weaver Gowy. Within these are eight operational catchments, each containing multiple Main Rivers. The key Main Rivers within the Study Area are the Weaver, Dane, Manchester Ship Canal (classed as a Main River in parts), Bollin and Mersey (section 7.4.8).
- 3.6.2** The MMO recommend that the potential impacts of underwater noise and vibration on marine receptors from the construction/installation operations and machinery are considered in the ES. The receptors that are listed in section 5.4.28 of the Scoping Report are migratory species, therefore consideration should be given to any overlap of the works with key sensitive migration periods.
- 3.6.3** The MMO also recommend that the ES adequately describes all activities that will generate underwater noise, as well as the proposed working hours and duration of activities. The MMO note that construction is expected to commence in 2025 with commissioning in 2027. The Project would be fully operational from late 2027 to early 2028. Typical construction hours can be 10 hours per day (08:00 to 18:00) from Monday to Saturday. Limited 24-hour working would be required for some activities such as trenchless crossings where they need to be completed as a continuous operation as well as pipeline testing (see section 2.6.3 of the Scoping Report).
- 3.6.4** In terms of mitigation measures, A number of embedded environmental measures (as per section 5.5) have been proposed although these are largely concerned with terrestrial ecology. The MMO will be able to further advise on mitigation once an assessment of the potential impacts has been undertaken.

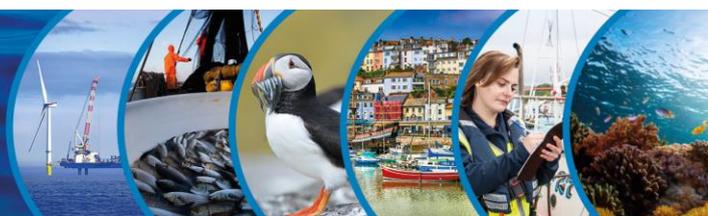
4 Conclusion

The topics highlighted in this scoping opinion must be assessed during the EIA process and the outcome of these assessments **must** be documented in the ES in support of the DCO application. This statement, however, should not necessarily be seen as a definitive list of all EIA requirements. Given the scale and programme of these planned works other work may prove necessary.



5 References

- Coull, K.A. Johnstone, R. and Rogers, S.I. (1998).** Fisheries Sensitivity Maps in British Waters. London: UKOOA Ltd.
- Ellis, J.R. Milligan, S.P. Readdy, L. Taylor, N. and Brown, M.J. (2012).** Spawning and nursery grounds of selected fish species in UK waters. Science Series Technical Report. Lowestoft: Cefas. 147, 56 pp.
- Heessen, H.J.L., Daan, N. and Ellis, J.R., 2015.** Fish atlas of the Celtic Sea, North Sea, and Baltic Sea. Wageningen: Wageningen Academic Publishers.
- Langston, W.J., Chesman, B.S., and Burt, G.R. 2006.** Characterisation of European Marine Sites. Mersey Estuary SPA. Marine Biological Association of the United Kingdom. Occasional Publications (18), 185pp.
- Potts, G.W. and Swaby, S.E. 1993.** The Fishes of the Mersey Estuary. Review of the status of estuarine fishes. No. 34 English Nature Research Reports.





Ministry of Defence

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LPA Reference:-EN060006-000006

DIO Reference: 10054109

Defence Infrastructure Organisation

Safeguarding Department
Statutory & Offshore
Defence Infrastructure Organisation Head Office
St George's House
DMS Whittington
Lichfield
Staffordshire
WS14 9PY

Tel: [REDACTED]

E-mail: DIO-safeguarding-statutory@mod.gov.uk

www.mod.uk/DIO

03 February 2022

Dear Emma,

MOD Safeguarding

Proposal: Scoping Application by Cadent Gas Limited (the Applicant) for an Order granting Development Consent for the HyNet North West Hydrogen Pipeline (the Proposed Development)

Location: HyNet North West Hydrogen Pipeline

Thank you for consulting Ministry of Defence on the above scoping application. Consultation correspondence was received by this office on 27/01/2022.

The MOD understands that the applicant, Cadent Gas Ltd, are seeking input on a proposed hydrogen pipeline development. The development would comprise of up to 125 km of new pipeline and a number of hydrogen above ground installations (HAGI). The development is to be located within the North West Region, comprising of various corridors linking the Stanlow hydrogen production plant to a central hub which would in turn be linked to St Helens HAGI, Partington HAGI and the hydrogen storage facility south of Northwich.

Following review of the documents available, I can confirm that the MOD has no concerns with regard to this proposal and have no specific requests for information to be included within the Environmental Statement.

I trust this adequately explains our position on this matter

Yours sincerely

Kalie Jagpal
Assistant Safeguarding Manager

Land and Acquisitions

Anne Holdsworth
DCO Liaison Officer
Land and Property

Direct tel: [REDACTED]

www.nationalgrid.com

SUBMITTED ELECTRONICALLY:
hynethydrogenpipeline@planninginspectorate.gov.uk

17 February 2022

Dear Sir/Madam

APPLICATION BY CADENT GAS LIMITED (THE APPLICANT) FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE HYNET NORTH WEST HYDROGEN PIPELINE (THE PROPOSED DEVELOPMENT)

SCOPING CONSULTATION

I refer to your letter dated 27th January 2022 in relation to the above proposed application. This is a response on behalf of National Grid Electricity Transmission PLC (NGET) and National Grid Gas PLC (NGG).

Having reviewed the scoping report, I would like to make the following comments regarding National Grid infrastructure within / in close proximity to the Site boundary and EIA assessment Area.

ELECTRICITY TRANSMISSION INFRASTRUCTURE

NGET has high voltage electricity overhead transmission lines, electricity substations and underground cables within the EIA Assessment Area. The overhead lines, substations and cables form an essential part of the electricity transmission network in England and Wales.

Overhead Lines

- 4ZG 275kV Kirkby – Rainhill 1
Kirkby – Rainhill 2
- 4ZF 275kV Fiddlers Ferry – Rainhill 1
Fiddlers Ferry – Rainhill 2
- YY 400kV Frodsham – Rocksavage
- 4ZE 400kV Capenhurst – Frodsham 1
Capenhurst – Frodsham 2
- YYS 132kV Capenhurst – Ince 1
Capenhurst to Ince 2

- ZO 400kV Daines – Deeside 1
 Daines – Deeside 2
- ZE 400kV Cellarhead – Daines
 Daines - Macclesfield

Substations

- RAINHILL 275KV Substation with associated Underground Cables
- RAINHILL 132KV Substation with associated Underground Cables
- FRODSHAM 400KV Substation with associated Underground Cables
- FRODSHAM 275KV Substation with associated Underground Cables
- ROCKSAVAGE 400KV Substation with associated Underground Cables

Underground Cables

- Various fibre cable routes – see attached plans
- Frodsham - Weaver Junction SGT9 Cable
- Pilot cable from Ince 123kV substation to Capenhurst

GAS TRANSMISSION INFRASTRUCTURE:

NGG has high pressure gas transmission pipelines and AGI apparatus located within or in close proximity to the proposed site boundary and the EIA Assessment Area, as follows:

- Warburton AGI
- Weston Point AGI
- Shell Star AGI
- Feeder 4 Warburton to Carrington
- Feeder 4 Helsby to Weston Point
- Feeder 4 Helsby to Shell Star
- Feeder 4 Holmes Chapel to Warburton
- Feeder 15 Warrington to Warburton
- Feeder 21 Warrington to Warburton
- Feeder 21 Warburton to Pickmere
- Feeder 21 Pickmere to Ascol Drive
- Feeder 21 Ascol Drive to Stublach
- Associated apparatus for all mains

The transmission pipelines, AGs and other associated apparatus form an essential part of the gas transmission network in England, Wales and Scotland.

ASSET PLANS

I enclose six plans showing the location of National Grid's electricity assets.

I enclose five plans showing the location of National Grid's gas assets.

SPECIFIC COMMENTS

Electricity Infrastructure:

- National Grid's Overhead Line/s is protected by a Deed of Easement/Wayleave Agreement which provides full right of access to retain, maintain, repair and inspect our asset
- Statutory electrical safety clearances must be maintained at all times. Any proposed buildings must not be closer than 5.3m to the lowest conductor. National Grid recommends that no permanent structures are built directly beneath overhead lines. These distances are set out in EN 43 – 8 Technical Specification for “overhead line clearances Issue 3 (2004)
- If any changes in ground levels are proposed either beneath or in close proximity to our existing overhead lines then this would serve to reduce the safety clearances for such overhead lines. Safe clearances for existing overhead lines must be maintained in all circumstances.
- The relevant guidance in relation to working safely near to existing overhead lines is contained within the Health and Safety Executive's (www.hse.gov.uk) Guidance Note GS 6 “Avoidance of Danger from Overhead Electric Lines” and all relevant site staff should make sure that they are both aware of and understand this guidance.
- Plant, machinery, equipment, buildings or scaffolding should not encroach within 5.3 metres of any of our high voltage conductors when those conductors are under their worse conditions of maximum “sag” and “swing” and overhead line profile (maximum “sag” and “swing”) drawings should be obtained using the contact details above.
- If a landscaping scheme is proposed as part of the proposal, we request that only slow and low growing species of trees and shrubs are planted beneath and adjacent to the existing overhead line to reduce the risk of growth to a height which compromises statutory safety clearances.
- Drilling or excavation works should not be undertaken if they have the potential to disturb or adversely affect the foundations or “pillars of support” of any existing tower. These foundations always extend beyond the base area of the existing tower and foundation (“pillar of support”) drawings can be obtained using the contact details above.
- National Grid Electricity Transmission high voltage underground cables are protected by a Deed of Grant; Easement; Wayleave Agreement or the provisions of the New Roads and Street Works Act. These provisions provide National Grid full right of access to retain, maintain, repair and inspect our assets. Hence we require that no permanent / temporary structures are to be built over our cables or within the easement strip. Any such proposals should be discussed and agreed with National Grid prior to any works taking place.
- Ground levels above our cables must not be altered in any way. Any alterations to the depth of our cables will subsequently alter the rating of the circuit and can compromise the reliability, efficiency and safety of our electricity network and requires consultation with National Grid prior to any such changes in both level and construction being implemented.

Gas Infrastructure

The following points should be taken into consideration:

- National Grid has a Deed of Grant of Easement for each pipeline, which prevents the erection of permanent / temporary buildings, or structures, change to existing ground levels, storage of materials etc.

Pipeline Crossings:

- Where existing roads cannot be used, construction traffic should ONLY cross the pipeline at previously agreed locations.
- The pipeline shall be protected, at the crossing points, by temporary rafts constructed at ground level. The third party shall review ground conditions, vehicle types and crossing frequencies to determine the type and construction of the raft required.
- The type of raft shall be agreed with National Grid prior to installation.
- No protective measures including the installation of concrete slab protection shall be installed over or near to the National Grid pipeline without the prior permission of National Grid.
- National Grid will need to agree the material, the dimensions and method of installation of the proposed protective measure.
- The method of installation shall be confirmed through the submission of a formal written method statement from the contractor to National Grid.
- Please be aware that written permission is required before any works commence within the National Grid easement strip.
- A National Grid representative shall monitor any works within close proximity to the pipeline to comply with National Grid specification T/SP/SSW22.
- A Deed of Consent is required for any crossing of the easement.

Cable Crossings:

- Cables may cross the pipeline at perpendicular angle to the pipeline i.e. 90 degrees.
- A National Grid representative shall supervise any cable crossing of a pipeline.
- Clearance must be at least 600mm above or below the pipeline.
- Impact protection slab should be laid between the cable and pipeline if cable crossing is above the pipeline.
- A Deed of Consent is required for any cable crossing the easement.
- Where a new service is to cross over the pipeline a clearance distance of 0.6 metres between the crown of the pipeline and underside of the service should be maintained. If this cannot

be achieved the service shall cross below the pipeline with a clearance distance of 0.6 metres.

General Notes on Pipeline Safety:

- You should be aware of the Health and Safety Executives guidance document HS(G) 47 "Avoiding Danger from Underground Services", and National Grid's specification for Safe Working in the Vicinity of National Grid High Pressure gas pipelines and associated installations - requirements for third parties T/SP/SSW22.
- National Grid will also need to ensure that our pipelines access is maintained during and after construction.
- Our pipelines are normally buried to a depth cover of 1.1 metres however; actual depth and position must be confirmed on site by trial hole investigation under the supervision of a National Grid representative. Ground cover above our pipelines should not be reduced or increased.
- If any excavations are planned within 3 metres of National Grid High Pressure Pipeline or, within 10 metres of an AGI (Above Ground Installation), or if any embankment or dredging works are proposed then the actual position and depth of the pipeline must be established on site in the presence of a National Grid representative. A safe working method agreed prior to any work taking place in order to minimise the risk of damage and ensure the final depth of cover does not affect the integrity of the pipeline.
- Excavation works may take place unsupervised no closer than 3 metres from the pipeline once the actual depth and position has been confirmed on site under the supervision of a National Grid representative. Similarly, excavation with hand held power tools is not permitted within 1.5 metres from our apparatus and the work is undertaken with NG supervision and guidance.

To view the SSW22 Document, please use the link below:

<https://www.nationalgrid.com/uk/gas-transmission/land-and-assets/working-near-our-assets>

To download a copy of the HSE Guidance HS(G)47, please use the following link:

<http://www.hse.gov.uk/pubns/books/hsg47.htm>

Further Advice

We would request that the potential impact of the proposed scheme on National Grid's existing assets as set out above and including any proposed diversions is considered in any subsequent reports, including in the Environmental Statement, and as part of any subsequent application.

Where any diversion of apparatus may be required to facilitate a scheme, National Grid is unable to give any certainty with the regard to diversions until such time as adequate conceptual design studies have been undertaken by National Grid. Further information relating to this can be obtained by contacting the email address below.

Where the promoter intends to acquire land, extinguish rights, or interfere with any of National Grid apparatus, protective provisions will be required in a form acceptable to it to be included within the DCO.

National Grid requests to be consulted at the earliest stages to ensure that the most appropriate protective provisions are included within the DCO application to safeguard the integrity of our apparatus and to remove the requirement for objection. All consultations should be sent to the following email address: box.landandacquisitions@nationalgrid.com

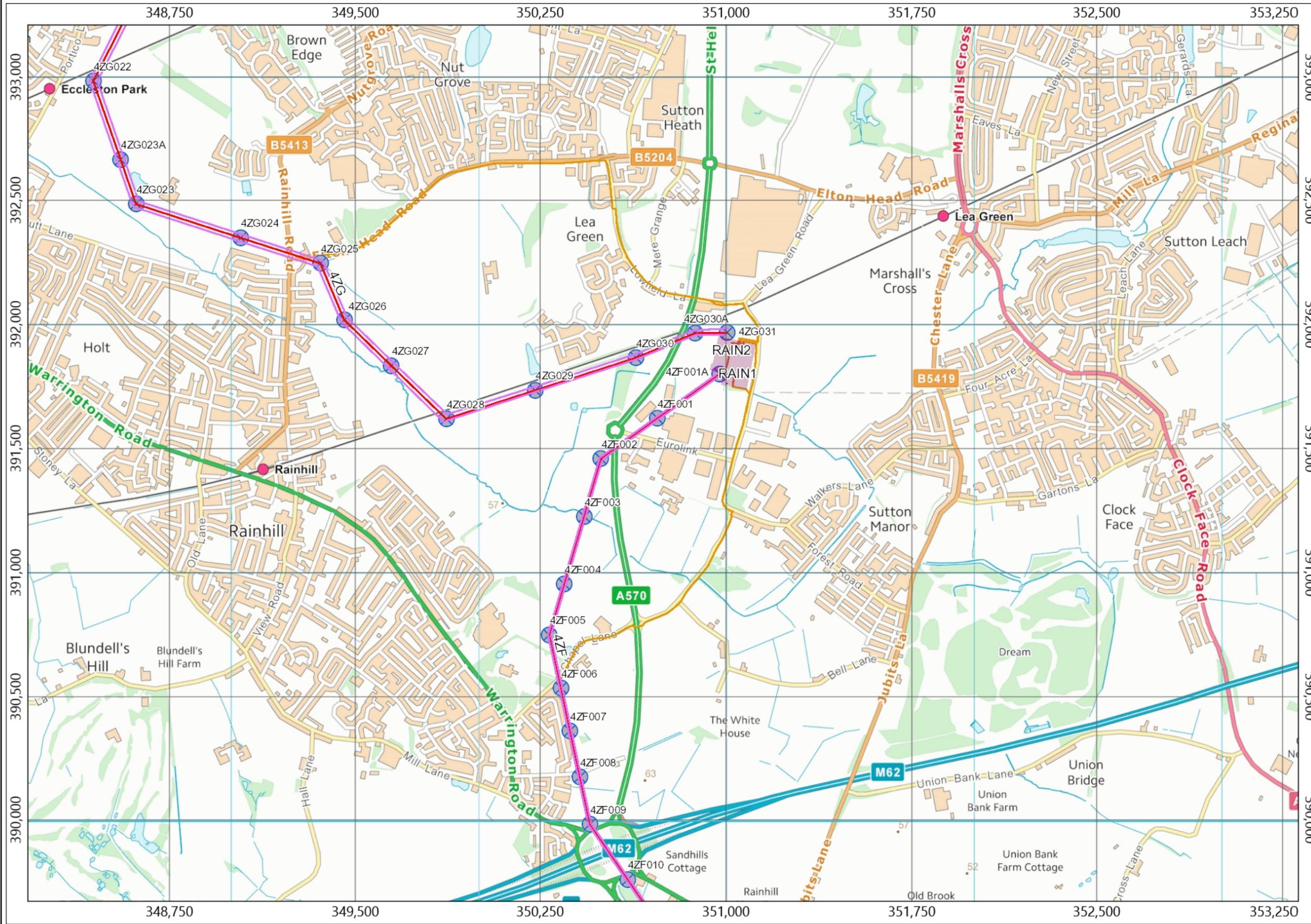
I hope the above is useful. If you require any further information please do not hesitate to contact me.

The information in this letter is provided notwithstanding any discussions taking place in relation to connections with electricity or gas customer services.

Yours faithfully



Anne Holdsworth
DCO Liaison Officer, Land and Acquisitions



Legend:

- Substations Commissioned
- Circuits
 - Commissioned
 - Decommissioned Group
 - Planned and Spares
- OHL 400Kv Commissioned
- OHL 275Kv Commissioned
- OHL 132Kv & Below Commissioned
- Towers Commissioned
- Buried Cable Commissioned
- Fibre Cable Commissioned
- Pilot Cable
- Oil Pipe
- Cooling Pipe
- Cooling Station
- RAMM
- Cable Tunnel

Notes:
Hynet Hydrogen NGET Asset Plan 1

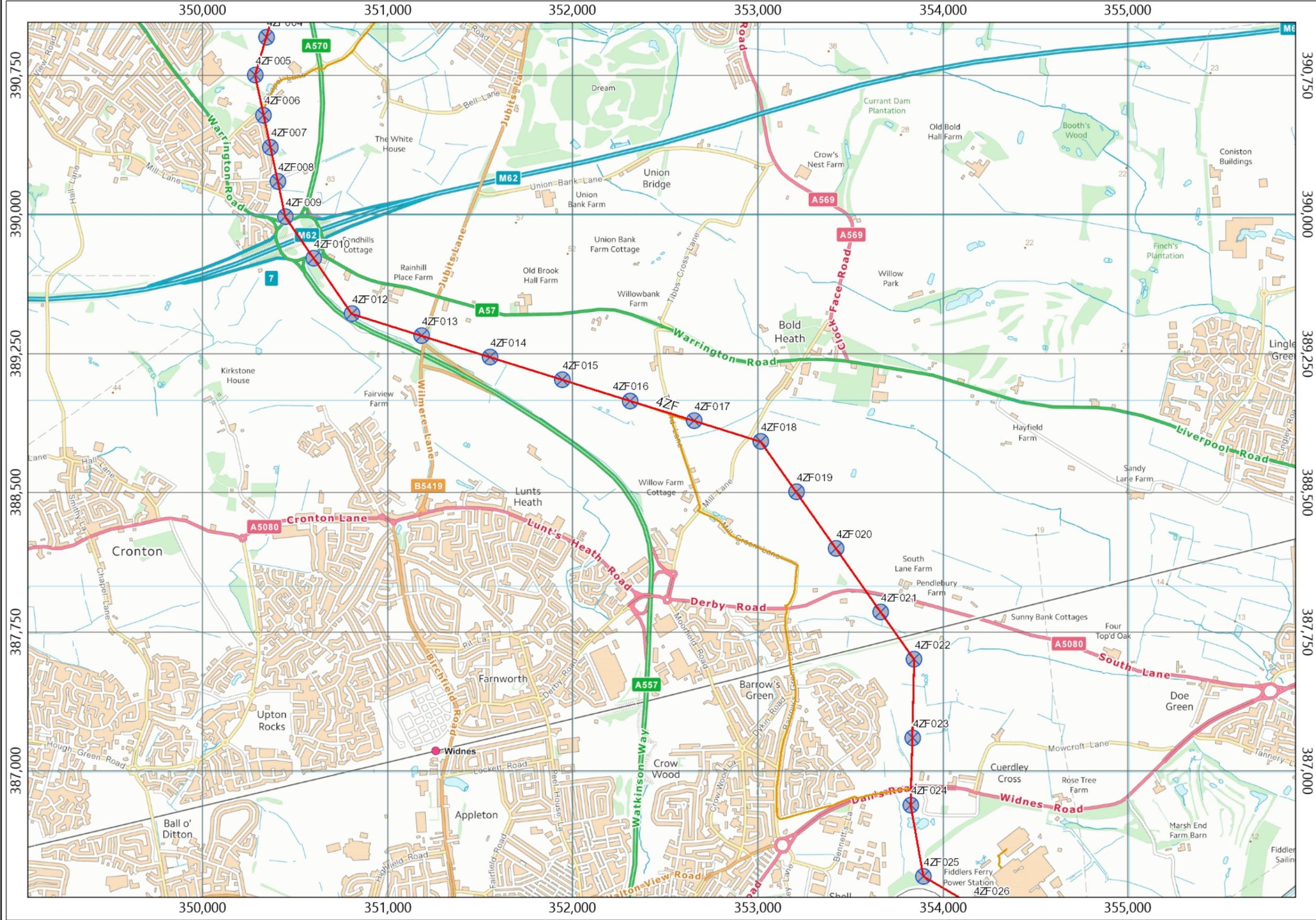
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NG Disclaimer: National Grid UK Transmission. The asset position information represented on this map is the intellectual property of National Grid PLC (Warwick Technology Park, Warwick, CV346DA) and should not be used without prior authority of National Grid.
Note: Any sketches on the map are approximate and not captured to any particular level of precision.



Legend:

- Substations Commissioned
- Circuits
 - Commissioned
 - Decommissioned Group
 - Planned and Spares
 - OHL 400kV Commissioned
 - OHL 275kV Commissioned
 - OHL 132kV & Below Commissioned
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- Pilot Cable
- Oil Pipe
- Cooling Pipe
- Cooling Station
- RAMM
- Cable Tunnel

Notes:
Hynet Hydrogen NGET Asset Plan 2

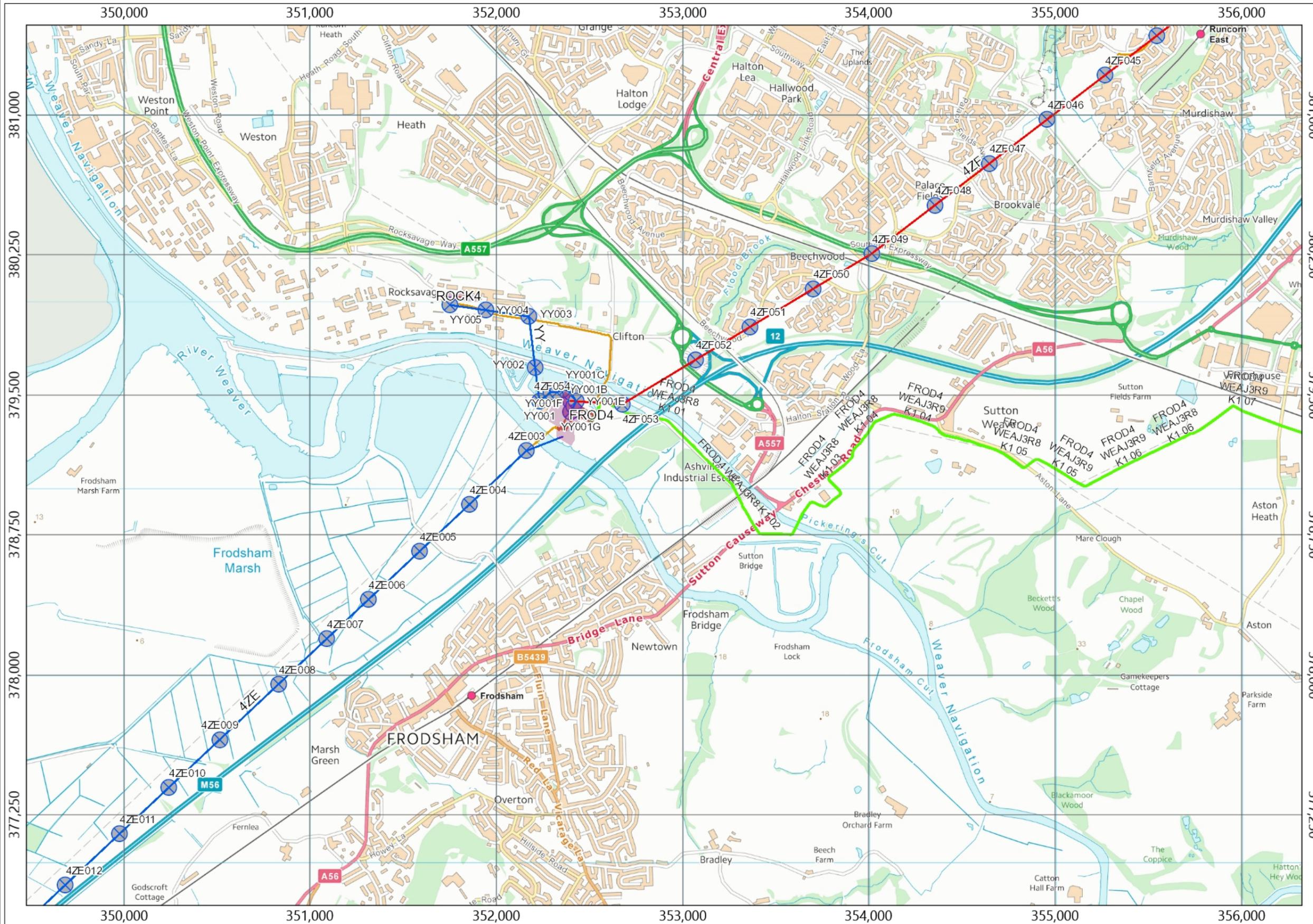
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Legend:

- Substations Commissioned
- Circuits
 - Commissioned
 - - - Decommissioned Group
 - Planned and Spares
- OHL 400kV Commissioned
- OHL 275kV Commissioned
- OHL 132kV & Below Commissioned
- Towers Commissioned
- Buried Cable Commissioned
- Fibre Cable Commissioned
- Pilot Cable
- Oil Pipe
- Cooling Pipe
- Cooling Station
- RAMM
- Cable Tunnel

Notes:

Hynet Hydrogen NGET Asset Plan 3



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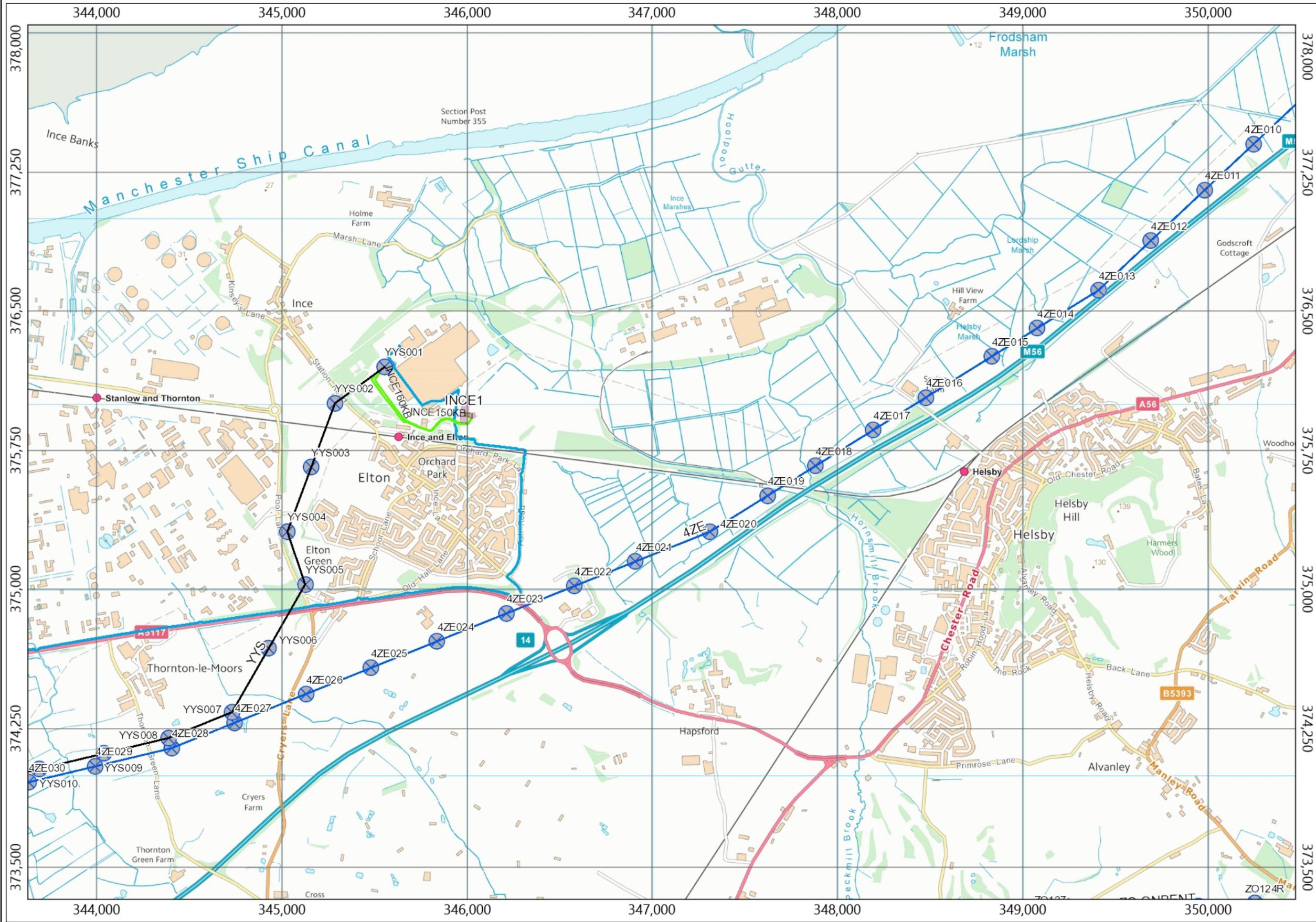
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Legend:

- Substations Commissioned
- Circuits
 - Commissioned
 - Decommissioned Group
 - Planned and Spares
- OHL 400kV Commissioned
- OHL 275kV Commissioned
- OHL 132kV & Below Commissioned
- Towers Commissioned
- Buried Cable Commissioned
- Fibre Cable Commissioned
- Pilot Cable
- Oil Pipe
- Cooling Pipe
- Cooling Station
- RAMM
- Cable Tunnel

Notes:
Hynet Hydrogen NGET Asset Plan 4

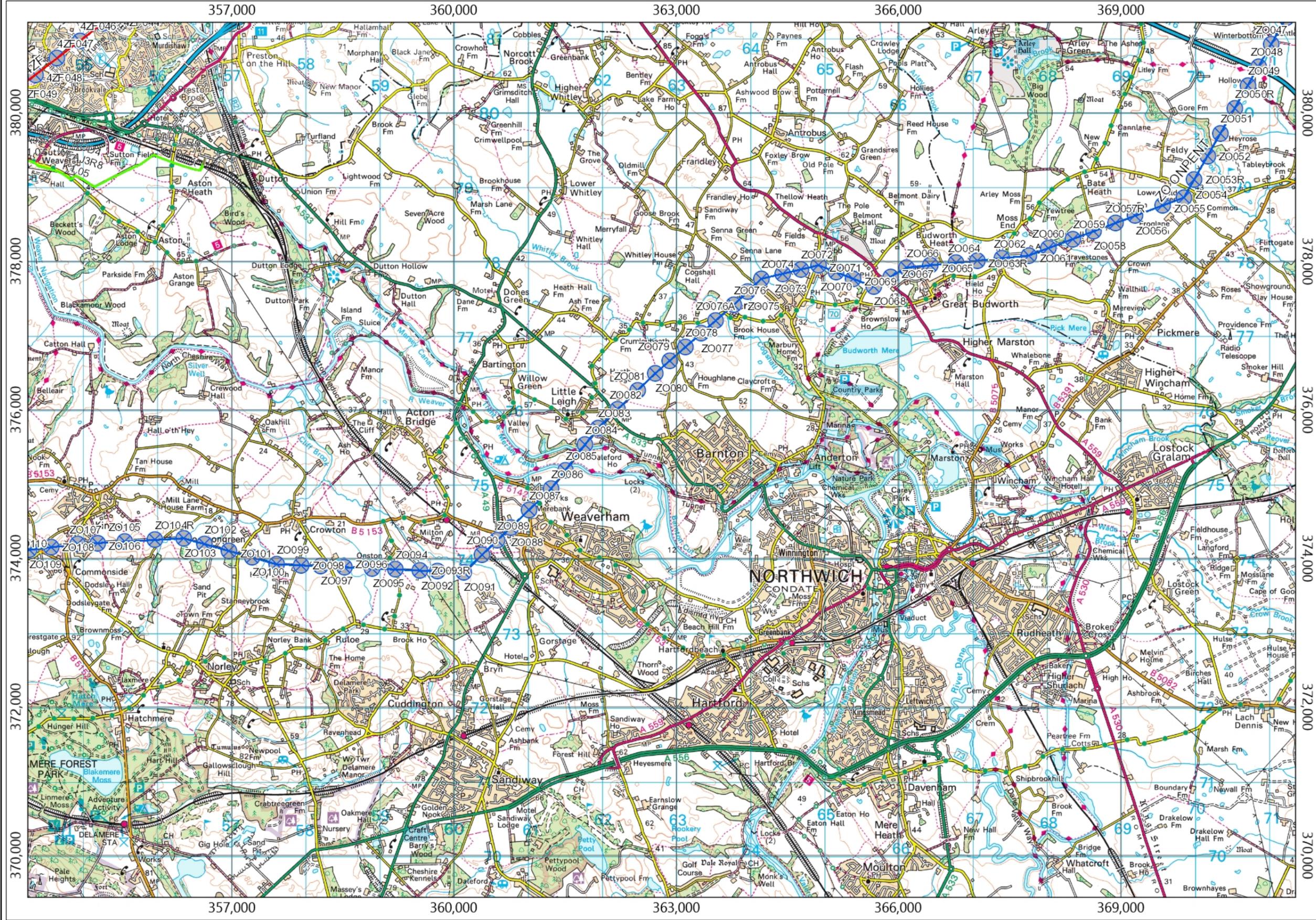


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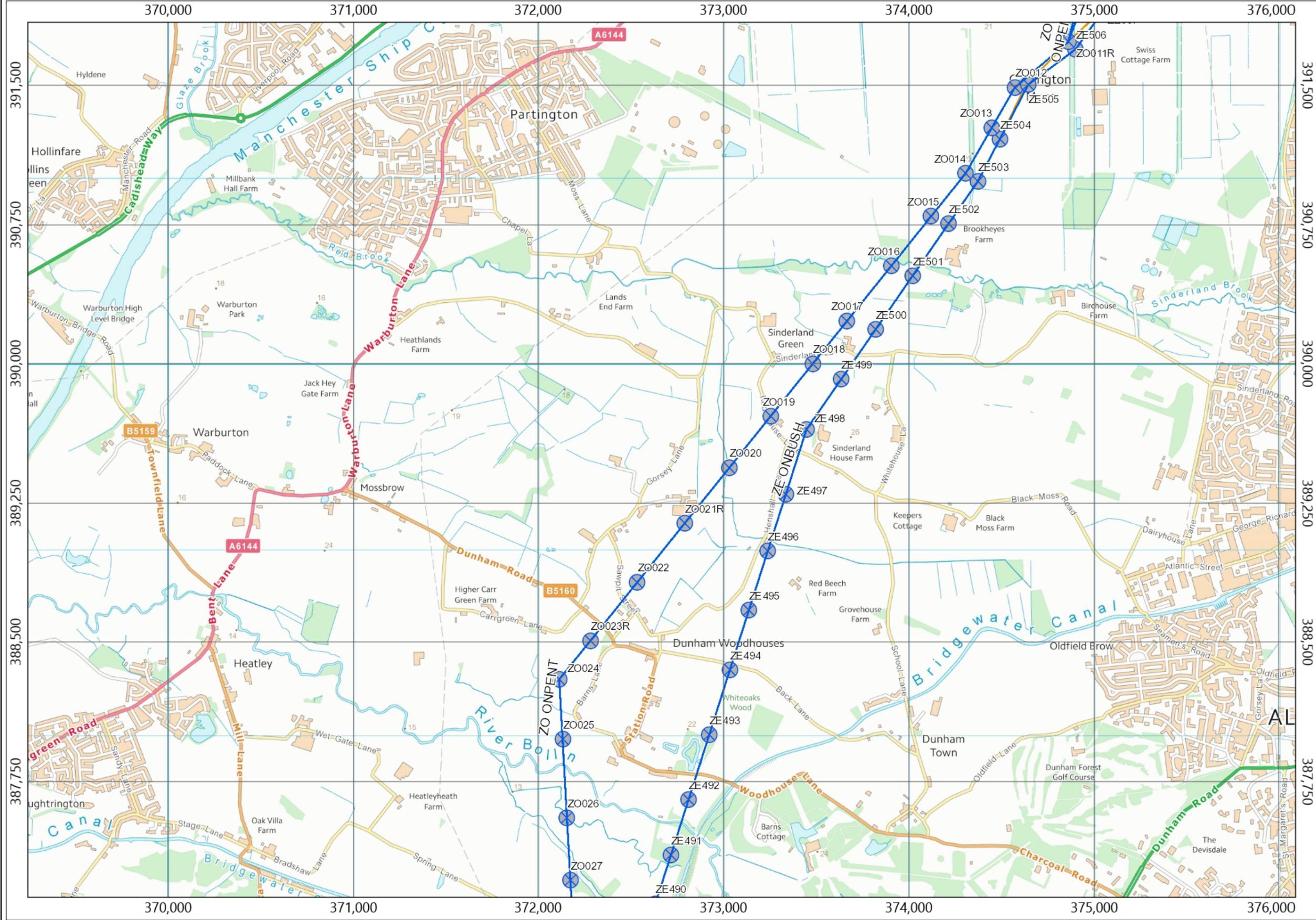
Legend:

- Substations Commissioned
- OHL 400kV Commissioned
- OHL 275kV Commissioned
- OHL 132kV & Below Commissioned
- Towers Commissioned
- Buried Cable Commissioned
- Fibre Cable Commissioned
- Pilot Cable
- Cable Tunnel

Notes:

Hynet Hydrogen NGET Asset Plan 5





Legend:

- Substations Commissioned
- Circuits
 - Commissioned
 - Decommissioned Group
 - Planned and Spares
- OHL 400Kv Commissioned
- OHL 275Kv Commissioned
- OHL 132Kv & Below Commissioned
- Towers Commissioned
- Buried Cable Commissioned
- Fibre Cable Commissioned
- Pilot Cable
- Oil Pipe
- Cooling Pipe
- Cooling Station
- RAMM
- Cable Tunnel

Notes:
Hynet Hydrogen NGET Asset Plan 6

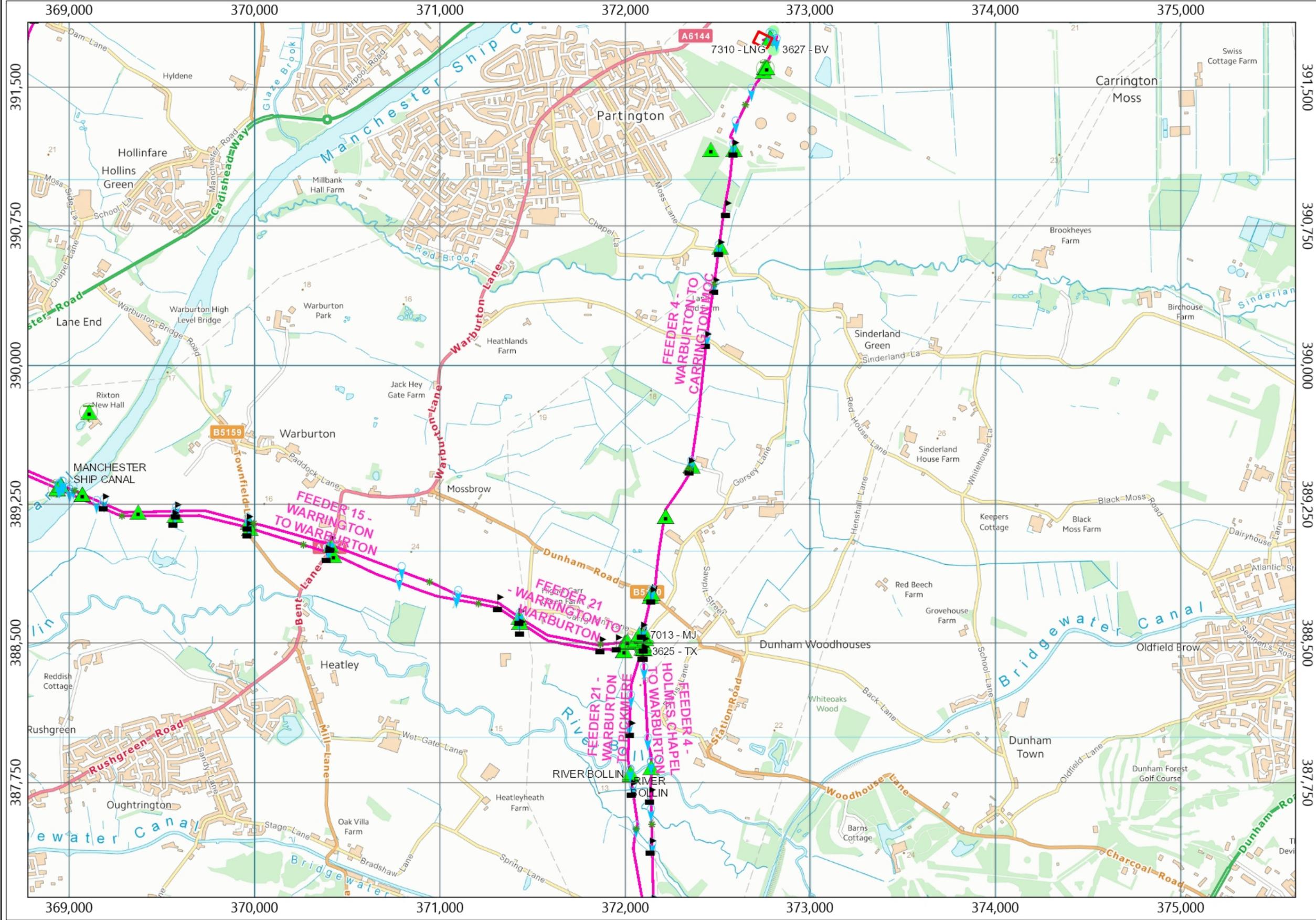
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- Legend:**
- Gas Operational Boundary
 - Gas Site Boundary
 - Trial Hole
 - Vantage Point
 - ▲ Aerial Marker Post
 - ▼ Pipe Crossing Point
 - ▲ CP Test Post
 - ◻ Transformer Rectifier
 - Pipeline Crossing Sleeve
 - Nitrogen Sleeve
 - Other Sleeves
 - Pipe Line Control Point
 - Named Pipeline Section
 - ▼ River Crossings

Notes:
Hynet Hydrogen NGGT Asset Plan 1

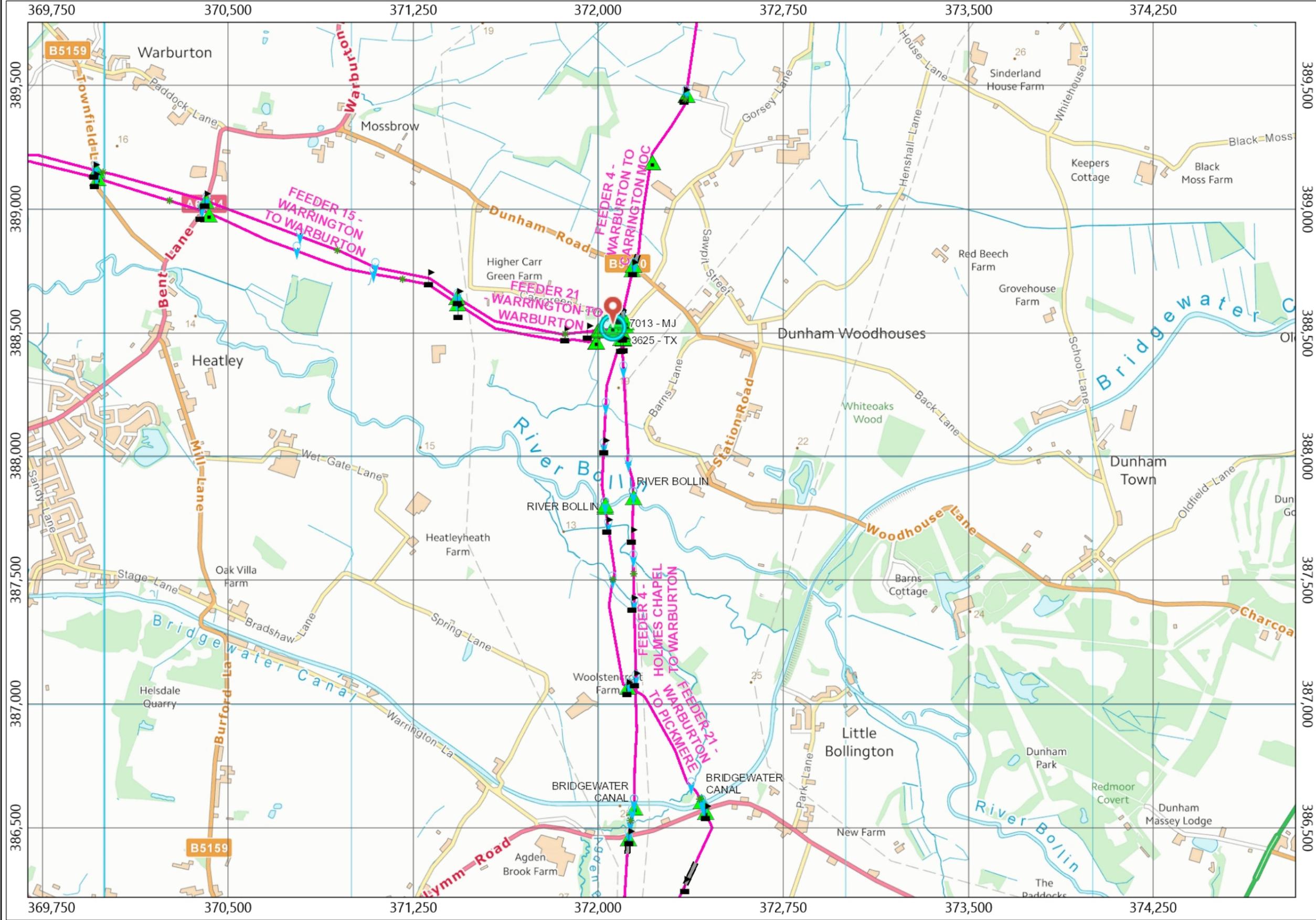
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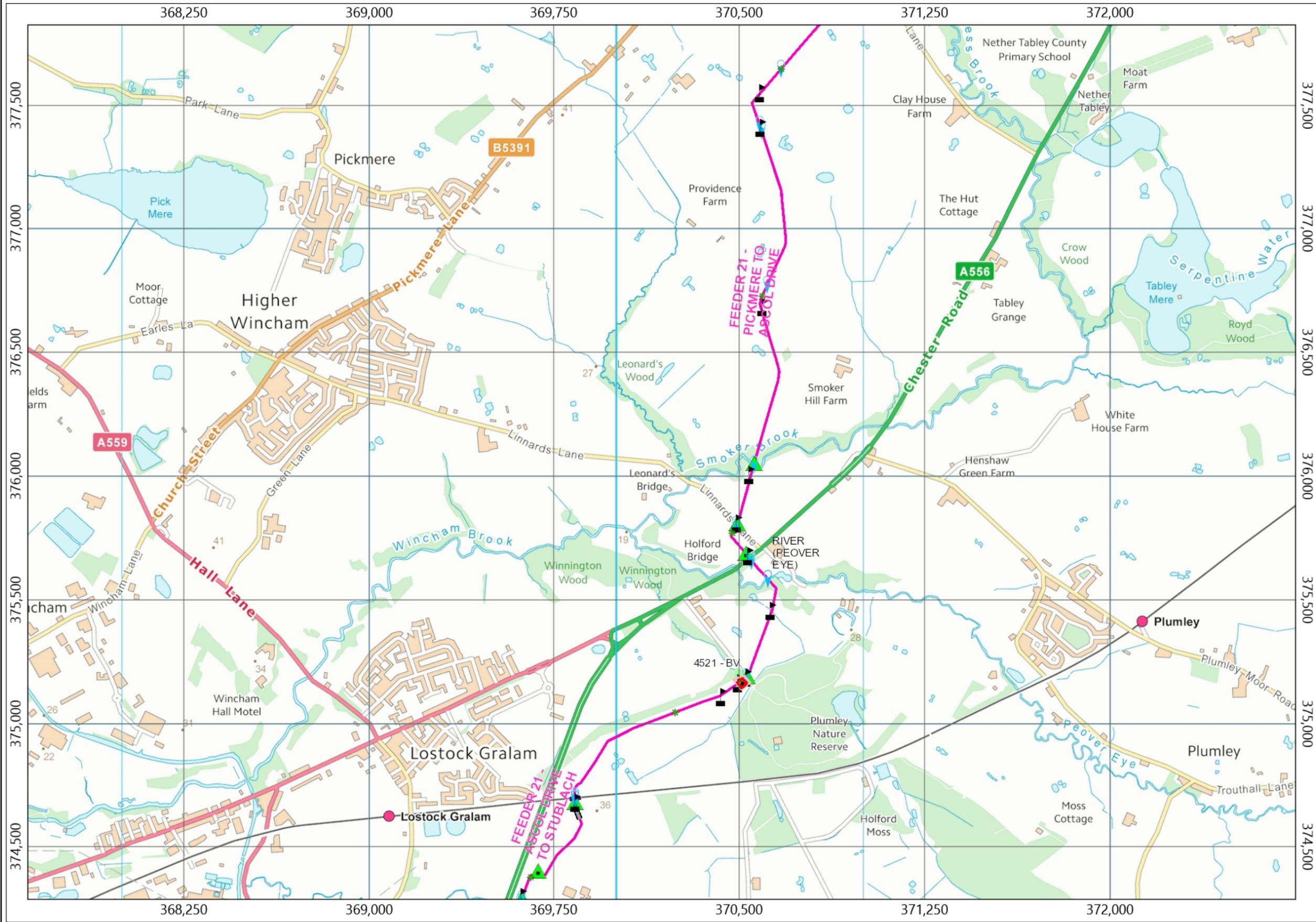


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Notes:
Hynet Hydrogen NGGT Asset Plan 2





- Legend:**
- Gas Operational Boundary
 - Gas Site Boundary
 - Trial Hole
 - Vantage Point
 - ▲ Aerial Marker Post
 - ▼ Pipe Crossing Point
 - ▲ CP Test Post
 - ◊ Transformer Rectifier
 - Pipeline Crossing
 - Sleeve
 - Nitrogen Sleeve
 - Other Sleeves
 - Pipe Line Control Point
 - Named Pipeline Section
 - ▼ River Crossings

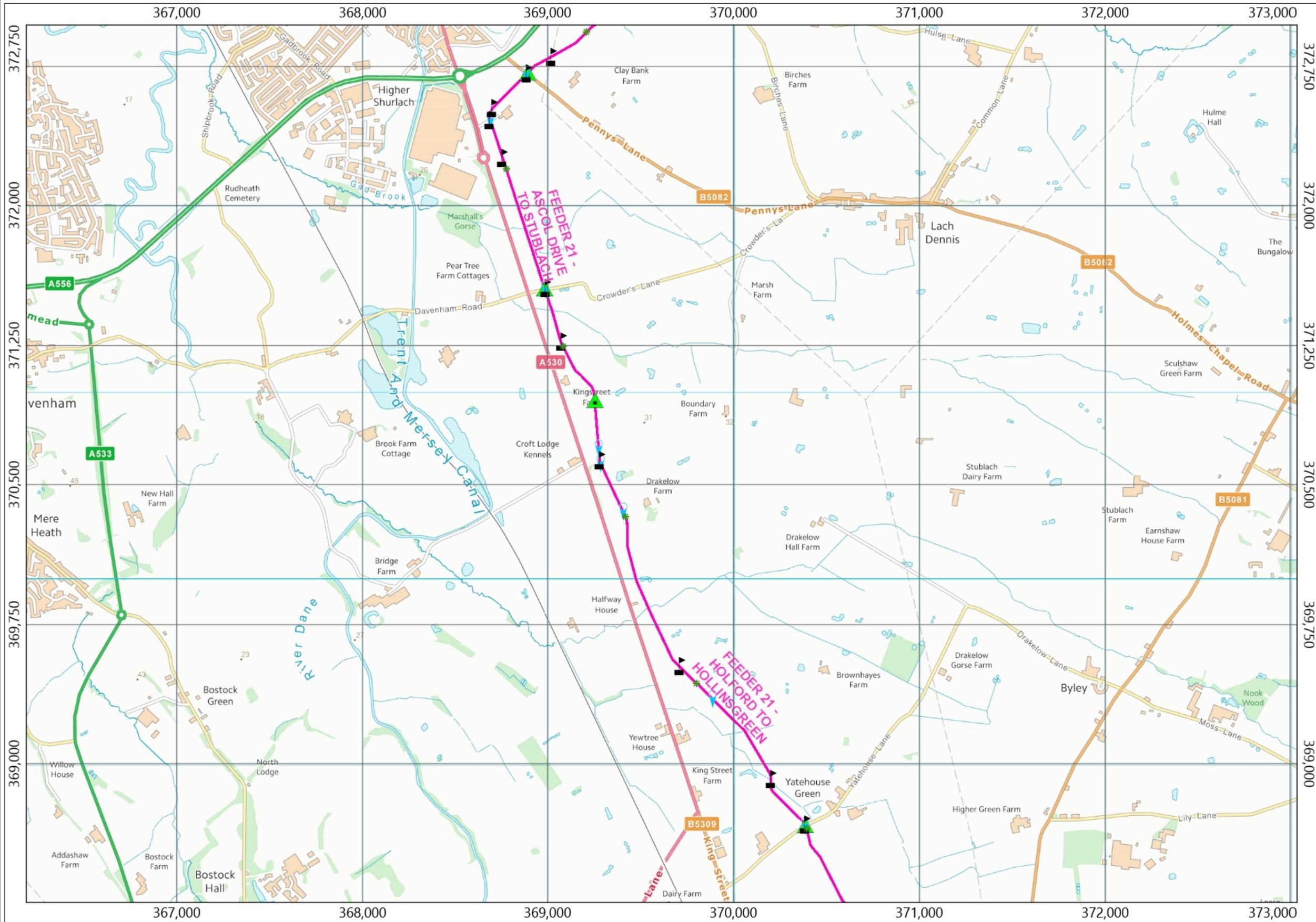
Notes:
Hynet Hydrogen NGGT Asset Plan 3

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Legend:

- Gas Operational Boundary
- Gas Site Boundary
- Trial Hole
- Vantage Point
- ▲ Aerial Marker Post
- ▼ Pipe Crossing Point
- ▲ CP Test Post
- Transformer Rectifier
- Pipeline Crossing
- Sleeve
- Nitrogen Sleeve
- Other Sleeves
- Pipe Line Control Section
- Named Pipeline Section
- ▼ River Crossings

Notes:
Hynet Hydrogen NGGT Asset Plan 4

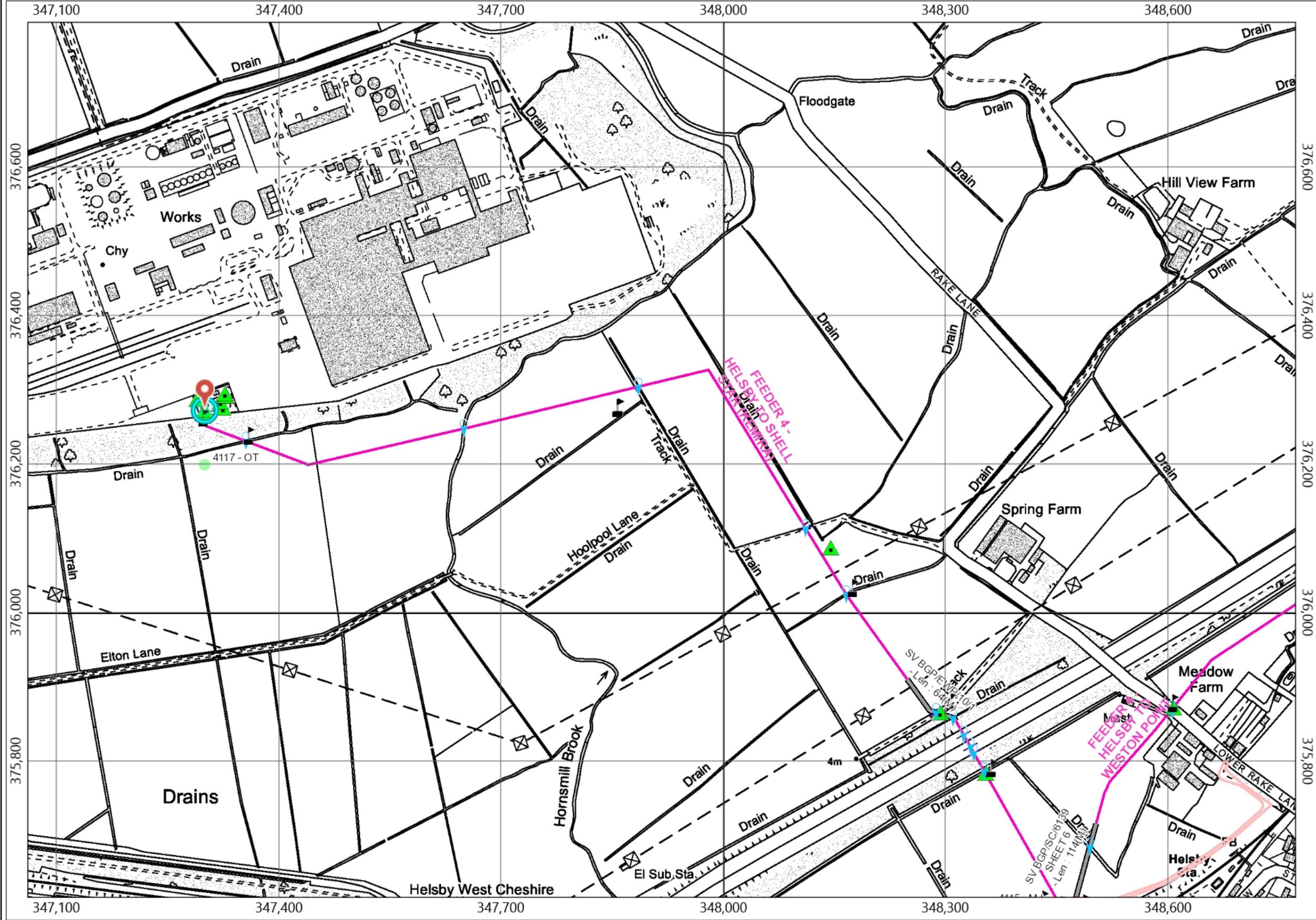
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Notes:
Hynet Hydrogen NGGT Asset Plan 5



From: [Laverick, Benjamin](#)
To: [Hynet Hydrogen Pipeline](#)
Subject: FW: EN060006-000006 - HyNet North West Hydrogen Pipeline - Reg 10 Consultation and Reg 11 Notification
Date: 03 February 2022 09:19:44
Attachments: [HyNet Letter to stat cons Scoping & Reg 11 Notification.pdf](#)
[Geotechnical Certification Process for Third Party Works.pdf](#)
[Third Party Agreement Protocol V2.0 Aug 2020.pdf](#)

Dear Sir/Madam,

Thank you for consulting National Highways in relation to the EIA Scoping note for a proposed HyNet North West Hydrogen Pipeline. National Highways note that consultation has taken place with local Highway Authorities, and there is a commitment to engage with National Highways. We would welcome the opportunity for this engagement, including discussion around any transport impact and / or traffic management proposals which might affect the Strategic Road Network (SRN).

National Highways' document "*The strategic road network, Planning for the future - A guide to working with National Highways on planning matters*" makes reference to the need for EIAs and states that "*Assessment undertaken by the promoter of the development should be sufficiently comprehensive to establish the likely transport related environmental impacts, including air quality, light pollution and noise, and to identify the measures to mitigate these impacts. To avoid potential delay or challenge, transport assessments/statements and environmental statements/impact assessments should be mutually consistent and pay due regard to each other.*" As such we would expect the transport chapter of the EIA to reflect the information in any Transport Assessment.

The overall forecast demand on the SRN and surrounding local road network should be assessed and compared to the ability of the existing network to accommodate traffic. Assessments should be carried out for:

- the development and construction phase;
- and
- the opening year, assuming full build out and occupation, and either a date ten years after the date of registration of the associated planning application or the end of the Local Plan period (whichever is the greater).

However, it is recognised in this instance that the traffic impacts will largely be generated in the development and construction phase only. National Highways are content with the proposed Traffic and Transport Study Area (Figure 11-1 Sheets 1 to 4). However, as the siting of compounds and haul routes has not fully been identified yet, the study area may need to change to encompass these factors should their locations potentially impact beyond the study area.

The EIA Scoping Document makes reference to numerous crossings of the Strategic Road Network, identifying that this would be achieved through trenchless technology. However, further detail is needed to understand exactly where these crossings are to be located. Any third party works involving trenchless installations under the National Highways road network will require geotechnical certification and would require a Section 50 Agreement. I have attached a document which outlines how this process links in with The Design Manual for Roads and Bridges (DMRB) standard CD 622, Managing Geotechnical Risk, along with our Third

Party Agreement Protocol.

The EIA Scoping Note makes reference to construction compounds, Hydrogen Above Ground Installations (HAGIs) and other infrastructure. National Highways are keen to understand where these compounds are likely to be located, along with the potential access/haul routes. Paragraph 2.6.13 makes reference to temporary access points from the local Highway Network. National Highways would be keen to understand where these may be located within the vicinity of the Strategic Road Network.

National Highways' guidance document Circular 02/2013 "The Strategic Road Network and the Delivery of Sustainable Development" states that *"new accesses to busy high speed strategic roads lead to more weaving and turning manoeuvres, which in turn create additional risk to safety and reduce the reliability of journeys, resulting in a negative impact on overall national economic activity and performance"*. As such we would be unlikely to approve any temporary access for construction traffic from the Strategic Road Network. National Highways are keen to work with the developer to understand potential transport impacts associated with the location of the compounds and haul routes.

National Highways are also keen to understand the anticipated timescales involved around this project, particularly in relation to potential traffic impacts on the Strategic Road Network as well as for any sub surface tunnelling at locations around the SRN

As previously stated, we are happy to liaise with the developer in relation to the proposed route of the pipeline around the Strategic Road Network and also to scope out the detailed elements of a Transport Assessment.

Kind regards

Ben

Benjamin Laverick, Assistant Spatial Planner

Operations North West Spatial Planning Team

National Highways | Piccadilly Gate | Store Street | Manchester | M1 2WD

Web: <https://nationalhighways.co.uk/>

For information and guidance on planning and the Strategic Road Network in England please visit:

<https://nationalhighways.co.uk/our-work/planning-and-the-strategic-road-network-in-england/>

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN060006/EN060006-000006-EN060006%20-%20Scoping%20Report.pdf>

National Highways Limited | General enquiries: 0300 123 5000 | National

**Traffic Operations Centre, 3 Ridgeway, Quinton Business Park, Birmingham
B32 1AF | <https://nationalhighways.co.uk> | info@highwaysengland.co.uk**

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Geotechnical Certification Process for Third Party Works Trenchless Installations Under Highways England Strategic Road Network

1. Introduction

All third-party works promoters and their sub-contractors who intend to work under Highways England's operational Strategic Road Network (SRN) and assets (e.g. depots, compounds, service areas, etc.) are required to consult and seek technical approval from Highways England prior to commencement of the site work. This guidance note provides a summary of Highways England's geotechnical certification process for third parties who are planning to undertake new service installation under the motorways, trunk roads or other Highways England assets.

2. Geotechnical Certification Process

The Design Manual for Roads and Bridges (DMRB) standard which sets out the geotechnical certification procedure is CD 622, Managing Geotechnical Risk [\(1\)](#). The key objective of CD 622 is to identify the geotechnical risks and manage those risks correctly. The following roles play a key part in the CD 622 process;

- Overseeing Organisation (i.e. Highways England) Geotechnical Advisor (OOGA)
- Designer's Geotechnical Advisor (DGA)

The geotechnical certification process may take several weeks and therefore it is prudent that the third-party scheme Project Manager allows sufficient time and cost as part of their planning process. It should be noted that the legal consent process is a separate process to the geotechnical certification process and that both processes need to be addressed by the scheme promoter.

3. CD 622 Geotechnical Reporting

At the inception of the CD 622 process, the third-party promoter is required to identify and nominate a suitably qualified and experienced geotechnical engineer for acceptance by the OOGA to fulfil the DGA role. The criteria for the DGA role are detailed in CD 622 and the candidate is expected to be familiar with the design and construction of roads and with various trenchless crossing techniques. Once appointed, the DGA must actively engage with the OOGA throughout the planning, interpretation and implementation of the geotechnical aspects of the proposed work including CD 622 reporting. There are five key geotechnical documents required to be produced under CD 622 comprising (in sequential order);

[\(1\) http://www.standardsforhighways.co.uk/ha/standards/dmr/vol4/section1/hd2208.pdf](http://www.standardsforhighways.co.uk/ha/standards/dmr/vol4/section1/hd2208.pdf)

SES Guidance Notes for Horizontal Directional Drilling and other Trenchless Installations.

- (i.) Statement of Intent (Sol)
- (ii.) Preliminary Sources Study report (PSSR) including Annex A
- (iii.) Ground Investigation Report (GIR)
- (iv.) Geotechnical Design Report (GDR)
- (iv.) Geotechnical Feedback Report (GFR)

It should be noted that CD 622 is a risk-based stepped approval process which means a geotechnical report submission must be certified before moving to the next. For straightforward schemes where the geotechnical risks are demonstrated in the Sol to be low, some submissions (with the exception of GFR) may be combined upon advance agreement with the OOGA. If following the desk study exercise (i.e. PSSR) a detailed ground investigation, survey, factual data and/or specialist geotechnical interpretation are required, it is anticipated this will incur additional time to the overall CD622 certification process. It is the responsibility of the third-party promoter and their Designer and Contractor to plan and procure these surveys as well as validating any asset data and to assess and manage the risks associated with the works in a timely manner.

4. Geotechnical Considerations

All geotechnical risks associated with the proposed service installation works that can affect stability of the earthworks and interacting with any other Highways England assets (e.g. bridges, pavement, drainage, lightings, signals, barriers and soft estates) are expected to be correctly managed via the CD622 process. For trenchless installation beneath the carriageway, it is important that any drilling and duct installation method does not result in significant deformation of the pavement ⁽²⁾ or adversely impact on the adjacent assets such as drainage and nearby verges. The relevant geotechnical reporting stages will need to demonstrate as a minimum (although not limited to):

- a) An understanding of the attendant geotechnical risks to the road infrastructure with respect to the selection of appropriate method(s) of installation (e.g. consideration of cover: diameter ratio, existing underground service utilities and structures, impact of works, etc). The geotechnical risks are to be captured in a risk register in tabulated format, with a demonstration of how each of the risks are being eliminated or mitigated.
- b) An understanding of the ground conditions, with a realistic ground model presented. Provide drawings showing the details of the design alignments (vertical and horizontal) of the proposed service route, the affected HE assets and the interpreted geological boundaries.

⁽²⁾ *As a general rule, the proposed works should not worsen the existing condition of any HE asset, all in the effort to keep Highways England assets in good condition and to meet HE obligations with respect to safety and service provision. For road pavement, no permanent heave or settlement greater than 10mm over 3m length on the road surface are expected*

SES Guidance Notes for Horizontal Directional Drilling and other Trenchless Installations.

- c)** An assessment of the likely magnitude of settlement (including differential settlement) or heave and its implication on the affected asset.
- d)** An assessment of the stability of launch / reception pits and stability of the bore itself – in as much as they affect the stability and integrity of the SRN and Highways England assets.
- e)** Options and selection of an appropriate trenchless installation technique with justification and recognition by the installation contractor that the method of installation and means of monitoring and control (warning / trigger thresholds) detailed in the GDR can be achieved.
- f)** Means of monitoring slurry pressures and returns to demonstrate how the risk of blow-out and / or slurry loss is being managed.
- g)** A contingency plan for recovery of any problems related to the trenchless operation, such as might occur from excessive ground movement, slurry escapes into road drainage, drill becoming stuck, etc.
- h)** Provide as-built records comprising vertical and horizontal profiles of the service crossing and construction notes in the GFR including details of any problems encountered during the works and procedures used to resolve the problems.

5. USEFUL REFERENCES AND FURTHER READINGS

1. Highways Agency. 2008, Managing Geotechnical Risk, Standard HD 22, Design Manual for Roads and Bridges, Volume 4, Section 1, Part 2.
 2. Highways Agency. 2008, Guidance on the Trenchless Installation of Services Beneath Motorways and Trunk Roads, Standard HA 120, Design Manual for Roads and Bridge, Volume 4, Section 1, Part 8.
 3. Highways Agency. 2000, Implementation Standard for Trenchless Installation of Highway Drainage and Service Ducts, Standard SD 14, Manual of Contract Documents for Highway Works, Volume 5, Section 8, Part 1.
 4. Highways Agency. 2006, Series 8000 - Specification, Manual of Contract Documents for Highway Works, Volume 5, Section 8, Part 2.
 5. Highways Agency. 2006, Series 8000 - Method of Measurement, Manual of Contract Documents for Highway Works, Volume 5, Section 8, Part 4.
 6. Highways England. 2017, Transmission Infrastructure, Standard TD72, Design Manual for Roads and Bridge, Volume 9, Section 3, Part 1.
-

Third Party Agreement Protocol



Protocol to Support the Delivery of Third Party Schemes

Highways England is a strategic highway company as defined by the Infrastructure Act 2015. The company is responsible through a licence issued by the Secretary of State for Transport for operating, maintaining and improving the Strategic Road Network (SRN) in England.

We have prepared this protocol to assist developers to work with us to deliver works on the SRN necessary to facilitate development. Our aim is to work collaboratively with developers through an efficient and consistent approach to assure safety and quality of works.

This protocol is a companion document to “*The Strategic Road Network Planning for the Future; A guide to working with Highways England on planning matters*” the current version of which is available on www.gov.uk.

There is a separate protocol for schemes considered low risk and with a forecast value of less than £25,000 For ease of reference this is included in Annex E of this document.

This protocol is not intended to be used as a guide on any contributions that may be required from developers towards the delivery of infrastructure by Highways England.

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1. Overview of Section 278 and Section 6 agreements

- 1.1. Highways England acts under licence from the Secretary of State for Transport as the Highway Authority for the Strategic Road Network (SRN) in England. A map of the roads which are our responsibility is on our website which can be found GOV.UK at [Roads Managed by Highways England](#).
- 1.2. Where a landowner or developer seeks to make or to fund changes to the SRN, they are usually required to enter into an agreement under a Section 278 of the Highways Act 1980 (as amended), referred to as “a Section 278 agreement”. This is a legal agreement between a highway authority and a developer for the developer to either pay for, or make alterations or improvements to the highway itself. A Section 6 agreement is an agreement between Highways England and a Local Authority which empowers the Local Authority to carry out works on a trunk road.
- 1.3. Schemes identified in Section 278 agreements may be promoted by a single developer or several developers working together. For clarity, we refer in this document to the ‘developer’ which may apply to either scenario. References to the developer include the developer’s advisors, representatives and consultants. References to “Highways England” include our service providers, agents, contractors and consultants.
- 1.4. Developers may enter into Section 278 agreements with Local Highway Authorities for schemes on local roads or with Highways England for schemes on the SRN. If a scheme is to be carried out on both the SRN and local highway network, the two authorities may need to enter into separate agreements. This protocol does not address agreements made under Section 4 of the Highways Act 1980 between highways authorities. The developer is not party to these, although it is beneficial for the agreements to be drawn up together. We will advise the developer if such an agreement is necessary. Where works delivery requires more rounded co-ordination, we will consider including local highway authorities in meetings.
- 1.5. This protocol relates to situations where a developer wishes to engage with Highways England to deliver a scheme on the SRN.
- 1.6. All Section 278 and Section 6 agreements are based on Highways England standard agreement templates, which are then populated for the individual works / schemes. The agreement will interact with wider design, safety and contractual processes. This protocol does not aim to comprehensively detail each process, but rather to set out our general process and what the developer can expect from us. Our Project Managers (see 2.7 for role detail) are experienced in delivering Section 278 agreements and will recommend the specific requirements of a particular scheme.
- 1.7. Local Authorities may enter into agreements with highway authorities to contribute to the cost of schemes under Section 274 of the Highways Act 1980 (as amended), referred to as “a Section 274 agreement”. This includes Section 274 agreements with Highways England as the Highway Authority for the SRN. Although most of the principles of this protocol apply to Section 274 agreements, it is not intended to be used for this purpose and any authority wanting to use a Section 274 agreement should contact us for further advice.
- 1.8. For Section 278/Section 6 agreements entered into for schemes on the SRN we are

required to ensure that the full cost of administering, designing and implementing the scheme is paid for by the developer, unless the agreement is intended to cover the partial costs of a scheme to be delivered through funding from a number of different sources. The scheme costs may also include a commuted lump sum payment to meet the cost of any increase in future maintenance.

- 1.9. There are other legal agreements required by works to the strategic road network, which may be appropriate to discuss. This could include works relating drainage in private land, landscape maintenance, legal and safety issues. For example: [New Roads and Street Works Act 1991](#) (NRSWA), supported by relevant Regulations and Codes of Practice, provides a legislative framework for street works by undertakers (including utility companies) and works for road purposes – to the extent that these must be co-ordinated by street authorities.

2. Principles of Section 278 agreements

- 2.1. We will usually not enter into a Section 278/Section 6 agreement until planning permission for the development is in place and any relevant conditions have been satisfactorily discharged and statutory powers to construct the scheme have been obtained if applicable. In exceptional circumstances it may be agreed that Highways England will seek to obtain the necessary powers, at the developer's expense, before we enter into an agreement.
- 2.2. Where a new access to the SRN is required for a development, Section 175B of the Highways Act 1980 states the consent of Highways England is required. This consent will be provided only if the provision of the new access complies with the Government's Policy document: [Strategic road network and the delivery of sustainable development](#) (DfT Circular 02/2013) and the terms of Highways England's licence. This is normally dealt with at the time of Highways England's substantive response to a planning application consultation.
- 2.3. It is the developer's responsibility to ensure that they have sufficient funding to cover the whole costs of the scheme. A list of likely costs that will arise is included in this protocol and it is highly recommended these are taken into consideration at the earliest opportunity, including unforeseen costs.
- 2.4. Circular 02/2013 requires that mitigation schemes are designed in accordance with our design standards set out in Design Manual for Roads and Bridges (DMRB). Only if there are instances where a justifiable case can be made why a particular requirement from the DMRB cannot be met, a designer shall apply for a scheme specific departure from that standard. This involves making a safety-based case on why works that do not meet the requirements should be allowed. Such applications are reviewed by Highways England's Safety, Engineering and Standards specialists. They will only be approved if the application demonstrates that it is appropriate to do so. If there are departures identified prior to planning permission being applied for, we would expect provisional agreement to be gained and recorded on internal systems such as Departure Approval System (DAS). Otherwise the developer takes forward a risk that they gain planning permission, but their highway mitigation works cannot be delivered. This will normally be during the process of preparing the detailed design. However, we expect developers to identify significant departures, particularly any which are critical to the deliverability of the mitigation, and to obtain our approval in principle to them

prior to planning consent being granted.

- 2.5. The principle of any identified mitigation scheme will be valid for as long as the planning permission remains capable of implementation. Where an application is made to vary the planning permission, or the planning permission lapses and a new planning application is submitted we will review any proposed mitigation scheme to ensure it is still suitable and where necessary, we will seek to secure an amended scheme to meet current standards and network requirements.
- 2.6. Developers are encouraged to engage in an early dialogue with us in order to ensure a smooth transition from planning the scheme to implementation. We seek to be an effective business partner and provide value for money in our business dealings with the development community. We are committed to ensuring that engagement with the development process is undertaken in a timely and constructive manner.
- 2.7. The primary role of the Project Manager will be filled by a named individual who will be the developer's main point of contact for all matters related to the delivery of the Section 278/Section 6 scheme. However, the Project Manager for the delivery of the scheme will generally be different from the Project Manager or lead contact that dealt with the scheme prior to planning permission being granted.
- 2.8. It is important that both we and the developer are aware of how an agreement is progressing at all stages, both in terms of time and cost. We will manage agreements against an agreed programme and open book basis with costs based on the actual costs of implementing the scheme.
- 2.9. Our accounting rules do not allow us to fall into deficit against a particular Section 278 or Section 6 project, and therefore we will not undertake work until we are in receipt of the required funds.
- 2.10. Any money which has been paid to us and has not been spent as agreed will be repaid to the developer once the scheme is complete. If a scheme is abandoned, there may be abortive costs incurred to start physical works.

3. Securing a Section 278/Section 6 agreement

- 3.1. Once planning permission has been secured, there are four steps in the implementation of highways mitigation schemes:
 - Step 1: Pre-agreement discussions and establishing the type of agreement to be used [see Appendix A and paragraphs 3.2 and 3.3 below].
 - Step 2: Detailed design and drafting the Section 278 agreement [see Appendix B and paragraphs 3.4, 3.5, 3.6 and 3.7 below].
 - Step 3: Procurement of works and finalising the Section 278 agreement [see Appendix C and paragraph 3.8 below].
 - Step 4: Construction, post construction and final accounts [see Appendix D].

A flow chart showing the four key steps in the process is included at Section 10.

- 3.2. Following commencement of pre-agreement discussions, the scheme will be managed to delivery by our nominated Project Manager. When we are contacted by the

developer to begin the process, we will give the name and contact details of the Project Manager. We will also issue a questionnaire to seek relevant information. There is a split of responsibilities within Highways England between those who deal with planning applications, and the Project Managers who deal with development and delivery of the conditioned works. Once a developer is ready to progress with the scheme post planning, they should complete the questionnaire and return it to the named regional contact in the back of this protocol. The planning manager can perform a formal handover if it is desired.

3.3. We may hold a pre-agreement meeting to discuss the scheme. The meeting will be led by our Project Manager for the scheme and include technical support as necessary. The standard agenda for this meeting is set out at paragraph 11 of Appendix A below. At the meeting, some or all of the following may be discussed:

- The form of agreement to be used.
- How the scheme is to be procured.
- The timescale which the developer is working to.
- Who will undertake the detailed design of the scheme?
- Who will undertake the construction of the scheme?
- Any other preliminary requirements including but not limited to RSA2, WCHAR.

3.4. Before the Section 278/Section 6 agreement can be signed and procurement of works can begin information will need to be prepared, checked and approved. This will include but is not limited to:

- Contact information for the developer's agents, consultants, legal and financial representatives
- A description of the works to be undertaken
- A detailed design including general arrangement drawings of the works
- Details of any works to protect or move utility company equipment
- A cost estimate to complete the scheme (including utility company costs) based on suitable professional advice or obtained through an open tender exercise, to allow the amount payable to us be calculated
- The level of commuted lump sum payment towards future maintenance costs of additional highways assets created through the scheme, Calculated in accordance with current guidance. This includes separate commuted lump sum calculation methods applicable to Design, Build, Finance and Operate (DBFO).
- Relevant walking, cycling and horse-riding assessment and reviews, and road safety audits completed in accordance with Design Manual for Roads and Bridges guidance as set out in GG 142 *Walking, cycling and horse-riding assessment and review* and GG 119 *Road Safety Audit*.
- Approval and confirmation of all departures from standards including any identified during detailed design and those which we previously approved or agreed to the principle of prior to grant of planning permission.
- Land requirements for proposed new highway works that are outside the highway boundary and/or not in Highways England's control.
- Requirements for any Statutory Orders/procedures.
- Appropriate risk assessments (including safety risk assessment in accordance with GG 104 *Requirements for safety risk assessment*) and risk management plan.
- Valuation for Part 1 claims

- All necessary funding / costs should be in place with Highways England. If the account is in debt the Legal Agreement will not be put in place.
- 3.5. The design and cost estimates may be prepared by us or by the developer and checked by us. However, whichever approach is taken our actual costs of preparing or checking the information will need to be met by the developer before we can undertake or commission any work, in line with the principles set out in Section 2.8 above.
 - 3.6. Design of all schemes, including works to protect or move utility company equipment must comply with DMRB standards subject to any technical approval in writing from us for specific departures from standards. For many schemes the diversion of statutory equipment will be needed. Technical approval for designs will not be granted until formal survey searches have been performed and either:
 - Any apparatus has been moved outside of the footprint of the works; or
 - If the apparatus is to be moved or protected during the works, the measures have been approved by both the utility and Highways England. In this circumstance, the developer will need to include the diversion on their works programme.
 - 3.7. There may be a need to address particular environmental impacts as part of the scheme preparation, particularly if these have not been fully addressed at the planning stage. As a statutory Highway Authority, Highways England has many obligations relating to environmental matters. Any that apply to Highways England improvement works also apply to third party funded works. Highways England will work with you during the detailed design preparation and assurance phases to ensure any environmental obligations generated by the works proposal are identified and resolved. This must be done before the S278 agreement will be entered into. Examples of items that might be required or have an effect on improvement works, amongst many others are bird nesting season restrictions, bat surveys, badger surveys, noise surveys, HAWRAT (Highways Agency Water Risk Assessment Tool) assessments and a statutory or non-statutory environmental impact assessment (or associated notice of determination).
 - 3.8. An explanation of the options for the procurement of the scheme is given in Appendix C and the procedures for building the scheme and payment of accounts are described in Appendix D. The appointed contractor will build the scheme and it will be supervised by us or by an appointed agent on our behalf.

4. Roles of parties to the Section 278/Section 6 process

- 4.1. The main parties to the agreement are the developer and Highways England acting as the Highway Authority for the Strategic Road Network (SRN). We will seek technical and legal input from our officers as required.
- 4.2. In locations where the SRN is managed on our behalf by Design, Build, Finance and Operate (DBFO) companies they will be involved in the delivery of works. The Project Manager will explain if there are any specific requirements for the scheme as a result of a DBFO company's involvement, which may include a different method of calculating any commuted lump sum for maintenance that may be payable (see Section 5.3).

Role of the developer

- 4.3. It is the developer's responsibility to provide information required by the Project Manager in order to ensure the scheme is developed and implemented effectively. The developer should also ensure that they have in place the capacity to prepare or check the technical and legal information which will be prepared through the process.
- 4.4. The developer and their consultants must ensure compliance with all aspects of the current Construction (Design and Management) Regulations. Where the developer intends to do the works, a template Section 278 agreement is used (see Appendix A (Section A15)) and depending on the details of the works, for the purposes of CDM the developer will fulfil the role of Client and all the responsibilities of that role. Given that there is more than one potential CDM client for each scheme, a written record should be made of which party takes on the responsibility. It is Highways England's standard position that the developer is the CDM client throughout the life of the scheme. A record of this agreement is made during gateway 1 as set out in the detailed guidance below.
- 4.5. The developer must pay funds in accordance with the agreement and ensure that all land required to deliver the scheme is conveyed to Highways England. Subsequent payments of funds where applicable will be made in accordance with the agreement.

Role of Highways England

- 4.6. We are responsible for providing all technical approvals, including departure from DMRB standards (if, as set out above we are satisfied to do so) and approval of work carried out. We may appoint a consultant or contractor to act on our advice, but the ultimate authority to issue approvals remains with our Project Manager. There may be a need to address particular environmental impacts as part of the scheme preparation, particularly if these have not been fully addressed at the planning stage. As a statutory Highway Authority, Highways England has many obligations relating to environmental matters. Any that apply to Highways England improvement works also apply to third party funded works. Highways England will work with you during the detailed design preparation and assurance phases to ensure any environmental obligations generated by the works proposal are identified and resolved. This must be done before the S278 agreement will be entered into. Examples of items that might be required or have an effect on improvement works, amongst many others are bird nesting season restrictions, bat surveys, badger surveys, noise surveys, HAWRAT assessments and a statutory or non-statutory environmental impact assessment (or associated notice of determination).
- 4.7. We are responsible for providing all technical approvals, including departure from standards (if, as set out above we are satisfied to do so) and approval of work carried out. We may appoint a consultant or contractor to act on our advice, but the ultimate authority to issue approvals remains with our Project Manager. There may be a need to address particular environmental impacts as part of the scheme preparation, particularly if these have not been fully addressed at the planning stage.
- 4.8. As a statutory Highway Authority, Highways England has many obligations relating to environmental matters. Any that apply to Highways England improvement works also apply to third party funded works. Highways England will work with you during the detailed design preparation and assurance phases to ensure any environmental obligations generated by the works proposal are identified and resolved. This must be done before the S278 agreement will be entered into.

- 4.9. Examples of items that might be required or have an effect on improvement works, amongst many others are bird nesting season restrictions, bat surveys, badger surveys, noise surveys, HAWRAT assessments and a statutory or non-statutory environmental impact assessment (or associated notice of determination).
- 4.10. We and our consultants will ensure compliance with all aspects of the current Construction, Design and Management (CDM) Regulations as they apply to us. Where a section 278 agreement is used and, depending on the details of the work, for the purposes of CDM we may require or agree for the developer to fulfil the role of client subject to our satisfaction that the developer is competent to do so. This agreement will be in writing.
- 4.11. We will provide a regular and reasonable account of spending and work undertaken on the scheme and future forecasts as required by the developer.

5. Commuted lump sum for additional and ongoing maintenance costs

- 5.1. The commuted lump sum is calculated based on the additional cost of maintaining the network created or improved as a result of the works for a period of 60 years. The assessment period of 60 years is consistent with HM treasury's Green Book and ADEPT guidance, *Commuted Sums for Infrastructure Assets*, produced for DfT in 2009. This occurs either where a new area of network is created, such as a widened carriageway, or where equipment such as new signs or signals is installed on the existing network. However, a commuted lump sum for maintenance is not payable where the cost of maintaining the improved asset would be the same as or less than the cost of maintaining the existing asset.
- 5.2. The amount of commuted lump sums payable is calculated based on current maintenance requirements and will be set out in the Section 278/Section 6 agreement. The developer will pay the funds to us in accordance with the agreement.
- 5.3. For sections of the network that are subject to a Design Build Finance and Operate (DBFO) contract the additional ongoing costs will comprise any Compensation Events payable under the DBFO contract until the end of the contract and the additional maintenance costs from the end of the contract for the remainder of the 60-year period.

6. Costs under Part I of the Land and Compensation Act 1973

- 6.1. Under Part I of the *Land Compensation Act 1973 (LCA)*, compensation can be claimed by people who own and also occupy property that has been reduced in value by more than £50 by physical factors (e.g. noise, fumes and artificial lighting) caused by the use of a new or altered road. All costs arising from claims under Part I LCA are the responsibility of the developer.
- 6.2. Prior to the Section 278/Section 6 agreement being signed and where we believe there may be scope for claims to be made, we will appoint a valuer and work with the developer to provide information so that they can assess the likelihood of claims being made. We have a dedicated team responsible for administering claims made under Part I of LCA who will support the Project Manager.
- 6.3. Claims made under Part I of LCA must be made within seven years of the relevant

date, which is usually the opening of the works to traffic. Depending on the potential for claims identified by the valuer, we may retain some or all of the bond or cash deposit provided by the developer to cover the cost of paying claims.

7. Resolution of disputes and delays

- 7.1. If either party is concerned that matters are unlikely to be resolved within the timescales indicated in this protocol or the timescales agreed at the pre-agreement meeting, they should escalate the problem in order to try and resolve the issues. In such instances the Project Manager should contact the developer, or the developer should contact our Operations Directorate Asset Development Team Regional Manager, whose details can be found in Appendix H.

8. Monitoring and review of the process

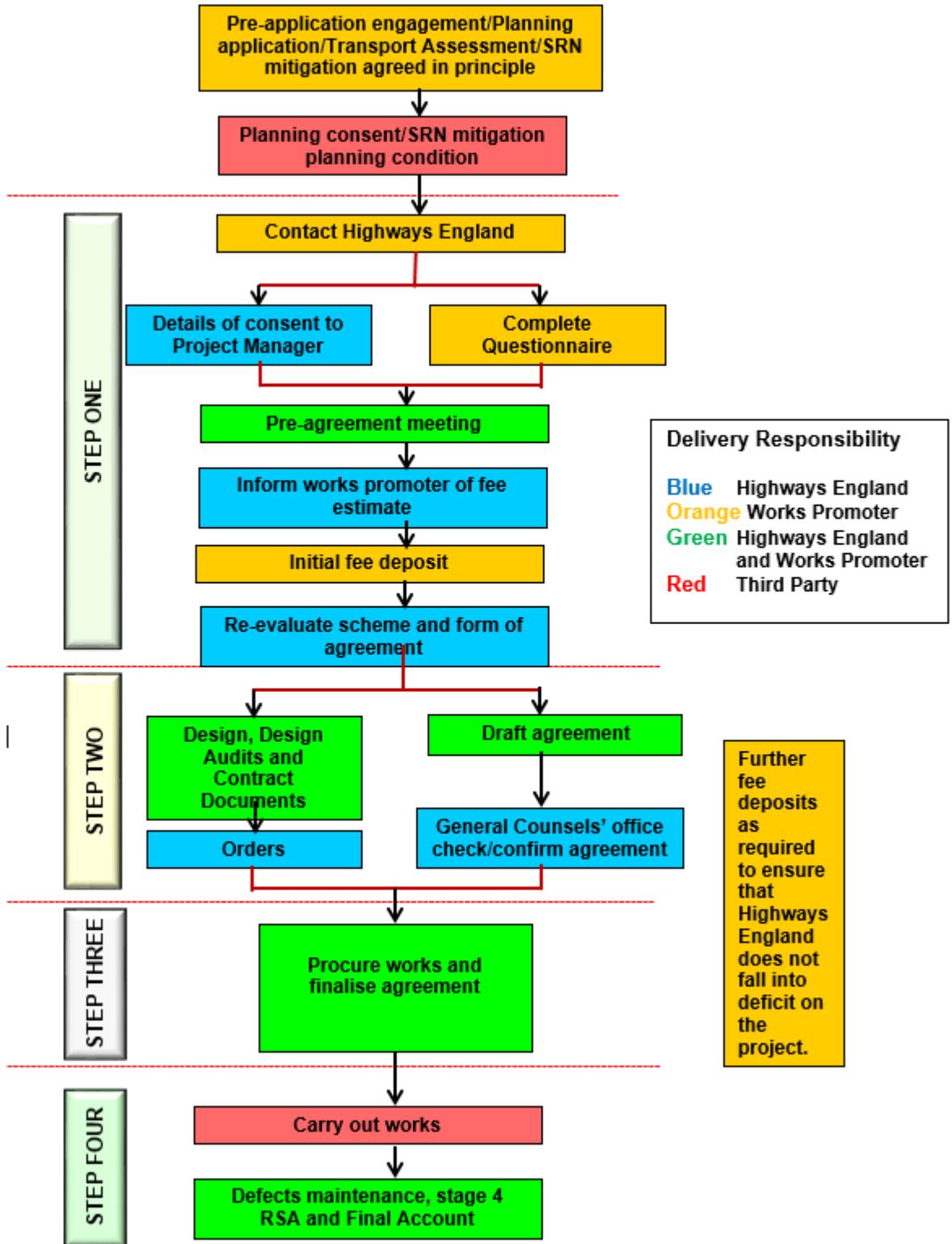
- 8.1. This protocol is a live document that will be updated as and when changes in policy relevant to the above process occur. Feedback on the contents, helpfulness and application of the document is very much welcomed from developers and their representatives and should be forwarded to the relevant regional Project Manager.
- 8.2. All comments received will form part of a regular review process and will be taken into account when preparing an updated version, as appropriate.

9. Time considerations

- 9.1. Time considerations will be fully explored as part of the pre-agreement discussions and it is important that developers understand and take into consideration the range of factors which can impact on the delivery of Section 278/Section 6 schemes such as the time required to establish the agreement, statutory procedures, tendering process and environmental constraints.
- 9.2. Once funding is in place as referred to in Section 2.9 above the agreement can be drafted and the background information prepared. We would typically expect the preparation of the agreement and the information required to complete it to take three to six months, although for larger or more complex schemes this may take substantially longer. Timescales and associated matters will be discussed as part of the initial meeting. Drafting of the agreement and completing the detailed design are separate processes that can run concurrently to minimise delay.
- 9.3. The construction of the scheme may require Traffic Orders under the Highways Act 1980 and/or Traffic Management Act 1984. Where applicable, permanent and temporary Traffic Regulation Orders made under the Road Traffic Regulation Act 1984, other Orders required under the Highways Act 1980 and road-space bookings are needed to be in place before any construction work can start on site. The procedures associated with these requirements should be expected to take approximately six months to process and this will need to be considered in the scheme design and construction programme.
- 9.4. Currently, public procurement in England must comply with EEC Directives. Where the works value is within 10% of or in excess of the current *Official Journal European Union (OJEU)* threshold one option is for a developer to request that the works are priced

through an available Highways England Framework Contract. The alternative for developers in this position is to request us to separately advertise their scheme through the OJEU process. This could add a further nine months to the time taken to secure a contractor.

10. Four step flow chart of the agreement process



Appendices

Appendices A to D inclusive provide the details of a particular step in the Section 278 process as illustrated in the preceding flow chart and how we will work with developers to deliver their objectives. The steps are:

Appendix A - Step 1 Pre-agreement discussions and establishing the type of agreement to be used. The topics include hand-over from the planning phase, the pre-agreement meeting, initial discussions on costs estimates and timescales, reimbursement of our costs, types of agreement and decisions regarding the detailed design step.

Appendix B - Step 2: Detailed design and drafting the agreement.

Topics include; detailed design of the works, Stage 2 Road Safety Audit, development consent and traffic regulation Orders, temporary traffic management, drafting the agreement, costs to be paid by the developer , and surety / bond for the construction works and preparation of any statutory orders

Appendix C - Step 3: Procurement of works and finalising the agreement. The topics include procurement, OJEU threshold, finalising the cost and signing the agreement. Internally tasks relating to finalising the programme will be undertaken and includes updating road space booking.

Appendix D - Step 4: Construction and final accounts. The topics include Construction Design and Management Regulations, construction pre-start meeting, substantial completion, Stage 3 and 4 Road Safety Audits, defects correction, contract final account and Section 278/Section 6 agreement final account.

Appendix E - MINI Section 278 Agreement: This sets out the application of, and summary steps involved in a MINI Section 278 agreement; scheme values of less than £25K.

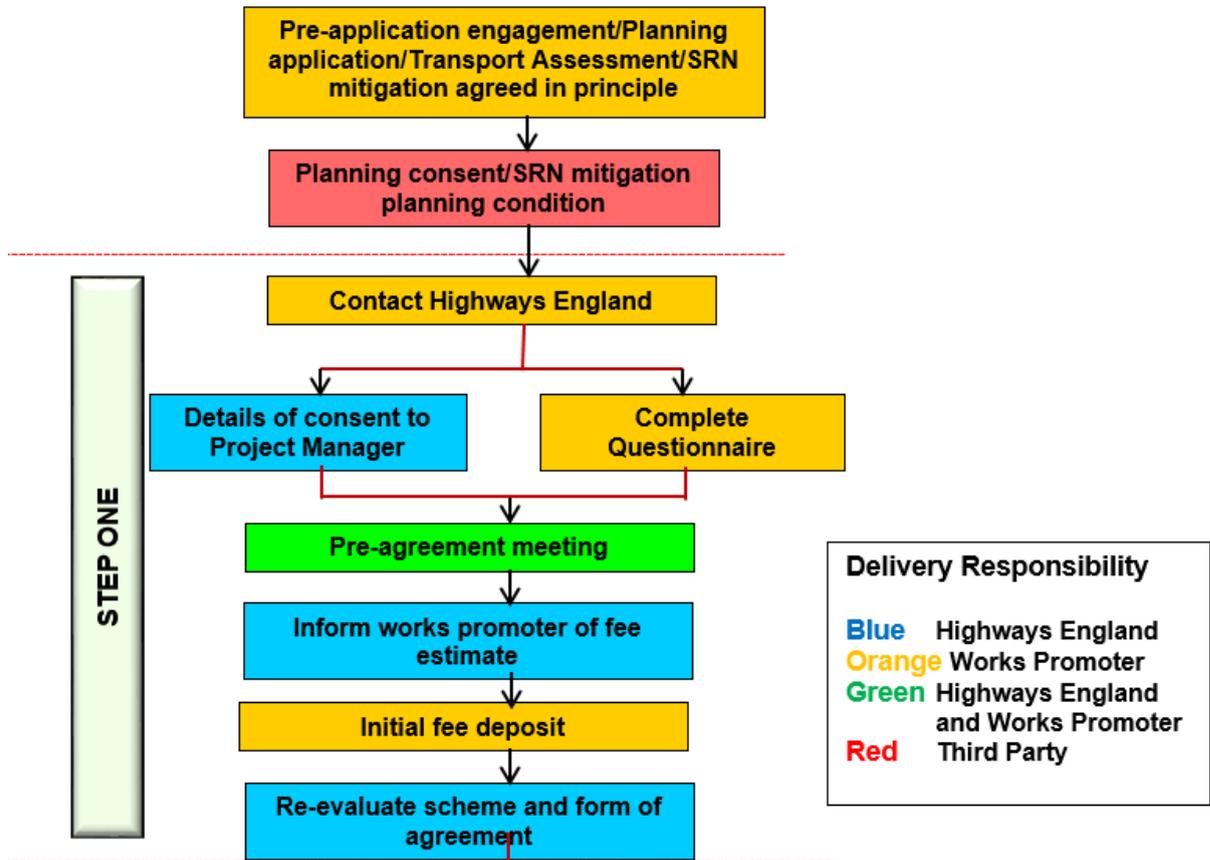
The remaining appendices provide some of the tools or information which will assist the developer to understand and participate in the process.

Appendix F - Section 278/Section 6 Questionnaire

Appendix G - Acronyms and Glossary

Appendix H - Contact Details

A. Appendix A Step One: Pre-agreement stage



Handover from the planning phase

- A.1. The Section 278/Section 6 process and efficient delivery of an SRN mitigation scheme will be more straightforward when there has been close liaison between a developer and the Highways England planning case officer at the planning application stage. This will assist all parties to understand the objectives of the SRN mitigation and associated justification and design constraints.
- A.2. During the planning phase we will ensure that the principle of the scheme has been approved (see Section 2). This will establish the acceptability in principle of any identified departures from our design standards¹. We may approve departures from standard during the planning phase where it is appropriate and we have sufficient information to do so.
- A.3. Once we are contacted by the developer to begin the preparation of the agreement and we have verified that the related development and associated mitigation has received planning consent, the Project Manager will take over from the Highways England planning case officer to oversee the delivery of the scheme. The Highways England Planning Case Officer can assist with a mandatory handover if desired. As a minimum the Highways England Project Manager will need the following from the

¹ Technical Design Documents & Advice Notes contained in the Design Manual for Roads and Bridges

developer to officially set the scheme up. As a minimum the handover from the Highways England planning case officer to the Project Manager will comprise the following:

- A General Arrangement Drawing that has been subject to planning approval / as a condition to a larger planning approval.
- The *Walking, Cycling and Horse-Riding Assessment and Review* for the Highways Works (WCHAR).
- The stage 1 road safety audit with designer responses, and actions log as agreed with the Highways England Planning Case Officer.
- A copy of the planning permission.
- A signed form agreeing to take on the CDM client role.
- A completed questionnaire; and
- A standard financial deposit (details set out below).

A.4. Nationally significant infrastructure projects which have been subject to determination by the Secretary of State in accordance with the Planning Act 2008 as amended, and which have been approved, will be subject to a Development Consent Order (DCO). Where these projects include works to the SRN, and it is set out that these will require S278 or S6 agreements, we will progress the appropriate agreement with developers in the same way we would if the planning consent had been granted by a Local Planning Authority or by the Secretary of State on appeal.

A.5. In some cases, in order to enable the scheme to be delivered following the grant of planning permission, the developer may seek to progress the detailed design [and draft Section 278/Section 6 agreement in parallel with the planning process]. In this case we will follow this protocol as though planning permission has been granted, although we will not normally allow works to commence until planning permission for the development is in place. If the scheme is developed in this way, it will be without prejudice to any decision the Local Planning Authority may make in respect of the planning application or in respect of any formal recommendation we may make in response to consultation on the application. All our costs after the pre-agreement meeting will be required to be met by the developer

Questionnaire

A.6. In order to inform the pre-agreement meeting, we need certain basic information regarding the proposed scheme. A questionnaire will be issued by the Project Manager and completed by the developer to inform the pre-agreement meeting. A copy of this questionnaire is provided at Appendix F.

Pre-agreement meeting

A.7. The pre-agreement meeting is intended to ensure that we and the developer understand the requirements of the scheme and the other party. This will help establish clear and open lines of communication; clearly define roles, responsibilities and obligations; and identify timescales and options that may affect the form of agreement chosen and how it progresses.

A.8. We need to clearly understand the developer's requirements and key drivers for the delivery of the scheme, so that we can help determine the form of agreement (as set

out in A.15) which is most suitable to meet the requirements. HE will take the decision as to which form to use after discussion with the developer.

- A.9. At the pre-agreement meeting it will also help us to provide useful advice if we understand the assumptions that the developer is working to. This includes any cost estimate or schedule of works which the developer has prepared, and any information obtained from third parties or statutory undertakers. During the discussions at the pre-agreement stage, we are unlikely to be able to give assurances regarding costs and timescales.
- A.10. At the pre-agreement stage we will ensure as far as possible the developer is aware of the full range of HE costs which may be associated with the scheme. The cost estimate that the developer has prepared may not cover all the potential costs associated with the scheme, such as our administrative and legal costs, the cost of securing Traffic Regulation Orders or orders under the Highways Act 1980, statutory undertakers' costs, traffic management costs and future maintenance costs. The financial liabilities for the developer in the Section 278/Section 6 are set out in detail in Appendix C.
- A.11. Topic areas typically discussed at a pre-agreement meeting are set out in Table 1 below. Other topics may be discussed at this stage depending upon scheme specifics.

Table 1: Pre-agreement meeting discussion topics

Managing the process	Finance	Process Options	Other Parties
<ul style="list-style-type: none"> - Developer Information (Questionnaire) - Responsibilities (including CDM) - Communications - Constraints - Timescales - Environmental requirements - Any other works proposed at the same location - Scheme completion handover including H&S File, ADMM 	<ul style="list-style-type: none"> - Non-recoverable VAT - Fee Deposit - Design and checking fees - Supervision Fees - Works Cost Estimate - Defects Maintenance - Commuted Lump Sum - Part I LCA Claims 	<ul style="list-style-type: none"> - Fee Deposit or ACU - Type of agreement - Who to design - Procurement method - Who to build 	<ul style="list-style-type: none"> - Local Highway Authority - S4 / S6 Agreements (see Section 1.4) - Orders - Road Safety Auditor - WCHAR assessor - Highways England Legal team - Valuer - Highways England - Planning Case Officer - Statutory Undertakers - Data Intelligence Team or equivalent - Safety, Engineering & Standards

Reimbursement of Highways England costs of preparing the agreement

- A.12. The pre-agreement meeting will be held at no cost to the developer. However, funding will be required to progress the Section 278/Section 6 process from this point as our financial rules do not allow us to incur any further cost without prior payment from the developer.
- A.13. Payments towards our costs of preparing the agreement, except for the legal work, can be made in full up- front or in stages as agreed between us and the developer. Our standard initial fee is £5,000 (plus £1,000 non-recoverable vat).] This enables us to get the scheme in our portfolio of projects. However, developer's; account must remain in credit at all times in order for work to continue. Where money deposited is unlikely to cover a particular task or stage, we will advise the developer so that further funds can be provided. We will not start work on any specific task until we have money in place to fund it. The legal fees will be recoverable on an hourly rate basis and will need to be paid in full before the agreement can be completed.
- A.14. Any money deposited prior to the signing of the agreement and not used will normally be returned to the developer. On the works developer's instruction, deposited money may be retained and transferred to the next stage. We will provide regular statements of account to the developer as required.

Forms of Section 278 agreement

- A.15. For the purposes of this document, there are two forms of Section 278 agreement which would normally be considered as set out below. However, for agreements of very low value and which have minimal risks and no land transfer requirements, we will use a MINI Agreement, although this will still follow the general principles and checks outlined in this protocol (see Appendix E). The acceptability of a MINI Agreement can be discussed with our Asset Delivery Team as part of the pre-agreement discussion.
- A.16. The Project Manager may require a particular form of agreement based on our requirements or those of the developer, the nature of the scheme, or the anticipated cost or saving of one form of agreement compared to another. The decision on which form to use will be made by HE in discussions with the developer. Under all forms of agreement covered by this protocol, Highways England will be the Employer as set out in the most recent Highways England approved version of the NEC Engineering and Construction Contract. The two principal agreement types are:
- Agreement where HE undertakes the works: under this form of agreement, we directly appoint the contractor who will undertake the work. It should particularly be noted that **VAT is not recoverable by either us or the developer.**
- The standard (two-party) agreement is often quicker to implement, and savings on the costs of administration, procurement and supervision may off-set the additional cost of the VAT which cannot be recovered. The majority of agreements take this form.*
- Agreement where the developer undertakes the works: under this form of agreement, we appoint the developer as the contractor, who then appoints an approved sub-contractor to undertake the works. VAT may be recoverable by the developer.

Highways England cannot advise on rules regarding VAT and developers should take professional advice to establish whether this is relevant. Where we are the designer, a

designer's deed of warranty is not required.

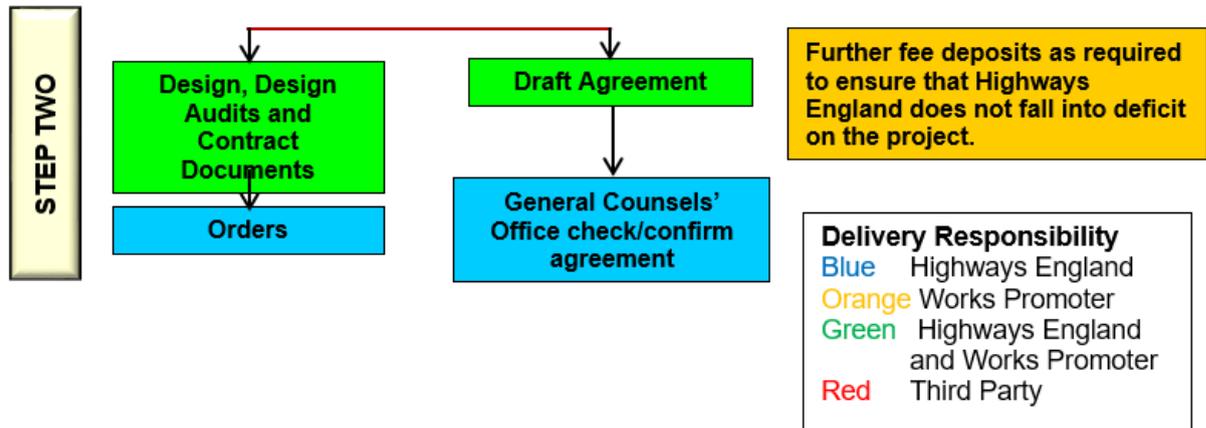
There are usually five parts to any agreement where the developer undertakes the works. These are:

- a) Section 278
 - Main Section 278 agreement document
- b) Building contract deed
 - Agreement between Highways England and the developer where the developer will be appointed as the contractor.
- c) Sub-contract deed
 - Agreement between Highways England and developer where the developer will appoint a named sub-contractor to undertake the works.
- d) Sub-contract deed of warranty
 - Warranty given by the sub-contractor and the developer to Highways England for all the works that they undertake.
- e) Designer deed warranty
 - Warranty given by the designer to Highways England

Preparation of the detailed design

A.17. The detailed design can either be prepared and checked by us or prepared by the developer and checked by us. The works developer may use any competent designer to complete the design. Whichever approach is taken the developer will be required to meet our costs before we can do any design or checking work. We will provide a reasonable estimate of our costs either to preparing the design, or to check the developer's design as well as an initial estimate of our administration costs which will provide the basis for the initial payment.

B. Appendix B Step Two: Detailed design and drafting the agreement



Detailed design of the scheme

- B.1. We would typically expect the preparation of the agreement and the information required to complete it to take up to three months, although for larger or more complex schemes this may take substantially longer.
- B.2. Drafting of the agreement and completing the detailed design are separate processes which can run concurrently, as shown in the below protocol flowchart. The Section 278/Section 6 agreement cannot be finalised until the detailed design is complete.
- B.3. Detailed design will be carried out either by us or by the developer as agreed. Where we are the designer, we will complete the design within the agreed timescales. Where we are carrying out the design check, we will check submitted designs and provide comments or feedback within an agreed timescale. If Highways England are asked to procure a design from our supply chain, we will agree a defined set of activities with the developer and seek a price and programme from our consultants. Payment of the full quotation is required before a design can be contractually awarded to our consultants, and once awarded Highways England will manage the design process. Timescales for design reviews very much depend on the quantity and quality of drawings and specification items submitted, and the level of compliance with DMRB standards demonstrated.
- B.4. Where we are the designer and we are delayed by matters outside our control such as waiting for third-party provided information, we will tell the developer as soon as we are aware of the delay.
- B.5. The detailed design will either need to be fully compliant with DMRB, the Manual of Contract Documents for Highways Works and other pertinent documents or have all identified departures from standards approved in writing before incorporation into the final detailed design. As set out above, approval of departures is by exception and at Highways England's discretion.

Construction (Design and Management) Regulations (CDM)

- B.6. It is possible that either Highways England or the developer are potential CDM clients

for a particular scheme. There can only be one CDM client, and HSE set out guidance on how to determine who this is when there is potentially more than one. Highways England's position is that the undertaker is best placed to fulfil this role, and as such have a standard proforma for the developer to sign to acknowledge this.

Depending on the form of agreement to be used and the details of the scheme, the role of 'Client for CDM purposes' may be fulfilled by us or by the developer. The CDM Client will appoint the Principal Designer and the Principal Contractor, ensure that both are competent and adequately resourced for the project, and ensure that all other client duties under CDM are properly discharged. The Principal Designer will need to be appointed before detailed design can start.

B.7. The responsibilities of the Client include:

- Notification to the Health and Safety Executive of the scheme (Form F10 completion and submission)
- Appoint Principle Designer and Contractor
- Appointing competent people to ensure that construction works can be carried out reasonably safely, and that the network will be safe to use following construction.
- Ensuring that there are suitable management arrangements for the project works, including the provision of welfare facilities on site.
- Allowing sufficient time for each stage of the project to be carried out.
- Where there is an existing Health and Safety File, providing it prior to the start of works, and hand over the completed file to the Project Manager at the end of the works.
- Providing and distributing pre-construction information to all the relevant parties.

B.8. In carrying out the design, the designer will need to comply with all the relevant requirements of the CDM Regulations. This includes:

- Ensuring that they are competent and adequately resourced to undertake the design.
- Checking that the client is aware of their duties under the regulations.
- Avoiding foreseeable risks as far as is reasonably practicable taking account of other relevant design considerations.
- Providing adequate information about any significant risks associated with the design, including those which may occur during construction and those relevant to road users.
- Ensure that they do not start design work beyond initial design unless the client has appointed a Principal Designer.
- Co-operating and co-ordinate their work with the client, the Principal Designer and other designers and contractors.

Road Safety Audits and WCHAR Assessments

B.9. Once the detailed design has been completed; it will be subject to a Stage 2 Road Safety Audit carried out in accordance with *DMRB GG119 'Road Safety Audit'* standard. Recommendations arising from the audit and accepted by the Project Manager will usually need to be incorporated in a revised design. A Road Safety Audit Response Report shall be produced at the completion for each road safety audit. This

report includes both a design organisation and Project Manager response to each problem and recommendation raised in the road safety audit report.

- B.10. A relevant Walking, Cycling and Horse-riding Assessment and Review (WCHAR) completed in accordance with DMRB guidance as set out in GG142 *Walking, Cycling and Horse-riding Assessment and Review* must also be undertaken, and the outcome appropriately taken into account in the scheme design.

Departures from standard

- B.11. By exception Highways England may agree departures from standard. Before the detailed design can be finalised, all departures from design standards must be approved. In most circumstances the standard process will be followed. In exceptional circumstances and at Highways England's discretion, we may agree to departures from standard. We will consider departures from standard during the planning phase where it is appropriate, and we have sufficient information to do so. We will take into account any departures we have previously provisionally agreed or formally approved and any amendments following the completion of the Stage 2 Road Safety Audit. We will use this information to assess and approve any departures from standard in line with our published procedures. The Project Manager will advise the developer on the process for obtaining such approval and the anticipated timescale which will be up to 42 days

Schedule of works

- B.12. Once we have checked and agreed the detailed design and approved all necessary departures from standard, we will notify the developer in writing so that the schedule of works can be finalised. Where the completion of detailed design is required to discharge a planning condition associated with the scheme, we will, on request, notify the Local Planning Authority of the requirement being complied with to our satisfaction.
- B.13. For the agreement where HE undertakes the works, we will prepare the schedule of works and a cost estimate. For the agreement where the developer undertakes the works the schedule of works and cost estimate may be prepared either by us or by the developer. Where a cash deposit or bond is required, the estimated works cost will form the basis for this.
- B.14. Drafting the agreement, we are happy to provide you with a copy of our template agreement which sets out our standard terms and conditions. Once the scheme details are clear, Highways England's solicitors will be instructed to draft the agreement and it will be sent to you and/or your solicitors for comment and/or approval. Once both parties are satisfied with the draft it can be finalised and completed.

Costs under Part I of the Land and Compensation Act 1973

- B.15. During the preparation of the agreement documents, the Project Manager supported by our Part I LCA claims team will appoint a valuer at the developer's cost to assess whether there may be claims arising. The Project Manager and the developer will need to provide the valuer with as much information as is necessary to make the assessment.
- B.16. Based on the valuer's judgement, the agreement will specify how much is to be

retained following completion of construction to pay potential claims as and when they arise. The retention period will be for seven years following the opening of the scheme to traffic. Where in the valuer's judgement all likely claimants can be specifically identified, the agreement may specify that money retained to pay claims is released once all such claimants have been paid.

- B.17. While taking account of the judgement of the valuer, it is the responsibility of the developer to pay all valid Part I LCA claims resulting from the works.
- B.18. Full guidance on how we deal with Part I LCA claims is available from our asset delivery team

Highways Orders and Traffic Regulation Orders

- B.19. In many cases the works will be ones which Highways England is authorised to carry out under its general powers in Part V of the Highways Act 1980. However, in some cases the detailed design process may identify the need for any of the following statutory Orders:
- Orders made under the Highways Act 1980. The legal process for these orders includes the public advertisement of the draft Order(s) and a consultation period. This could result in the need for a Public Inquiry if objections are made to the draft Order(s). An Order made under section 10 of the Highways Act 1980 can only be made by the Secretary of State. This involves an application process to the Secretary of State and we will provide any help and guidance we can for this.
 - Traffic Regulation Orders made under the Road Traffic Regulation Act 1984. This is the legal mechanism where traffic can be regulated to ensure the safe and efficient operation of the SRN.
- B.20. The need for any type of Traffic Order could have implications for the scheme's timescale due to the legal requirements involved. We will advise the developer as soon as we become aware of the potential need for any Orders.
- B.21. The construction of the scheme will require the introduction of temporary traffic management procedures. The layout of traffic management can begin to be planned during the detailed design phase once the required level of detail is known. Where applicable, temporary Traffic Regulation Orders, other Orders required under the Highways Act 1980 and road-space bookings are needed to be in place before any construction work can start on site. The procedures associated with these requirements is expected to take approximately six months to process and this will need to be considered in the scheme design and construction programme.
- B.22. Where a nationally significant infrastructure project has been considered and approved by the Secretary of State under the Planning Act 2008 the development will have been granted a Development Consent Order. Similarly, a scheme may have been granted consent by an order made under the Transport and Works Act 1992. It should be noted that these consents may require changes to SRN and its junctions or accesses, including where appropriate the provision of a new access to the SRN.

Road-space booking

- B.23. We manage works on our network to make sure we can maintain it effectively. We will only allow works on the SRN to take place at specific times depending on the level of traffic use and maintenance schedules. The Project Manager will inform the developer when they are in a position to submit a Network Occupancy request. It is important to book road-space for works well in advance, based on a realistic timetable. We will aim to fit Section 278/Section 6 schemes into our programme according to the developer's requirements, but road-space bookings for works may be delayed if other works are under way or already planned within the vicinity. Timetable slippage in the preparation of a scheme could result in the need to rearrange road-space booking, impacting on the scheme programme.
- B.24. The requirements related to road space booking are stipulated within our Regional Network Occupancy Plans. We suggest you obtain a copy of the Network Occupancy Plan for your area from the Project Manager at an early stage. This will enable you to understand the requirements of road-space booking. Costs to be paid by the developer.
- B.25. The total amount to be paid by the developer in accordance with the Section 278/Section 6 agreement will be reviewed and refined during the drafting of the agreement and preparation of the detailed design, along with a schedule of payment. The breakdown of these costs is as follows:
- **Administration Fee** - to cover our internal costs of administering the implementation of the agreement. This will be according to the published schedule based on a percentage of the estimated works cost.
 - **Costs of design or design check** - to cover our actual costs of preparing or checking the detailed design and associated documents such as schedule of works and any orders.
 - **Legal and other costs for the preparation, negotiation and completion of any agreement, construction contract (five part agreements) and those involved with the transfer of land.**
 - **Costs of any agreements with local authorities under Section 4 or Section 6 of the Highways Act 1980.**
 - **Costs of securing any traffic regulation Orders or other orders required by the Highways Act 1980** - may include order advertising and hearing costs.
 - **Construction works cost (Standard (two-party) agreements)** - the current tender value including appropriate allowance for contingencies and amendments following Stage 3 Road Survey Audit (RSA).
 - **Supervision cost** - to cover the actual costs of supervising the works, including fulfilling our roles under CDM.
 - **Stage 2 Road Safety Audit** - to cover the costs of undertaking the Stage 2 RSA once the detailed design is completed.
 - **Stage 3 Road Safety Audit** - to cover the costs of undertaking the Stage 3 RSA once construction is complete and prior to use. For larger or multi-stage works, a number of separate interim Stage 3 RSAs may be undertaken.
 - **Stage 4 Road Safety Audit** - to cover the costs of undertaking the Stage 4 RSA which is an accident review following opening to traffic undertaken at 12 months
 - **Road Safety Audit remedial works** - to cover the cost of taking action to address issues raised in Stage 3 and Stage 4 RSAs.
 - **Contractual Claims** - the developer will pay for all valid contractual claims arising

from the implementation of the works.

- **Commuted Lump Sum (CLS)** - The estimated additional cost of renewing the asset affected by the scheme for a period of 60 years, calculated in accordance with HM Treasury guidelines
- **Contract Specific Items** - these may be identified and / or confirmed during the detailed design, such as statutory undertaker's works costs.
- **Part I LCA Claim** - an additional amount deposited to cover the settlement of legitimate Part I Land Compensation Act claims arising from the works.

Schedule of payments

- B.26. We have two standard payment schedules for Section 278 agreements. The Project Manager will discuss in detail with the developer at this stage the schedule of payments appropriate to the type of agreement selected, to ensure that the above sums are paid in a timely manner.
- B.27. We usually hold developer's funds in our general account for the purpose of receiving and making payments.
- B.28. Our standard payment schedules for Section 278 agreements are intended to ensure that we do not fall into deficit at any stage of a Section 278 project and are:
- Section 278 where HE does the works - the estimated works costs, our construction phase administrative and legal and contractual costs paid to us in two tranches of 50% on signing the Section 278 agreement, and 50% when we enter into a contract for the works.
 - Section 278 where the developer does the works - on signing the agreement, a sum to cover our estimated costs of the construction phase, including administrative, legal and contractual costs, along with a cash deposit or bond as set out in B.31 below.
 - Please note that all Highways England's legal fees may be payable on an hourly rate basis and if this is the case you will be provided with an estimate of the cost of this work once Highways England's solicitors are instructed to progress the section 278 agreement. You will also be advised if these fees need to be dealt with separately to the above payment schedule requirements. Our solicitors may require you to pay money on account to enable the legal work to progress and you will be advised if this is the case before the legal work begins. All legal fees will need to be paid in full before the agreement can be completed.
 - We don't take a sum to cover the estimated costs of construction nor bond for Section 6 schemes.
- B.29. The commuted lump sum for maintenance and amounts to cover anticipated Part I LCA claims and to cover the stage 4 road safety audit are paid to us upon completion of the works in accordance with the agreement.
- B.30. In the event of the developer failing to complete the scheme in accordance with the Section 278 agreement we will ensure that works begun can be completed. Therefore, in addition to paying our actual costs of actioning the agreement and supervising the works the developer is required to provide a cash deposit or bond sufficient to allow us to complete the works should this occur.

B.31. The amount of cash deposit or bond will be based on an assessment of the cost risk to us of the scheme. Typically, it will be:

- A cash surety deposit of 50% of the estimated cost of the works, AND
- A bond backed by a financial institution approved by our Financial Services of 150% of the estimated cost of works.

A higher level of cash deposit or bond may be required to take account of higher risks we may have identified, for instance where significant Part I LCA claims are anticipated. Also see D.18.

B.32. We recognise that there is a cost to the developer of depositing money or maintaining a bond during construction and beyond completion of the works. For large projects the schedule for release of the cash deposit or bond may permit a reduction during the construction process provided that the remaining amount is sufficient to protect Highways England against any residual risk. Any such cash deposit or bond release schedule will be detailed in the Section 278 agreement and is at the Project Manager's discretion.

B.33. Details of the contract and agreement final accounts are set out in Appendix D.

C. Appendix C Step Three: Procurement of works and finalising the agreement

The topics include procurement, OJEU threshold, finalising the cost and signing the agreement. Internally tasks relating to finalising the programme will be undertaken. Updating the forward planning road space booking made previously as this stage is key to controlling when the works now proceed and advising on our occupancy (road space) requirements as part of the agreement. The requirements related to road space booking and updates are as stipulated within occupancy management requirements in the Highways England's Design Manual for Roads and Bridges and (DMRB) the Regional Network Occupancy Plan (NOP). These documents should be obtained by the developer and the requirements understood during early engagement or, at the very least, before completion of the legal agreement.



- C.1. Once the detailed design is completed and approved the formal procurement stage can begin. Our Project Manager will be supported by a specialist procurement team who provide advice and oversee the procurement process to ensure that we are complying with our established procedures and statutory requirements. The time taken to complete the procurement process will depend on the value and complexity of the works and the form of agreement to be used. We will advise the developer of the likely timescales for the procurement process. This is also a key stage to consider future road space needs and co-ordinate with other planned occupancies to allow for early identification of conflicts and/or opportunities to avoid foreseeable delays to the programme. The means to share and review this information is as defined in the Highways England Regional Network Occupancy Plan.
- C.2. The Project Manager will confirm the appropriate delivery method and agree it with the developer (previously discussed during Step Two). The procurement strategy will depend on the type of agreement and value of contract. The options are:
- To use our framework suppliers to deliver the works.
 - To procure the works through open competitive tender (Public Contracts Regulations 2015 compliant).
 - To procure the works from the developer nominated preferred contractor for the works in a one-off direct award or multiple tenders (below OJEU threshold contract value only).
- C.3. For contract value below the OJEU threshold contracts, the developer may invite unofficial tenders in advance of this process in order to select a preferred contractor to go through the formal tender procedure. If this approach is taken, we recommend that the developer should consult with our procurement team to make sure that this meets our requirements.
- C.4. Our procurement team will supervise the tender process and review all tender

documentation, whichever procurement route is followed. The Project Manager will ensure that the developer understands the process and programme for the invitation of the tenders, the evaluation of tenders and the validity of the tender period.

- C.5. We will not normally invite tenders unless the developer has demonstrated to a sufficient degree of detail that funding for the scheme is in place. Any shortfall in funds may delay contract award and, where tenders have expired before contract award, then the works may have to be re-tendered.
- C.6. Unless we prepare the design, it will be the developer's responsibility to provide the contract documentation, specification and design details to us for checking. Once the contract documentation is checked and accepted by the Project Manager it will be submitted to our procurement team for review. When they are satisfied with the tender documentation and the tender list, they will invite tenders.
- C.7. Highways England's preferred form of construction contract is the approved version of the NEC Engineering and Construction Contract (or the short form if appropriate). Any proposals to use other forms of contract should be raised in good time with the Project Manager. The developers should note that there are additional time and cost implications for using other forms of contract.

OJEU threshold

- C.8. Currently, public procurement in England must comply with European Economic Community (EEC) Directives. Where the works value is within 10% or in excess of the current Official Journal European Union (OJEU) threshold one option is for a developer to request that the works are procured through an available Highways England Framework Contract. The alternative for developers in this position is to request us to separately advertise their scheme through the OJEU process. This could add a further nine months to the time to secure a contractor.

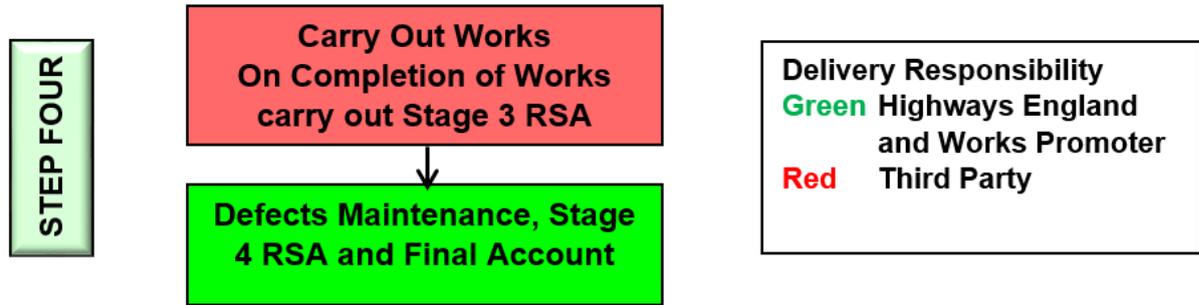
Finalising the cost profile and signing the Section 278/Section 6 agreement

- C.9. Once tender submissions, including prices have been received and a preferred bidder identified, the Project Manager will advise the developer of the proposed contract sum. The Project Manager will then finalise as far as possible those costs identified in B.24 which could not previously be calculated. We will provide details of the schedule and amount of payments required to progress the scheme and also the amount of the cash deposit or bond to be provided.
- C.10. The construction contract should only be entered (awarded) after obtaining the Project Manager's approval. The Project Manager will not normally withhold approval if the following requirements are met:
- Planning consent has been granted and is still implementable and/or any required DCOs, (Transport & Works Act 1991), have been secured
 - The Section 278 agreement has been signed.
 - Appropriate procurement processes and contract documents have been used
 - The relevant payments due under the agreement have been received and cash deposit or bond is in place.
 - A Section 4 or Section 6 agreement has been signed (if applicable)

- The land has been transferred to Highways England (if applicable).
- Any required Traffic Regulation Orders or other orders required under the Highways Act 1980 have been secured.
- Road space has been booked and temporary Traffic Regulation Orders approved.
- Any necessary pre-award work permits have been approved
- The tender submission, including price has been accepted.

C.11. The contract award letter will then be sent out. In the case of five part Section 278 agreement, the contract award will be conditional on the developer immediately entering into a subcontract with the approved subcontractor.

D. Appendix D Step Four: Construction and Final Accounts



- D.1. In common with previous stages, no works can commence on the network unless the necessary funding as set out in the Section 278/Section 6 agreement has been paid to us, which includes any cash or bond surety and all necessary agreements and approvals have been obtained.
- D.2. Before construction starts, we will agree with the developer a communications plan which meets the developer's requirements for the construction and post-construction periods. Under a section 278 agreement where HE undertakes the works, we will supervise and contract manage the construction works, which will be carried out on behalf of the Project Manager who will liaise with the developer in line with the communications plan. Under this type of agreement, the developer cannot issue instructions to a contractor. Under a section 278 agreement where the developer undertakes the works, contract management and supervision of sub-contractors may be undertaken by the developer (Main Contractor) and in such cases, we will maintain a watching brief. Under this type of agreement, the Project Manager cannot issue instructions to the contractor/sub-contractor undertaking the works, but instead may provide advice to the developer who will instruct the contractor/sub-contractor.

Construction

- D.3. We will arrange a construction pre-start meeting which will be attended by us, the developer and the contractor/sub-contractor. At this meeting, the parties will discuss and agree the lead-in time to the start of works and the contractor's programme of works.
- D.4. Construction will be performed in accordance with the agreed design and specification details, the Section 278 or Section 6 agreement, the construction contract(s) and the agreed programme of works. Any variations required to works due to matters arising on site will only be allowed if an updated design or specification detail is submitted to Highways England as a technical query and approved. The regional construction assurance team will work with the contractors and developer to monitor works, and if under a contract awarded by Highways England project manage them to ensure their effective delivery. We will also monitor risks to completion in tandem with the developer and contractor to ensure any identified risks are minimised
- D.5. As outlined in the S278 Agreement, where HE undertakes the works we will monitor the costs, contractual payments and the remaining funds, and provide a regular statement showing the amount certified to date and the forecast construction outturn cost as required by the developer. Where we identify a potential shortfall in funds, we will advise

the developer as soon as possible of the amount of likely shortfall and the reason. Any shortfall identified will need to be provided for by the developer, in accordance with the agreement.

Completion

- D.6. Where HE undertakes the works, upon completion of the works, including handover into maintenance, we will issue a Completion Certificate for the scheme. At this stage, in discussion with Highways England, the developer unless agreed otherwise, will arrange for a Stage 3 RSA to be undertaken, which will identify any necessary amendments to the works which must be completed by the developer, unless agreed otherwise with Highways England.
- D.7. Where completion of the scheme is required to discharge a planning condition associated with the scheme, we will, on request, notify the Local Planning Authority that the works are complete.
- D.8. There is a large amount of post works asset information required by Highways England in accordance with ADMM and DMRB. This includes an appropriately prepared Health and Safety file, along with test and commissioning certificates. The Project Manager will discuss scheme specific requirements with you.

Through the process of construction, the Health and Safety File should be developed. On completion of the works the Health and Safety File will be prepared and submitted by the appointed CDM Principal Designer to the Project Manager.

- D.9. The timescale for Step Four will be dictated by the size and nature of the works and the defects correction period.

Road Safety Audits (DMRB GG119)

- D.10. A Stage 3 RSA is undertaken in accordance with the GG119 'Road Safety Audit' standard on completion of construction. For larger or multi-stage works, a number of interim Stage 3 RSAs may be undertaken for which fee costs will be included within the Agreement.
- D.11. A Stage 4 RSA is undertaken in accordance with GG119 at 12 months following the opening of the route to traffic. The costs of undertaking a Stage 4 RSA will be included within the Section 278/Section 6. RSA4s can take up to 18 months to implement due to obtaining the past 12 months accident data.
- D.12. Where RSA identifies any safety issues with the scheme as implemented the Project Manager will discuss them with the designer, the contractor and the developer to agree remedial action to be taken at the developer's expense.
- D.13. In extremely rare circumstances, the Project Manager may, in his absolute discretion and in discussion with the designer, contractor and developer agree that a problem raised in a RSA is insignificant or outside the terms of reference, or that no reasonable solution can be found. In these cases, the details should be recorded in the RSA decision log and form part of the RSA response report for the acceptance of the Overseeing Organisation.

Defects correction period

- D.14. Following the issue of the Completion Certificate the developer is responsible for the correction of any defects of the scheme. The defects correction period is usually twelve months, but may be longer for planting, landscaping or certain types of surfacing which may be subject to a defects correction period of three to five years.
- D.15. Following the defects correction period and rectification of any defects, we will issue a Defects Certificate. The works and the liability for correction of defects are handed over to us, subject to warranties provided by the developer and sub-contractor being provided as required.

Contract final account

- D.16. The contractual final account is prepared after RSA 4 in accordance with the construction contract and is usually completed following completion of the works under the contract and handover to us. This will be in discussion with the developer and the contractor/sub-contractor.

Section 278/Section 6 agreement final account

- D.17. The final account for the agreement may be some time after the contract final account as we may need to retain sums agreed with the developer from the cash surety or bond to cover costs expected to be associated with the correction of defects, Part I LCA claims and remedial works following Stage 4 RSA.
- D.18. The amount of cash surety and bond surety (as applicable), to be reduced or released pending the above eventualities will be agreed with the developer based on the principles set out in the Section 278 agreement. Also see B31.

E. Appendix E MINI Section 278/Section 6 Agreement

E.1. For agreements of very low value (£25k or less) and which have minimal risks and no land transfer requirements, Highways England may agree to use a MINI Section 278 or Section 6 agreement. The concise list of steps that are involved in a MINI agreement are set out below.

- 1) Pre agreement discussions/meeting to discuss developer's requirements and the process by which they may be accomplished. (No works would be performed past this point without an initial deposit.)
- 2) An initial deposit is paid so that sufficient funds are in place to cover Highways England's costs in progressing an agreement.
- 3) If a Stage 1 RSA* and WCHAR** have not been completed prior the pre-agreement contract, they will need to be completed by the developer before moving on to the carrying out of detailed design.
- 4) A detailed design is completed, which should include surveys for statutory utility equipment, and submitted to Highways England. Compliance with DMRB will be checked by Highways England's agents. Alternatively, Highways England's agents could undertake the required design work and provide a quotation for this.
- 5) Both the Stage 2 RSA* and the WCHAR** are completed if required
- 6) Any design changes required from the audit and review are incorporated into the approved design.
- 7) The developer will approach contractors (to be first approved by Highways England) for a price for the works. If the developer does not wish to appoint a contractor, Highways England can advise on alternative delivery options.
- 8) The developer notifies the Project Manager of the preferred contractor and the price of the works.
- 9) The MINI agreement is prepared and issued. This is to be signed and returned.
- 10) A further invoice will be issued by Highways England to the developer if further fees for the works phase are required. The developer pays this further deposit prior to further work being undertaken by Highways England.
- 11) Highways England's agents will programme and supervise the works, working with the developer's contractor (this includes such activities as agreeing any required traffic management, working times and methods of working etc).
- 12) Stage 3 RSA is undertaken if required (to be confirmed*).
- 13) Stage 4 RSA is undertaken if required.
- 14) At the end of the maintenance period a final account will be produced. If any funds remain on account at this point, they can be returned.

* As per the terms of GG119, where the Project Manager agrees with the designer that a physical change to the highway will not impact on road user behaviour or change the outcome of a collision then an exemption file note can be produced. A template is provided in GG119 and it is to be signed by the PM and stored on the project folder.

***As per the terms of GG142 WCHAR, this is applicable to all schemes that do not meet the exemptions set out in paragraph 2 of the standard, which is available online. If a scheme does not meet the definition of a small scheme, it is to be considered whether a MINI Section 278/Section 6 agreement is suitable.*

F. Appendix F Section 278/Section 6 Questionnaire

- F.1. The Section 278/Section 6 Questionnaire will be issued by Highways England together with general introductory information following first contact or the questionnaire can be requested from the regional contact (Appendix H).

(This form may also be used by local authorities for providing information in support of applications for agreements under Section 274) .

G. Appendix G Glossary - Abbreviations and clarification of terms used

ACU - Abortive Cost Undertaking. This is a commitment from a developer to pay all Highways England costs in preparing a Section 278 agreement, backed by a financial guarantee (cash or bond).

CDM - Construction (Design & Management) Regulations. All works must fully comply with all relevant aspects of the CDM regulations.

CLS - Commuted lump sum. Money collected by Highways England to cover the cost of maintaining additional network asset created under a Section 278 agreement.

Designer - For Five-part agreements, the party who designs the works and who sign a Designer's Deed of Warranty with Highways England.

Designer's Deed of Warranty - For Four and Five-part agreements, an agreement between Highways England and the Designer. This is where the Developer has engaged their own designer the Company has not had the design work done by its own designer (AD DSC). This deed gives Highways England contractual protection in the event of default by the Developer's Designer. However, the AD DSC will still need to check the design for compliance with Highways England technical standards.

Developer - The term developer is used throughout this document to describe the party or parties who promote works on our network and provide the necessary funding including householders, developer's and Local highway Authorities. Highways England delivers road enhancements in partnership with developers and local partners.

DfT - Department for Transport

DBFO - Design Build Finance and Operate. These are roads which make up part of the strategic road network which have been built or improved under private finance initiative contracts. For any Section 278/Section 6 involving a DBFO road, the DBFO company as the operator of the road must be involved from the outset.

DCO - Development Consent Order.

DMRB - Design Manual for Roads and Bridges. This sets out our design standards for new and improved parts of the strategic road network.

HAWRAT - Highways Agency Water Risk Assessment Tool

LCA - Land and Compensation Act 1973.

Main Contract - For Two-part agreements the contract between Highways England and the works contractor. For Four and Five-part agreements - the contract between Highways England and the Developer.

NEC Engineering and Construction Contract - Standard construction contracts formalised by the Institution of Civil Engineers.

OJEU - Official Journal of the European Union. Invitations to tender for public works over a certain value are required to be published in OJEU.

RSA - Road Safety Audit. These are a check on the safety of a design or scheme carried out by qualified people independent from the designer and contractor. They are undertaken at 4 stages:

- Stage 1: Preliminary design
- Stage 2: Detailed design
- Stage 3: Completion of construction
- Stage 4: Once 12 months of validated collision data is available

Our standard for road safety audits is set out in DMRB GG119.

Section 171 of the Highways Act 1980 allows for persons to temporarily deposit building materials or other items in a street, or to make a temporary excavation, as long as they have the consent of the relevant highway authority.

Section 4 agreement - An agreement under Section 4 of the Highways Act 1980 (as amended). This is an agreement between us and a Local Highway Authority to enable us to undertake works on their network which is the operational and maintenance responsibility of the Local Authority.

Section 6 agreement - An agreement under Section 6 of the Highways Act 1980 (as amended). This is an agreement between us and a Local Highway Authority to enable the Local Highway Authority to undertake works on the network which is our operational and maintenance responsibility. New asset created under a Section 6 agreement is subject to the same requirements for the payment of commuted lump sum for maintenance as for Section 278 agreements.

Sub-contract - is for Four and Five-part agreements – the works contract between the Developer and their selected sub-contractor

SRN - Strategic Road Network in England. The SRN is the network of motorways and roads operated and managed by Highways England through its licence as a Strategic Highway Company issued by the Secretary of State for Transport.

TWA – Transport and Works Act 1991

WCHAR - Walking, Cycling and Horse-Riding Assessment and Review (GG142) This document contains requirements for the provision of Walking, Cycling & Horse-Riding Assessment and Review on the motorway and All-Purpose Trunk Road (APTR) network. It forms part of the Design Manual for Road and Bridges.

H. Appendix H Regional Contact Details

Operationally our business operates in six regions. Enquiries about potential Section 278/Section 6 schemes should therefore be directed to the appropriate team. Where a development is located across Local Authority boundaries, in the first instance, the contact should be the Operations Directorate Asset Development Team for the lead authority.

Please contact:

Region	Contact	Email
East		Operations East Third Party Schemes
Midlands	David Steventon (EM) Mary Otemu (WM)	[REDACTED]
North West	Darren Smith	[REDACTED]
South East and M25		SE Third Party Agreements Area 3 SE Third Party Agreements Area 4
South West	Sarah Lewis Steve Hellier	Third Party Works South West Area
Yorkshire and North East	Paul Thomas	[REDACTED]

I. Appendix I S278/S6 Agreements Utilities – Horizontal Directional Drilling (HDD)

Some Third-Party works schemes may require the use of HDD and in many other cases are required by Statutory Authorities on Private Authorities.

These processes and procedures are covered under Section 50 of the New Roads and Street Works Act 1991.

Statutory Authorities such as follows: -

Statutory Water Authorities
Statutory Electricity Authorities
Statutory Telecom Authorities
Statutory Gas Authorities

Do not need a Section 50 licence but Private Authorities will.

All HDD under the Highways England SRN have a procedure to follow in order to obtain HE approval for this type of work. (See Hyperlink below)

Easements may also be required in order to leave equipment within Highways England land.

[HDD S50 Procedure doc](#)

Document Control

Document Title	Protocol to Support the Delivery of Third Party Agreement Schemes
Author	Helen McHale
Owner	Marie O'Reilly
Distribution	Internal and external
Document Status	Draft

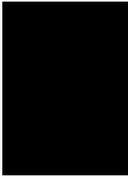
Revision History

Version	Date	Description	Author
2.0	24 August 2020	Third Party Agreements Protocol	Helen McHale

Reviewer List

Name	Role
Third Party Agreements Steering Group	Across Highways England

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From: [NATS Safeguarding](#)
To: [Hynet Hydrogen Pipeline](#)
Subject: RE: EN060006-000006 - HyNet North West Hydrogen Pipeline - Reg 10 Consultation and Reg 11 Notification [SG31675]
Date: 01 February 2022 13:43:35
Attachments: 

Our Ref: SG31675

Dear Sir/Madam

NATS operates no infrastructure within 5km of the proposed route. Accordingly, it anticipates no impact and has no comments to make on the proposal.

Regards



NATS Safeguarding

E: natssafeguarding@nats.co.uk

4000 Parkway, Whiteley,
Fareham, Hants PO15 7FL
www.nats.co.uk



NATS Public

Date: 23 February 2022
Our ref: 382292
Your ref: EN060006-000006



Emma Cottam
The Planning Inspectorate

BY EMAIL ONLY

Consultations
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 900

Dear Emma

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11

Application by Cadent Gas Limited (the Applicant) for an Order granting Development Consent for the HyNet North West Hydrogen Pipeline (the Proposed Development)

Scoping consultation

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in the consultation dated and received by Natural England on 27 January 2022.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

A robust assessment of environmental impacts and opportunities based on relevant and up to date environmental information should be undertaken prior to a decision on whether to grant planning permission. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for the proposed development.

We wish to highlight that Natural England has been contacted by the applicants and their ecological consultants and that we expect to provide detailed pre-application advice in due course via our Discretionary Advice Service.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

Please send any new consultations or further information on this consultation to consultations@naturalengland.org.uk.

Yours sincerely

Angela Leigh
Planning & Development Lead Adviser
Cheshire to Lancashire Area Team



Annex A – Natural England Advice on EIA Scoping

General Principles

[Schedule 4](#) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, sets out the information that should be included in an Environmental Statement (ES) to assess impacts on the natural environment. This includes:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation etc.) resulting from the operation of the proposed development
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen
- A description of the aspects of the environment likely to be significantly affected by the development including biodiversity (for example fauna and flora), land, including land take, soil, water, air, climate (for example greenhouse gas emissions, impacts relevant to adaptation, cultural heritage and landscape and the interrelationship between the above factors
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium, and long term, permanent and temporary, positive, and negative effects. Effects should relate to the existence of the development, the use of natural resources (in particular land, soil, water and biodiversity) and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment
- A non-technical summary of the information
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information

Further guidance is set out in Planning Practice Guidance on [environmental assessment](#) and [natural environment](#).

Cumulative and in-combination effects

The ES should fully consider the implications of the whole development proposal. This should include an assessment of all supporting infrastructure.

An impact assessment should identify, describe, and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

Environmental data

Natural England is required to make available information it holds where requested to do so. National datasets held by Natural England are available at <http://www.naturalengland.org.uk/publications/data/default.aspx>.

Detailed information on the natural environment is available at www.magic.gov.uk.

Natural England's SSSI Impact Risk Zones are a GIS dataset which can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the [Natural England Open Data Geportal](#).

Natural England does not hold local information on local sites, local landscape character, priority habitats and species or protected species. Local environmental data should be obtained from the appropriate local bodies. This may include the local environmental records centre, the local wildlife trust, local geo-conservation group or other recording society.

Biodiversity and Geodiversity

General principles

The [National Planning Policy Framework](#) (paragraphs 174-175 and 179-182) sets out how to take account of biodiversity and geodiversity interests in planning decisions. Further guidance is set out in Planning Practice Guidance on the [natural environment](#).

The potential impact of the proposal upon sites and features of nature conservation interest and opportunities for nature recovery and biodiversity net gain should be included in the assessment.

Ecological Impact Assessment (EclA) is the process of identifying, quantifying, and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal. [Guidelines](#) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM).

Local planning authorities have a [duty](#) to have regard to conserving biodiversity as part of their decision making. Conserving biodiversity can include habitat restoration or enhancement. Further information is available [here](#).

Designated nature conservation sites - International and European sites

The development site may impact on the following European/internationally designated nature conservation site(s):

- Mersey Estuary Special Protection Area (SPA) and Ramsar

European site conservation objectives are available at <http://publications.naturalengland.org.uk/category/6490068894089216>

The ES should thoroughly assess the potential for the proposal to affect nationally and internationally designated sites of nature conservation importance, including marine sites where relevant. European sites (Special Areas of Conservation (SAC) and Special Protection Areas (SPA) fall within the scope of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'). In addition paragraph 181 of the National Planning Policy Framework (NPPF) requires that potential SPAs, possible SAC, listed or proposed Ramsar sites, and any site identified or required as compensatory measures for adverse effects on habitat (European) sites, potential SPAs, possible SACs and listed or proposed Ramsar sites have the same protection as classified sites (NB. sites falling within the scope of regulation 8 of the Conservation of Habitats and Species Regulations 2017 are defined as 'habitats sites' in the NPPF). Under Regulation 63 of the Habitats Regulations, an appropriate assessment must be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site. The consideration of likely significant effects should include any functionally linked land outside the designated site. These areas may provide important habitat for mobile species populations that are qualifying features of the site, for example birds and bats. This can also include areas which have a

critical function to a habitat feature within a designated site, for example by being linked hydrologically or geomorphologically.

It should be noted that the proposed development may impact habitats functionally linked to the Mersey Estuary SPA/Ramsar. It is advised a comprehensive desk based study and bird surveys are undertaken to identify and map the locations of functionally linked habitats likely to be affected by the proposed development. It is advised that the direct loss of functionally linked habitats and/or potential offsite impacts are considered in assessing what, if any, potential impacts the proposal may have on European sites. We note paragraph 5.4.6 refers to the information sources included in the desk-based study, we advise local bird clubs are also contacted, for example the Cheshire and Wirral Ornithological Society (CAWOS).

This should also take into account any agreed strategic mitigation solution that may be being developed or implemented in the area to address recreational disturbance, nutrients, or other impacts.

Designated nature conservation sites - Nationally designated sites

The development site may impact on the following **Site of Special Scientific Interest**:

- Mersey Estuary
- Woolston Eyes
- Hatton's Hey Wood, Whittle's Corner and Bank Rough
- Brookheys Covert
- Pettypool Brook Valley
- Plumley Lime Beds
- Tabley Mere
- Witton Lime Beds
- Warburton's Wood & Well Wood
- Beechmill Wood & Pasture

Sites of Special Scientific Interest are protected under the Wildlife and Countryside Act 1981 and paragraph 180 of the NPPF. Further information on the SSSI and its special interest features can be found at www.magic.gov.

Natural England's SSSI Impact Risk Zones can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the [Natural England Open Data Geoportal](#).

The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within the SSSI and identify appropriate mitigation measures to avoid, minimise or reduce any adverse significant effects. The consideration of likely significant effects should include any functionally linked land outside the designated site. These areas may provide important habitat for mobile species populations that are interest features of the SSSI, for example birds and bats. This can also include areas which have a critical function to a habitat feature within a site, for example by being linked hydrologically or geomorphologically.

Regionally and Locally Important Sites

The ES should consider any impacts upon local wildlife and geological sites, including local nature reserves. Local Sites are identified by the local wildlife trust, geoconservation group or other local group and protected under the NPPF (paragraph 174 and 175). The ES should set out proposals for mitigation of any impacts and if appropriate, compensation measures and opportunities for enhancement and improving connectivity with wider ecological networks. Contact the relevant local body for further information.

Protected Species

The conservation of species protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017 is explained in Part IV and Annex A of Government Circular 06/2005 [Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System](#).

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law. Records of protected species should be obtained from appropriate local biological record centres, nature conservation organisations and local groups. Consideration should be given to the wider context of the site, for example in terms of habitat linkages and protected species populations in the wider area.

The area likely to be affected by the development should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and, where necessary, licensed, consultants.

Natural England has adopted [standing advice](#) for protected species, which includes guidance on survey and mitigation measures. A separate protected species licence from Natural England or Defra may also be required.

District Level Licensing for Great Crested Newts

District level licensing (DLL) is a type of strategic mitigation licence for great crested newts (GCN) granted in certain areas at a local authority or wider scale. A [DLL scheme for GCN](#) may be in place at the location of the development site. If a DLL scheme is in place, developers can make a financial contribution to strategic, off-site habitat compensation instead of applying for a separate licence or carrying out individual detailed surveys. By demonstrating that DLL will be used, impacts on GCN can be scoped out of detailed assessment in the Environmental Statement.

Priority Habitats and Species

Priority Habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. Lists of priority habitats and species can be found [here](#). Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely.

Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. Sites can be checked against the (draft) national Open Mosaic Habitat (OMH) inventory published by Natural England and freely available to [download](#). Further information is also available [here](#).

An appropriate level habitat survey should be carried out on the site, to identify any important habitats present. In addition, ornithological, botanical, and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present.

The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys)
- Additional surveys carried out as part of this proposal
- The habitats and species present
- The status of these habitats and species (e.g. whether priority species or habitat)
- The direct and indirect effects of the development upon those habitats and species
- Full details of any mitigation or compensation measures

- Opportunities for biodiversity net gain or other environmental enhancement

Ancient Woodland, ancient and veteran trees

The development site is within several areas of ancient woodland.

Ancient woodland is an irreplaceable habitat of great importance for its wildlife, its history, and the contribution it makes to our diverse landscapes. Paragraph 180 of the NPPF sets out the highest level of protection for irreplaceable habitats and development should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists.

Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. The [wood pasture and parkland inventory](#) sets out information on wood pasture and parkland.

The [ancient tree inventory](#) provides information on the location of ancient and veteran trees.

Natural England and the Forestry Commission have prepared [standing advice](#) on ancient woodland, ancient and veteran trees.

The ES should assess the impacts of the proposal on the ancient woodland and any ancient and veteran trees, and the scope to avoid and mitigate for adverse impacts. It should also consider opportunities for enhancement.

Biodiversity net gain

Paragraph 174 of the NPPF states that decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Biodiversity Net Gain is additional to statutory requirements relating to designated nature conservation sites and protected species.

The ES should use an appropriate biodiversity metric such as [Biodiversity Metric 3.0](#) together with ecological advice to calculate the change in biodiversity resulting from proposed development and demonstrate how proposals can achieve a net gain.

The metric should be used to:

- assess or audit the biodiversity unit value of land within the application area
- calculate the losses and gains in biodiversity unit value resulting from proposed development
- demonstrate that the required percentage biodiversity net gain will be achieved

Biodiversity Net Gain outcomes can be achieved on site, off-site or through a combination of both. On-site provision should be considered first. Delivery should create or enhance habitats of equal or higher value. When delivering net gain, opportunities should be sought to link delivery to relevant plans or strategies e.g. Green Infrastructure Strategies or Local Nature Recovery Strategies.

Opportunities for wider environmental gains should also be considered.

Soils and Agricultural Land Quality

Soils are a valuable, finite natural resource and should also be considered for the ecosystem services they provide, including for food production, water storage and flood mitigation, as a carbon store, reservoir of biodiversity and buffer against pollution. It is therefore important that the soil resources are protected and sustainably managed. Impacts from the development on soils and best and most versatile (BMV) agricultural land should be considered in line with paragraphs 174 and 175 of the NPPF. Further guidance is set out in the Natural England [Guide to assessing development proposals on agricultural land](#).

As set out in paragraph 211 of the NPPF, new sites or extensions to sites for peat extraction should not be granted planning permission.

The following issues should be considered and, where appropriate, included as part of the Environmental Statement (ES):

- The degree to which soils would be disturbed or damaged as part of the development
- The extent to which agricultural land would be disturbed or lost as part of this development, including whether any best and most versatile (BMV) agricultural land would be impacted.

This may require a detailed Agricultural Land Classification (ALC) survey if one is not already available. For information on the availability of existing ALC information see www.magic.gov.uk.

- Where an ALC and soil survey of the land is required, this should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres. The survey data can inform suitable soil handling methods and appropriate reuse of the soil resource where required (e.g. agricultural reinstatement, habitat creation, landscaping, allotments and public open space).
- The ES should set out details of how any adverse impacts on BMV agricultural land can be minimised through site design/masterplan.
- The ES should set out details of how any adverse impacts on soils can be avoided or minimised and demonstrate how soils will be sustainably used and managed, including consideration in site design and master planning, and areas for green infrastructure or biodiversity net gain. The aim will be to minimise soil handling and maximise the sustainable use and management of the available soil to achieve successful after-uses and minimise off-site impacts.

Further information is available in the [Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites](#) and

The British Society of Soil Science Guidance Note [Benefitting from Soil Management in Development and Construction](#).

Development on peat

England's peatlands are our largest terrestrial carbon store and are vital for capturing and storing carbon. They provide a range of other valuable benefits including biodiversity rich ecosystems, improved water quality and natural flood management, the protection of historic environment features and connect people with nature.

From England Peat Action Plan

We want our peatland to meet the needs of wildlife, people, and the planet. All uses of peatland should keep the peat wet and in the ground. We will work to ensure all our peatlands, not just deep or protected peat, are responsibly managed, or, in good hydrological condition or under restoration management.

The vast carbon storage potential of lowland peat can be secured by restoring the natural hydrological and ecological function of the peat. This requires the conversion to more sustainable practices that allow the peat layer to stabilise and re-accumulate. A healthy peat bog would provide multiple natural capital benefits such as carbon sequestration, flood risk mitigation, enhanced air quality and biodiversity.

Following the publication of the England Peat Action Plan and the Greater Manchester (GM) Peat Pilot, Natural England have a better understanding of the impact of carbon loss from damaged and unmanaged peat as well as the opportunity costs of not restoring peat as functioning ecosystem.

Natural England therefore do not support the principle of development on any peat soils, and strongly advise maximising the extent of peat omitted from the development footprint and highly recommend retaining peat in situ.

We note that the scoping report acknowledges the key areas of deep peat within the red line boundary (7.4.18) and that there is potential for peat to be present in several areas (13.4.6), in line with the above comments we advise detailed consideration within the ES of the impacts of the development on peat.

Table 13.3 *Agriculture and soil embedded environmental measures* sets out that peat soils of 0.3m or greater thickness will be avoided. We would highlight that the England Peat Action Plan states that 'We will work to ensure all our peatlands, not just deep or protected peat, are responsibly managed, or, in good hydrological condition or under restoration management' therefore as stated above Natural England considers that development on all peat is omitted as much as possible from the development footprint.

We welcome sufficient detailed soil/peat surveys being carried out to inform the assessment of impacts on all peat soils as a result of the development.

Landscape

Landscape and visual impacts

The environmental assessment should refer to the relevant [National Character Areas](#). Character area profiles set out descriptions of each landscape area and statements of environmental opportunity.

The ES should include a full assessment of the potential impacts of the development on local landscape character using [landscape assessment methodologies](#). We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing, and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character.

A landscape and visual impact assessment should also be carried out for the proposed development and surrounding area. Natural England recommends use of the methodology set out in *Guidelines for Landscape and Visual Impact Assessment 2013* ((3rd edition) produced by the Landscape Institute and the Institute of Environmental Assessment and Management. For National Parks and AONBs, we advise that the assessment also includes effects on the 'special qualities' of the designated landscape, as set out in the statutory management plan for the area. These identify the particular landscape and related characteristics which underpin the natural beauty of the area and its designation status.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. This should include an assessment of the impacts of other proposals currently at scoping stage.

To ensure high quality development that responds to and enhances local landscape character and distinctiveness, the siting and design of the proposed development should reflect local characteristics and, wherever possible, use local materials. Account should be taken of local design policies, design codes and guides as well as guidance in the [National Design Guide](#) and [National Model Design Code](#). The ES should set out the measures to be taken to ensure the development will deliver high standards of design and green infrastructure. It should also set out detail of layout alternatives, where appropriate, with a justification of the selected option in terms of landscape impact and benefit.

Heritage Landscapes

The ES should include an assessment of the impacts on any land in the area affected by the

development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific, or historic interest. An up-to-date list is available at www.hmrc.gov.uk/heritage/lbsearch.htm.

Connecting People with nature

The ES should consider potential impacts on access land, common land, public rights of way and, where appropriate, the England Coast Path and coastal access routes and coastal margin in the vicinity of the development, in line with NPPF paragraph 100. It should assess the scope to mitigate for any adverse impacts. Rights of Way Improvement Plans (ROWIP) can be used to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

Measures to help people to better access the countryside for quiet enjoyment and opportunities to connect with nature should be considered. Such measures could include reinstating existing footpaths or the creation of new footpaths, cycleways, and bridleways. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Access to nature within the development site should also be considered, including the role that natural links have in connecting habitats and providing potential pathways for movements of species.

Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue. For example, approximately 85% of protected nature conservation sites are currently in exceedance of nitrogen levels where harm is expected (critical load) and approximately 87% of sites exceed the level of ammonia where harm is expected for lower plants (critical level of 1µg)^[1]. A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The Government's Clean Air Strategy also has a number of targets to reduce emissions including to reduce damaging deposition of reactive forms of nitrogen by 17% over England's protected priority sensitive habitats by 2030, to reduce emissions of ammonia against the 2005 baseline by 16% by 2030 and to reduce emissions of NO_x and SO₂ against a 2005 baseline of 73% and 88% respectively by 2030. Shared Nitrogen Action Plans (SNAPs) have also been identified as a tool to reduce environmental damage from air pollution.

The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly, or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The ES should take account of the risks of air pollution and how these can be managed or reduced. This should include taking account of any strategic solutions or SNAPs, which may be being developed or implemented to mitigate the impacts on air quality. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk).

Information on air pollution modelling, screening and assessment can be found on the following websites:

- SCAIL Combustion and SCAIL Agriculture - <http://www.scail.ceh.ac.uk/>
- Ammonia assessment for agricultural development <https://www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit>
- Environment Agency Screening Tool for industrial emissions <https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit>
- Defra Local Air Quality Management Area Tool (Industrial Emission Screening Tool) – England <http://www.airqualityengland.co.uk/laqm>

[1] [Report: Trends Report 2020: Trends in critical load and critical level exceedances in the UK - Defra, UK](#)

Water Quality

The planning system plays a key role in determining the location of developments which may give rise to water pollution, and hence planning decisions can have a significant impact on water quality, and land. The assessment should take account of the risks of water pollution and how these can be managed or reduced. A number of water dependent protected nature conservation sites have been identified as failing condition due to elevated nutrient levels and nutrient neutrality is consequently required to enable development to proceed without causing further damage to these sites. The ES needs to take account of any strategic solutions for nutrient neutrality or Diffuse Water Pollution Plans, which may be being developed or implemented to mitigate and address the impacts of elevated nutrient levels. Further information can be obtained from the Local Planning Authority.

Climate Change

The ES should identify how the development affects the ability of the natural environment (including habitats, species, and natural processes) to adapt to climate change, including its ability to provide adaptation for people. This should include impacts on the vulnerability or resilience of a natural feature (i.e. what's already there and affected) as well as impacts on how the environment can accommodate change for both nature and people, for example whether the development affects species ability to move and adapt. Nature-based solutions, such as providing green infrastructure on-site and in the surrounding area (e.g. to adapt to flooding, drought and heatwave events), habitat creation and peatland restoration, should be considered. The ES should set out the measures that will be adopted to address impacts.

Further information is available from the [Committee on Climate Change's](#) (CCC) [Independent Assessment of UK Climate Risk](#), the [National Adaptation Programme](#) (NAP), the [Climate Change Impacts Report Cards](#) (biodiversity, infrastructure, water etc.) and the [UKCP18 climate projections](#).

The Natural England and RSPB [Climate Change Adaptation Manual](#) (2020) provides extensive information on climate change impacts and adaptation for the natural environment and adaptation focussed nature-based solutions for people. It includes the Landscape Scale Climate Change Assessment Method that can help assess impacts and vulnerabilities on natural environment features and identify adaptation actions. Natural England's [Nature Networks Evidence Handbook](#) (2020) also provides extensive information on planning and delivering nature networks for people and biodiversity.

The ES should also identify how the development impacts the natural environment's ability to store and sequester greenhouse gases, in relation to climate change mitigation and the natural environment's contribution to achieving net zero by 2050. Natural England's [Carbon Storage and Sequestration by Habitat report](#) (2021) and the British Ecological Society's [nature-based solutions report](#) (2021) provide further information.

Contribution to local environmental initiatives and priorities

The ES should consider the contribution the development could make to relevant local environmental initiatives and priorities to enhance the environmental quality of the development and deliver wider environmental gains. This should include considering proposals set out in relevant local strategies or supplementary planning documents including landscape strategies, green infrastructure strategies, tree and woodland strategies, biodiversity strategies or biodiversity opportunity areas.

From: [REDACTED]
To: [Hynet Hydrogen Pipeline](#)
Subject: Planning Inspectorate HyNet North West Hydrogen Pipeline - Reg 10 Consultation and Reg 11 Notification
Date: 27 January 2022 12:07:45
Attachments: [HyNet Letter to stat cons_Scoping & Reg 11 Notification.pdf](#)

OFFICIAL

FAO Planning Inspectorate

The proposal appears to include railway land or access under railway land within the proposal red line area.

The applicant will therefore need agreement to any access from Network Rail.

The following should be emailed as below with the details. No works are to commence until agreed with Network Rail.

Easements and Wayleaves Easements&wayleaves@networkrail.co.uk

From

Diane Clarke
Town Planning Technician NW&C
Network Rail
Email: TownPlanningLNW@networkrail.co.uk

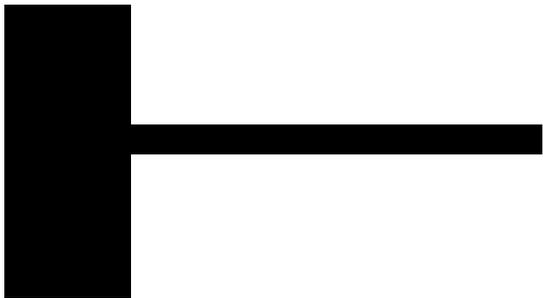
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From: [ONR Land Use Planning](#)
To: [Hynet Hydrogen Pipeline](#)
Subject: ONR Land Use Planning - Application EN060006-000006 - HyNet North West Hydrogen Pipeline
Date: 17 February 2022 21:43:36
Attachments: 

Dear Sir/Madam,

We note that the Environmental Impact Assessment Scoping Report currently recognises that there is nearby nuclear site at Capenhurst, but discounts it as the scoping area for the proposed development is outside the site's Detailed Emergency Planning Zone (DEPZ) and Outer Consultation Zone (OCZ). However, part of the proposed development would be within ONR's 12 km consultation zone for the nuclear site at Capenhurst.

Furthermore, the Scoping Report only appears to consider to the potential impact of the nuclear site on the proposed development, as opposed to the potential impact that the development can have on the nuclear site. The proposed development is considered to be a major hazard facility that could pose an external hazard to the site and it would, therefore, meet our consultation criteria for the 12 km consultation zone in which it is partly situated.

ONR's land use planning arrangements, including our consultation criteria for our consultation zones, are set out on ONR's website (<https://www.onr.org.uk/land-use-planning.htm>).

At this stage, we have no objection to the proposed development **subject to the developer liaising with URENCO UK Limited in relation to the potential external hazards the proposed development poses to the nuclear site at Capenhurst and vice versa.**

Regards,

Eamonn Guilfoyle
Land Use Planning
Office for Nuclear Regulation
ONR-Land.Use-planning@onr.gov.uk

-----Original Message-----

From: Hynet Hydrogen Pipeline <HynetHydrogenPipeline@planninginspectorate.gov.uk>
To:
Cc:
Sent: 27/01/2022 10:57
Subject: EN060006-000006 - HyNet North West Hydrogen Pipeline - Reg 10 Consultation and Reg 11 Notification

Dear Sir/Madam

Please see attached correspondence on the proposed HyNet North West Hydrogen Pipeline.

Please note the deadline for consultation responses is **Thursday 24 February 2022** which is a statutory requirement that cannot be extended.

Kind regards,

Todd Brumwell



Todd Brumwell | Associate EIA Advisor

The Planning Inspectorate

T [REDACTED]

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From: [Clerk - Pickmere Parish Council](#)
To: [Hynet Hydrogen Pipeline](#)
Subject: Application by Cadent Gas Limited (the Applicant) for an Order granting Development Consent for the HyNet North West Hydrogen Pipeline (the Proposed Development)
Date: 07 February 2022 16:45:54

**Planning Act 2008 (as amended) and The Infrastructure Planning
(Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) –
Regulations 10 and 11**

**Application by Cadent Gas Limited (the Applicant) for an Order granting
Development Consent for the HyNet North West Hydrogen Pipeline (the
Proposed Development)**

**Scoping consultation and notification of the Applicant’s contact details and
duty to make available information to the Applicant if requested**

Further to the above, Pickmere Parish Council considered the matter at its meeting on 1st February 2022 and agreed that **such an Environmental Statement should include at least the following:**

- Consideration of the impacts of the final project (including any above-ground plant or structures) upon the street scene, the residential amenity of Parish residents and visitors, and the landscape of the Parish.
- Consideration of the impacts of the project prior to and during the construction process, including visual impacts, noise, traffic and pollution, including consideration of the impacts of engineering operations, and the movement of materials to and from the project site.
- Consideration of the impacts of the project on the Parish’s road and public footpath networks, both prior to and during the construction phase and when the scheme is complete.
- Consideration of the impacts of the project – both in its final form and also during the construction phase - on existing business enterprises in the parish, including farm holdings and other businesses.
- Proposals for the mitigation of any such impacts.

I trust that these comments will be taken into account.

Regards,

Jack Steel

Clerk – Pickmere Parish Council



The Parish Council operates subject to the requirements of the General Data Protection Regulation (GDPR). The Parish Council's policies relating to this Regulation may be found on the Council's website at <http://www.pickmere-pc.org.uk>, under Statutory and Procedural Documents, or a copy of the relevant policy may be obtained from the Parish Clerk at the email address given above.



Proposed DCO Application by Cadent Gas Limited for HyNet North West Hydrogen Pipeline

Royal Mail response to EIA Scoping Consultation

Under section 35 of the Postal Services Act 2011, Royal Mail has been designated by Ofcom as a provider of the Universal Postal Service. Royal Mail is the only such provider in the United Kingdom. The Act provides that Ofcom's primary regulatory duty is to secure the provision of the Universal Postal Service. Ofcom discharges this duty by imposing regulatory conditions on Royal Mail, requiring it to provide the Universal Postal Service.

Royal Mail's performance of the Universal Service Provider obligations is in the public interest and should not be affected detrimentally by any statutorily authorised project. Accordingly, Royal Mail seeks to take all reasonable steps to protect its assets and operational interests from any potentially adverse impacts of proposed development.

Royal Mail and its advisor BNP Paribas Real Estate have reviewed the EIA Scoping Report dated January 2022. The construction of this infrastructure proposal has been identified as having potential to impact on Royal Mail operational interests. However, at this time Royal Mail is not able to provide a consultation response due to insufficient information being available to adequately assess the level of risk to its operation and the available mitigations for any risk. Therefore, Royal Mail wishes to reserve its position to submit a consultation response/s at a later stage in the consenting process and to give evidence at any future Public Examination, if required.

In the meantime, any further consultation information on this infrastructure proposal and any questions of Royal Mail should be sent to:

Holly Trotman ([REDACTED]), Senior Planning Lawyer, Royal Mail Group Limited

Daniel Parry Jones ([REDACTED]), Director, BNP Paribas Real Estate

Please can you confirm receipt of this holding statement by Royal Mail.

End



The Planning Inspectorate
Environmental Services
Central Operations
Temple Quay House
2 The Square
Bristol, BS1 6PN
Via email

Contact: Kieran Birch

Tel: [REDACTED]

[REDACTED]
Our ref:

24 February 2022

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

ENVIRONMENTAL IMPACT ASSESSMENT REQUEST FOR SCOPING OPINION ASSOCIATED WITH THE DEVELOPMENT OF 125KM OF PIPELINE TO DISTRIBUTE HYDROGEN TO INDUSTRY AND FOR BLENDING WITH THE GAS NETWORK IN THE NORTH WEST, INCLUDING HYDROGEN ABOVE GROUND INSTALLATIONS (HAGIS) (PLUS BLOCK VALVES DESCRIBED IN CHAPTER 2: THE PROJECT) REQUIRED TO CONTROL THE FLOW AND PRESSURE OF HYDROGEN AT KEY POINTS ALONG THE PROPOSED PIPELINE.

I refer to your request for a scoping opinion for the above development.

Please note that this response just relates to the Scope of an EIA it does not include any comment on the scope or merits of any planning application that may be submitted, and the consideration of the EIA Scoping Report (Cadent January 2022) is limited to the impacts within St. Helens Borough. This identified as being within the North Corridor of the project.

Before adopting a scoping opinion Local Planning Authorities are required to take into account;

- (a) The specific characteristics of the development
- (b) The specific characteristics of development of the type concerned; and
- (c) The environmental features likely to be affected by the development

As required by Regulation 13 the Scoping Report includes the following information:

- A plan to identify the land.
- A description of the nature and purpose of the development and of its possible effects on the environment; and
- Such other information or representations as the person making the request may wish to provide or make.

The Scoping Report has been submitted with the request for the Scoping Opinion in accordance with Regulations (Part 4; Regulation 13(1)) and is intended to assist the Secretary of State in the preparation of its Scoping Opinion. The report sets out that the applicants are seeking the opinion of the Secretary of State specifically on:



- The environmental topics that should be included in the EIA.
- The relevant components of the Project and the resultant likely significant effects.
- Those effects not likely to be significant that do not need to be considered further.
- The approach to setting the study areas for each topic.
- The data that has been gathered (and will be gathered).
- The assessment methods that will be used to determine likely significant effects; and
- The approach to determining the environmental measures that could be incorporated into the Project to avoid, prevent, reduce or, if necessary, offset significant effects.

The Scoping Report provides a description of the project, the EIA process, plus an indication of the possible environmental effects of the project. It identifies a suite of proposed technical topics that may be included in the EIA and summarises the suggested scope of assessments required to address these topics.

This letter will provide observations on the structure of the Environment Statement and then address each proposed chapter.

EIA methodology

The description of the proposed development is the construction, operation and maintenance of 125km of new pipeline to distribute hydrogen to industry and blending with the gas network of the North West. The project will provide a pipeline between the hydrogen production facility at Stanlow, near Ellesmere Port, or the Inovyn storage site, at Runcorn, to locations in Partington and Warburton. The exact location of the required infrastructure is unknown at this time, but a red line boundary has been identified which encompasses areas of land around the A570 St Helens Linkway, south of St Helens centre and to the south of the M62, to each side of the A57 Warrington Road.

The pipeline would vary in diameter along the route between approximately 6" and 48". The pipeline would be buried along its entire route apart from at locations where HAGIs are required. HAGIs are Hydrogen Above Ground Installations and are required to control the flow and pressure of hydrogen along the pipeline. Search areas are included in the SR, but the exact location will be subject to further design, consultation and environmental assessment. The above ground components of HAGIs are approximately 1.5m to 2m in height and take up a site area of between 0.5ha to 2ha and are generally enclosed by 2.4m fences with access for vehicles.

Any changes to the proposed development will need to be addressed within the ES and any other relevant reports.

The Environmental Statement that supports the planning application should include the following sections as a minimum:

- A non-technical summary.
- Detailed scope of works.
- Reference to key plans and legislation. It is essential that all relevant guidance and policies be complied with as appropriate.
- Detailed baseline review (associated with all development issues); and
- Detailed integrated assessment of all environmental impacts. This assessment needs to consider the nature of impact (importance, magnitude and duration – quantified as appropriate), reversibility of impact, mitigation, monitoring measures (including reference to long-term management and maintenance measures/plans) and residual impacts.



It is important that the conclusions of the environmental impact assessment are transparent, and that all information used to draw conclusions is clearly presented and objective (including survey/assessment results) to enable third party verification.

The scoping phase of an Environmental Impact Assessment (EIA) presents the best opportunity to ensure that all the environmental impacts of a development are considered at an early stage. The EIA should also make a clear distinction between construction, operational and (if appropriate) decommissioning impacts and include a statement regarding the phasing and timing of works for all site areas. I advise that the applicant be asked to confirm its intention to fully address the issues raised in the scoping opinion.

It is important that an integrated approach is taken to the EIA methodology to ensure consideration of interactions and in-combination effects. In addition, it is necessary to ensure that the results of the assessment are used to inform development design and the master plan.

Chapter 2 provides a project description and consideration of alternatives. Different routes have been considered and the preferred approach presented. However, there will be parameter-based design alternatives which is an acceptable approach.

The project

Chapter 2, Section 2.5 of the Scoping Report (SR) outlines the development proposals. For St. Helens this comprises the northern corridor with a short spur. The report stating that they are required to connect to NSG Pilkington's Greengate Works, Glass Futures and further short connection is required east at Micklehead Green to NGF Europe Ltd.

An examination of the documentation submitted with the SR indicates that the scoping red line boundary is not correct. The red edge as shown in the below extract does not extend as far as the Glass futures site. Paragraph 2.4.2 of the report states that the scoping red line boundary has been defined to represent the maximum extent of development to incorporate all known elements of the NSIP and associated development the applicant is seeking consent for. Whilst the SR states its larger than is expected to be required it does not extend as far as the Glass Futures site.

The red line and scope therefore need to change and consider all the matters further for the extended area. Including the impact on the scheduled ancient monument at Cannington Shaw, along with all the other matters discussed below but for this area of the Borough. It is imperative that the scheme does extend to Glass Futures, indeed the Scoping Report states that it does, therefore the red line boundary and assessment of the Environmental Statement needs to be extended to this area.

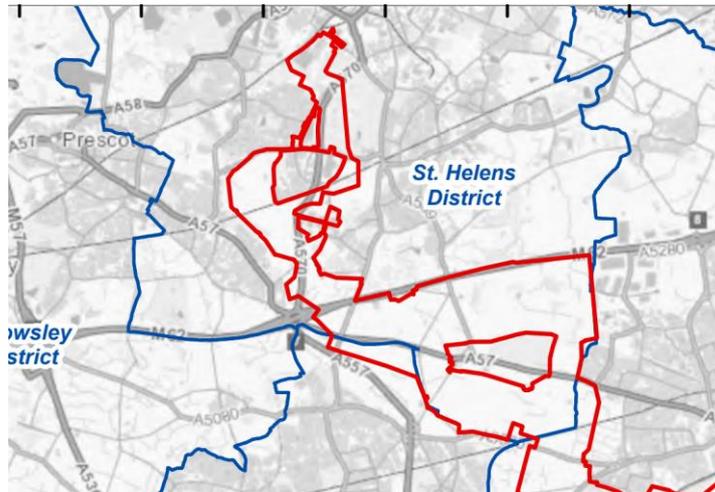
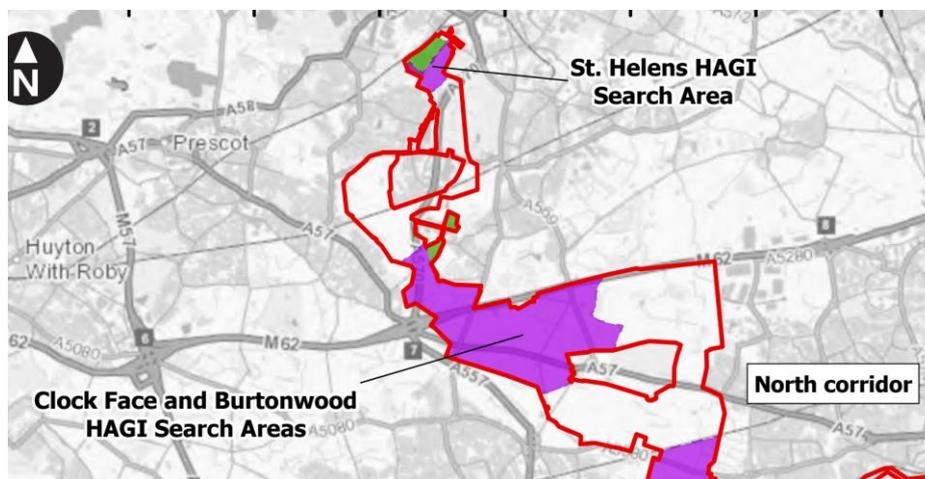


Figure 1.1 in Scoping Report – Page 23 – red line indicating scoping boundaries

To cross to Glass Futures will require the pipeline to cross under the A570 St Helens Linkway which is a key route to and from the centre of St. Helens, therefore the impact of works on the highways network will be critical and fully considered as part of the Environmental Statement, including the dispersal of traffic and impact on Air Quality, and noise.

There is a mention to Burtonwood HAGI in the text and it is shown in the below figure extract. However, the corridor doesn't seemingly extend to Burtonwood nor is there a Burtonwood HAGI shown on any plans. The plan below would be more accurately described as Bold Heath HAGI search area and should be amended as part of any ES.



Extract from figure 1.2 – key components of project (page 28)

The SR red edge also appears to rely on one of two permitted residential development sites (former Sutton's site and Little Lea Green Farm) as it crosses Elton Head Road. If the siting of the pipeline were to impact on the deliverability of these sites then this would clearly impact on housing delivery and the delivery of the aspirations of the emerging Local Plan. This would not be acceptable to St. Helens Council. Furthermore two safeguarded sites in that plan are impacted upon, sites 6HS and sites 7HS, the submission should demonstrate that the deliverability of those sites is not impacted upon. The negative impact of the Borough not meeting its housing needs would not be acceptable. I can find no



information within the SR regarding the easement areas required for the pipeline, this needs to be made clear as part of the ES and application.

Planning Policy and legislation

The whole of this HAGI search area is located within the Green Belt as identified within the below image. Therefore, the application should include an assessment of the impact of the proposals on the openness of the Green Belt as they will be, inappropriate development. A case should therefore be made as to the very special circumstances that exist.

Section 3.7 of the report refers to Local Planning Policy. With section 7.7.3 correctly identifying that the St. Helens Local Plan is currently in production. Main modifications have just been consulted on; therefore, the Plan is at an advanced stage and is capable of being given significant weight. Therefore, an assessment of the development against the policies within that plan will be necessary. Furthermore, it is likely that at the point this application is made that the Local Plan will have been adopted (anticipated May/June 2022) and therefore the ES will need to have full regard to that Plan as the Development Plan for St. Helens.

The Linkway corridor area also passes through areas that are designated within Bold Forest Park. As such any proposal is covered by the relevant policies with the Bold Forest Park Area Action Plan. Particularly: -

BFP1: A Sustainable Forest Park

BFP INF6: Creating an Accessible Forest Park

BFP SN1: Meeting the Development Needs of the Borough in a Manner Appropriate to the Forest Park

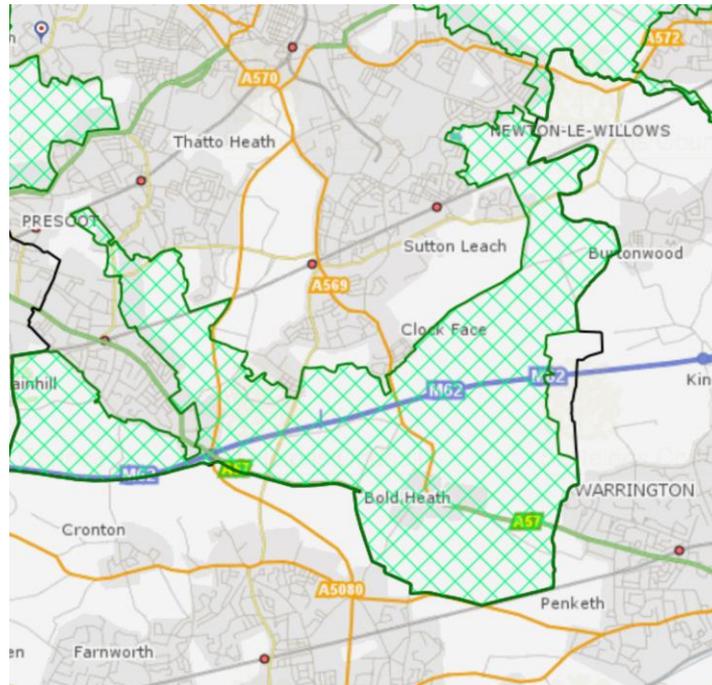
BFP SN2: Planning Obligations ("Development is expected to contribute to the infrastructure of Bold Forest Park").

BFP ENV1: Enhancing Landscape Character

BFP ENV2: Ecological Network

BFP ENV3: Heritage

This document and these policies also therefore need to be considered as part of the ES and application.



Waste

There is some discussion of the trenching and re-use of subsoils and topsoil's. However, there is no reference to waste materials or how they will be managed. Whilst it is acknowledged that waste does not usually warrant its own chapter in an EIA, this is a large-scale project which is likely to generate significant volumes of excavated waste materials, amongst others, and therefore, some discussion of how this will be managed should be included in the DCO. Similarly, acknowledgement of the relevant waste policies in the Local Plan should be included (St Helens CR2). Reference should also be made to the Joint WLP, specifically policy WM8.

Minerals

Chapter 3 refers to policy and legislation and includes Local Policy review. This refers to Halton Core Strategy Local Plan policy CS25 Minerals, but the equivalent policy for St Helens Local Plan (CR1) is not included. It is not clear why this has been omitted as the only crushed rock quarry in the LCR is in St Helens at Bold Heath. A more detailed assessment is included in appendix 2, but it will also be important to ensure that the emerging Local Plans for St Helens is referenced as it includes minerals safeguarding areas.

Chapter 14 relates to Land Use and includes mineral resources. The receptor sensitivity for minerals is identified as high with which I agree. When assessing the magnitude of effects, as set out in table 14.3, it should be noted that there is a scarcity of sand and gravel supply within the LCR and wider NW region with many MPAs falling below the 7-year land bank. Therefore, the mineral resource should not be sterilised or lost.

Cumulative impacts

Chapter 4 outlines the EIA process and includes details of the Cumulative Effects Assessment. This appears to be comprehensive and includes both inter and intra-project effects. However, it is noted that there does not seem to be a separate chapter on this. It would be easier to review if this was included as a separate chapter and not only included in each individual chapter.



Ecology and Nature Conservation chapter

The SR states that the scope of assessment will include at construction stage the following:

- Noise and physical activities leading to disturbance (schedule 1 breeding birds, SPA qualifying features and SSSI designated species using functionally linked land).
- Disturbance, direct killing, or reduced chance of survival of individual animals through aquatic habitat loss/damage.
- Water pumping leading to scour of a riverbed (habitats loss or damage).
- Noise/vibration because of construction activities leading to disturbance.
- Habitat fragmentation through working areas creating barriers to species dispersal.
- Direct killing or reduced chance of survival of individual animals and local species populations through habitat loss/damage.
- Removal/degradation of irreplaceable habitats e.g., ancient woodland.
- Generation of sediment laden surface water run-off leading to deterioration in the water quality of aquatic environment features e.g., rivers.
- Damage or destruction of nests.
- Loss of roosting, breeding, foraging, hibernating, or resting habitat.
- Light pollution through security lighting used at working areas spilling onto surrounding habitats.

And at operational stage:

- Noise/vibration as a result of operation activities affecting surrounding features.
- Light pollution through security lighting used at the development spilling onto surrounding habitats.
- Hydrostatic testing leading to disturbance or scour of riverbeds/substrates/habitats and/or transfer of nonnative species.
- Habitat fragmentation through the development creating a barrier to species dispersal

The scoping report includes an Ecology & Nature Conservation chapter (Chapter 5). Full ecological surveys are yet to be completed; however, winter bird surveys have been undertaken by WSP over winter 2020/2021. Data gathered from the wintering bird surveys undertaken in 2020 and 2021 have been used to inform the chapter in relation to bird species present within the Study Area. No data is yet available from breeding bird surveys or terrestrial ecology field surveys to inform the Scoping Report due to the early stage of the Project. These surveys will be undertaken in 2022 (as detailed in Table 5.9 of the scoping report).

The scoping report states that the ecology assessment will consider the potentially significant effects on terrestrial and freshwater ecological receptors, as well as ornithological receptors, that may arise from the construction and operation of the Project. This approach is accepted.

Desk Study

To inform this scoping process, a preliminary desk study has been undertaken. The desk study information to date was obtained from publicly available resources as listed in 'Sources of data' including Magic, OS maps and aerial photography. Data was obtained in relation to:

- Statutory designated sites within and up to 2km from the Scoping red line boundary. This buffer was extended to 10km for all internationally and nationally important sites with bat interest
- nationally important sites within and up to 10km from the Scoping red line boundary and internationally important sites within and up to 20km in respect of ornithology interest



- non-statutory designated sites within and up to 2km of the Scoping red line boundary; and
- HPI and ancient woodland within and up to 2km of the Scoping red line boundary.

The following international/national sites have been identified:

- Mersey Estuary SPA
- Mersey Estuary Ramsar site
- Mersey Estuary SSSI
- Dee Estuary SPA
- Dee Estuary Ramsar site
- River Dee SSSI
- Mersey Narrows and North Wirral Foreshore SPA
- Mersey Narrows and North Wirral Foreshore Ramsar site
- Ribble and Alt Estuaries SPA
- Ribble and Alt Estuaries Ramsar Site
- 19 additional SSSI (primarily in Cheshire)

Eight locally important statutory sites have been identified within the Study Area:

- Thatto Heath LNR.
- Oxmoor Wood LNR.
- Dorchester Park LNR.
- Daresbury Firs LNR.
- Helsby Quarry LNR.
- Murdishaw Wood and Valley LNR.
- Marshall's Arm LNR.
- Paddington Meadows LNR.

A baseline assessment of the habitats from aerial imagery within the Scoping red line boundary has highlighted the potential presence of a variety of protected and notable species. These include, but are not limited to:

- habitats with potential to support foraging, commuting and roosting bats.
- waterbodies and terrestrial habitat with the potential to support great crested newt (*Triturus cristatus*).
- habitats with potential to support badgers (*Meles meles*) and their setts.
- watercourses and terrestrial habitat with the potential to support otter (*Lutra lutra*) and their rest sites.
- watercourse suitable for water vole (*Arvicola amphibius*) and freshwater fish.
- habitats which may support wintering and breeding birds.
- habitats with the potential to support reptiles.
- habitats with the potential to support protected or notable invertebrate species/assemblages.
- habitats with the potential to support Priority Species such as brown hare (*Lepus europaeus*), European hedgehog (*Erinaceus europaeus*) and common toad (*Bufo bufo*).
- veteran trees and notable plant species; and
- important hedgerows.

Key consultees have also been identified as part of the initial desk study including NE, EA, and the respective Wildlife Trusts.



MEAS advise that the scope of the desk study undertaken to date is acceptable. The scoping report states that a full desk study will be completed as part of the ES and will detail non-statutory site information (e.g., Local Wildlife Sites) and records of legally protected species requested from record, Greater Manchester Record Centre and Merseyside Biobank. They advise that in addition the respective County Bird Recorders for North Merseyside and Cheshire should be contacted for non-breeding bird records. Non-breeding bird surveys were also undertaken in support of the Halton Local Plan and may be of use for the assessment (these can be found at <https://www3.halton.gov.uk/Pages/planning/policyguidance/eip.aspx>).

Habitat Regulations Assessment (HRA)

The EIA scoping report states that a HRA Screening Report will be prepared to determine whether the Project will have LSEs on any European sites. The HRA will include the Mersey Estuary SPA and Ramsar Site. The report further states that LSEs are expected to be screened out within the HRA Screening Report, however some may remain. In this instance, sufficient information will be provided to allow the relevant competent authority to determine whether there will be a resulting adverse effect on the integrity of European sites. This approach is accepted.

Ecological Network

The EIA scoping report does not reference the Liverpool City Region Ecological Network. The LCR ecological network includes Nature Improvement Areas (NIAs) and Priority Habitats. The ES should address how impacts on the Ecological Network will be avoided or minimised. Further information can be found here - <http://lcreconet.uk/>.

Assessment Methodology

The EIA scoping report states that the ecology assessment methodology will be aligned with the standard industry guidance provided by CIEEM. For each scoped-in ecological feature, effects both during construction and operation will be assessed against the predicted future baseline conditions (equivalent to the current baseline which will be confirmed following completion of extended Phase 1 habitat survey and protected species surveys) for that ecological feature. Throughout the assessment process, findings about potentially significant effects will be used to inform the definition of requirements for additional baseline data collection and the identification of embedded environmental measures to avoid or reduce adverse effects or to deliver enhancements. Measures to comply with relevant policies and legislation will also be included. The results of the assessment will reflect the final Project design (i.e., incorporating the embedded environmental measures). This approach is accepted.

Significance of effects will be based on the extent, magnitude, duration, frequency, timing, and reversibility. Significance will be assessed from negligible to High. This approach is accepted

Potentially significant effects

The EIA scoping reports includes an assessment of the potentially significant ecological effects that will be carried forward for assessment.

The following ecological features have been scoped out of further assessment:

- Dee Estuary SPA and Ramsar site – this is accepted
- Mersey Narrows and North Wirral Foreshore SPA and Ramsar site is -this is accepted
- Ribble and Alt Estuaries SPA and Ramsar site – this accepted



- Non-Schedule 1 nesting birds – breeding bird surveys targeted at non- Schedule 1 species have been scoped out of the assessment as it is considered that any effects upon active nests of breeding birds can be mitigated by best practice embedded environmental measures – this is accepted
- Reptiles - the potential for significant effects on reptiles has been scoped out of the assessment in view of the geographical location of the Project, the limited project footprint located within predominantly sub-optimal agricultural landscape and the employment of embedded environmental measures – this is not accepted, until the final route and specific habitats that will be impacted by the proposals are known I do not believe reptiles should be scoped out of the assessment

Ecological Surveys

Wintering Bird Surveys

Scope of Proposed Ecological Surveys

The EIA scoping report states that the following surveys will commence in 2022 to inform the assessment of potentially significant effects on ecological features:

- Extended phase one habitat survey
- Badger survey
- Great crested newt surveys of ponds with suitability for GCN
- Bat surveys of mature trees that will be impacted by the proposals
- Otter and water vole surveys of affected watercourses
- Invertebrate surveys, where the extended phase one survey identifies habitats with potential to support important assemblages or species
- Schedule 1 breeding bird surveys
- Hedgerow Regulation assessment surveys
- NVC surveys, where the extended phase one survey identified valuable habitats
- Watercourse surveys

The above survey scope is accepted; however, I would advise that reptile surveys should also be included if high quality habitat for these species is identified during the extended phase one survey.

Embedded Mitigation

The EIA Scoping report identified the following embedded mitigation measures: Mitigation in Table 5.5:

- Avoidance of designated sites wherever possible
- Timing restrictions in respect of clearance of breeding bird habitat, or appropriate precautionary measures
- Implementation of pollution control measures
- Minimising watercourse crossings, and utilising directional drilling or other trenchless methods
- Compound and storage areas to be within the working easement
- Production of a CEMP
- Reinstatement of any temporary habitat loss
- Sensitive lighting scheme, particularly in relation to bats
- Invasive species and biosecurity measures

MEAS advise that the following additional embedded mitigation measures/revisions are required:



- Inclusion of avoidance of disturbance to functionally linked land of qualifying bird species of the Mersey Estuary SPA/Ramsar during the non-breeding bird season (September to March inclusive) as an embedded mitigation measure.
- The breeding bird season should be defined as March to August (not mid-March to July as stated in the EIA scoping report).
- Timing restrictions and precautionary measures in respect of breeding birds should also consider the potential for ground nesting farmland bird species such as lapwing.

Additional Mitigation

The EIA scoping report states that mitigation will be devised to avoid any significant impacts associated with the construction and operation of the proposed development on ecological features. This approach is accepted. I advise that the mitigation hierarchy should be adopted – Avoid, Mitigate, Compensate:

- Avoidance is the key first stage and designs must show that they have avoided important features possible. In this instance higher value habitat features that should where possible be avoided include the woodland areas to the south of the site, the existing hedgerows, and the Bridgwater Canal corridor to the west.
- Mitigation is measures taken to reduce the duration, intensity and or extent of impacts that cannot be completely avoided, for example through revised site layouts or timing of works.
- Compensation is measures taken to compensate for any 'residual impacts' that cannot be avoided or minimised. This may include enhancing existing ecological features of the site or new habitat creation, Compensation will only be appropriate where there are clearly no alternatives

Biodiversity Net Gain (BNG)

There is reference to further work being carried out but no details within this document. This will be fundamentally important with any applications submitted. If before November 2023, when the Environment Bill comes into force applicants will still need to provide completed DEFRA Biodiversity Net Gain metrics (Version 3) and show how there will be no Net loss of biodiversity because of this development proposal. Thus, should include amendment of proposals to reduce net losses. After November 2022 then applicants will need to fully comply with the Environment Bill legislation (including demonstrating 10% Biodiversity Net gain). In both cases schemes must demonstrate how the design is minimising losses. Off-site mitigation can be considered but only as a matter of last resort and evidence is provided that there are no other options for onsite mitigation. Off-site mitigation details would also be required as part of any mitigation / compensation.

Historic Environment Chapter

The SR states that the scope of assessment will include at construction stage the following:

- Potential for permanent loss of archaeological remains.
- Potential damage to below ground remains arising from changes to drainage.
- Potential loss of historic landscape features.
- Potential for temporary change to setting of heritage assets.

And at operational stage:

- Potential for perceptual change to historic landscape features.



- Potential for permanent change to setting of heritage assets.

Archeology

The Historic Environment is considered in Chapter 6 of this document and shown across four Figures each labelled Figure 6.1. Historic Environment Study Area and Designated Assets. Appendix 6A Historic Environment comprises a table of designated heritage assets within the study area, excluding Grade II listed buildings. MEAS have made the following comments.

Consultation

Section 6.3.1 - We welcome the intention to consult with the LPA Archaeologists in advance of the Preliminary Environmental Information Report (PEIR) and during preparation of the ES.

Data gathering

Section 6.4.2 -The *intention to establish a detailed baseline comprising desk-study and a walkover* is noted and this is an acceptable approach.

Mention is made of the *Archaeological Regional Research Framework for North West England* (2006 and 2007). This needs to include reference to the revised 2021 version. In addition, reference to *The Archaeology of Mining and Quarrying in England: Resource Assessment and Research Agenda* (2016) would be of relevance to the landscape around St Helens, Merseyside. We further suggest that the Coal Authority is consulted as it the Lancashire and Liverpool Archives and the St Helens Local History Library.

Section 6.4.3 - We agree that *consideration should be given to desk-based geoarchaeological assessment, deposit modelling and archaeological evaluation of areas of medium to high potential following completion of the desk-study.*

To this we would add that field-based geoarchaeological and palaeo-environmental investigations should also be considered, and any subsequent assessment and analysis undertaken. Furthermore, it should be noted that archaeological evaluation i.e., the determination of the presence, extent and significance of archaeological remains could lead to the necessity for further mitigation works, for example open-area excavation and therefore post-excavation assessment and analysis.

We also advise that the areas of medium to high potential should be agreed with the LPA Archaeologist.

MEAS state they will be pleased to advise on the significance of predicted impacts to the archaeological resource in terms of EIA on receipt of the desk-based assessment and to address archaeological issues associated with the project that would not require EIA, and that could be addressed through a programme of pre-construction archaeological works, secured by means of an appropriately worded planning condition.

Study area

Section 6.4.5 - *the 1km study area has been defined through consideration of buried pipelines and above ground elements comprising Hydrogen Above Ground Installations (HAGIs) and Block Valve Installations (BVIs).*

To this we would add the inclusion of storage / site accommodation compounds should these fall outside of the 1km study area.

Non-designated heritage assets

Section 6.4.17 - *states there is yet to be an assessment of non-designated heritage assets and that*



this will be presented in the PEIR and ES. Our records show that the Merseyside HER has been consulted (10/01/2022) and the data supplied.

We agree that this data should form a key component of the baseline for the EIA, however, we would not pre-judge how this will affect the overall scope of the assessment.

Embedded environmental measures

Section 6.5.2 - We support the proposal for a written scheme of investigation (WSI) for the project

However, we would prefer that this WSI reflects specific research priorities and objectives (i.e., those for

Merseyside districts) rather than a general overarching approach as suggested. The project landscape, which as demonstrated in the Summary description (*Section 6.4.18*), has a diverse character that will be reflected in the nature of the archaeological resource. We would be pleased to review any such WSI for the purposes of agreeing its suitability.

Known archaeological assets close to or within of the footprint of the scheme could be indicative of as yet undiscovered archaeological remains and therefore provision should be made in the WSI for the treatment of any such potential remains.

Potential receptors

Section 6.6.5 - This states that *initial receptors that could be significantly affected will be identified with reference to GPA3.*

Clarity on use of the term “initial receptors” that could be significantly affected is required here.

Section 6.6.8 - states that *there will be consultation and engagement following design freeze and receipt of scoping responses with Historic England and Conservation Officers.*

We would expect to see the LPA Archaeological advisor included in this statement and particularly as archaeological remains are listed as a potential receptor in *Section 6.6.7.*

Assessment of harm and substantial harm

Section 6.7.15 suggests *professional judgement will be applied in the case of each individual asset.*

We would suggest that the professional involved has demonstrable and detailed knowledge of the region/county within which the project is located and on the matter of non-designated archaeological remains, makes this judgement following consultation with the LPA Archaeological Advisor.

Heritage

The LPA are satisfied with the approach being undertaken to record heritage and that the parameters for capturing designated and NDHA's within the study area is appropriate. The assessment of harm/loss of significance follows a matrix approach which is typically used in EIA's and if applied correctly, that the approach will be able to identify issues with any heritage affected by the pipeline. The EIA Scoping Report for heritage is acceptable and would meet the objectives of Chapter 16 of the NPPF.

Water Environment Chapter

This chapter considers the impact on ground water and surface water receptors that may arise from the construction and operation of the project. The scope of the assessment is limited to construction



and includes the following:

- Potential deterioration in the water quality of aquatic environment receptors via generation of sediment laden run-off or pollutant spills.
- Potential effects on the hydromorphology and flow conveyance because of increased sediment inputs or direct watercourse disturbance (including from new watercourse crossings).
- Potential deterioration in groundwater quality and/ or groundwater levels via the contamination of the groundwater environment.
- Potential changes to fluvial flood risk associated with loss of floodplain storage, change in floodplain flow conveyance and/or compartmentalisation of floodplain.
- Potential changes to watercourse flow conveyance.
- Potential changes to surface water flood risk due to changes in runoff rates.
- Potential effects on river flows and groundwater levels due to abstraction.
- Potential deterioration in the water quality of aquatic environment receptors affected by surface water discharge.
- The potential effects on surface water resource availability.
 - Potential effects on river flows and groundwater levels due to abstraction.
- Potential deterioration in the water quality of aquatic environment receptors affected by surface water discharge.

The Environment Agency are a statutory consultee and will be providing their own comments on these matters. The Lead Local Flood Authority have commented as below:

Upon inspecting the pre application enquiry information it does identify the needs of several flood related legislations including the need for Land Drainage Consents where they will be potentially working near or within watercourses. There are references to pollution control and groundwater protection along with the need for SUDS review.

The applicant has identified several watercourses in the scoping area which are all named main rivers, however there is a chance there will be several unnamed ordinary watercourses and historic culverts within the area which need to be assessed as the scheme develops.

As the scheme progresses, please contact the LLFA with the details in this review to assist with possible watercourse/culvert assets. As a Council we do have Land Drainage Byelaws in place which cover works near ordinary watercourses and contains 8m easements

. In the scoping report it refers to St Helens Council Preliminary Flood Risk Assessment (PFRA 2011) which they accessed on the 21st November 2021, this is now outdated, there is a St Helens Council Preliminary Flood Risk Assessment 2017-23 version (PFRA 2017-23), they will need to reference this document instead. St Helens Council now has adopted SuDS guidance document and checklist which needs to be followed, further details of the guidance is provided within this review. The Council's climate value for the area is set at 40%.

The documents identified above are all available in the web link below or contacting the LLFA with the details provided in this review. These documents will need to be referenced in any assessment.

<https://www.sthelens.gov.uk/traffic-travel-parking/highway-maintenance/flooding-and-drainage/flood-and-water-management/>

Landscape and Visual Chapter



The SR considers at construction phase the potential changes to the fabric of the landscape, due to the potential loss or changes to high value landscape elements, and during operation the potential effects on visual receptors resulting from visibility of HAGI infrastructure.

Trees and Woodland

The route contains areas that contain protected trees. As part of the route is within Bold Forest Park, regardless of protection status proposals must seek to avoid impacts to woodlands and key areas of biodiversity and ecology e.g., Local Wildlife sites. Measures included must show avoidance of harm as a first principle. Based on experience with previous schemes this includes measures such as narrowing working areas and even tunnelling. A simple blanket working width will not be acceptable. We have often found that this is done to provide flexibility for designers and contractors. This though will not be accepted, and we need to see clear evidence of significant reductions in working areas where features such as woodlands, trees, hedges are found. Again, on previous, similar schemes this has included narrowing down normal working areas if 50 metres to as little as 12 metres where sensitive areas are identified and in many cases tunnelling used under woodlands. Where this cannot be achieved, we would want clear evidence as to why this cannot be achieved.

All applications will need Arboricultural Impact Assessments, Tree Surveys, Tree Protection Plans and relevant method statements included with any full applications. Arboricultural and Ecological Clerk of Works should also be included in methodologies.

Landscaping

Detailed landscaping proposals will be required as part of any applications submitted. This should use native species where wildlife habitats are impacted but there is more flexibility over species options where highway areas are impacted.

LVIA

The approach proposed is acceptable. Use of photomontages should be used, especially where key impacts are identified.

Bold Forest Park

As indicated a small part of the route is within the Bold Forest Park area. As such it may be necessary to provide resources to enhance infrastructure within Bold Forest Park. This will depend on the detailed proposals put forward but may require a Section 106 contribution. This can be discussed further once more detailed proposals are prepared. Information will also be required as to how key routes linking through and to the Forest Park will be impacted by these proposals and how access will be maintained throughout the period of development activity.

Air Quality Chapter

The SR states that potential effects from fugitive dust emissions and increases in PM10 and PM2.5 during construction, and potential effects from combustion product emissions rising from construction traffic will form part of the assessment.

The Councils Air Quality officer has reviewed this chapter. They state that the SR contains a lot of detail as to how construction dust, construction road emissions and operational road emissions will be assessed. Highly sensitive human and eco-logical receptors will be considered in any assessments undertaken. The scoping report method statement outlines that a construction assessment will be included as part of the EIA using the EPUK & IAQM Assessment of dust from demolition and construction (2014 guidance) and traffic impacts will be assessed using the EPUK & IAQM Land-use Planning and Development Control: Planning for Air Quality (2017 guidance). On



that basis they agree with the scope of the assessment in this chapter.

Noise and Vibration Chapter

The SR states that the scope of assessment will include at construction stage the following:

- Potential vibration effects from HGV movements on poorly maintained roads.
- Potential increased road traffic noise on local roads due to construction traffic.
- Potential construction effects from piling noise (if required) and vibration, and vibration from vibratory ground compaction at the HAGIs.
- Potential construction noise and vibration effects if the HDD sites (if required) are very close to sensitive receptors.

And at operational stage:

- Potential noise effects from HAGIs on sensitive receptors.

The Council's noise EHO has considered this section of the SR and states the below:

The report proposes the scope of the EIA relating to the development of the infrastructure project known as the Hy-Net Pipeline. In respect of noise and vibration, no surveys within the St Helens area have taken place to date and therefore no baseline assessment has been completed.

The proposed scope of the EIA covers the areas expected and details the assessment criteria that should be addressed by such a proposal. As part of the EIA, it is proposed to scope in noise generating activities for both the construction and operational phases of the project. It is proposed that the noise and vibration sources associated with the construction phase will primarily be controlled through restrictions and adoption of best practice. These restrictions and best practice would be documented in a supporting Construction Environmental Management Plan which is generally acceptable. The guidance and standards identified would be suitable for the assessment of the construction phase of the proposal.

From an operational perspective, plans are not yet finalised with respect to where noise generating plant or equipment which will support the pipeline will be located. However, a commitment is made to ensuring that full assessment will be provided of any impact on nearby noise sensitive receptors. These receptors will be identified with the EIA. The primary standards being proposed to assess noise and vibration are outlined in Table 10.1 and the methodology and application of the guidance and standards are provided in Section 10.6 of the document. The standards which will guide the assessment of the operational phase and assessment methodology to be applied are deemed as relevant and acceptable. Where necessary, a commitment to introducing appropriate levels of mitigation is made within the report and these may include plant enclosures, barriers, or acoustic cladding.

Given the limited site-specific information regarding the project provided at this stage we do not consider that Environmental Health (Noise) are able to offer any further comments at this time.

Traffic and Transport Chapter

The SR states that the scope of the assessment at construction stage will consider the following:

- Impact of construction traffic at sensitive highway receptors.
- Impact of traffic and proposed infrastructure on public rights of way (PRoW).



The Councils Highways Officers have commented that An Environmental Impact Assessment (EIA) Scoping Report has been provided which sets out the methodology that will be used for the Transport input into the EIA and the areas to be considered:

- Proposed traffic growth to future year.
- Committed highways schemes that may affect the future baseline.
- Committed development that may affect the future baseline.
- Scope of the assessment.
- Existing traffic data and data collection techniques considering potential lingering effects of the COVID-19 pandemic and lockdowns on road traffic in the area.
- Public Rights of Way (PRoW) management.
- Potential traffic generation.
- HGV management.
- Identification of additional transport evidence base documents to support the Development Consent Order application, such as a Construction Traffic Management Plan (CTMP) and PRoW Management Plan; and
- Permanent access design to the Hydrogen Above Ground Installations (HAGIs).

The PRoW management should consider all forms of Active Travel routes and be compliant with the latest policies. Further details of St Helens Council requirements for Transport Assessments are provided in Supplementary Planning Document “Ensuring a Choice of Travel”.

It is expected that the major impacts of the pipeline would occur during the construction stages and therefore a comprehensive Construction Environmental Management Plan (CEMP) would be required to consider the impacts on the highway network at this time. The CEMP should include, but not be limited to:

- Construction traffic routes, including provision for access to the site.
- Entrance / exit from the site for visitors/contractors.
- Siting of temporary containers.
- Parking for contractors.
- Identification of working space and extent of areas to be temporarily enclosed and secured during each phase of construction.
- Temporary road/areas of hard standing.
- Schedule for large vehicles delivering / exporting materials to and from site; the movement of large vehicles would usually be restricted to avoid impact during the peak highway hours and would also consider proximity to schools.
- Details of street sweeping / street cleansing / wheel wash.
- Hours of working.
- Phasing of works.
- Details of turning facilities for use by construction vehicles.
- Traffic Management proposals.
- Severance/Impacts on active travel routes

Following construction of the pipeline, the route will be buried with the exception of a number of locations where permanent Hydrogen Above Ground Installations (HAGIs) or Block Valves (BVs) will be installed. These facilities will require permanent access from the highways network and will include some parking for operatives. To enable full consideration of the highways impacts and any impacts on active travel routes, plans of the accesses would be required together with details of the day-to-day operational requirements

Ground Conditions Chapter



The SR states that the scope of the assessment at construction stage will include:

- Potential effects on receptors from the mobilisation of contamination due to construction activities.
- Explosion or asphyxiation as a result of ingress and accumulation of ground gas, including the risk that construction activities cause gas migration to adjacent properties.
- Damage to newly constructed infrastructure from land affected by contamination.
- Damage to, or detrimental impact on sites of geological importance.
- Potential effects on controlled waters due to accidental spillages and leaks

And during operational phase:

- Potential mobilisation of landfill leachate, which, if not properly managed, could impact upon controlled waters.
- Potential damage to infrastructure from land affected by contamination.
- Potential for explosion or asphyxiation as a result of ingress and accumulation of ground gas in existing or newly constructed infrastructure on and adjacent to the Project red line boundary.
- Potential effects on controlled waters due to the mobilization of landfill leachate, or accidental spillages and leaks from operational vehicles and equipment.

The councils contaminated land officer has considered this chapter and makes the following comments:

The report sets out a methodology for the assessment of risks associated with ground conditions and contamination. A phase 1 desk study for the study area is proposed to be completed, informed by a range of information sources. The phase 1 study will enable an initial conceptual site model to be developed but will also set out the baseline conditions such that any perceived change in the baseline status as a result of the project can be assessed and understood. I am in agreement with the risk-based methodology that has been proposed and with the extent of the areas proposed for assessment. I therefore have no objection and no particular comments to make on the proposed assessment.

Agricultural and Soil Resource Chapter

The SR states that the scope of the assessment at construction stage will include:

- Potential for changes to soil structure (e.g., due to compaction of soil) resulting in loss of soil functions due to construction activities.
- Potential for soil erosion to occur due to construction activities.
- Potential for damage to topsoil or permanent loss of topsoil due to construction activities.
 - Potential effects from the permanent loss of agricultural land and topsoil due to construction of HAGIs (land take).
- Potential effects on land drainage systems due to construction activities.
- Potential effects due to temporary loss of productive agricultural land from construction activities.

Natural England have been consulted on this matter and will be providing their comments separately. The loss of Agricultural land to HAGIS is of concern to the LPA, the Agricultural Land Classification (ACL) system should be used to establish what grade of land will be lost with preference given to Grade 3 land, to avoid very good agricultural land being lost. Once exact locations are identified a detailed soil and ALC survey to establish the ACL for the site should be carried out. The scoping report should scope the loss of land and its impact in, with an assessment of the amount of land and the implications provided. Whilst Natural England will comment formally themselves, the Environmental Statement should provide details of how any adverse impacts on soils can be minimised with guidance



on this contained in the Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites.

Land Use Chapter

The SR states that the scope of assessment at construction stage will include:

- Direct effects from land use required during construction activities on tourism and recreational receptors.
- Indirect effects on amenity of users on tourism and recreational receptors.

And at operational phase:

- Direct effects from land take on tourism and recreational receptors and minerals resources.
- Indirect amenity effects from HAGIs on tourism and recreational receptors.

The scope of this chapter is acceptable.

People and Communities Chapter

The SR states that the scope of assessment at construction stage will include:

- Lack of or reduced access to land, services and amenities (such as agricultural land, public services and rights of way, recreational and health facilities).
- Disruption to users of transport infrastructure, including increased travel times and reduced access.
- Potential health impacts on sensitive receptors, inconvenience and nuisance from construction works and transport movements.
- Increased demand for directly employed labour.
- Increased direct, indirect and induced expenditure in the economy, with associated increases in jobs and GVA.
- Increased demand for specialist materials, equipment and services output from industry and service sectors

And at operational phase:

- Effects on climate and the global community from delivering national decarbonisation targets.
- Cost-effective access to and use of hydrogen infrastructure for landowners in the vicinity of the Project; users and producers of hydrogen.
 - Loss of land required for certain Project infrastructure together with restrictions or other influence on potential future land uses.
 - Advanced technical and commercial knowledge of hydrogen pipeline development.
 - Public concern around use of hydrogen leading to changes in public behaviour with possible effects on use and value of amenities and/or market prices

The scope of this chapter is acceptable. The access of jobs via public transport is a critical issue and the ES should consider mitigation for the impact of this. Health impacts, from both nuisance and access to amenity space is also critically important and again clear mitigation should be identified. The increase in labour and impact on the economy both during construction and at operational phase are socio-economic benefits of the scheme that should be highlighted by the ES/application and details of how local people will be approached to work on this project through the Council should be provided.

Major Accidents and disasters Chapter



The SR states that the scope of assessment at construction stage will include:

- Potential harm to Project workforce due to construction works causing damage to existing utilities.
- Potential harm to Project workforce and other human or environmental receptors due to fire in the construction compounds.
- Potential impacts on mines or storage caverns which may lead to loss of containment or loss of structural integrity to existing underground structures which could cause serious harm to the Project workforce and any human populations associated with the mines or storage caverns.
- Potential effects on the project workforce due to accidents during commissioning.
- Potential effects on construction workforce or other human or environmental receptors due to land movement.
- Potential effects on the project workforce due to a major accident occurring on an external site or third-party pipeline involving hazardous substances.

And at operational phase:

- Potential effects on human, ecological or historic environment receptors from the potential release of hydrogen from project infrastructure.
- Potential effects on human, ecological or historic environment receptors resulting in the event of fires at HAGI locations.
- Potential effects on human, ecological or historic environment receptors due to land movement affecting project infrastructure

The scope of the chapter seems acceptable, with much cross over into other Chapters of the ES. The Health and Safety Executive (HSE) should also be consulted. The assessment should take account of direct and indirect impacts from both the construction phase and the completed form of development. Clarification should be provided on how close HAGI's can be to residential dwellings.

Climate Change Chapter

The SR states that the scope of assessment at construction stage will include:

- GHG emissions associated with preliminary studies and works, pre-site surveys, ground investigations and construction compounds.
- GHG emissions associated with the materials used to construct the pipelines and any associated Project facilities. These comprise embodied GHG emissions associated with the raw material assets required to construct the Project.
- GHG emissions associated with the transport of construction materials resources and equipment from point of purchase to the works site. Commuting of workforce during construction.
- GHG emissions associated with construction and installation processes (including fuel and electricity consumption) of the temporary works, ground works, landscaping and permanent works. Emissions associated with site water demand.
- GHG emissions associated with waste management activities (transport, processing, final disposal) associated with waste arising from the Project.
- GHG emissions associated with land use change.
- Effects on health of construction staff and third-party dependencies due to extreme temperatures leading to heatwaves and an increase in maximum daily temperatures in summer.
- Effects on health of construction staff and third-party dependencies and the natural environment extreme precipitation events leading to an increase in fluvial and pluvial flood risk.
- Effects on health of construction staff and third-party dependencies and project assets from storm events leading to high winds and precipitation.



And at operational phase:

- Avoided carbon emissions associated with the Project including potential for re-use, recovery and recycling of materials and/or energy and associated GHG emissions beyond the system boundary
- Effects on project assets and human health due to increased temperatures leading to extreme heatwaves and an increase in daily maximum temperatures.
- Effects on project assets and the natural environment due to increased temperatures and decreases in rainfall in the summer leading to drought conditions.
- Effects on project assets and the natural environment due to increased temperatures and decrease in rainfall in the summer, coupled with increases in winter rainfall leading to subsidence and shrink swell processes.
- Effects on project assets and the natural environment due to high temperatures leading to changes in vegetation and the spread of invasive species and disease.
- Effects on project assets, the natural environment and third-party dependencies due to an increase in frequency and severity of flood events from all sources.
- Effects on project assets due to increased frequency of storm events.

It is acknowledged that the Hynet project is considered to be a significant project for the Liverpool City Region for the long term decarbonisation of the LCR. However, it is important the wider project is taken into account when considering the overall climate change impacts of the project. At this point in time, not all hydrogen production is equal with only a fraction of hydrogen being classed as green. This should be considered as part of the climate change assessment and is likely to change over time. The methodology for the Climate Change Assessment seems reasonable.

If you have any queries with this please do not hesitate to contact Kieran Birch on the details at the head of this letter.

Kind Regards,



Kieran Birch
Head of Planning

From: [REDACTED]
To: [Hynet Hydrogen Pipeline](#)
Cc: [REDACTED]
Subject: Planning application - consultation with Thornton le Moors
Date: 05 February 2022 15:26:54

This planning application was discussed at the Essar Community consultation committee on 13.1.22 and at our Thornton le Moors Parish Council meeting on 27.1.22.

As very close neighbours to the proposed new facility we obviously have concerns about safety and how standards will be checked. I understand that the Health & Safety Executive and the Environment Agency will regularly check emissions and adverse events protocols. Both of these are extremely important to us as residents less than a mile from the production centre.

In addition we have major concerns about traffic flows, both during the construction phase and once the facility is operating. Our village is very cut off, and our only practical access is via the A5117 (unless you take a 7 mile detour via the lanes). The A5117 is already a very busy arterial road with many HGV travelling at 60 mph.

Our particular concern is safe crossing for pedestrians to the bus stop and cycleway. An additional concern is village residents being able to safely turn into and out of the village in cars. The A5117 is a very long straight road, and road users are not expecting any obstacles. The only crossing point is a traffic island. This is not visible to cars or commercial vehicles approaching at speed from the Elton/HyNet traffic lights. We have 7 or 8 children as young as 11 years old crossing this road on a daily basis at dusk morning and evening to use the bus service.

I understand that a development of this kind will involve Section 106 Funding.

We, the parish council, would like to see, as part of the works Traffic Management Plan, mitigating actions to support safe travel and safe crossing for Thornton le Moors residents. We would like to see Section 106 Funding allocated to create a permanent safe crossing point for Thornton le Moors residents. In our view this needs to be in the form of a traffic light pedestrian crossing, with visibility for those approaching up the rise from Elton.

Please can you inform me if our parish council should be directing our concerns to other parties as well.

Kind regards

Cllr Lizzie Wiffen

Chair, Thornton le Moors Parish Council



**TRAFFORD
COUNCIL**

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The Planning Inspectorate
Environmental Services
Central Operations
Temple Quay House
2 The Square
Bristol
BS1 6PN

Date: 24 February 2022

Dear Ms Cottam

**The Planning Act 2008 (as amended) and The Infrastructure Planning
(Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) –
Regulations 10 and 11**

Location: Hydrogen Pipeline Network (HPN) across the North West region. East corridor: Central Hub to Partington HAGI, incorporating a HAGI at Warburton and potential Block Valve At Sworton Heath; spur to customer at SAICA, Partington.

Application number: 107081/NSIPSC/22
Planning Inspectorate Ref: EN060006-000006
Proposal: Scoping opinion in relation to an Application by Cadent Gas Limited for an Order granting Development Consent for the HyNet North West Hydrogen Pipeline
Applicant: Cadent Gas Limited
Application type: NSIP Scoping

I write with reference to your letter dated 27 January 2022 in relation to a Scoping Opinion on the above proposed development. The following advice is based upon the submitted EIA Scoping Report Revision 1 dated January 2022 and comments received following consultation with relevant sections of the Council.

Proposed Development

The request relates to a proposed hydrogen pipeline across the north west region that will extend through part of Trafford, with the scoping boundary extending from the River Bollin forming the southern boundary through parts of Warburton, Dunham Massey, Partington and terminating at SAICA in Carrington adjacent to the Manchester Ship Canal. The project is a Nationally Significant Infrastructure Project (NSIP).

The proposed development is Schedule 1 development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, falling within the scope of Schedule 1, Part 16 (a) 'Pipelines with a diameter of more than 800 millimetres and a length of more than 40 kilometres for the transport of gas, oil or chemicals'. Schedule 1 development is EIA development and an Environmental Statement (ES) is therefore required.

The EIA Scoping Report indicates an application for an order granting development consent (DCO) under Section 37 of the Planning Act 2008 will be submitted and that the application will be accompanied by an ES.

The request seeks a scoping opinion from the Secretary of State under regulation 15(7) and Trafford Council is identified as a consultation body with regards the scope and level of detail of the information to be provided in the ES.

Procedural matters

Schedule 4 (Part 2) of the Regulations states that the ES should include a description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects. Section 2.2 provides a summary of alternatives that have been considered, however for the East corridor through Trafford there doesn't appear to be much difference between each of the alternatives. The detail of the four options considered and any other alternatives for the East corridor will need to be considered more fully in the ES given the potential environmental effects within Trafford.

The reference to the Places for Everyone Plan in Section 3.7 – Local Planning Policy needs to be updated to reflect the fact PfE was submitted to the Secretary of State for Examination in Public on 14 February 2022. The proposed development will need to have regard to emerging policies within the PfE, particularly JP Allocation 33 New Carrington.

Assessment on the scope and level of detail of the information to be provided in the Environmental Statement

Regulation 4(2) of the EIA Regulations requires the EIA to identify, describe and assess in an appropriate manner, in light of each individual case, the direct and indirect significant effects of the proposed development on the following factors: population and human health; biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC(a) and Directive 2009/147/EC(b); land, soil, water, air and climate; material assets, cultural heritage and the landscape; and the interaction between these factors. Schedule 4 of the EIA Regulations further sets out the information for inclusion in Environmental Statements.

The EIA Scoping Report indicates that the following topics will be scoped into the ES: – Ecology; Historic Environment; Water Environment; Landscape and Visual; Air Quality; Noise and Vibration; Traffic and Transport; Ground Conditions; Agriculture and Soil Resources; Land Use; People and Communities; Major Accidents and Disaster; and Climate Change. I consider the Scoping Report covers the aspects of the environment likely to be significantly affected by the proposed development.

The methodology set out in the Scoping Report, including that the EIA will assess the construction, operation and maintenance phases of the proposed development, the outline structure of the ES and to include the following environmental topic chapters, is considered appropriate.

Ecology

No part of the scoping boundary within Trafford is within a 'sensitive area' as defined by the Regulations.

The nearest sensitive area is Brookheys Covert Site of Special Scientific Interest (SSSI) approximately 250m east of the scoping boundary. Dunham Park SSSI is approximately 1km south east of the scoping boundary.

There are two Special Areas of Conservation (SAC) (Rixton Clay Pits and Manchester Mosses) to the west of the site, both outside the Trafford boundary and approximately 2.8km and 3.1km from the scoping boundary respectively. Rixton Clay Pits is also a SSSI and Holcroft Moss and Risley Moss SSSI's are part of the Manchester Mosses SAC.

Sites of Biological Importance (SBI's) are not individually identified in the Scoping Report. The following SBI's within Trafford are within the scoping boundary: -

- Moss Wood SBI
- Sinderland Green Wood SBI
- Broadoak Wood SBI
- Partington Nature Reserve SBI

The following SBI's are adjacent to or in close proximity to the scoping boundary: -

- Brookheys Covert SBI
- Fox Covert and Meadows SBI

The scoping boundary extends through three Wildlife Corridors and at least seven Sites of Importance for Nature Conservation designated on the Local Plan Policies Map.

I note that an extended Phase 1 habitat survey and protected species surveys will be undertaken, including surveys for great crested newt, bats, otter and water vole, badger, invertebrate, Schedule 1 breeding birds and winter bird.

Construction of the pipeline is likely to result in the loss of trees, hedgerows, vegetation and other habitats, which may include statutory and non-statutory nature conservation sites or priority habitats. The route should seek to avoid such features and habitats wherever possible and where this is unavoidable, the ES and DCO will need to set out proposed mitigation to replace or compensate for the loss of these features. In line with the NPPF the expectation would be to avoid significant harm to biodiversity resulting from the development and if significant harm cannot be avoided it should be adequately mitigated, or, as a last resort, compensated for.

The proposed development would be expected to deliver biodiversity net gain (BNG), as sought by the NPPF and as a requirement of the Environment Act 2021 (with the statutory requirement for 10% BNG anticipated to be in place by the time the DCO is submitted).

No comments have been received from the Greater Manchester Ecology Unit at the time of preparing this response. In the event a response is subsequently received which raises any issues relevant to the scope and level of detail of the information to be provided in the ES we will forward these comments.

Natural England will need to be consulted on the Scoping Opinion and on the application for a DCO.

Historic Environment

Based on Figure 6.1 in the Scoping Report there do not appear to be any listed buildings within the scoping boundary, although the following are in close proximity to the boundary and potentially affected by the proposed development: -

- Willow Cottage, Grade II
- Greenbank, Grade II
- The Village Farmhouse including gatepiers, Grade II
- Manor Farmhouse with forecourt railings and gates, Grade II
- Orchard View, Grade II
- The Hollies, Grade II
- Sinderland House, Grade II
- Barn to south east of Birch Farmhouse, Grade II

A list of all listed buildings potentially affected by the proposed development will need to be included in the ES.

Dunham Woodhouses Conservation Area is within the scoping boundary. The Council has published supplementary planning guidance for the Conservation Area (SPD5.16 and SPD.16a) and it is recommended the SPD is referred to in the assessment.

Dunham Massey Grade II* Registered Park and Garden is approximately 700m to the east of the scoping boundary.

Warburton Deer Park is approximately 750m to the west of the scoping boundary and isn't identified in the Scoping Report. There are known to be archaeological remains of value but which are currently undefined. The deer park is considered to be a non-designated heritage asset and it is recommended it is identified in the ES.

There is potential for features of historic or archaeological interest to be present throughout the scoping boundary. The Greater Manchester Archaeological Advisory Service (GMAAS) has provided the following comments on the Scoping Report: -

The Scoping Report includes a chapter dedicated to establishing the methodology to be used for assessment of the Historic Environment, inclusive of above and below-ground Heritage Assets and areas of potential. A section on Baseline Conditions (6.4) describes the methodology used for data presented within the Scoping Report, but also how further detailed baseline conditions will be established for the EIA, making reference to a desk-based study and site walkovers that are yet to be completed.

The desk-based assessment will be of particular importance in defining those parts of the historic environment that will be impacted upon by the scheme, and it will be this document that will enable decisions to be made as to appropriate mitigation of those impacts. With regard to consultation, GMAAS act as archaeological advisors to the ten district LPAs that constitute Greater Manchester. As such GMAAS would appreciate being consulted at the two key points outlined in section 6.3 of the report.

The current redline boundary is large and lacks the detail to identify where specific construction impacts might occur. However, GMAAS consider that the below-ground archaeology has the potential to be of local to regional rather than national significance, and is satisfied that archaeology can be scoped out of the EIA providing that the promised detailed archaeological desk-based assessment, compiled according to the methodology stated in the report, is submitted with the planning application. This will enable a decision to be reached as to the merits of undertaking further archaeological investigation of individual sites in advance of development. GMAAS will be content to see any such work secured through a negative planning condition attached to consent.

Water Environment

The scoping boundary within Trafford predominantly includes land within Environment Agency Flood Zone 1, although the River Bollin and the Red Brook, Sinderland Brook and Caldwell Brook and land adjacent to these watercourses is within Flood Zones 2 and 3. The area is not within the Critical Drainage Area identified in the Manchester, Salford and Trafford Level 2 Hybrid SFRA.

The Lead Local Flood Authority (LLFA) comment they are encouraged to see the pipeline where possible will be completely underground and a Flood Risk Assessment and Drainage Strategy will be submitted considering the NPPF, Section 5.7 of the

overarching National Policy Statement for Energy and the Trafford Local Plan Core Strategy.

The LLFA advise that they would prefer directional drilling when the route crosses a watercourse, and any such crossings should be a minimum of 1m below the hard bed level of the watercourse. Open cut crossings on ordinary watercourses will require the prior written Land Drainage Consent of the LLFA. With regards to this point they will need to see details of each crossing.

The Environment Agency will also need to be consulted on the Scoping Opinion and on the application for a DCO.

Landscape and Visual

There are no statutory designations relating to landscape (National Park or AONB) affecting the application site.

The site is within the Mersey Valley National Character Area (NCA 60), as defined by Natural England.

A significant proportion of the area included within the scoping boundary is open countryside and which is within the Green Belt and designated an Area of Landscape Protection. The Council's adopted Landscape Strategy SPG identifies the following Landscape Character Types within the scoping boundary: 'River Meadowlands' (along the River Bollin); 'Settled Sandlands' to much of the southern part of the scoping boundary; 'Mossland' to the northern area; and 'Urban River Valley' (along Manchester Ship Canal). It is recommended that the Landscape Strategy SPG is referred to in the ES.

The landscape and visual impacts must be assessed within this context, which is a visually sensitive setting, particularly with regard to the extent of landscape change resulting from the loss of trees and hedgerows necessary to construct the pipeline and the visual impact of the two Hydrogen Above Ground Installations (HAGI) identified in Trafford. It is noted that a Landscape and Visual Impact Assessment is to be undertaken.

Construction of the pipeline is likely to result in the loss of groups of trees, individual trees, hedgerows and other natural features. The route should seek to avoid such features wherever possible and where this is unavoidable, the ES will need to set out proposed mitigation to replace or compensate for the loss of these features.

Air Quality

No part of the site lies within the Greater Manchester Combined Authority Air Quality Management Area (2016).

There will be a requirement for air quality impacts from construction and operational phases to be considered and modelled. The Scoping Report confirms that air quality impacts will be assessed as part of the proposals and confirms the information and modelling methodology that will be utilised.

The Council's Pollution and Housing Section has reviewed the Scoping Report and are satisfied that the criteria identified for use/reference within the EIA process for assessing construction and operational impact are satisfactory for measuring impacts on air quality.

Construction of the project will need to consider cumulative air quality impacts with other major projects in the area that may occur simultaneously, including approved development, the PfE New Carrington allocation, Carrington Relief Road and HS2 Golborne Link, as discussed below.

Noise and Vibration

The ES should include an assessment of the effects of noise and vibration on nearby properties during the construction phase and set out appropriate mitigation to minimise potential disturbance.

Chapter 10 of the Scoping Report describes the scope of the noise and vibration assessment and how it will consider the likely significant effects on residential and non-residential receptors that may arise from the construction and operation of the project. This chapter describes the methodology to be used within the EIA; the datasets to be used to inform the EIA; an overview of the baseline conditions; the likely significant effects to be considered within the EIA, and how these likely significant effects will be assessed.

The Council's Pollution and Housing Section has reviewed the Scoping Report and are satisfied that the criteria identified for use/reference within the EIA process for assessing construction and operational impact are sufficient. The information provided is comprehensive and appears to include everything of relevance in respect of nuisance impact from noise and vibration.

Construction of the project will need to consider cumulative noise and vibration impacts with other major projects in the area that may occur simultaneously, including approved development, the PfE New Carrington allocation, Carrington Relief Road and HS2 Golborne Link, as discussed below.

Traffic and Transport

Construction routes will need to consider capacity on the existing road network, particularly in relation to the A6144 and M60 J8.

Construction of the project will need to consider cumulative impacts on the road network with other major projects in the area that may occur simultaneously, including approved development, the PfE New Carrington allocation, Carrington Relief Road and HS2 Golborne Link, as discussed below.

No comments have been received from the Local Highway Authority at the time of preparing this response. In the event a response is subsequently received which raises any issues relevant to the scope and level of detail of the information to be provided in the ES we will forward these comments.

Ground Conditions

The existing or former use of parts of the area within the scoping boundary may mean that some of the land is contaminated. There will be a requirement for contaminated land to be assessed, as part of construction and operational phases, to ensure that future site users and the wider environment are not adversely impacted and pollutant pathways are not created.

The Scoping Report confirms that contaminated land will be assessed as part of the proposals and confirms the information and modelling methodology that will be utilised.

The Council's Pollution and Housing Section has reviewed the Scoping Report and are satisfied that the criteria identified for use/reference within the EIA process for assessing construction and operational impact are satisfactory for measuring impacts on contaminated land.

The Environment Agency will also need to be consulted on the Scoping Opinion and on the application for a DCO.

Agriculture and Soil Resources

The agricultural land within the scoping boundary is predominantly classified as grade 2 'very good' on the Natural England Agricultural Land Classification Map. Natural England will need to be consulted on the Scoping Opinion and on the application for a DCO.

Land Use

No additional comments on the scope set in the Scoping Report, although please refer to the comments below regarding the potential impact of the proposed development on allocated and proposed to be allocated strategic development sites in Trafford.

People and Communities

Construction of the project will need to consider cumulative impacts with other major projects in the area that may occur simultaneously, including approved development,

the PfE New Carrington allocation, Carrington Relief Road and HS2 Golborne Link, as discussed below. This will be a particular issue in relation to construction traffic and noise / disruption to the local community.

There are a number of public rights of way within the scoping boundary and which may be affected during construction of the proposed development. The Trans Pennine Trail extending west-west within the southern part of Trafford is also within the scoping boundary. These routes should be identified in the ES and details provided where a temporary closure or a diversion would be necessary.

Major Accidents and Disasters

The ES will need to include an assessment of any risk posed to existing and future residents in the vicinity of the proposed pipeline and HAGI's during the construction, operation and maintenance phases of the project.

There are a number of Major Accident Hazards (MAH) sites within the scoping boundary and in the vicinity. These sites are subject to the Control of Major Accident Hazards (COMAH) Regulations. The consultation distance of the following sites extend into the scoping boundary: -

MAH Sites

- Basell Polyolefins UK Ltd
- National Grid Gas PLC, Partington Holder Station

MAH Pipelines

- 10021 - Essar Oil (UK) Ltd, Stanlow Carrington Pipeline 200 NS
- 6731-1016 - National Grid Gas PLC
- 6732-1017 - National Grid Gas PLC, Partington / Stockport
- 6741-1026 - National Grid Gas, Warburton Tunnel South / Partington
- 6748-1032 - National Grid Gas, 4 Feeder Warburton / Partington

Given the proximity of the site to MAH sites and pipelines, the ES should include an assessment of the potential risk these sites may pose to the construction, operation and maintenance phases of the proposed development, including the risk of harm to persons working on its construction, operation and maintenance. The HSE will need to be consulted on the Scoping Opinion and on the application for a DCO.

Climate Change

There is general policy support for low carbon energy initiatives.

Other Matters

The ES will need to assess the cumulative effects of existing or approved development. Schedule 4 of the EIA Regulations requires cumulative effects to be considered and the

PPG also states there are occasions when other existing or approved development may be relevant in determining whether significant effects are likely as a consequence of a proposed development and local planning authorities should always have regard to the possible cumulative effects arising from any existing or approved development. The EIA Scoping Report confirms a Cumulative Effects Assessment (CEA) will be carried out.

It is particularly important that this includes major developments in the Partington and Carrington area that currently have planning permission and which may have planning permission at the time the DCO is submitted. These include Heath Farm Lane, Partington which is a site with planning permission for up to 600 dwellings and which has commenced and Voltage Park, Carrington which is a site with a resolution to grant planning permission for 62,442 sqm employment floorspace, both of which are within the scoping boundary.

Construction of the project will also need to consider any cumulative impacts with other major projects proposed in the area, including the PfE New Carrington allocation (discussed below), the Carrington Relief Road and HS2 Golborne Link. The Scoping Report states that construction phase activity is expected to commence in 2025 with commissioning in 2027. The current HS2 timetable states that construction will start in 2025 and there is the possibility of sites in the PfE New Carrington allocation and the Carrington Relief Road also being under construction at this time. This will be a particular issue in relation to construction traffic and noise / disruption to the local community.

Whilst not necessarily a matter for the ES (although there may be overlap with the People and Communities chapter and other chapters), a key issue for consideration in the DCO will be the impact the proposed development would have on strategic development sites in Trafford.

The northern part of the scoping boundary (affecting land within Carrington and east of Partington) forms part of the Carrington Strategic Location identified in the Trafford Core Strategy. Policy SL5 of the Core Strategy states that a major mixed-use development will be delivered, providing a new residential community, together with employment, educational, health and recreational facilities and supported by substantial improvements to both public transport and road infrastructure. The Policy identifies the Strategic Location can deliver 1,560 residential units, 75 hectares of land for employment activities and new road infrastructure.

The identification of Carrington and Partington as an area with significant potential to meet the future housing and employment needs of the Borough and the sub-region is continued in the Places for Everyone Plan where it forms part of the proposed 'New Carrington' allocation that seeks to deliver a significant mixed use development. Over the period 2020-2037 land to accommodate around 4,300 dwellings and 350,000 sqm of employment floorspace has been identified and will be delivered together with a new local centre and supporting infrastructure (Policies JP-Strat 11 and JP Allocation 33). The Places for Everyone Plan has recently been submitted to the Secretary of State for

Levelling Up, Housing and Communities. The scoping boundary includes land within the proposed 'New Carrington' allocation to the east and south east of Partington and the route of the proposed pipeline will need to go through some of the development parcels identified in the New Carrington Masterplan. These include both residential and employment sites.

It is understood that future development (with the exception of new roads) would not be permitted over the pipeline. Furthermore the Scoping Report indicates that the pipeline will be notified as a Major Accident Hazard pipeline, which is likely to have a consultation distance and appropriate Land Use Planning restrictions applied by the Health and Safety Executive, and which would prevent inappropriate future development in the vicinity of the pipeline. This will be an important consideration in the DCO, however at this stage we would wish to raise concern over the impact the proposed development may have on allocated and proposed to be allocated sites, in terms of the quantum of development that could be delivered in future and which is currently identified as contributing towards the Council's future housing and employment land supply and also on the layout of future development in these areas.

Waste hasn't been included as a specific environmental topic within the Scoping Report. It is agreed this would not necessarily need to be included provided that the other chapters, particularly Ground Conditions and Traffic and Transport, fully consider the environmental effects associated with the transport, processing and final disposal of waste material resulting from construction.

Conclusion

I hereby advise that the Council is in general agreement with the proposed scope of the Environmental Statement as set out in the EIA Scoping Report dated January 2022. The Environmental Statement should include the additional information discussed above.

I trust the information contained in our response is clear. Should you wish to discuss any of the above matters in more detail, please do not hesitate to contact Richard Gore directly on 0161 912 1485.

Yours sincerely



Head of Planning and Development
Rebecca Coley

From: [REDACTED]
To: [Hynet Hydrogen Pipeline](#)
Cc: [REDACTED]
Subject: RE: EN060006-000006 - HyNet North West Hydrogen Pipeline - Reg 10 Consultation and Reg 11 Notification
Date: 23 February 2022 14:28:06
Attachments: [REDACTED]

Good afternoon Todd,

Trinity House advise that any proposed marine works below mean high water springs should be fully assessed within a Marine Navigation Risk Assessment and provided as part of the Environmental Statement.

Kind regards,

Stephen Vanstone

Navigation Services Officer | Navigation Directorate | Trinity House

[REDACTED] | [REDACTED]
[REDACTED]

[REDACTED]

Begin forwarded message:

From: Hynet Hydrogen Pipeline <HynetHydrogenPipeline@planninginspectorate.gov.uk>
Date: 27 January 2022 at 11:32:34 GMT
To: Navigation <[REDACTED]>, Thomas Arculus
<[REDACTED]>
Subject: EN060006-000006 - HyNet North West Hydrogen Pipeline - Reg 10 Consultation and Reg 11 Notification

FAO Steve Vanstone

Please see attached correspondence on the proposed HyNet North West Hydrogen Pipeline.

Please note the deadline for consultation responses is **Thursday 24 February 2022** which is a statutory requirement that cannot be extended.

Kind regards,

Todd Brumwell

Todd Brumwell | Associate EIA Advisor
The Planning Inspectorate
T [REDACTED]

[@PINSgov](#)

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planninginspectorate.gov.uk

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DPC:76616c646f72



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UK Health
Security
Agency

Environmental Hazards and Emergencies Department
Seaton House
City Link
London Road
NOTTINGHAM
NG2 4LA

nsipconsultations@phe.gov.uk
www.gov.uk/ukhsa

Your Ref: EN060006-000006
Our Ref: CIRIS 58828

Ms Emma Cottam
Senior EIA Advisor
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol BS1 6PN

24th February 2022

Dear Ms Cottam

**Nationally Significant Infrastructure Project
HyNet North West Hydrogen Pipeline
Scoping Consultation Stage**

Thank you for your consultation regarding the above development. The UK Health Security Agency (UKHSA) and the Office for Health Improvement and Disparities (OHID) (formerly Public Health England) welcome the opportunity to comment on your proposals and Environmental Impact Assessment (EIA) Scoping Report at this stage of the Nationally Significant Infrastructure Project (NSIP). Advice offered by UKHSA and OHID is impartial and independent.

The health of an individual or a population is the result of a complex interaction of a wide range of different determinants of health, from an individual's genetic make-up, to lifestyles and behaviours, and the communities, local economy, built and natural environments to global ecosystem trends. All developments will have some effect on the determinants of health, which in turn will influence the health and wellbeing of the general population, vulnerable groups and individual people. Although assessing impacts on health beyond direct effects from for example emissions to air or road traffic incidents is complex, there is a need to ensure a proportionate assessment focused on an application's significant effects.

Having considered the submitted scoping report; we wish to make the following specific comments and recommendations:

Environmental Public Health

We recognise the promoter's proposal to include a health section. We believe the summation of relevant issues into a specific section of the report provides a focus which ensures that public health is given adequate consideration. The section should summarise key information, risk assessments, proposed mitigation measures, conclusions and residual impacts, relating to human health. Compliance with the requirements of National Policy Statements and relevant guidance and standards should also be highlighted.

In terms of the level of detail to be included in an Environmental Statement (ES), we recognise that the differing nature of projects is such that their impacts will vary. UKHSA and OHID's predecessor organisation Public Health England produced an advice document *Advice on the content of Environmental Statements accompanying an application under the NSIP Regime*¹, setting out aspects to be addressed within the Environmental Statement¹. This advice document and its recommendations are still valid and should be considered when preparing an ES. Please note that where impacts relating to health and/or further assessments are scoped out, promoters should fully explain and justify this within the submitted documentation.

Recommendation

Our position is that pollutants associated with road traffic or combustion, particularly particulate matter and oxides of nitrogen are non-threshold; i.e., an exposed population is likely to be subject to potential harm at any level and that reducing public exposure to non-threshold pollutants (such as particulate matter and nitrogen dioxide) below air quality standards will have potential public health benefits. We support approaches which minimise or mitigate public exposure to non-threshold air pollutants, address inequalities (in exposure) and maximise co-benefits (such as physical exercise). We encourage their consideration during development design, environmental and health impact assessment, and development consent.

It is noted that the current proposals do not appear to consider possible health impacts of Electric and Magnetic Fields (EMF).

Recommendation

The applicant should assess the potential public health impact of EMFs arising from any electrical equipment associated with the development. Alternatively, a statement should be provided, explaining why EMFs can be scoped out. For more information on how to carry out the assessment, please see the advice document referenced above.

¹
<https://khub.net/documents/135939561/390856715/Advice+on+the+content+of+environmental+statements+accompanying+an+application+under+the+Nationally+Significant+Infrastructure+Planning+Regime.pdf/a86b5521-46cc-98e4-4cad-f81a6c58f2e2?t=1615998516658>

Human Health and Wellbeing – OHID

This section of OHID's response, identifies the wider determinants of health and wellbeing we expect the ES to address, to demonstrate whether they are likely to give rise to significant effects. OHID has focused its approach on scoping determinants of health and wellbeing under four themes, which have been derived from an analysis of the wider determinants of health mentioned in the National Policy Statements. The four themes are:

- Access
- Traffic and Transport
- Socioeconomic
- Land Use

Having considered the submitted Preliminary Environmental Information Report OHID wish to make the following specific comments and recommendations.

Vulnerable Populations/Sensitive Receptors

An initial approach to the identification of sensitive receptors and populations has been provided. The impacts on health and wellbeing and health inequalities of the scheme may have particular effect on vulnerable or sensitive populations, including those that fall within the list of protected characteristics.

Recommendation

The impacts on health and wellbeing of the scheme will have particular effect on vulnerable or disadvantaged populations, including those that fall within the list of protected characteristics. The report does not comprehensively identify a potential list of vulnerable populations, some of which are also within the protected characteristics. The list of vulnerable populations should be reviewed and include data on the Indices of Multiple Deprivation. Guidance is available from the IAIA².

Mental Health and Wellbeing

The report proposes to scope out mental health, but does highlight the potential for public concern through the presence of hydrogen. The report further proposes that public concern should be minimal given the level of regulation and proposed communication with local communities.

The perception or understanding of risk is a very important risk factor for mental health arising from changes to quality of life, anxiety and depression. A methodology has been developed to measure the impact of the public's understanding of risk from industrial development on

² Cave, B., Claßen, T., Fischer-Bonde, B., Humboldt-Dachroeden, S., Martín-Olmedo, P., Mekel, O., Pyper, R., Silva, F., Vilianni, F., Xiao, Y. 2020. Human health: Ensuring a high level of protection. A reference paper on addressing Human Health in Environmental Impact Assessment. As per EU Directive 2011/92/EU amended by 2014/52/EU. International Association for Impact Assessment and European Public Health Association

community psychosocial wellbeing³. This is underpinned by a psychosocial conceptual model which is expected to both predict and explain the factors underpinning understandings of health risk about a development project. Overall, this indicates that the estimation of community anxiety and stress would be highly beneficial as part of an impact assessment for an NSIP.

Mental well-being is fundamental to achieving a healthy, resilient and thriving population. It underpins healthy lifestyles, physical health, educational attainment, employment and productivity, relationships, community safety and cohesion and quality of life. A scheme of this scale and nature has impacts on the over-arching protective factors, which are:

- Enhancing control
- Increasing resilience and community assets
- Facilitating participation and promoting inclusion.

Recommendation

There should be parity between mental and physical health, and any assessment of health effects should include the appreciation of both. A proportionate systematic approach to the assessment of the effects on mental health is required.

In addition to the baseline mental health indicators the assessment would benefit from including quality of life indicators owing to their established links to mental health and wellbeing.

In terms of sources, we would draw your attention to the following:

- [PHE Fingertips – Mental Health and Wellbeing JSNA](#)
 - Area profiles with various indicators on common mental disorders (including anxiety) and severe mental illness which can be benchmarked with other local areas as well as regional and national data
- [Office for National Statistics - Wellbeing Indicators](#)
 - Range of datasets related to wellbeing available including young people's wellbeing measures, personal wellbeing estimates and loneliness rates by local authority

When estimating community anxiety and stress in particular, a qualitative assessment may be most appropriate. This may involve conducting resident surveys but also information received through public consultations, including community engagement exercises. The Mental Well-

³ Baldwin, C., Cave, B., & Rawstone, P. (2020). Measuring the Impact of Public Understandings of Risk from Urban and Industrial Development on Community Psychosocial Well-Being: a Mixed Methods Strategy. *International Journal of Community Well-Being*, volume 3, 57–82.

being Impact Assessment Toolkit (MWIA)⁴, contains key principles that should be demonstrated in a project's community engagement and impact assessment. We would also encourage you to consult with the local authority's public health team who are likely to have Health Intelligence specialists who will have knowledge about the availability of local data. Robust and meaningful consultation with the local community will be an important mitigation measure, in addition to informing the assessment and subsequent mitigation measures.

Yours sincerely

On behalf of UK Health Security Agency
nsipconsultations@phe.gov.uk

Please mark any correspondence for the attention of National Infrastructure Planning Administration.

⁴ [Mental Wellbeing Impact Assessment Toolkit](#), (National MWIA Collaborative (England), 2011) - A toolkit with an evidence-based framework for improving well-being through projects.



WARRINGTON
Borough Council

The Planning Inspectorate
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Central Operations
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BS1 6PN

Professor Steven Broomhead
Chief Executive

Steve Park
Director of Growth

East annexe
Town Hall
Sankey Street
Warrington WA1 1UH

24/02/2022

Your Ref: (HyNet)
EN060006-000006

Our Ref:
2022/40896

please ask for:
Liz Snead

Dear Sir/Madam

Proposal: EIA Scoping Opinion Consultation

Location: HyNet North West Hydrogen Pipeline

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11

Thank you for your consultation letter of 27 January 2022 requesting the Council's advice on the scope of the EIA and proposed methodologies outlined in the submitted Scoping Report for the proposed HyNet North West Hydrogen Pipeline

We are in general agreement with the proposed scope and the assessment methodologies as set out within the applicant's Scoping Report. Responses from our consultees are summarised within the respective sections within this letter under each chapter topic heading as suggested within the Scoping Report. We would advise that the applicant should refer to, and expand upon these matters raised within the Environmental Statement, or any relevant supplementary information should a Development Consent Order for this proposed development be made.

The Council has taken into account its consultation responses and considered the specific characteristics of the proposed development, the type of development and the environmental features likely to be affected by the development. The Council has undertaken consultation with statutory consultees and where responses have been received these are included within the response, there are also responses from National Highways though other national bodies have sent their consultation response directly to the Planning Inspectorate. Although this advice seeks to ensure that any

future Environmental Statement includes such information that is considered reasonably necessary to determine any future DCO application based on the current proposal, we would be obliged if you could stress to the applicant that further information may still be required once the Environmental Statement and application has been submitted.

Key Issues

The summary of key issues associated with the proposed development is contained within Table 4.3 with the level of significance shown in Table 4.4.

Consultees

A list of consultees are included within each chapter of the Scoping Report and it would be useful if there was a list of all statutory and non-statutory consultees that had been consulted within the report.

The Council has consulted Ward Members and Parish Councils within the Scoping Area as well as the following consultees:

Amenity Societies;
Cheshire Shared Archaeology Service;
Environment Agency
Greater Manchester Ecology Unit;
Historic England;
Natural England;
National Highways;
Sport England;
United Utilities;
WBC Conservation Officer;
WBC Environmental Protection Team;
WBC Lead Local Flood Authority;
WBC Public Rights of Way Officer; and
WBC Trees and Landscaping Officer

Policy

Consideration should be given to Warrington's Local Plan Core Strategy (2014) as referenced within the Scoping Request and, specifically, your attention is drawn to the following additional policies in addition to those already identified:

CS 6 Overall Spatial Strategy – Strategic Green Links
CS 7 Strategic Location – The Town Centre
CS 10 Strategic Proposal – Waterfront and Arpley Meadows
QE 3 Green Infrastructure
QE 4 Flood Risk
QE 8 Historic Environment
MP 7 Transport Assessments and Travel Plans
MP 8 Waste
MP 9 Minerals
TC 1 Key Development Sites in the Town Centre
CC 2 Protecting the Countryside

It is also recommended that the following Supplementary Planning Documents are referred to:

Design and Construction
Environmental Protection
Standards for Parking in New Development
Town Centre

Appleton Parish Thorn Neighbourhood Plan

The Neighbourhood Plan for Appleton Thorn is a material planning consideration

Grappenhall & Thelwall Neighbourhood Plan –

No further progress has occurred on the Neighbourhood Plan apart from the area of the plan being designated it therefore has no weight currently

Lymm Neighbourhood Plan

No further progress has occurred on the Neighbourhood Plan apart from the area of the plan being designated it therefore has no weight currently

Stretton Neighbourhood Plan

No further progress has occurred on the Neighbourhood Plan apart from the area of the plan being designated it therefore has no weight currently

Comments on the Scoping Report are made in accordance with the Chapters Headings within the submitted Scoping Report:

Ecology

A response has been received from Natural England to state that they have been consulted directly so will be responding directly to the Planning Inspectorate.

A response has been received from Greater Manchester Ecology Unit and the full response will be attached to this response but they are also summarised below:

- The Scoping Report confirms that comprehensive surveys and assessments of the effects of the proposed development on the natural environment will be undertaken. It is confirmed that these surveys and assessments will be undertaken in accordance with established professional practice and will involve the consultation of appropriate sources of information (including the Cheshire biological records centre).
- In broad agreement with the Scope of ecological surveys and assessments described in the report, and would not consider that any of the surveys and assessments described are unnecessary, but it is recommended that the following additional issues need to be considered further in any resulting Environmental Statement:
 - If new traffic routes need to be created to facilitate access to the pipeline route and works compounds, or if existing roads need to be widened or otherwise improved to accommodate large-scale traffic movements, the ecological impacts of these measures will need to be fully assessed in the ES.
 - The applicant has correctly identified the need for a Habitats Regulations Assessment of the project to be carried out. It is agreed

that the Mersey Estuary SPA should be in the proposed HRA, and would also agree that there will be a need to assess parts of the route for their potential to act as functionally linked to the SPA. It is also recommended that air pollution effects arising from the operation of construction traffic and of large-scale generators on construction sites should also be Screened In to the HRA as a potential impact of the scheme on designated sites.

- Great Crested Newts - the District Level Licensing Scheme for great crested newts is now in operation in Warrington. Entering into this Scheme would potentially remove the need for surveying for great crested newts along the length of the pipeline routes, and for providing mitigation for great crested newts along the route. Early engagement with Natural England, who administer the DLL Scheme nationally, is encouraged in this matter.
- Biodiversity Net Gain - There is little discussion in the Scoping report of the need for the project to provide a Net Gain in biodiversity, in accord with the provisions of the NPPF and of the new Environment Act. The applicant is encouraged to engage with the biodiversity net gain agenda at an early stage of project development, so that provision for habitat creation, repair and enhancement can be built into project development from the start of the design process. Any gains must be meaningful, and should contribute to the creation of a Local Nature Recovery Strategy wherever possible.
- The Scoping report states that “Where *practical*, sensitive sites will be avoided by the temporary construction compounds and permanent Project elements” [GMEU’s italics]. Harmful impacts on sensitive and designated sites should be avoided as a matter of course, and if impacts are considered to be absolutely unavoidable, comprehensive justification for these decisions will need to be provided, together with full details of mitigation and compensation for any harm which is caused.
- Before a comprehensive Environmental Statement is submitted for appraisal, as much certainly as possible needs to be provided concerning the ecological impacts of the scheme, so that compensation, mitigation and net gain measures can be fully and properly assessed.

Warrington Borough Council also holds records of all of the Local Wildlife Sites within the Warrington area and these should be included within the maps as constraints.

A number of the Local Wildlife Sites within the Warrington area are considered to have a greater than local value and the value placed on them within the assessments needs to be increased.

It is welcomed that the scheme is intended to retain as many trees as possible – it is recommended that the applicant contact Warrington Borough Council to get the dataset that shows the location of all trees and hedges covered by Tree Preservation Orders and confirm if any trees/hedges to be removed are within Conservation Areas.

It is requested that adequate mitigation is provided for any trees or hedgerows proposed to be removed and ratio for replacement should be included within the Environmental Statement.

Historic Environment

No response has been received from Historic England at the time of writing this response, however, as a Statutory Body it is expected that they will have been consulted directly.

A response has been received from Cheshire Shared Archaeology Service received and the full response will be attached to this response but they are also are summarised below:

- A full picture of the impact of the development on the historic environment will also require the incorporation of information with regard to non-designated heritage assets and it is confirmed that these data will be obtained from the relevant Historic Environment Records; and
- It is advised that this approach is appropriate and the resulting report will allow the impact of the scheme to be assessed and further measures developed to mitigate the effect of the scheme on the historic environment. Crucially, Paragraph 6.5.2 of the scoping report confirms that, where an unavoidable impact on the historic environment will occur, an overarching written scheme of investigation will be produced and agreed with relevant consultees in order to ensure that an appropriate mitigation is in place. At this early stage in the process, details of this programme are not to be expected but it seems likely that this would consist of a programme of field evaluation and, where necessary excavation and watching brief, with provision for an appropriate level of reporting. Again, it is advised that this represents an appropriate approach which is in line with that adopted on similar major infrastructure schemes.

A response has been received from the Warrington Borough Council's Conservation Officer and the full response will be attached to this response but they are also are summarised below:

- At this stage, the level of detail within the Scoping Report is obviously basic and thus only a general response can be provided. The methodology proposed for assessing the pipeline's likely impact on heritage assets seems sound to me and is therefore supported. That said, there were difficulties in the document in certain regards and would like to identify some of these problem areas in the hope that this will facilitate improved documents going forward:
 - No authority boundaries on the detailed maps
 - Maps at too large a scale
 - Information not listed by Authority
 - Lack of Conservation Areas on the plans.
- On the subject of conservation areas, it is noted that Thelwall Village Conservation Area is included within the study area, but Grappenhall Village Conservation Area, which seems equally close, is not so should be included. It is also noted that in section 6.4 the proposed data gathering methodology for conservation areas makes no reference to this borough and the Conservation data for Warrington also needs to be included.
- In terms of any list of heritage assets included within the subsequent PEIR and ES documents, it is suggested that these indicate within which authority a heritage asset is located, as it seems inefficient to be forced to identify and extract relevant assets from an all- encompassing, multi-borough list.

It is recommended that Conservation Areas within Warrington be checked as it appears a number of the Conservation Areas may be within the Scoping Request Area. It is also recommended that Conservation Areas be included in Figure 6.1 and it is recommended that the location of the Conservation Areas within the Warrington Area are confirmed as it appears that the Stockton Heath and a number of the Town Centre Conservation Areas are located within the Scoping Area, though at the scale of the map in Figure 6.1 this is difficult to confirm and the area in Figure 6.1 is significantly smaller than the Scoping Area.

It is also recommended that Warrington Borough Council are contacted directly to get the conservation records, which should be integral to the analysis.

There are also a number of locally listed buildings located within the Scoping Area within the Warrington Area and an assessment of the impact on these Non-Designated Heritage Assets needs to be included within any submitted Environmental Statement.

Water Environment

No response has been received from the Environment Agency though again however – they are a Statutory Body so will have been consulted directly. No response has been received from United Utilities at the time of writing this response – if one is received it will be shared

A response has been received from the Lead Local Flood Authority received and the full response will be attached to this response but they are also summarised below:

- section 1.6 of the report it states that a Flood Risk Assessment (FRA) will be submitted and that the FRA will assess the flood risk both to and from the Project and demonstrate how flood risk will be managed over the Projects lifetime and give regard to climate change
- the route of the pipeline will be in areas at risk of flooding and this needs to be addressed in the FRA

It is appreciated that a consultation will be undertaken with the LLFA and the Environment Agency to discuss the effects of the proposal on the water environment. For works within the rivers you will also need a Marine Licence.

Much of the Warrington Area is classed as an area of critical drainage so is liable to flooding and is located in Flood Zones 1, 2 and 3. Penketh, Warrington Town Centre and the surrounding areas have been flooded recently. It is recommended that more work be undertaken in relation to surface water flood risk to Warrington as no mention is made of it within this section.

It is agreed that the Canal and Rivers Trust and Peel Ports should be consulted as part of the process.

There is also currently Flood Defence work being undertaken in the Scoping Area and this should not be affected.

It is welcomed that the application would be submitted with a FRA.

Landscape and Visual

Comments from the WBC Tree and Landscape Officer have been received and the full response will be attached to this response but they are also summarised below:

- The proposal in its current form is an overview and lacking in final detail. The avoidance of woodland areas is welcomed and retention of tree stock should be favoured where adjustments to the alignment can be made. Where trees are to be retained which can be impacted upon by the proposal, protective measures must be provided. Where trees are to be removed, in the first instance replacements should be within the redline boundary, however given the final solution is likely to require only a narrow corridor there may not be sufficient scope to accommodate replacement planting, therefore off site locations should be marked to accommodate any mitigation plantings required, or contributions discussed to enhance local public open space.
- It is likely within the routes that trees subject to Tree Preservation Orders will be encountered. Should this occur each protected tree would have to be individually considered and preferably retained within the development. Complete records and locations of the TPO'd tree stock is publicly available on online council mapping and can be provided as required in different formats.
- As the proposal passes through a significant amount of rural locations it will encounter hedgerows which will require removal to accommodate the scheme. It is requested that the details of the replacement of these hedgerows or details of compensation be included within the ES
- If there are any future restrictions on planting within proximity of the apparatus both above and underground and limits on planting distances from the pipelines then this needs to be included within the ES and future applications
- The ES and subsequent application needs to include the following details:
 - Tree Survey:
 - Tree retention and removal plan;
 - Retained trees and the root protection areas shown on proposed layout plans; and
 - Landscape design including species and location of new tree planting

The Scoping Report covers the methodologies for landscape and proposes an LVIA which is welcomed. It is expected that an underground pipeline would have a greater impact during the installation phase compared to the operational stage when only Above Ground Installations would likely be visible. There are two HAGI's within the Warrington Area and there is likely to be a greater landscape impact from these two proposals which will have to be assessed more fully once the detail is provided.

It is recommended that as few trees as possible are removed as the removal of them has a significant impact on the landscape and visual amenity of an area.

It is also recommended that the Trans Pennine Trail team are also consulted.

Air Quality

Comments from the WBC Environmental Protection Team have been received and the full response will be attached to this response but they are also summarised below:

- Scoping Report acknowledges the Motorway Air Quality Management Area (AQMA). It does not though mention the Warrington AQMA which covers the town centre ring road and major arterial roads. The Warrington AQMA is most likely to be affected by any construction works and traffic rerouting and should therefore be considered within further assessments
- The traffic associated with the development will be limited with no significant impacts expected long term as no vehicular activity of any note associated with the running and maintenance of this proposal
- Appendix 9A details Air Quality monitoring sites and info. It should be noted though that for any detailed assessment, care need to be taken from using data collected during the Covid pandemic due to the reductions in travel leading to potential temporary improvements in air quality
- It is concluded that air quality has been adequately considered as part of the EIA scoping but that further detailed assessment is required when full information is available on the construction methods and route. It is recommended that further detailed assessments are required for air quality impacts to include:
 - Air quality impacts from for any traffic rerouting due to construction works.
 - Construction dust and mitigation measures during construction.
 - Use of low emission vehicles, plant and machinery during construction.
 - Financial contribution to the Council's Environment Protection Team for air quality monitoring and Air Quality Action Plan measures.
 - Any other appropriate mitigation.
 - The Council's Environmental Protection team should be contacted to agree the methodology for an air quality assessment.

Noise and Vibration

Comments from the WBC Environmental Protection Team have been received and the full response will be attached to this response but they are also summarised below:

- No baseline surveys have been carried out yet and are only likely to be carried out where critical for establishing an elevated baseline for drilling
- Expect baseline surveys will be necessary around HAGI areas where these are close to residential. So potentially for Warrington – the Arpley HAGI and Penketh HAGI. Noise is intended to be designed out. Baseline surveys to occur in 2022. Ambient baseline where operational noise may be observed beyond site boundaries in accordance with BS4142:2014 +A1:2019
- Background and ambient sound measurements at representative receptors close to be adversely impacted by HAGI's containing PRU's, metering facilities and pigging facilities. Ambient and background noise at locations representative of residences near to proposed construction compounds. Baseline will be long term unattended plus attended surveys – timed to avoid school holidays
- Agree consultation with LPAs is necessary to agree distances
- Agree BS5228 is the correct one to utilise for construction impacts
- Discusses pipeline insertion crossing major roads and railways. Overnight works may be required. Otherwise will be daytime. No specific detail of level of impact in Warrington from Solvay to Novelis – all roadway and no open

space involved. Need information within the ES as to whether special considerations will relate to this. Information only mentions road crossings but information is required on where the entire roadway may be pulled up for linear pipeline installation as is expected between Solvay and Novelis. Does include reference to drilling – ES should include location and details of any drilling to be used in WBC area to minimise highway excavations?

- Warrington has a lot of Noise Important Areas for Planning (DEFRA Noise Mapping Information) and these need to be considered

Traffic and Transport

Comments from National Highways have been received and the full response will be attached to this response but they are also summarised below:

- National Highways are content with the proposed Traffic and Transport Study Area (Figure 11-1 Sheets 1 to 4). However, as the siting of compounds and haul routes has not fully been identified yet, the study area may need to change to encompass these factors should their locations potentially impact beyond the study area
- The EIA Scoping Document makes reference to numerous crossings of the Strategic Road Network, identifying that this would be achieved through trenchless technology. However, further detail is needed to understand exactly where these crossings are to be located. Any third party works involving trenchless installations under the National Highways road network will require geotechnical certification and would require a Section 50 Agreement. A document is attached which outlines how this process links in with The Design Manual for Roads and Bridges (DMRB) standard CD 622, Managing Geotechnical Risk, along with the Third Party Agreement Protocol
- The EIA Scoping Note makes reference to construction compounds, Hydrogen Above Ground Installations (HAGIs) and other infrastructure. National Highways are keen to understand where these compounds are likely to be located, along with the potential access/haul routes. Paragraph 2.6.13 makes reference to temporary access points from the local Highway Network. National Highways would be keen to understand where these may be located within the vicinity of the Strategic Road Network.
- National Highways would be unlikely to approve any temporary access for construction traffic from the Strategic Road Network. National Highways are keen to work with the developer to understand potential transport impacts associated with the location of the compounds and haul routes
- National Highways are also keen to understand the anticipated timescales involved around this project, particularly in relation to potential traffic impacts on the Strategic Road Network as well as for any sub surface tunnelling at locations around the SRN

Comments from the WBC Highways Team have been received and the full response will be attached to this response but they are also summarised below:

- Overall the content and methodologies detailed in the Scoping Report are considered appropriate in respect of the traffic and transport issues arising from the construction of the pipeline; although much of the detail is still to be defined.

- All works affecting the highway will be required to meet the Council's requirements and any future Development Consent Order will require close liaison and approval of the Council as Highway Authority in line with the New Roads and Streetworks Act 1991 and the Traffic Management Act 2004.
- Further detail will be required of the construction process at crossing points of the Council's highway network as well as the extent of working areas and details of temporary compounds. Similarly details will be required of proposed temporary and permanent access points to the Council's highway network.
- Detailed discussions will be required to determine potential impact on the existing highway and Public Right of Way (PRoW) network, proposed highway improvement schemes (particularly the Western Link), proposed highway and bridge maintenance schemes and future development proposals.
- Any assumptions in relation to traffic surveys or growth factors (particularly in respect of the impact of COVID-19) should be agreed with the Council as Highway Authority.
- WBC has undertaken detailed monitoring throughout the period affected by COVID-19 and can provide feedback on baseline traffic levels
- The accident assessment of key routes should be based on the latest STATS19 data available from roadsafety@warrington.gov.uk (not Crashmap)
- It is accepted that the impacts of traffic associated from operational and maintenance activities be scoped out and that the EIA assessment will be undertaken for the construction phase only.
- The use of the two rules-of-thumb provided within Institute of Environmental Assessment: Guidelines for the Environmental Assessment of Road Traffic (1993) (GEART) are considered generally appropriate, however, there may be areas where the cumulative impact of other construction-related schemes e.g. Western Link require more considered assessment.
- It is accepted that a full Transport Assessment will not be required, however, it is considered that details will be required of the specific transport/highway issues (including detail of vehicle movements) at key locations i.e. construction compounds, main access points etc. This may be addressed via a Construction Management Plan although a series of Transport Statements is likely more appropriate.

Ground Conditions

Comments from the WBC Environmental Protection Team have been received and the full response will be attached to this response but they are also summarised below:

- Identifies Historic and authorised Landfill Sites, Arpley impedes on the area of the HAGI zone while the Penketh area is clear. Novelis is adjacent to an authorised Landfill site and Penketh is adjacent to historic sites.
- Scoping Report identifies latest Contaminated Land Documents – desk studies to be undertaken including consultation with LPAs and this is encouraged and hasn't commenced yet.

Agriculture and Soil Resources

Details of any loss of agricultural land should be included within the ES and how land is to be restored following the laying of the pipeline. If any agricultural land is to be lost then land in grades 1, 2 and 3a should be retained

Land Use

It is recommended that the allocations within the emerging local plan are reviewed as it appears that the proposal may sterilise sections of sites allocated for housing in the emerging local plan and the preference would be for this not to occur.

It is also recommended that the proposed infrastructure projects are also reviewed including the Warrington Western Link Road as this is in close proximity to a number of the smaller spurs and the preference would be that the scheme does not prejudice the Western Link Road.

Comments from Sport England have been received and the full response will be attached to this response but they are also summarised below:

- Sport England considers that the impact of a development on sports facilities or activities fall within the scope of the Land Use (Chapter 14) and People and Communities (Chapter 15) assessments of the Scoping Report. As Sport England have a statutory consultee status, through the planning process, to protect playing fields and outdoor sport associated with playing fields, then we consider we would be a non-prescribed consultation body.
- Sport England will object to any proposal that leads to a loss of playing fields
- Chapter 14.5 Baseline Conditions - In addition to the sources specified other sources which should be used to help identify playing fields that could be affected by the pipeline are:
 - Sport England's Active Places Power website provides maps and details of sports facilities located within Local Authority areas.
 - Playing Pitch Strategies for Halton, Cheshire East, Cheshire West and Chester, Warrington, St Helens and Trafford. Playing Pitch Strategies identify future development proposals for each of the sites in the short, medium and long term
- The Scoping Report does identify sports facilities as a receptor and that is welcomed. However, the relationship between outdoor sport as a Land Use and the outdoor sport facilities users should be well integrated i.e. the impact of loss of use, whether through physical loss or prejudicial impact, of an outdoor sports facility on the people using that facility.

Having reviewed the EIA Scoping Report prepared by Wood Group UK Limited (Ref: 807733-WOOD-IA-SC-RP-M5-20942) it appears that the following sports and recreational facilities listed in Chapter 14 p.340- 342 may be affected by the proposal:

West Corridor:

- Runcorn Golf Club
- Sutton Hall Golf Club

North Corridor:

- The Big Hand Riding School
- Moore Rugby Union Club

- Golf courses at Sherdley Park and Fiddlers Ferry (True Fit)
- The Fiddler's Ferry Sailing Club
- Sutton Leisure Centre sports ground
- Rainhill Cricket Club
- KSTA Rainhill football
- Mersey Valley Golf Club
- Whalton Hall Golf Club

East Corridor:

- Antrobus and High Legh golf courses

South Corridor:

- Vale Royal Golf Club

People and Communities

It would be welcomed if the proposal led to job creations and it is recommended that the Warrington Employment Development Team Manager is contacted to ensure benefits are maximised for local people and contact details can be provided

Major Accidents and Disasters

Agree with the proposed methodology

Climate Change

Agree with the proposed methodology

Conclusion

The Council broadly agrees with the scope as set out in the submitted Scoping Report and accompanying documentation. The above outlines the matters which require modification, augmentation or clarification as part of any subsequent planning application and Environmental Statement. The format of the Environmental Statement should be presented using the same headings as presented within the submitted EIA Scoping Report.

Should you wish to discuss the methodology, rational and scope of any future Environmental Statement please do not hesitate to Warrington Borough Council.

Kind Regards

Liz

Liz Snead MRTPI
Senior Planning Officer (Majors)
Development Management
Growth Directorate
Warrington Borough Council
East Annexe

Town Hall
Sankey Street
Warrington
WA1 1UH

T: [REDACTED]
www.warrington.gov.uk

From: [REDACTED]
To: [devcontrol](#); [REDACTED]
Cc: [REDACTED]
Subject: HyNet North West Hydrogen Pipeline: Scoping Opinion Consultation (Ref: 2022/40896) - Ecology Unit response
Date: 24 February 2022 08:31:14
Attachments: [REDACTED]

Dear Liz

Re HyNet North West Hydrogen Pipeline: Scoping Opinion Consultation (Ref: 2022/40896)

Thank you for consulting the Ecology Unit on the Scope of the proposed EIA for the above project.

Ecological issues are considered in Section 5 (Pages 73-112) of the EIA scoping report provided by the applicant to inform the application.

The Scoping Report confirms that comprehensive surveys and assessments of the effects of the proposed development on the natural environment will be undertaken. It is confirmed that these surveys and assessments will be undertaken in accordance with established professional practice and will involve the consultation of appropriate sources of information (including the Cheshire biological records centre).

I am in broad agreement with the Scope of ecological surveys and assessments described in the report, and would not consider that any of the surveys and assessments described are unnecessary, but I would recommend that the following additional issues need to be considered further in any resulting Environmental Statement -

Traffic and access routes

If new traffic routes need to be created to facilitate access to the pipeline route and works compounds, or if existing roads need to be widened or otherwise improved to accommodate large-scale traffic movements, the ecological impacts of these measures will need to be fully Assessed in the ES.

The need for Habitats Regulations Assessment (HRA)

The applicant has correctly identified the need for a Habitats Regulations Assessment of the project to be carried out. I would agree with the inclusion of the Mersey Estuary SPA in the proposed HRA, and would also agree that there will be a need to assess parts of the route for their potential to act as functionally linked to the SPA. I would also recommend that air pollution effects arising from the operation of construction traffic and of large-scale generators on construction sites should also be Screened In to the HRA as a potential impact of the scheme on designated sites.

Great Crested Newts

I would point out to the applicants that the District Level Licensing Scheme for great crested newts is now in operation in Warrington. Entering into this Scheme would potentially remove the need for surveying for great crested newts along the length of the pipeline routes, and for providing mitigation for great crested newts along the route. Early engagement with Natural England, who administer the DLL Scheme nationally, is encouraged in this matter.

Biodiversity Net Gain

There is little discussion in the Scoping report of the need for the project to provide a Net Gain in biodiversity, in accord with the provisions of the NPPF and of the new Environment Act. I would encourage the applicants to engage with the biodiversity net gain agenda at an early stage of project development, so that provision for habitat creation, repair and enhancement can be built into project development from the start of the design process. Any gains must be meaningful, and should contribute to the creation of a Local Nature Recovery Strategy wherever possible.

Impacts on designated sites

The Scoping report states that “Where *practical*, sensitive sites will be avoided by the temporary construction compounds and permanent Project elements” [my italics]. Harmful impacts on sensitive and designated sites should be avoided as a matter of course, and if impacts are considered to be absolutely unavoidable, comprehensive justification for these decisions will need to be provided, together with full details of mitigation and compensation for any harm which is caused.

Current stage of the development

It is noted that the project is at an early design stage, that final routes have not yet been decided, and that main contractors for the scheme may not yet have been appointed. This means that there is considerable uncertainty at this stage as to the final impacts of the scheme. I would remind the applicants that before a comprehensive Environmental Statement is submitted for appraisal, as much certainty as possible needs to be provided concerning the ecological impacts of the scheme, so that compensation, mitigation and net gain measures can be fully and properly assessed.

I hope that these comments are useful.

Yours sincerely

Derek Richardson

Derek Richardson

Principal Ecologist

Planning

Planning and Transportation

Place

[REDACTED]
Dukinfield Town Hall | King Street | Dukinfield | Tameside | SK16 4LA

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From: [devcontrol](#)
To: [REDACTED]
Subject: FW: HyNet North West Hydrogen Pipeline: Scoping Opinion Consultation (Ref: 2022/40896) - from Cheshire Archaeology
Date: 16 February 2022 16:14:51

Thanks
Sharon

Sharon Burgess
Development Management Support Officer
Development Management
Growth Directorate
Tel: [REDACTED]
Email: [REDACTED]

Warrington Borough Council
East Annexe
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Sankey Street
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WA1 1UH

Please note my working week is Monday-Wednesday inclusive

Warrington's Development Management service is now operating remotely and we have the technology and resources that we need to continue with our service delivery. We remain able to comment on pre-applications submissions, to validate and consider planning applications and to move the majority of applications to determination. However we will need to employ alternative operating procedures to deliver results due to the necessary introduction of restrictions on movement by Government. In some instances this may lead to delays. Where this is the case I will endeavour to liaise with you so that you are kept up to date with the situation. In the meantime you can continue to correspond with me electronically or, if the matter is urgent, call me on the number stated above if you would like to speak with me.

From: LLOYD, Kirsty [mailto:[REDACTED]]
Sent: Tuesday, February 15, 2022 8:56 AM
To: devcontrol <devcontrol@warrington.gov.uk>
Subject: HyNet North West Hydrogen Pipeline: Scoping Opinion Consultation (Ref: 2022/40896)

Planning

HyNet North West Hydrogen Pipeline: Scoping Opinion Consultation (Ref: 2022/40896)

Thank you for your consultation concerning the scope of the proposed EIA for this project

The historic environment is considered in Section 6 (Pages 119-140) of the EIA scoping report which accompanies this application, where it is confirmed that a full assessment of the effect of the proposed development on the historic environment will be undertaken. It is confirmed that this study will be undertaken in accordance with established professional practice and will involve the consultation of appropriate sources of information (relevant Historic Environment Records and other sources of information such as historic mapping and aerial photographs). It is also stated that the study will seek to identify the likely impact on heritage assets within the

study area, both in terms of physical impact as a result of construction and with regard to the effect on the 'setting' of significant heritage assets. Clearly, some data gathering has already been undertaken as Figure 6.1 shows the designated heritage assets within the study area (Scheduled Monuments, Listed Buildings, Registered Parks and Gardens). However, a full picture of the impact of the development on the historic environment will also require the incorporation of information with regard to non-designated heritage assets and it is confirmed that these data will be obtained from the relevant Historic Environment Records.

It is advised that this approach is appropriate and the resulting report will allow the impact of the scheme to be assessed and further measures developed to mitigate the effect of the scheme on the historic environment. Crucially, Paragraph 6.5.2 of the scoping report confirms that, where an unavoidable impact on the historic environment will occur, an overarching written scheme of investigation will be produced and agreed with relevant consultees in order to ensure that an appropriate mitigation is in place. At this early stage in the process, details of this programme are not to be expected but it seems likely that this would consist of a programme of field evaluation and, where necessary excavation and watching brief, with provision for an appropriate level of reporting. Again, it is advised that this represents an appropriate approach which is in line with that adopted on similar major infrastructure schemes.

Please note that the Archaeology Planning Advisory Service (APAS) also provides archaeological development-management advice to Cheshire West and Chester, Cheshire East Council, and Halton Borough Council, all of whom have consulted APAS with regard to the present scoping report. APAS will be providing separate responses to all of these authorities but, in each case, the advice will reflect that provided to Warrington Borough Council. In addition, it is noted that the scoping report proposes a full consideration of the effect of the development on the historic built environment. This is an area that the authority's conservation officers will be best placed to advise on.

Thank you

Kirsty Lloyd
Development Management Archaeologist
Cheshire Archaeology Planning Advisory Service

Total Environment

Place Strategy

Cheshire West and Chester Council

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Mob: [REDACTED]

Email: [REDACTED]

Location: The Forum, Chester CH1 2HS

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From: [Shaw, Gerrard](#)
To: [Snead, Liz](#)
Subject: RE: HYNET
Date: 23 February 2022 16:46:25
Attachments: 

Hello Liz

Further to our heritage-related discussions on the consultation for the Hynet project, here are my thoughts on the proposed scheme and its supporting documentation.

At this stage, the level of detail within the Scoping Report is obviously basic and thus only a general response can be provided. The methodology proposed for assessing the pipeline's likely impact on heritage assets seems sound to me and is therefore supported. That said, I found the document a difficult one in certain regards and would like to identify some of these problem areas in the hope that this will facilitate improved documents going forward.

The lack of a detailed and legible overlay was the most fundamental issue that I faced. This was compounded by certain maps being what I can only describe as user-unfriendly. For example, whilst the red-edged maps between pages 22 and 23 showed the borough boundaries, those within section 6 (titled Historic Environment and Designated Assets) were devoid of this information, making the task of viewing the proposal from a borough-perspective so much more complicated and time-consuming. In addition, the small scale nature of these non-interactive maps was such that I was often obliged to consult the borough's own mapping and that of Historic England to identify the designated assets concerned. The absence of conservation areas on these maps was also regrettable. Although a lack of some spatial data was cited as the reason for this absence, this omission further complicated matters.

On the subject of conservation areas, I note that Thelwall Village Conservation Area is included within the study area, but Grappenhall Village Conservation Area, which seems equally close, is not. I also note that in section 6.4 the proposed data gathering methodology for conservation areas makes no reference to this borough.

In terms of any list of heritage assets included within the subsequent PEIR and ES documents, I suggest that these indicate within which authority a heritage asset is located, as it seems inefficient to be forced to identify and extract relevant assets from an all-encompassing, multi-borough list.

I trust the above is helpful. If you need anything further from me at this stage please let me know.

Regards,

Gerry

Gerrard Shaw
Conservation Officer

From: Snead, Liz
Sent: 15 February 2022 15:31
To: Carney, Matthew <[REDACTED]>; Shaw, Gerrard <[REDACTED]>
Subject: RE: HYNET - Cheshire west and chester heritage response

Hi Gerry

The full comments on the CWAC Conservation Officer will also be available at the following link (scroll through the document and all consultation responses are available at the end), if that's helpful:

[EN070007-000024-HYNE - Scoping Opinion.pdf \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/EN070007-000024-HYNE-Scoping%20Opinion.pdf)

Liz

Liz Snead MRTPI
Senior Planning Officer (Majors)
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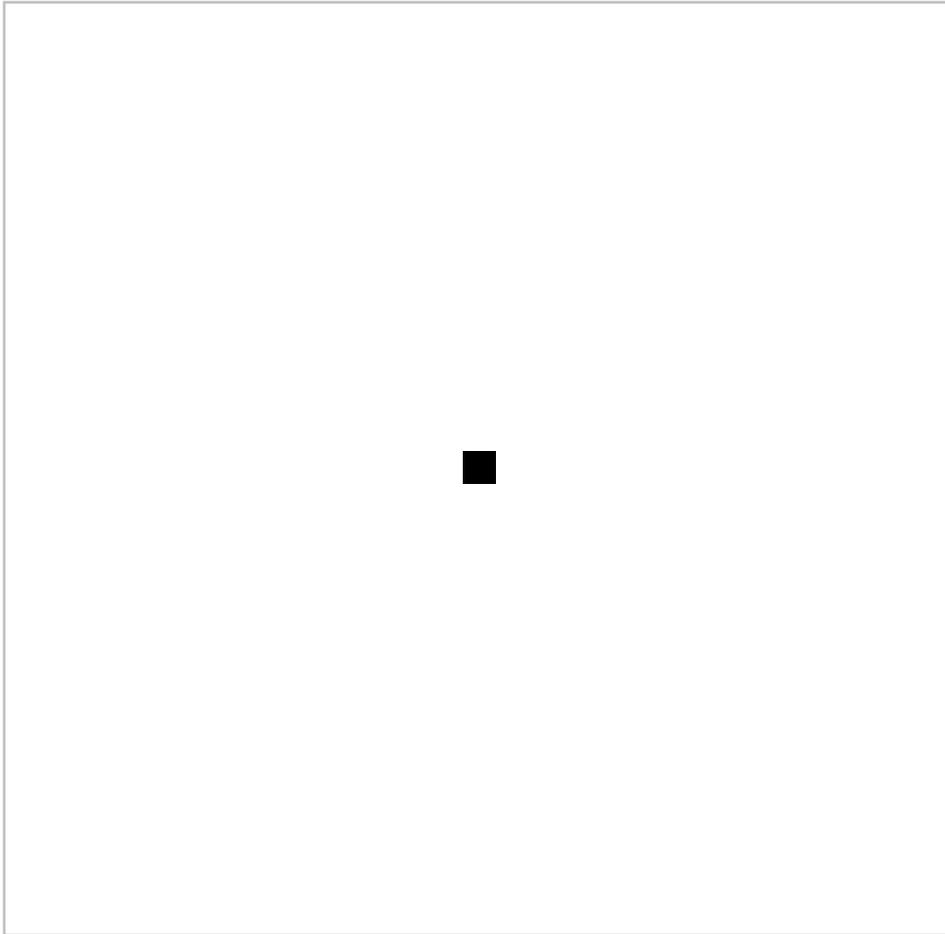
Warrington's Development Management service is now operating remotely and we have the technology and resources that we need to continue with our service delivery. We remain able to comment on pre-applications submissions, to validate and consider planning applications and to move the majority of applications to determination. However we will need to employ alternative operating procedures to deliver results due to the necessary introduction of restrictions on movement by Government. In some instances this may lead to delays. Where this is the case I will endeavour to liaise with you so that you are kept up to date with the situation. In the meantime you can continue to correspond with me electronically or, if the matter is urgent, call me on the number stated above if you would like to speak with me.

From: Carney, Matthew
Sent: 15 February 2022 15:07
To: Shaw, Gerrard <[REDACTED]>
Cc: Snead, Liz <[REDACTED]>
Subject: HYNET - Cheshire west and chester heritage response

Gerry as discussed to help your conversations with Liz see paragraphs below that Liz will be

basing her response on.

Matt



Matthew Carney
Major Applications Team Leader
Development Management
Growth Directorate

Development Management
East annexe
Town Hall
Sankey Street
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T: [REDACTED]

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www.warrington.gov.uk

Environment & Transport Directorate Internal Memorandum

To: Liz Snead
Development Control

From: Colin Ludden
Engineering & Flood Risk
Ext [REDACTED]

Date: 24/02/22

Ref: 2022/40896

**Planning
Application
Location:**

Sites falling within
Lymm North and
Thelwall, Lymm Sooth,
Thelwall, Grappenhall,
Latchord East,
Latchford West,
Bewsey and
Whitecross, Great
Sankey South, penketh
and Cuerdley, Rixton
and Woolston and
Stockton Heath Wards,
Warrington

**Planning
Application
Proposal:**

HYNET NORTH WEST
HYDROGEN PIPELINE

The Asset & Flood Risk Team have reviewed the EIA Scoping Report and in section 1.6 of the report it states that a Flood Risk Assessment (FRA) will be submitted and that the FRA will assess the flood risk both to and from the Project and demonstrate how flood risk will be managed over the Projects lifetime and give regard to climate change.

The route of the pipeline will be in areas at risk of flooding and this will need to be addressed in the FRA.

I trust this is of assistance and please do not hesitate to contact me should you require any further information.

Jim Turton
Engineering & Flood Risk Manager

From: [Snead, Liz](#)
To: [devcontrol](#)
Cc: [Snead, Liz](#)
Subject: FW: Hynet - Hynet North West Hydrogen Pipeline - National Infrastructure application - Scoping Request will be submitted to WBC from the Planning Inspectorate
Date: 24 February 2022 14:35:35

From: Twigg, Simon
Sent: 24 February 2022 11:18
To: Snead, Liz [REDACTED] >
Subject: RE: Hynet - Hynet North West Hydrogen Pipeline - National Infrastructure application - Scoping Request will be submitted to WBC from the Planning Inspectorate

Good morning Liz

RE: Hynet - Hynet North West Hydrogen Pipeline - National Infrastructure application - Scoping Request will be submitted to WBC from the Planning Inspectorate:

The proposal in its current form is an overview and lacking in final detail. The avoidance of woodland areas is welcomed and retention of tree stock should be favoured where adjustments to the alignment can be made. Where trees are to be retained which can be impacted upon by the proposal, protective measures must be provided. Where trees are to be removed, in the first instance replacements should be within the redline boundary, however given the final solution is likely to require only a narrow corridor there may not be sufficient scope to accommodate replacement planting, therefore off site locations should be marked to accommodate any mitigation plantings required, or contributions discussed to enhance local public open space.

It is likely within the routes that trees subject to Tree Preservation Orders will be encountered. Should this occur each protected tree would have to be individually considered and preferably retained within the development. Complete records and locations of TPO'd tree stock is publicly available on online council mapping and can be provided as required in different formats.

As the proposal passes through a significant amount of rural locations it will encounter hedgerows which will require removal to accommodate the scheme. It would be desirable to see these hedgerows replaced on completion of the scheme even above the underground infrastructure.

As with other underground services would there be future restrictions on planting within proximity of the apparatus both above and underground and should there be limits on planting distances can these please be provided in future submissions.

Should this proposal move forward, I would recommend that the following would be required.

-Tree survey:

- Tree retention and removal plan.
- Retained trees and RPA's shown on proposed layout plans.
- Landscape design including species and location of new tree

planting.

Kind regards

Simon Twigg
Tree & Woodland Officer

Warrington Borough Council

East Annexe
Town Hall
Sankey Street
Warrington
WA1 1UH

Email: [REDACTED]
Website: www.warrington.gov.uk



TO:	Development Management	FROM:	Public Protection Services Manager Environment & Public Protection
CASE OFFICER:	Miss Liz Snead	OFFICER:	Mr Steve Smith [REDACTED]
CL SITE NO		DATE:	22 February 2022
PLANNING REF:	2022/40896	MY REF:	EP/240132

SUBJECT: HYNET NORTH WEST HYDROGEN PIPELINE - ENVIRONMENTAL IMPACT ASSESSMENT (EIA) SCOPING OPINION

LYMM SOUTH, APPLETON, GRAPPENHALL, LATCHFORD EAST, LATCHFORD WEST, BEWSEY & WHITECROSS, GREAT SANKEY SOUTH, PENKETH & CUERDLEY, RIXTON & WOOLSTON & STOCKTON HEATH, WARDS, WARRINGTON

I have considered the application for the Environmental Impact Assessment (EIA) Scoping Opinion and have the following comments to make.

I note the proposal and agree that this scale of development falls within EIA requirements.

I have read through the supplied information but also those key Environmental Protection areas of the submitted EIA Scoping document in relation to Environment & Public Protection matters. I have also reviewed the HYNET information available online via their website. I was also appraised by the technical presentation demonstrated on generic pipeline construction methods hosted on 11 February by Wood PLC.

I note that this proposal is at mid stages of development and that the actual precise route to be utilised is not yet finalised. I note the 'areas' to be investigated further for the HAGI elements of the development – and see that the Warrington BC area has two such areas – one adjacent to the Manchester Ship Canal in the Higher Walton/Moore/Arpley Meadows area but a further site just North East of Fiddlers Ferry Power Station around the Cuerdley/Penketh area.

Warrington will be impacted by two elements of the pipeline route – one to the West of the town centre where the route to St Helens and associated industries will pass in a roughly North/South direction across the borough, and a further incursion to the East of Lymm, where the final connection to the Partington area will just clip the borough.

Main Pipeline Route – North/South, West of Warrington Town Centre

The pipeline route proposal enters the Warrington district somewhere between Daresbury and Hatton Village. This is a mainly rural agricultural area but it is of note that it incorporates the Creamfields Music Festival area across the Halton/Warrington boundary area.

There are residential dwellings in the Hatton Village area to the East which will be sensitive to impacts from the pipeline laying activities and again some sporadic properties to the north in the Walton/Higher Walton areas. This leads to the first Warrington HAGI area. Crossing the ship canal (over a potentially limited access swing bridge) again leads to mainly agricultural land with a few farm dwellings until the River Mersey is crossed. There is landfill activity in this area to the North – from Arpley Landfill which is in restoration and closure stages, but also Gatewarth Landfill which is an older landfill site. Ideally these areas should be avoided.

Crossing the River Mersey leads to land between the Fiddlers Ferry Power Station (in decommissioning stages) to the West and the Penketh conurbation to the East. Leisure facilities exist between these two distinct areas. Crossing Widnes Road leads to further agricultural land and the next HAGI area. There are sporadic residential dwellings in this area.

North of the Penketh HAGI area then leaves Warrington Boundaries, although a potential route exists adjacent to the Lingley Mere Area and Omega development areas along with residential and commercial uses on the Eastern side up to the M62 boundary. The Warrington areas are generally developed although the areas to the East within Halton and St Helens area tend to be more agricultural in nature.

Main Pipeline Route – East/West, South of Appleton to the East of Lymm Area

The pipeline route loosely skirts the very southern area of Appleton with the former airbases at Appleton. This is at the edge of the Warrington Area aligning loosely with the M56 motorway being within Warrington until the M6/M56 interchange area. Beyond the M6/M56, the route and the M56 remains within Cheshire East borough.

Deansgreen and Broomeedge are within Warrington area. Broomeedge is a residential development along a crossroad which extends along all arms of the crossroad. Given the residential areas then the pipeline route through this area will give rise to heightened sensitivity – although the area to the east – Agden and beyond (within Cheshire East) is more agricultural and rural in nature. The proposed route extends further north brushing against the eastern limits of Heatley in Lymm before it crosses to Trafford MBC land which is separated from Warrington BC land by the course of the River Bollin.

This whole Eastern leg of the pipeline is generally through agricultural land with some residential areas listed. There will be sensitivity to construction works however as no other infrastructure is proposed within the Warrington Area, then no longer term impacts are expected from the alignment of the route in this area.

Of note – there is the HS2 safeguarded land which runs through Agden and the furthest east areas of Heatley before running North into Trafford MBC areas before crossing again into Warrington as it traverses the Manchester Ship Canal.

Warrington Area HAGI's

The southernmost of the two HAGI's within the Warrington area is predominantly located in agricultural land – but near to Landfill, Agricultural Land and Nature Reserves. Depending on whether this is South of the Manchester Ship Canal or North of it will characterise the level of impact that this may have.

North of the canal is predominantly agricultural land with very few residential receptors present apart from the farm holdings that are present. South of the canal also has sporadic residential areas although this area is split between Halton BC and Warrington BC – that to the West being within Halton's remit.

The northern HAGI is entirely within Warrington BC administrative areas. It is defined by established residential areas to the East (namely Penketh) and the in decommissioning Fiddlers Ferry Power Station to the West.

Cuerdley Cross is a residential hamlet close to the Western Edge. Other than that the area is predominantly open agricultural land although there is a Coal Bed Methane plant to the north of this area along Farnworth road.

For both of these proposed HAGI installations, further information will be required identifying potential operational noise impacts on existing residential dwellings but also whether there will be impacts on existing commercial and agricultural activities in the vicinity of these sites.

Local Warrington Pipeline Connections

It is noted that there is a desire to connect the HYNET pipeline to 4 Warrington based end users – namely PQ Silicas, Ingevity, Solvay Interlox and Novelis. These are all to the South of Warrington and are distributed north of, but close to the Manchester Ship Canal and the meander of the River Mersey.

Initial comments on these connections must consider the following points:

- PQ Silicas is at the northern edge of consideration within the Warrington Centre development – this will utilise a connection across Arpley Meadows – a currently un-connected area of land which will in the near future become residential development land as the Western Link road network unlocks access to this area. It is expected that residential development will surely be implemented as this route is connected across this area. Any pipeline route through this area needs to consider and work with potential residential development and likely layouts in that area to ensure both can operate side by side and to ensure that one does not throttle or restrict the other. The West Coast Rail Mainline also runs through this access area.
- Solvay Interlox/Ingevity both share the same overall site and area. There are existing residential dwellings to the North East and East of this site. Whilst information has been provided on HAGI areas and the general pipeline, no information has been provided on likely noise or other impacts that may arise from the final connection from the pipeline to these end users. Whilst we do not necessarily expect adverse impacts to result from such end user connections, some appraisal of impacts should be included to inform any subsequent formal application along with any controls or mitigation measures that may be necessary.
- Novelis is located at an Easterly position along Manchester Ship Canal from Solvay/Ingevity. The space between these two industrial users is densely populated with no apparently clear route through the area that a proposed pipeline could utilise with open trench installation. As such, it is expected that either tunnelling/boring will be required to bypass these areas (Environmental Protection considered preferred option) or as a last resort, significant and extensive road works will be necessary to install the hydrogen pipeline into the existing highway sub-road areas along this densely populated area. Whilst the benefits of switching in part or fully to Hydrogen are noted and welcomed, there will be significant short term adverse impacts getting such a pipeline to this location.

Adverse impacts are considered likely to be upon existing residential dwellings along the final chosen pipeline route as well as causing added vehicular congestion and impacts to this area.

Given the significant existing vehicular movement constraints resulting from the proximity of the area to the Ship Canal and the River Mersey, extremely limited vehicular crossing points exist to traverse the Ship Canal for local traffic (only 3 swing bridges serving the A5060, A49 and A50 and one high level bridge between these three points that connect Warrington north of the ship canal to the areas to the south of the ship canal with only 2.6km between these 4 crossings) with the only other crossing points either being to the west at Runcorn with two tolled bridges or at the 'tolled' Warburton High Level Bridge 20km to the east of the Runcorn crossings. The M6 Thelwall Viaduct also crosses the Ship Canal but is not considered for Local Traffic Purposes. Any avoidable disruption to traffic flows by virtue of highway works to these local traffic town centre crossing points, and potential resultant impacts on the existing Air Quality and Air Quality Management Area that could result, would be preferred as this is already a difficult situation forced entirely by geographical location and the ship canal route.

As with Solvay/Ingevity, there are residential dwellings immediately to the East of Novelis as well as over the Ship Canal to the South. Again consideration of any noise impacts from the final connection of the pipeline to these dwellings needs some detail provided.

Generic Environmental Protection Initial Review Comments – Subject Area based.

Air Quality

The EIA Scoping document discusses the relevant legislation, guidance and the key emission limit values in line with current national Air Quality Objectives.

No discussions have taken place yet with the council's air quality team but it is indicated that this will occur. 10km boundary around scoping red line boundary.

The document acknowledges the Motorway Air Quality Management Area (AQMA). It does not though mention the Warrington AQMA which covers the town centre ring road and major arterial roads. The Warrington AQMA is most likely to be affected by any construction works and traffic rerouting and should therefore be considered within further assessments.

Best practice will be in accordance with IAQM guidance on assessment of dust from demolition and construction. IAQM guidance in Air Quality and Planning will be used as screening criteria for a detailed Air Quality Assessment of road traffic emissions during construction. The traffic associated with the development will be limited with no significant impacts expected long term as no vehicular activity of any note associated with the running and maintenance of this proposal.

The EIA document discusses Ecological impacts from Air Quality and that they will be assessed in accordance with relevant guidance.

Appendix 9A details Air Quality monitoring sites and info. It should be noted though that for any detailed assessment, care need to be taken from using data collected during the Covid pandemic due to the reductions in travel leading to potential temporary improvements in air quality.

It is concluded that air quality has been adequately considered as part of the EIA scoping but that further detailed assessment is required when full information is available on the construction methods and route. It is recommended that further detailed assessments are required for air quality impacts to include:

- Air quality impacts from for any traffic rerouting due to construction works.
- Construction dust and mitigation measures during construction.
- Use of low emission vehicles, plant and machinery during construction.
- Financial contribution to the Council's Environment Protection Team for air quality monitoring and Air Quality Action Plan measures.
- Any other appropriate mitigation.
- The Council's Environmental Protection team should be contacted to agree the methodology for an air quality assessment.

Contaminated Land

EIA scoping document identifies latest CL docs. Desk studies to be undertaken including consultation with LA's – not yet commenced.

The scoping document Identifies construction activities will be covered by COCP and DCO requirement – CDM regs etc.

Ground contamination subject to risk assessment and if necessary removed or remediated/treated/mitigated as part of process – CoCP and DCO requirement (con land conditions). Strategies to reuse clean materials.

Unexpected contamination protocol to be developed in accordance with EA LCRM guidance. Water issues discussed.

Zones of influence identified. 250m around pipeline corridor, 500m around HAGI site.

Identifies receptors for Human Health, Controlled Waters and Geodiversity.

Scoped out Construction workers from CL assessment due to other CDM requirements under H&S.

Discusses contaminant linkages and likelihood of occurrence / impacts of consequence. Risk rating based on above.

Identifies Historic and authorised LF Sites. Arpley impedes on area of HAGI zone. Penketh area clear. Novelis adjacent to authorised LF site. Penketh is adjacent to historic sites.

Noise

No baseline survey carried out yet. Only likely to be carried out where critical for establishing an elevated baseline for drilling. BS5228 will be utilised for construction impacts.

Expect baseline surveys will be necessary around HAGI areas where these are close to residential. So potentially for Warrington – the Arpley HAGI and Penketh HAGI. Noise is intended to be designed out. Baseline surveys to occur in 2022. Ambient baseline where operational noise may be observed beyond site boundaries in accordance with BS4142:2014 +A1:2019.

Background and ambient sound measurements at representative receptors close to be adversely impacted by HAGI's containing PRU's, metering facilities and pigging facilities. Ambient and background noise at locations representative of residences near to proposed construction compounds. Baseline will be long term unattended plus attended surveys – timed to avoid school holidays.

Discusses Pressure Relief Valves and associated noise being primarily Mid to High Frequency – so barriers are effective.

Discusses noise within vicinity of I&C Kiosks and block valves. Block valves are located underground so apart from above ground structure being the control Kiosk, noise is not likely to be problematic from the below ground valve.

Noise levels from hydrogen venting and any other non-routine operations/infrequent maintenance operations will be limited by specification of the equipment. It is proposed that a LAeq,T of 70dB(A) over the duration of venting at the nearest noise sensitive receptor would be used as the design criterion. This would be achieved through the design of the vent and/or through the venting method. Venting would only occur in an absolute emergency in the event of a pipeline leak/rupture. In this instance a temporary vent would be mobilised to a HAGI or block valve site and connected for purposes of blowdown. In this non-routine situation, safety rather than noise control is the primary consideration.

Consultation with LA's not yet carried out. 100m for vibration, 200m for construction noise reducing to 100m for pipe laying. Properties within 50m of a road for construction traffic noise.

Scoping out vibration monitoring as will be assessed as absolute nor relative value.

Noise Important Areas for Planning (DEFRA Noise Mapping Information) will be considered.

Apart from embedded mitigation, some active notification of works may be necessary occasionally in operational use when periodic pigging is required – so receptors close to the relevant HAGI will be notified where noise may be an issue.

Noise from HAGI's is typical of any gas compound which are typically spread around the area in any case. Nothing different with this proposal apart from the gas being piped through the system.

COCP and CEMP expected.

Discusses pipeline insertion crossing major roads and railways. Overnight works may be required. Otherwise will be daytime. No specific detail of level of impact in Warrington from Solvay to Novelis – all roadway and no open space involved. Need to query whether special considerations will exist for this? Information only mentions road crossings but no information on where entire roadway may be pulled up for linear pipeline installation as is expected between Solvay and Novelis. Does include reference to drilling – will any drilling be used in WBC area to minimise highway excavations?

Mr Steve Smith
Environmental Protection

Environment & Transport Directorate Internal Memorandum

To: Liz Snead

From: Mike Taylor
X [REDACTED]

Date: 15/2/2021

Ref: 2022/40896

Application: SITES FALLING WITHIN, LYMM NORTH AND THELWALL, LYMM SOUTH, APPLETON, GRAPPENHALL, LATCHFORD EAST, LATCHFORD WEST, BEWSEY AND WHITECROSS, GREAT SANKEY SOUTH, PENKETH AND CUERDLEY, RIXTON AND WOOLSTON AND STOCKTON HEATH WARDS, WARRINGTON

HYNET NORTH WEST HYDROGEN PIPELINE

I refer to your memo requesting highway comments.

Comments:

The application is for an EIA Scoping Opinion for the construction of a hydrogen pipeline crossing through Warrington and is accompanied by an EIA Scoping Report.

Overall the content and methodologies detailed in the Scoping Report are considered appropriate in respect of the traffic and transport issues arising from the construction of the pipeline; although much of the detail is still to be defined.

All works affecting the highway will be required to meet the Council's requirements and any future Development Consent Order will require close liaison and approval of the Council as Highway Authority in line with the New Roads and Streetworks Act 1991 and the Traffic Management Act 2004.

Further detail will be required of the construction process at crossing points of the Council's highway network as well as the extent of working areas and details of temporary compounds; which should include adequate space to prevent adverse impact on the highway e.g. loading/unloading, inappropriate manoeuvring, indiscriminate parking, measures to prevent deposit of mud/debris etc. Similarly details will be required of proposed temporary and permanent access points to the Council's highway network.

Detailed discussions will be required to determine potential impact on the existing highway and Public Right of Way (PRoW) network, proposed highway improvement schemes (particularly the Western Link), proposed highway and bridge maintenance schemes and future development proposals.

Any assumptions in relation to traffic surveys or growth factors (particularly in respect of the impact of COVID-19) should be agreed with the Council as Highway Authority. WBC has undertaken detailed monitoring throughout the period affected by COVID-19 and can provide feedback on baseline traffic levels.

The accident assessment of key routes should be based on the latest STATS19 data available from roadsafety@warrington.gov.uk (not Crashmap).

Details of highway and PRow condition surveys should be agreed in advance with the Council.

It is accepted that the impacts of traffic associated from operational and maintenance activities be scoped out and that the EIA assessment will be undertaken for the construction phase only.

The use of the two rules-of-thumb provided within *Institute of Environmental Assessment: Guidelines for the Environmental Assessment of Road Traffic (1993)* (GEART) are considered generally appropriate, however, there may be areas where the cumulative impact of other construction-related schemes e.g. Western Link require more considered assessment.

It is accepted that a full Transport Assessment will not be required, however, it is considered that details will be required of the specific transport/highway issues (including detail of vehicle movements) at key locations i.e. construction compounds, main access points etc. This may be addressed via a Construction Management Plan although a series of Transport Statements is likely more appropriate.

Mike Taylor
Team Leader – Transport Development Control

From: [devcontrol](#)
To: [Snead, Liz](#)
Subject: FW: App Ref: 2022/40896 - Hynet North West Hydrogen Pipeline in the Warrington district - PA/22/NW/WR/60824 - from Sport England - Hi Liz, please ignore the previous one from Sport England
Date: 21 February 2022 17:34:18

Thanks
Sharon

Sharon Burgess
Development Management Support Officer
Development Management
Growth Directorate
Tel: [REDACTED]
Email: [REDACTED]

Warrington Borough Council
East Annexe
Town Hall
Sankey Street
Warrington
WA1 1UH

Please note my working week is Monday-Wednesday inclusive

Warrington's Development Management service is now operating remotely and we have the technology and resources that we need to continue with our service delivery. We remain able to comment on pre-applications submissions, to validate and consider planning applications and to move the majority of applications to determination. However we will need to employ alternative operating procedures to deliver results due to the necessary introduction of restrictions on movement by Government. In some instances this may lead to delays. Where this is the case I will endeavour to liaise with you so that you are kept up to date with the situation. In the meantime you can continue to correspond with me electronically or, if the matter is urgent, call me on the number stated above if you would like to speak with me.

From: Christopher Carroll [mailto:[REDACTED]]
Sent: Monday, February 21, 2022 5:22 PM
To: devcontrol <devcontrol@warrington.gov.uk>
Subject: App Ref: 2022/40896 - Hynet North West Hydrogen Pipeline in the Warrington district - PA/22/NW/WR/60824

FAO Elizabeth Snead

Good afternoon,

Thank you for consulting Sport England on the above application relating to a request for EIA scoping opinion in connection with proposals for a Hynet North West Hydrogen pipeline within the Warrington district.

Sport England considers that the impact of a development on sports facilities or activities fall within the scope of the Land Use (Chapter 14) and People and Communities (Chapter 15) assessments of the Scoping Report. As Sport England have a statutory consultee status, through the planning process, to protect playing fields and outdoor sport associated with playing fields, then we consider we would be a non-prescribed consultation body.

Chapter 14.5 Baseline Conditions

-

In addition to the sources specified other sources which should be used to help identify playing fields that could be affected by the pipeline are:

- Sport England’s Active Places Power website provides maps and details of sports facilities located within Local Authority areas.
- Playing Pitch Strategies for Halton, Cheshire East, Cheshire West and Chester, Warrington, St Helens and Trafford. Playing Pitch Strategies identify future development proposals for each of the sites in the short, medium and long term.

Sport England –Statutory Role and Policy

If any part of the pipeline proposal prejudices the use, or leads to the physical loss of use (on either a permanent or temporary basis), of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595), then any subsequent planning application and consultation with Sport England will be a statutory requirement.

Any subsequent planning application should consider the implications for sport in the context of National Planning Policy Framework paragraphs 98, 99 and 187 as well as local plan policy and any strategic evidence set out in local playing pitch and/or built facilities strategies within the normal supporting documentation for a planning application.

Sport England will consider the proposal and subsequent application that would in light of the National Planning Policy Framework (in particular Para. 99), and against its own playing fields policy, which states:

*‘Sport England will oppose the granting of planning permission for any development which would lead to the loss of, **or would prejudice the use of:***

- *all or any part of a playing field, or*
- *land which has been used as a playing field and remains undeveloped, or*
- *land allocated for use as a playing field*

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.’

Sport England’s Playing Fields Policy and Guidance document can be viewed via the below link:

www.sportengland.org/playingfieldspolicy

Having reviewed the EIA Scoping Report prepared by Wood Group UK Limited (Ref: 807733-WOOD-IA-SC-RP-M5-20942) it appears that the following sports and recreational facilities listed in Chapter 14 p.340- 342 may be affected by the proposal:

West Corridor:

-

- Runcorn Golf Club
- Sutton Hall Golf Club

North Corridor:

-

- The Big Hand Riding School
- Moore Rugby Union Club
- Golf courses at Sherdley Park and Fiddlers Ferry (True Fit)
- The Fiddler’s Ferry Sailing Club
- Sutton Leisure Centre sports ground
- Rainhill Cricket Club
- KSTA Rainhill football
- Mersey Valley Golf Club

Whalton Hall Golf Club

East Corridor:

- Antrobus and High Legh golf courses

South Corridor:

- Vale Royal Golf Club

The Scoping Report does identify sports facilities as a receptor and that is welcomed. However, the relationship between outdoor sport as a Land Use and the outdoor sport facilities users should be well integrated i.e. the impact of loss of use, whether through physical loss or prejudicial impact, of an outdoor sports facility on the people using that facility.

Kind Regards,

Christopher Carroll

Planning Manager

M: [REDACTED]

E: [REDACTED]

[Sport England](#)



[Sport England SIA award 2021](#)



[This Girl Can](#)



We have updated our Privacy Statement to reflect the recent changes to data protection law but rest assured, we will continue looking after your personal data just as carefully as we always have. Our Privacy Statement is published on our [website](#), and our Data Protection Officer can be contacted by emailing [REDACTED]

The information contained in this e-mail may be subject to public disclosure under the Freedom of Information Act 2000. Additionally, this email and any attachment are confidential and intended solely for the use of the individual to whom they are addressed. If you are not the intended recipient, be advised that you have received this email and any attachment in error, and that any use, dissemination, forwarding, printing, or copying, is strictly prohibited. If you voluntarily provide personal data by email, Sport England will handle the data in accordance with its Privacy Statement. Sport England's Privacy Statement may be found here <https://www.sportengland.org/privacy-statement/> If you have any queries about Sport England's handling of personal data you can contact Gaile Walters, Sport England's Data Protection Officer directly by emailing DPO@sportengland.org



The Planning Inspectorate
Environmental Services
Central Operations
Temple Quay House
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BS1 6PN

Directorate of Place and Community

Heidi McDougall BSc(Hons) MBA
Corporate Director of Place and Community

52 Derby Street
Ormskirk, West Lancashire, L39 2DF
Website: www.westlancs.gov.uk
E-mail: plan.apps@westlancs.gov.uk
Telephone: [REDACTED]
Date: 21 February 2022
Your ref:
Our ref: 2022/0077/SCO

Dear Sir/Madam

**THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT
ASSESSMENT) REGULATIONS 2017
SCOPING OPINION – ENVIRONMENTAL STATEMENT**

Proposal: Scoping Opinion - Application by Cadent Gas Limited for an Order granting Development Consent for the HyNet North West Hydrogen Pipeline.

Location: Land To The South Of, West Lancashire, ,

Introduction

This is a formal scoping opinion submitted by the applicant, Cadent Gas Limited, to the Planning Inspectorate on behalf of the Secretary of State as to the information to be provided in an Environmental Statement (ES) relating to the proposed development of hydrogen pipelines across land in the NW of England.

The proposal forms part of a large infrastructure development known as the 'HyNet North West Hydrogen Pipeline Project' to construct and operate the UK's first 100% hydrogen pipeline. The aim of the project is to produce, store and distribute hydrogen as well as capture and store carbon from industry in the North West of England and North Wales. The pipelines will deliver hydrogen to multiple industrial users and power generators, taking hydrogen to gas blending points for introduction into the existing gas network. Up to 125km of new pipeline will be constructed. The pipeline will connect to a newly constructed Hydrogen Plant at the Essar Stanlow site as the source of hydrogen for onward distribution to the network. It will continue across Cheshire to the Central

Hub between Warrington and Northwich, which serves as the connection and onward distribution point to users along corridors to the north, south and east.

The pipeline would vary in diameter along the route between approximately 6” and 48”. Two main types of pipe expected to be used are Carbon Steel (CS) and Polyethylene (PE) pipes. The pipeline would be buried along the entire route apart from at locations where above ground installations are required to control flow and pressure.

The closest point that the proposed hydrogen pipeline will get to the boundary of West Lancashire is within the central and southern areas of St Helens.

The process of Environmental Impact Assessment in the context of planning in England is governed by the Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11

Scoping

The Planning Inspectorate has identified West Lancashire Borough Council as a consultation body which must be consulted before adopting its Scoping Opinion. The Planning Inspectorate require the Council to:

- Inform the Planning Inspectorate of the information it is considered should be provided in the ES; or
- Confirm that the Council do not have any comments.

Assessment

The applicant has submitted a detailed Scoping Report that includes an overview of the project, scoping plans which identifies locations of the pipeline routes and assessment of impacts upon the environment, ecology, historic significance, hydrology, landscape and visual, air quality, noise and vibration, traffic and transport, ground conditions, agriculture and soil resources, land uses, people and communities, major hazards and climate change.

Having reviewed the submitted information and in view of the distance between the West Lancashire Borough boundary and closest point of the proposed pipeline in St Helens, I can confirm that the Council do not wish to make any comments.

Please note that the above response is provided on the basis of the information presented within the Scoping Report and must not be accepted as to comments on the acceptability, or otherwise, of the proposed project. The comments presented at this time do not prejudice any comments, further requests for additional information or decisions made by the Council at a later date.

Yours faithfully,



Heidi McDougall BSc (Hons), MBA
Corporate Director of Place & Community

Merseyside Environmental Advisory Service
The Barn, Court Hey Park
Roby Road, Huyton, L16 3NA
Director: Alan Jemmett, PhD, MBA

Enquiries: [REDACTED]

Contact: Lucy Atkinson
Email: [REDACTED]

DEVELOPMENT MANAGEMENT ADVICE

To: Jo Storey
Organisation: Development Management
Wirral Council

From: Lucy Atkinson

Your Ref:
File Ref: WI22-022
W/P Ref:
Date: 22nd February 2022

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11 Application by Cadent Gas Limited (the Applicant) for an Order granting Development Consent for the HyNet North West Hydrogen Pipeline (the Proposed Development) Scoping consultation

1. Thank you for consulting Merseyside Environmental Advisory Service in respect of this EIA Scoping. The proposals comprise construction and operation of the HyNet North West Hydrogen Pipeline.
2. Having reviewed the application and supporting documentation, our advice is set out below in two parts.
 - Part One deals with issues of regulatory compliance, action required **prior to determination** and matters to be dealt with through planning conditions. Advice is only included here where action is required or where a positive statement of compliance is necessary for statutory purposes. Should the Council decide to adopt an alternative approach to MEAS Part 1 advice, I request that you let us know. MEAS may be able to provide further advice on options to manage risks in the determination of the application.
 - Part Two sets out guidance to facilitate the implementation of Part One advice and informative notes.

In this case Part One comprises paragraphs 3 to 43. There is no Part Two.

Part One

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3. The applicant has submitted an EIA Scoping Report (*EIA Scoping Report – HyNet North West Hydrogen Pipeline Project, Cadent Ltd, January 2022, Volume 1*), which has been reviewed and forms the basis for this response.
4. The Scoping Report indicates that this initial phase includes connections that will travel through 6 Local Authority areas including St Helens and Halton. Figure 2.1 of the Scoping Report indicates that potential future phases will extend the pipeline to Wirral and through Knowsley to Liverpool.
5. Wirral LPA has been consulted on the current application, and the comments made below are based on the initial phase of connections. Further Wirral-specific comments will be provided when potential future phases come forward.

EIA Methodology

6. The Environmental Statement that supports the planning application should include the following sections as a minimum:
 - A non-technical summary;
 - Detailed scope of works;
 - Reference to key plans and legislation. It is essential that all relevant guidance and policies be complied with as appropriate;
 - Detailed baseline review (associated with all development issues); and
 - Detailed integrated assessment of all environmental impacts. This assessment needs to take into account the nature of impact (importance, magnitude and duration – quantified as appropriate), reversibility of impact, mitigation, monitoring measures (including reference to long-term management and maintenance measures/plans) and residual impacts.
7. It is important that the conclusions of the environmental impact assessment are transparent and that all information used to draw conclusions is clearly presented and objective (including survey/assessment results) to enable third party verification.
8. The scoping phase of an Environmental Impact Assessment (EIA) presents the best opportunity to ensure that all the environmental impacts of a development are considered at an early stage. The EIA should also make a clear distinction between construction, operational and (if appropriate) decommissioning impacts and include a statement with regard to the phasing and timing of works for all site areas. I advise that the applicant be asked to confirm its intention to fully address the issues raised in the scoping opinion.
9. It is important that an integrated approach is taken to the EIA methodology to ensure consideration of interactions and in-combination effects. In addition, it is necessary to ensure that the results of the assessment are used to inform development design and the master plan.
10. Chapter 2 provides a project description and consideration of alternatives. Different routes have been considered and the preferred approach presented. However, there will be parameter-based design alternatives which is an acceptable approach.

Waste

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11. There is some discussion of the trenching and re-use of subsoils and topsoils. However, there is no reference to waste materials or how they will be managed. Whilst it is acknowledged that waste does not usually warrant its own chapter in an EIA, this is a large scale project which is likely to generate significant volumes of excavated waste materials, amongst others, and therefore, some discussion of how this will be managed should be included in the DCO. Similarly, acknowledgement of the relevant waste policies in each of the six Councils Local Plans should be included (Halton CS24 and St Helens CR2). For St Helens, Halton and Wirral reference should be to the Joint WLP, specifically policy WM8.

Minerals

12. Chapter 3 refers to policy and legislation and includes Local Policy review. This makes reference to Halton Core Strategy Local Plan policy CS25 Minerals, but the equivalent policy for St Helens Local Plan (CR1) is not included. It is not clear why this has been omitted as the only crushed rock quarry in the LCR is located in St Helens at Bold Heath. A more detailed assessment is included in appendix 2, but it will also be important to ensure that both the emerging Local Plans for St Helens and Halton are referenced as both include minerals safeguarding areas.
13. Chapter 14 relates to Land Use and includes mineral resources. The receptor sensitivity for minerals is identified as high with which I agree. When assessing the magnitude of effects, as set out in table 14.3, it should be noted that there is a scarcity of sand and gravel supply within the LCR and wider NW region with many MPAs falling below the 7 year land bank. Therefore, the mineral resource should not be sterilized or lost.

Cumulative Effects

14. Chapter 4 outlines the EIA process and includes details of the Cumulative Effects Assessment. This appears to be comprehensive and includes both inter and intra-project effects. However, it is noted that there does not seem to be a separate chapter on this. It would be easier to review if this was included as a separate chapter and not only included in each individual chapter.

Ecological Information

15. The scoping report includes an Ecology & Nature Conservation chapter (Chapter 5). Full ecological surveys are yet to be completed, however winter bird surveys have been undertaken by WSP over winter 2020/2021. Data gathered from the wintering bird surveys undertaken in 2020 and 2021 have been used to inform the chapter in relation to bird species present within the Study Area. No data is yet available from breeding bird surveys or terrestrial ecology field surveys to inform the Scoping Report due to the early stage of the Project. These surveys will be undertaken in 2022 (as detailed in Table 5.9 of the scoping report).
16. The scoping report states that the ecology assessment will consider the potentially significant effects on terrestrial and freshwater ecological receptors, as well as ornithological receptors, that may arise from the construction and operation of the Project. This approach is accepted.



Desk Study

17. To inform this scoping process, a preliminary desk study has been undertaken. The desk study information to date was obtained from publicly available resources as listed in 'Sources of data' including Magic, OS maps and aerial photography. Data was obtained in relation to:

- Statutory designated sites within and up to 2km from the Scoping red line boundary. This buffer was extended to 10km for all internationally and nationally important sites with bat interest
- nationally important sites within and up to 10km from the Scoping red line boundary and internationally important sites within and up to 20km in respect of ornithology interest
- non-statutory designated sites within and up to 2km of the Scoping red line boundary; and
- HPI and ancient woodland within and up to 2km of the Scoping red line boundary.

18. The following international/national sites have been identified:

- Mersey Estuary SPA
- Mersey Estuary Ramsar site
- Mersey Estuary SSSI
- Dee Estuary SPA
- Dee Estuary Ramsar site
- River Dee SSSI
- Mersey Narrows and North Wirral Foreshore SPA
- Mersey Narrows and North Wirral Foreshore Ramsar site
- Ribble and Alt Estuaries SPA
- Ribble and Alt Estuaries Ramsar Site
- 19 additional SSSI (primarily in Cheshire)

19. Eight locally important statutory sites have been identified within the Study Area:

- Thatto Heath LNR;
- Oxmoor Wood LNR;
- Dorchester Park LNR;
- Daresbury Firs LNR;
- Helsby Quarry LNR;
- Murdishaw Wood and Valley LNR;
- Marshall's Arm LNR;
- Paddington Meadows LNR.

20. A baseline assessment of the habitats from aerial imagery within the Scoping red line boundary has highlighted the potential presence of a variety of protected and notable species. These include, but are not limited to:

- habitats with potential to support foraging, commuting and roosting bats;
- waterbodies and terrestrial habitat with the potential to support great crested
- newt (*Triturus cristatus*);

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- habitats with potential to support badgers (*Meles meles*) and their setts;
- watercourses and terrestrial habitat with the potential to support otter (*Lutra lutra*) and their rest sites;
- watercourse suitable for water vole (*Arvicola amphibius*) and freshwater fish;
- habitats which may support wintering and breeding birds;
- habitats with the potential to support reptiles;
- habitats with the potential to support protected or notable invertebrate species/assemblages;
- habitats with the potential to support Priority Species such as brown hare (*Lepus europaeus*), European hedgehog (*Erinaceus europaeus*) and common toad (*Bufo bufo*);
- veteran trees and notable plant species; and
- important hedgerows.

21. Key consultees have also been identified as part of the initial desk study including NE, EA and the respective Wildlife Trusts.
22. I advise that the scope of the desk study undertaken to date is acceptable. The scoping report states that a full desk study will be completed as part of the ES and will detail non-statutory site information (e.g. Local Wildlife Sites) and records of legally protected species requested from rECOrd, Greater Manchester Record Centre and Merseyside Biobank. I advise that in addition the respective County Bird Recorders for North Merseyside and Cheshire should be contacted for non-breeding bird records. Non-breeding bird surveys were also undertaken in support of the Halton Local Plan, and may be of use for the assessment (these can be found at <https://www3.halton.gov.uk/Pages/planning/policyguidance/eip.aspx>).

Habitat Regulations Assessment (HRA)

23. The EIA scoping report states that a HRA Screening Report will be prepared to determine whether the Project will have LSEs on any European sites. The HRA will include the Mersey Estuary SPA and Ramsar Site. The report further states that LSEs are expected to be screened out within the HRA Screening Report, however some may remain. In this instance, sufficient information will be provided to allow the relevant competent authority to determine whether there will be a resulting adverse effect on the integrity of European sites. This approach is accepted.

Ecological Network

24. The EIA scoping report does not reference the Liverpool City Region Ecological Network. The LCR ecological network includes Nature Improvement Areas (NIAs) and Priority Habitats. The ES should address how impacts on the Ecological Network will be avoided or minimised. Further information can be found here - <http://lcreconet.uk/>.

Assessment Methodology

25. The EIA scoping report states that the ecology assessment methodology will be aligned with the standard industry guidance provided by CIEEM. For each scoped-in ecological feature, effects both during construction and operation will be assessed



against the predicted future baseline conditions (equivalent to the current baseline which will be confirmed following completion of extended Phase 1 habitat survey and protected species surveys) for that ecological feature. Throughout the assessment process, findings about potentially significant effects will be used to inform the definition of requirements for additional baseline data collection and the identification of embedded environmental measures to avoid or reduce adverse effects or to deliver enhancements. Measures to comply with relevant policies and legislation will also be included. The results of the assessment will reflect the final Project design (i.e. incorporating the embedded environmental measures). This approach is accepted.

26. Significance of effects will be based on the extent, magnitude, duration, frequency, timing and reversibility. Significance will be assessed from negligible to High. This approach is accepted

Potentially significant effects

27. The EIA scoping reports includes an assessment of the potentially significant ecological effects that will be carried forward for assessment.

28. The following ecological features have been scoped out of further assessment:

- Dee Estuary SPA and Ramsar site – this is accepted
- Mersey Narrows and North Wirral Foreshore SPA and Ramsar site is -this is accepted
- Ribble and Alt Estuaries SPA and Ramsar site – this accepted
- Non-Schedule 1 nesting birds – breeding bird surveys targeted at non-Schedule 1 species have been scoped out of the assessment as it is considered that any effects upon active nests of breeding birds can be mitigated by best practice embedded environmental measures – this is accepted
- Reptiles - the potential for significant effects on reptiles has been scoped out of the assessment in view of the geographical location of the Project, the limited project footprint located within predominantly sub-optimal agricultural landscape and the employment of embedded environmental measures – this is not accepted, until the final route and specific habitats that will be impacted by the proposals are known I do not believe reptiles should be scoped out of the assessment

Ecological Surveys

Wintering Bird Surveys

Scope of Proposed Ecological Surveys

29. The EIA scoping report states that the following surveys will commence in 2022 to inform the assessment of potentially significant effects on ecological features:

- Extended phase one habitat survey
- Badger survey
- Great crested newt surveys of ponds with suitability for GCN
- Bat surveys of mature trees that will be impacted by the proposals
- Otter and water vole surveys of affected watercourses



- Invertebrate surveys, where the extended phase one survey identifies habitats with potential to support important assemblages or species
- Schedule 1 breeding bird surveys
- Hedgerow Regulation assessment surveys
- NVC surveys, where the extended phase one survey identified valuable habitats
- Watercourse surveys

30. The above survey scope is accepted, however I would advise that reptile surveys should also be included if high quality habitat for these species is identified during the extended phase one survey.

Embedded Mitigation

31. The EIA Scoping report identified the following embedded mitigation measures: Mitigation in Table 5.5:

- Avoidance of designated sites wherever possible
- Timing restrictions in respect of clearance of breeding bird habitat, or appropriate precautionary measures
- Implementation of pollution control measures
- Minimising watercourse crossings, and utilising directional drilling or other trenchless methods
- Compound and storage areas to be within the working easement
- Production of a CEMP
- Reinstatement of any temporary habitat loss
- Sensitive lighting scheme, particularly in relation to bats
- Invasive species and biosecurity measures

32. I advise that the following additional embedded mitigation measures/revisions are required:

- Inclusion of avoidance of disturbance to functionally linked land of qualifying bird species of the Mersey Estuary SPA/Ramsar during the non-breeding bird season (September to March inclusive) as an embedded mitigation measure.
- The breeding bird season should be defined as March to August (not mid-March to July as stated in the EIA scoping report).
- Timing restrictions and precautionary measures in respect of breeding birds should also consider the potential for ground nesting farmland bird species such as lapwing.

Additional Mitigation

33. The EIA scoping report states that mitigation will be devised to avoid any significant impacts associated with the construction and operation of the proposed development on ecological features. This approach is accepted. I advise that the mitigation hierarchy should be adopted – Avoid, Mitigate, Compensate:

- Avoidance is the key first stage and designs must show that they have avoided important features possible. In this instance higher value habitat features that should where possible be avoided include the woodland areas to the south of the site, the existing hedgerows and the Bridgwater Canal corridor to the west.
- Mitigation is measures taken to reduce the duration, intensity and or extent of impacts that cannot be completely avoided, for example through revised site layouts or timing of works.
- Compensation is measures taken to compensate for any 'residual impacts' that cannot be avoided or minimised. This may include enhancing existing ecological features of the site or new habitat creation, Compensation will only be appropriate where there are clearly no alternatives

Biodiversity Net Gain (BNG)

34. The EIA scoping report states that BNG is being considered by the project team. The Environment Act has now been enacted into law and there will be a mandatory requirement for all development to provide a minimum of 10% Biodiversity Net Gain provision from autumn 2023. I advise that minimum of 10% BNG will be required and this should be informed through use of latest DEFRA metric (currently version 3.0);

Archaeology

35. The Historic Environment is considered in Chapter 6 of this document and shown across four Figures each labelled Figure 6.1. Historic Environment Study Area and Designated Assets. Appendix 6A Historic Environment comprises a table of designated heritage assets within the study area, excluding Grade II listed buildings.

36. **Consultation**

Section 6.3.1 - We welcome the intention to consult with the LPA Archaeologists in advance of the Preliminary Environmental Information Report (PEIR) and during preparation of the ES

37. **Data gathering**

Section 6.4.2 -The *intention to establish a detailed baseline comprising desk-study and a walkover* is noted and this is an acceptable approach.

Mention is made of the *Archaeological Regional Research Framework for North West England* (2006 and 2007). This needs to include reference to the revised 2021 version. In addition, reference to *The Archaeology of Mining and Quarrying in England: Resource Assessment and Research Agenda* (2016) would be of particular relevance to the landscape around St Helens, Merseyside. We further suggest that the Coal Authority is consulted as it the Lancashire and Liverpool Archives and the St Helens Local History Library.

Section 6.4.3 - We agree that *consideration should be given to desk-based geoarchaeological assessment, deposit modeling and archaeological evaluation of areas of medium to high potential following completion of the desk-study.*



To this we would add that field-based geoarchaeological and palaeo-environmental investigations should also be considered, and any subsequent assessment and analysis undertaken. Furthermore, it should be noted that archaeological evaluation i.e. the determination of the presence, extent and significance of archaeological remains could lead to the necessity for further mitigation works, for example open-area excavation and therefore post-excavation assessment and analysis.

We also advise that the areas of medium to high potential should be agreed with the LPA Archaeologist.

We will be pleased to advise on the significance of predicted impacts to the archaeological resource in terms of EIA on receipt of the desk-based assessment and also to address archaeological issues associated with the project that would not require EIA, and that could be addressed through a programme of pre-construction archaeological works, secured by means of an appropriately worded planning condition.

38. Study area

Section 6.4.5 - the 1km study area has been defined through consideration of buried pipelines and above ground elements comprising Hydrogen Above Ground Installations (HAGIs) and Block Valve Installations (BVIs).

To this we would add the inclusion of storage / site accommodation compounds should these fall outside of the 1km study area.

39. Non-designated heritage assets

Section 6.4.17 - states there is yet to be an assessment of non-designated heritage assets and that this will be presented in the PEIR and ES. Our records show that the Merseyside HER has been consulted (10/01/2022) and the data supplied.

We agree that this data should form a key component of the baseline for the EIA, however, we would not pre-judge how this will affect the overall scope of the assessment.

40. Embedded environmental measures

Section 6.5.2 - We support the proposal for a written scheme of investigation (WSI) for the project

However, we would prefer that this WSI reflects specific research priorities and objectives (i.e. those for Merseyside districts) rather than a general overarching approach as suggested. The project landscape, which as demonstrated in the Summary description (*Section 6.4.18*), has a diverse character that will be reflected in the nature of the archaeological resource. We would be pleased to review any such WSI for the purposes of agreeing its suitability.



Known archaeological assets close to or within of the footprint of the scheme could be indicative of as yet undiscovered archaeological remains and therefore provision should be made in the WSI for the treatment of any such potential remains.

41. **Potential receptors**

Section 6.6.5 - This states that initial receptors that could be significantly affected will be identified with reference to GPA3.

Clarity on use of the term “initial receptors” that could be significantly affected is required here.

Section 6.6.8 - states that there will be consultation and engagement following design freeze and receipt of scoping responses with Historic England and Conservation Officers.

We would expect to see the LPA Archaeological advisor included in this statement and particularly as archaeological remains are listed as a potential receptor in *Section 6.6.7.*

42. **Assessment of harm and substantial harm**

Section 6.7.15 suggests professional judgement will be applied in the case of each individual asset.

We would suggest that the professional involved has demonstrable and detailed knowledge of the region/county within which the project is located and on the matter of non-designated archaeological remains, makes this judgement following consultation with the LPA Archaeological Advisor.

Climate Change

43. Chapter 17 covers Climate Change. It is acknowledged that the Hynet project is considered to be a significant project for the Liverpool City Region for the long term decarbonisation of the LCR. However, it is important the wider project is taken into account when considering the overall climate change impacts of the project. At this point in time, not all hydrogen production is equal with only a fraction of hydrogen being classed as green. This should be considered as part of the climate change assessment and is likely to change over time. The methodology for the Climate Change Assessment seems reasonable.

I would be pleased to discuss these issues further and to provide additional information in respect of any of the matters raised.

Lucy Atkinson
Environmental Appraisal and Support Services Team Leader

