

# **HyNet Carbon Dioxide Pipeline**

Written Representation on behalf of Peel NRE

Planning Inspectorate Reference: EN070007

17 April 2023

**Turley**

# Contents

---

Executive Summary	i
1. Introduction	1
2. Background and Context	3
3. Objections	7
4. Withdrawal of Objections	15
Appendix 1 Protos Planning Policy	17
Appendix 2 – Planning History of Protos	18
Appendix 3 – Protos Masterplan	19
Appendix 4 – Location of Other Cumulative Development	20
Appendix 5 - Plot 3 Timber Plant Layout	21
Appendix 6 - Plot 4 BioSNG Layout	22
Appendix 7 - Plot 8 EFW Facility Layout	23
Appendix 8 - Plot 9 Biomass Layout	24
Appendix 9 - Plot 10b Plastics to Hydrogen Layout	25
Appendix 10 - Plot 13 PETPRF Layout	26
Appendix 11 - Plots 9b 10a 11 12 Plastics Park Layout	27
Appendix 12 - Plot 15 Battery Storage Location	28
Appendix 13 - EFW Facility Underground Cables Layout	29
Appendix 14 - Standby Electricity Plant Layout	30
Appendix 15 - Substation Layout	31
Appendix 16 – Protos Plastics Park and Ince AGI Works Plan Overlay	32
Appendix 17 – Protos Railway Line	33

---

Amy Gaskell  
amy.gaskell@turley.co.uk  
Client  
Turley  
Our reference  
PEEM2101

## Executive Summary

1. This Written Representation has been prepared by Turley on behalf of Peel NRE, an Interested Party, to the application by Liverpool Bay CCS Limited ('Applicant') for a development consent order ('Order') seeking powers for the delivery of the HyNet Carbon Dioxide Pipeline and related infrastructure (Planning Inspectorate Reference EN070007) ('Pipeline') in response to the Rule 8 Letter.
2. Peel NRE is the owner of land required by the Pipeline for the Ince AGI, and the associated proposed access, pipeline corridor, and construction compound (as shown on Works Plan ref. EN070007-D.2.4-WP-Sheet 1) ('Affected Land'). The Affected Land includes land at Ince Park, known as Protos – a 130ha development site comprising a major energy and resource recovery hub and ecological management areas which is a major employer near to Ince, Cheshire. Peel NRE has been working closely with Cheshire West and Chester Council ('CWACC') to deliver the various components of Protos.
3. Peel is wholly **supportive** of the principle of the Pipeline. However, should the Order be granted as proposed, the Pipeline will conflict with planned development at Protos which would prejudice the delivery of a key development within the CWACC area and limit its great potential.
4. The **key issues** presented in this Written Representation, and to which **objections** are raised, include:

### Layout of the Ince Above Ground Installation (AGI)

- No Environmental Mitigation Areas are defined on the Works Plans (D.2.4-WP-Sheet 1). Notwithstanding this, the Ince AGI Landscape Layout (ref. D.2.14-LAY-Sheet 2) identifies the location for landscaping/ecological mitigation and a drainage detention pond. The current location of such features has the possibility to constrain future planned development across the Affected Land.
- The completion of additional water vole surveys of East Central Drain should be shared by the Applicant to fully understand the impacts of the proposals.

### Means of access to the Ince AGI and CO2 Pipeline

- The proposed access road from Grinsome Road roundabout to the Ince AGI and pipeline corridor (as shown on Works Plan ref. EN070007-D.2.4-WP-Sheet 1) conflicts with the delivery of the approved Protos Plastics Park (CWACC Planning application ref. 21/04076/FUL), and the delivery of the railway line consented as part of the overarching planning permission for Protos (ref. 14/02277/S73), which would constrain the delivery of the developments.

### Environmental considerations

- Potential impacts from **odour**.
- The currently proposed **ecological** mitigation measures are not agreed, and further mitigation requirements are unknown.

- Unknown impacts from the proposals on the **ability to deliver** the consented developments and future expansion of Protos, including whether the Pipeline would be classified as a **Major Accident Hazard** Pipeline by the Pipeline Safety Regulations 1996.
- Unknown **cumulative impact** from the proposals on the consented schemes across Protos.

### **Easement of the CO2 Pipeline at Ince**

- The current proposals are not acceptable to Peel NRE on the basis that the proposed 24.4m corridor around the pipeline for the permanent acquisition of sub-soil (at plots 1-11, 1-12, 1-13, 1-15, 1-18 and 1-19) would cause an unacceptable quantum of land to be restricted from development by way of the proposed restrictive covenants.

### **Negotiating land agreements**

- The Applicant proposes to acquire land (including interests and rights) permanently for the Ince AGI, the subsurface (including rights) permanently for the Pipeline, the permanent rights to access, and the temporary use of land for construction. These acquisitions will severely restrict the future development of this parcel of land by Peel NRE, not just during construction of the Pipeline but throughout the lifetime of its operation.
5. Peel NRE has been working with the Applicant to resolve the objections, however the Parties (Peel NRE and the Applicant) have not yet managed to reach agreement on the above matters. Those matters that are agreed (to date) are set out in the Statement of Common Ground (SoCG) submitted by the Applicant. Until satisfactory agreement has been reached with the Applicant on all matters to resolve Peel NRE's concerns, Peel NRE maintains its **objection** and must continue to reserve the right to make further submissions to the examination.

# 1. Introduction

- 1.1 This Written Representation has been prepared by Turley on behalf of Peel NRE, an Interested Party, to the application by Liverpool Bay CCS Limited ('Applicant') for a development consent order ('Order') seeking powers for the delivery of the HyNet Carbon Dioxide Pipeline and related infrastructure (Planning Inspectorate Reference EN070007) ('Pipeline').
- 1.2 This Written Representation has been prepared in response to the Rule 8 Letter from the Examining Authority ('ExA') dated 27 March 2023 and identifies those parts of the Pipeline with which we agree, and those parts with which we do not agree and therefore object.
- 1.3 Peel NRE is part of Peel L&P Group ('Peel') and has a long track record of delivering large scale, transformational development and infrastructure across the UK. Peel NRE is developing Protos – a major energy and resource recovery hub and a major employer near to Ince, Cheshire. Peel NRE has been working closely with Cheshire West and Chester Council ('CWACC') to deliver the various components of Protos. Further details of Protos are provided in Section 2.
- 1.4 Peel is wholly **supportive** of the principle of the Pipeline. Indeed, Peel NRE recognises that there are potential beneficial synergies between the Pipeline and Protos. However, should the Order be granted as proposed, the Pipeline will conflict with planned development at Protos which would prejudice the delivery of a key development within the CWACC area and limit its great potential. The **key issues** presented in this Written Representation, and to which **objections** are raised, include:
- Layout of the Ince Above Ground Installation (AGI)
  - Means of access to the Ince AGI and CO2 Pipeline
  - Environmental considerations
  - Easement of the CO2 Pipeline at Ince
  - Negotiating land agreements

## Structure of Representations

- 1.5 This report is structured as follows:
- Section 2: Provides relevant background about Peel's interests at Protos and surrounding land.
  - Section 3: Sets out Peel's objections to the Pipeline.
  - Section 4: Sets out how Peel's objections could be withdrawn.
- 1.6 The report is supported by the following Appendices:

- Appendix 1 – Protos Planning Policy
- Appendix 2 – Planning History of Protos
- Appendix 3 – Protos Masterplan
- Appendix 4 – Location of Other Cumulative Development
- Appendix 5 – 15 – Layouts of Other Committed Developments across Protos, comprising:
  - Appendix 5 - Plot 3 Timber Plant Layout
  - Appendix 6 - Plot 4 BioSNG Layout
  - Appendix 7 - Plot 8 EFW Facility Layout
  - Appendix 8 - Plot 9 Biomass Layout
  - Appendix 9 - Plot 10b Plastics to Hydrogen Layout
  - Appendix 10 - Plot 13 PETPRF Layout
  - Appendix 11 - Plots 9b 10a 11 12 Plastics Park Layout
  - Appendix 12 - Plot 15 Battery Storage Location
  - Appendix 13 - EFW Facility Underground Cables Layout
  - Appendix 14 - Standby Electricity Plant Layout
  - Appendix 15 - Substation Layout
- Appendix 16 – Protos Plastics Park and Ince AGI Works Plan Overlay
- Appendix 17 – Protos Railway Line

## 2. Background and Context

### About Peel

- 2.1 Peel NRE has a long track record of delivering large scale, transformational development and infrastructure across the UK. Peel NRE is at the heart of the nation's activity around clean growth and the circular economy – helping the UK achieve net zero by 2050 and supporting regions in their actions to achieve climate emergency targets.
- 2.2 Peel NRE reuse, repurpose and re-energise natural resources to develop and maintain vital infrastructure across the UK and are experts in renewable energies, district heating, waste to value, water management, materials management and electric vehicle charging.
- 2.3 Peel understands the importance of partnership working to deliver large strategic ambitions. As a stakeholder, landowner, financial investor, and facilitator, Peel has led and has been part of a number of successful partnerships to help deliver key schemes across the North, and in particular in the North West. These projects include, but are not limited to the following:
  - MediaCityUK
  - Port of Liverpool
  - Manchester Ship Canal Corridor
  - INTU Trafford Centre
  - Liverpool John Lennon Airport
  - Trafford City Sports Village
  - Event City
  - Liverpool International Business Park
  - Salford Quays
  - Port Salford
  - AJ Bell Stadium
  - Port of Liverpool Windfarm
  - Frodsham Windfarm

## About Protos

- 2.4 Peel NRE is the owner of land required by the Pipeline for the Ince AGI, and the associated proposed access, pipeline corridor, and construction compound (as shown on Works Plan ref. EN070007-D.2.4-WP-Sheet 1) ('Affected Land'). The Affected Land includes land at Ince Park, known as Protos – a 130ha development site comprising a major energy and resource recovery hub and ecological management areas which is a major employer near to Ince, Cheshire.
- 2.5 Protos is allocated in the Cheshire West and Chester Local Plan (Local Plan Part One Policies STRAT 4 and ENV 8; and Local Plan Part Two Policy EP6) and is safeguarded for a multi-modal resource recovery park and energy from waste facility for use in connection with the recycling, recovery and reprocessing of waste materials (the wording of these policies is provided in full at **Appendix 1**).
- 2.6 Protos has extant planning permissions in place and the delivery of development is already well advanced. Protos benefits from outline planning permission (ref. 14/02277/S73) for a resource recovery park and, additionally, separate planning consents have been secured across individual plots for developments that are aligned to the ethos of Protos, including an energy from waste facility (ref. 18/01543/S73), a biomass facility (ref. 14/02278/S73), a timber recycling plant (ref. 14/02271/S73), a plastics to hydrogen facility (ref. 19/03489/FUL), a plastics park (ref. 21/04076/FUL), a plastics recycling facility (ref. 20/04396/FUL), a Bio-SNG facility (ref. 18/04671/WAS), a battery storage facility (ref. 17/02683/FUL) and an electricity substation (ref. 19/02566/FUL). The planning history of Protos is provided at **Appendix 2**.
- 2.7 The masterplan for Protos is provided at **Appendix 3** (as approved pursuant to planning permission ref. 14/02277/S73). The location of the other developments across Protos is provided at **Appendix 4**, along with the layout plans for the other consented developments listed above (**Appendices 5 – 15**).
- 2.8 Much progress has been made in developing Protos, with a number of elements complete, in progress or planned, including:
- **Infrastructure works** – the majority of infrastructure works are complete, including widening of the private access road; an overhaul of the local road network; construction of internal site roads and roundabouts; and construction of the canal berth.
  - **Biomass Facility** – the biomass facility is operational and uses up to 170,000 tonnes of waste wood each year to generate 21.5MW of electricity. This is enough low carbon energy to power over 40,000 homes each year.
  - **Energy from Waste Facility** – Presently under construction and scheduled to be operational in 2024, this modern Energy from Waste (EfW) facility will generate up to 49MW of sustainable energy from up to 350,000 tonnes of commercial and industrial waste per year. Providing a direct source of power from the heart of Protos, the facility will also create up to 300 jobs during construction and 50 during operation.



- **Timber Recycling Plant** – This facility is operational and processes suitably sized feedstock for facilities at Protos and across the North West.
- **Bio SNG Plant** – This £150m Bio-Substitute Natural Gas plant will use up to 175,000 tonnes of bioresources (including unrecyclable wood) to create renewable gas for up to 1,000 low carbon HGVs and buses each year.
- **Plastics Park** – This development will provide a complete solution for plastic waste. This UK first Plastics Park will include a variety of facilities such as a pioneering waste plastic to hydrogen facility, utilising technology developed at Thornton Science Park.
- **Electricity substation** – an electricity substation has been built to connect the electricity generated from Protos to the national electricity grid.
- **Nature areas** – Over 50 hectares of land is dedicated to nature at Protos. Snipe Haven and Goldfinch Meadows are two purpose-built habitats which are home to an array of flowers, butterflies and birds.

2.9 Once complete, Protos will be a regionally significant resource recovery and sustainable energy generator cluster with the potential to create a significant number of additional jobs (construction and operation) in the Cheshire West and Chester area, generating significant net additional GVA within the local authority. Protos is a significant development which should not be prevented from coming forward to deliver its potential.

### The Future of Protos

- 2.10 The UK Government has made a legally binding commitment to the UK achieving net-zero carbon dioxide emissions by 2050. CWACC has established even more ambitious targets. Having declared a climate emergency, the Council aims for the borough to achieve ‘net-zero’ status by 2045, ideally by 2030.
- 2.11 A number of national, regional, and local strategies recognise the importance of decarbonising industries to the realisation of these objectives and thus provide specific and substantial support for the development of new facilities for the production of sustainable energy, innovation and industry, which will create sustainable economic growth.
- 2.12 The North West region – and most particularly the Ellesmere Port area of CWACC – is becoming known for the progress it is making in creating a decarbonised industrial cluster with security in clean energy and hydrogen to build sustainable income streams and create jobs. This includes Protos; indeed Protos is already acting as a catalyst.
- 2.13 Protos and the surrounding land presents a unique opportunity to become a destination for sustainable energy, innovation and industry, helping to create a net zero industrial cluster and achieve climate change ambitions.
- 2.14 Peel NRE recently submitted representations to the CWACC Local Plan Review (September 2021) with the purpose of ensuring the next Local Plan for the area

capitalises on and is supportive of the opportunity that Protos and the surrounding land represents, including the Affected Land.

- 2.15 It is the ambition of Peel NRE to develop Protos further to cluster together innovative technologies in energy generation and resource management to lead the way on the clean growth agenda. Protos and the surrounding land (including the Affected Land) is uniquely positioned as an opportunity area for resource recovery, reducing carbon emissions, sustainable energy generation, and energy intensive uses.
- 2.16 The aim is to deliver sustainable energy directly to industrial and domestic customers through a local energy grid which could see costs substantially reduced and save thousands of tonnes of carbon emissions. This aim will only be further realised through the development of the land surrounding Protos, including the Affected Land.

### 3. Objections

- 3.1 HyNet is a ground-breaking clean energy project which will not only produce hydrogen for use in transport and industry (replacing fossil-fuel generation) but will also capture and store CO<sub>2</sub> produced by energy intensive industries during manufacturing processes.
- 3.2 Peel NRE is a supporting organisation of HyNet and remains wholly **supportive** of the principle of the Pipeline. Indeed, Peel NRE recognises that there are potential beneficial synergies between the Pipeline, HyNet and Protos.
- 3.3 However, should the Order be granted as proposed, the Pipeline will conflict with planned development at Protos which would prejudice the delivery of a key development within CWACC and limit its potential. The Pipeline will also conflict with the future ambitions of Peel NRE for the expansion of Protos on the Affected Land. The **key issues** presented in this Representation, and to which **objections** are raised, include:
- Layout of the Ince AGI
  - Means of access to the Ince AGI and CO<sub>2</sub> Pipeline
  - Environmental considerations
  - Easement of the CO<sub>2</sub> Pipeline (as shown on Works Plan ref. EN070007-D.2.4-WP-Sheet 1)
  - Negotiating land agreements for the Affected Land (as shown on Works Plan ref. EN070007-D.2.4-WP-Sheet 1)
- 3.4 Peel NRE has been working with the Applicant to resolve the objections, however the Parties (Peel NRE and the Applicant) have not yet managed to reach agreement on the above matters. Those matters that are agreed (to date) are set out in the Statement of Common Ground (SoCG) submitted by the Applicant. Until satisfactory agreement has been reached with the Applicant on all matters to resolve Peel NRE's concerns, Peel NRE maintains its objection and must continue to reserve the right to make further submissions to the examination.

#### **Layout of the Ince Above Ground Installation**

- 3.5 There are no concerns with the principle of the Ince AGI element or its general location, however Peel NRE **objects** to the proposed layout of the Ince AGI.
- 3.6 It is noted within the Planning Statement for the Application (ref. D.5.4, para 5.2.29) that the Applicant states the location of the Ince AGI has been agreed with Peel NRE. Whilst the general location is agreed, the layout is not agreed.

- 3.7 The Ince AGI is located within the Green Belt, open countryside, flood risk area, and a local wildlife site. The layout needs to be carefully considered to not conflict with existing site constraints.
- 3.8 It is understood the Order will be granted to the Works Plans (ref. EN070007-D.2.4-WP-Sheet 1), and the final precise layout of the Ince AGI will be within the limits of the Order. No Environmental Mitigation Areas are defined on the Works Plans (D.2.4-WP-Sheet 1). Notwithstanding this, the Ince AGI Landscape Layout (ref. D.2.14-LAY-Sheet 2) identifies the location for landscaping/ecological mitigation and a drainage detention pond. The current location of such features has the possibility to constrain future planned development across the Affected Land. Peel NRE accordingly **objects** to the current proposed layout of the Ince AGI. The precise location of the Ince AGI and mitigation features should be agreed with Peel NRE.

### **Green Belt**

- 3.9 The Planning Statement (ref. D.5.4 Planning Statement) correctly identifies the Ince AGI is located within the Green Belt. The National Planning Policy Framework (NPPF) is clear that inappropriate development within the Green Belt is, by definition, harmful and should not be approved except in Very Special Circumstances (VSC) (NPPF para 147). VSC will not exist unless the harm to the Green Belt, and any other harm, is outweighed by other considerations (NPPF para 148).
- 3.10 It is agreed the Ince AGI is inappropriate development and is therefore harmful to the Green Belt (by definition). Peel NRE agrees with the Applicant's case presented in the Planning Statement (ref. D.5.4) that the harm to the Green Belt is outweighed by VSC including the locational need of the Ince AGI and the benefits that will arise as a result of the Project as a whole, including contributing to the UK's commitment to achieve net zero by 2050, the urgent need for carbon reduction infrastructure, and contribution to the overall reduction in greenhouse gas emissions. A full understanding of the 'other harms' resulting from the proposal is not clear from the information submitted to the Examination to date. These concerns are described in further detail below at paragraphs 3.27 – 3.42.

### **Open Countryside**

- 3.11 The site of the Ince AGI is located within the 'countryside' as defined by CWACC Local Plan (Part 1) Strategic Policies. Policy STRAT9 applies which seeks to protect the character and beauty of the countryside by restricting development to that which requires a countryside location and cannot be accommodated within the identified settlements.
- 3.12 Whilst the Planning Statement for the Application does not specifically address the 'countryside' element of Policy STRAT 9 (instead focusing the analysis on Green Belt), it is our opinion the same case made for the VSC case can also be applied for the need to locate the proposal within the countryside, and that any harm to the countryside is outweighed by the benefits of the scheme including contributing to the UK's commitment to achieve net zero by 2050, the urgent need for carbon reduction infrastructure, and contribution to the overall reduction in greenhouse gas emissions.

### **Flood Risk Zone and Drainage**

- 3.13 The site of the Ince AGI is located within a 'flood risk zone' as defined by CWACC Local Plan (Part 1) Strategic Policies. Policy ENV 1 applies which seeks to reduce flood risk. The Environment Agency flood risk maps identifies the site as being within an area at 'low' risk of flooding.
- 3.14 A Flood Risk Assessment supports the Application which confirms the Ince AGI will be served by a drainage system which will accommodate for the effects of flooding and climate change.
- 3.15 Additionally, the layout of the Ince AGI (as shown on plan ref. EN070007-D.2.10-LAY-Sheet 1) orientates the infrastructure adjacent to an existing drain which travels in an east/west direction to the north of the Ince AGI (East Central Drain) (an Environment Agency "main drain"). The location of the Ince AGI and associated surface water drainage infrastructure needs to be a sufficient offsetting distance from the main drain and also incorporate sufficient space for future planned infrastructure within this area.
- 3.16 It is also understood that temporary drainage systems and other temporary works to watercourses are proposed (including temporary diversion channels) to facilitate construction. These should be discussed and agreed with Peel NRE to ensure that these do not conflict with future development ambitious.
- 3.17 Peel NRE accordingly **objects in principle** to the current proposed layout of the Ince AGI and is in the process of discussing matters with the Applicant to agree a position acceptable to both parties. The precise location of the Ince AGI and other infrastructure should be agreed with Peel NRE. Peel NRE is liaising with the Applicant to agree terms for a private agreement to regulate how works in proximity to Protos are undertaken and to govern agreement as to the precise location of the Ince AGI to ensure that Protos can continue to come forward and is not compromised by the DCO.

### **Local Wildlife Site**

- 3.18 The site of the Ince AGI is located within a 'Local Wildlife Site'. Local Plan (Part 1) Strategic Policy ENV 4 applies which seeks to safeguard and enhance biodiversity. The policy requires 'no net loss' of natural assets. However, there is an emerging requirement for developments to achieve 10% biodiversity net gain. Whilst this requirement is not yet mandatory it is fast becoming the expectation for developments to achieve this figure.
- 3.19 Additionally, the layout of the Ince AGI (as shown on plan ref. EN070007-D.2.10-LAY-Sheet 1) orientates the infrastructure adjacent to an existing drain which travels in an east/west direction to the north of the Ince AGI (East Central Drain). This drain is known for the presence of Water Voles. Additional Water Vole survey work is understood to be completed, with this to be submitted as supplementary information during the determination of the DCO. This information is requested by Peel NRE to fully understands the impacts of the Application.
- 3.20 Peel NRE accordingly **objects in principle** to the current proposed layout of the Ince AGI and is in the process of discussing matters with the Applicant to agree a position

acceptable to both parties. The precise location of the Ince AGI should be agreed with Peel NRE.

## Access

- 3.21 The proposed access road from Grinsome Road roundabout to the Ince AGI and pipeline corridor (as shown on Works Plan ref. EN070007-D.2.4-WP-Sheet 1) conflicts with the delivery of the approved Protos Plastics Park (CWACC Planning application ref. 21/04076/FUL), and the delivery of the railway line consented as part of the overarching planning permission for Protos (ref. 14/02277/S73), which would constrain the delivery of the developments. Therefore, at this stage, Peel NRE **objects** to the proposed access (as shown on Works Plan ref. EN070007-D.2.4-WP-Sheet 1).
- 3.22 A plan of the approved Plastics Park masterplan (ref. 20039-FRA-XX-00-DR-A-90-0005 P2) is provided with an overlay of the proposed access route to the Ince AGI and pipeline (shown on plan ref. EN070007-D.2.4-WP-Sheet 1). This is provided at **Appendix 16**. This overlay plan clearly shows the conflict of the Applicant's proposed access with the planned development of the Plastics Park at Protos. A plan of the approved railway line is provided at **Appendix 17** (plan ref. 0775/SK/05).
- 3.23 The Plastics Park forms part of the development proposals across Protos, which as described above, is identified in CWACCs adopted Local Plan as a key strategic site for economic growth and safeguards the land for a multi-modal resource recovery park and energy from waste facility for use in connection with the recycling, recovery and reprocessing of waste materials (Local Plan Part One Policies STRAT 4 and ENV 8; and Local Plan Part Two Policy EP6). The access to the Ince AGI as proposed in the Application would constrain the delivery of a key strategic site in CWACCs Local Plan.
- 3.24 An alternative means of access should be identified by the Applicant to avoid conflicting with planned development at Protos, and avoid conflicting with the strategic ambitions established by CWACC in their adopted Local Plan; or negotiations should continue with Peel NRE as part of the property terms to reach agreement on the access arrangement, as set out in the SoCG.
- 3.25 It is also noted that construction traffic routes to the Ince AGI would include Ash Road and Grinsome Road via Pool Road, with measures to mitigate effects comprising advanced hazard warning signage along Ash Road is proposed (as set out in the Outline Construction Traffic Management Plan, Annex A). Given Grinsome Road is the access to / from Protos, further consideration should be undertaken to identify the interaction with vehicles (including HGVs and Abnormal Loads) along these routes with measures to reduce delays / restrictions and engagement with Peel NRE and operators to minimise disruption.
- 3.26 The Consultation Report (document ref. D.5.1, Revision A, September 2022, ref. S1-09), states the Applicant is open to changing the access route provided continued access is made available to the Ince AGI, as is also established in the SoCG. This is welcomed and further conversations should be held with Peel NRE, but at this stage Peel NRE **objects in principle** to this aspect of the proposal.

## Environmental Considerations

### Odour impacts

- 3.27 The Applicant has identified the potential for odour emissions at the Ince AGI, with associated Odour Zone, which lies close to Protos (shown on Figure 6.3). Further consideration should be given to commercial and industrial uses nearby as part of the assessment. It is understood that such emissions can be mitigated through the adoption of an appropriate odour management regime.
- 3.28 Peel NRE **objects** on the basis that the odour management plan has not been provided as part of the information submitted as part of the DCO application outlining the anticipated management regime.

### Location and Extents of Ecological Mitigation

- 3.29 With relevance to the Ince AGI, no Environmental Mitigation Areas are defined on the Works Plans (D.2.4-WP-Sheet 1). However, ecological mitigation measures are proposed include an area of riparian habitat enhancement along the southern bank of East Central Drain as well as the planting of native triple staggered hedgerow, hedgerow trees native shrub planting and species rich grassland around the Ince AGI (D.2.14-LAY-Sheet 2). The location and extent of these works should be discussed with Peel NRE to ensure that these do not prejudice future development ambitions.
- 3.30 It is also recognised that additional opportunities for biodiversity enhancement are being considered by the Applicant to achieve at least 1% gain in Priority Habitats, including refining / reducing the extent of proposed temporary impacts and delivery of further habitats.
- 3.31 In addition, a comprehensive suite of baseline ecological surveys have been undertaken to identify whether protected / notable ecological species are present within the Newbuild Infrastructure Boundary or appropriate Zones of Influence (ZOIs) surrounding the Pipeline. However, it is noted that further baseline surveys were to be undertaken post-June 2022 with the information to be provided during the DCO examination period.
- 3.32 The timing of the submission of the above information should be confirmed by the Applicant and whether this corroborates the baseline conditions, impact assessment and mitigation identified for protected / notable ecological species. Any further mitigation requirements should be clearly defined and discussed and agreed with Peel NRE if located at Ince AGI to ensure that these do not prejudice development aspirations.
- 3.33 Peel NRE therefore **objects** on the basis that the currently proposed mitigation measures are not agreed and further mitigation requirements are unknown.

### Impacts on Development Land and Businesses

- 3.34 As part of Chapter 16: Population and Human Health, effects on 'development and land and businesses' have been 'scoped into' the EIA. As part of this assessment, it is

acknowledged that the Newbuild Infrastructure Boundary lies in proximity to Protos and effects on the strategic employment site are concluded to be 'Minor Adverse (Not Significant)' following mitigation.

- 3.35 Within the assessment, Protos is categorised as being of 'High' sensitivity, which does not correlate with the criteria provided (Chapter 16, Table 16.2), which indicates that land allocated for employment (e.g. strategic employment sites) covering >5ha should be considered as 'Very High'. Given the strategic, allocated nature of the Protos site it is considered that the latter category would be more appropriate.
- 3.36 The assessment identifies '*the potential for temporary disruption to businesses as a result of potential minor access restrictions to roads whilst construction is undertaken. Associated construction traffic could also give rise to amenity effects for employees and customers*' (Chapter 16, Paragraph 16.9.6). In addition for the temporary disruption impacts described are additional impacts which have the potential to affect consented developments within Protos and Peel's future expansion ambitions, including direct land-take associated with the access road from Grinsome Road roundabout which conflicts with the delivery of the planned Protos Plastic Park (CWACC reference: 21/04076/FUL) and interactions with the Protos Railway Line (CWACC reference: 14/02277/S73).
- 3.37 It is also unclear whether the Pipeline would be classified as a Major Accident Hazard Pipeline by the Pipeline Safety Regulations 1996 and therefore 'generate' a Consultation Zone with associated land use restrictions. There are a number of other pieces of legislation noted within Chapter 13: Major Accidents and Disasters (e.g. The Planning (Hazardous Substances) Regulations 2015 and The Dangerous Substances and Explosive Atmospheres Regulations 2002) and it is not clear whether to respond to the relevant requirements under this legislation, appropriate separation or 'stand-off' distances may be applied. Such additional land use restrictions also have the potential to prejudice currently consented and future development ambitions at Protos.
- 3.38 Given this, Peel NRE **objects** on the basis that these potential impacts are not currently addressed and mitigation measures are not set out to address these impacts.

#### **Assessment of Cumulative Effects**

- 3.39 An assessment of cumulative effects is provided within Chapter 19: Combined and Cumulative Effects. This covers cumulative effects in terms of multiple, different effects to receptors caused by the Pipeline (intra-project) and in combination with any other developments/projects in the vicinity (inter-project). These types of assessment ensure that the requirements to consider cumulative effects pursuant to the Infrastructure Planning (EIA) Regulations 2017 (as amended) are met for the DCO application.
- 3.40 To identify relevant projects for the assessment of inter-project effects, a series of search criteria have been used (Chapter 19, Paragraph 19.5.14). Based on the search undertaken three projects have been identified within Protos (Appendix 19.1 (Table 2) and Figure 19.1), comprising:
- ID 1e(iii) - TCPA – CWACC: 19/03489/FUL Development of a hydrogen production plant (HPP) and electricity generating plant, comprising of a waste reception and



handling building, gasification facility, hydrogen production facility with associated/ ancillary infrastructure which includes access roads, weighbridge, fencing / gates, lighting, surface water drainage, and electricity distribution plant<sup>1</sup>;

- ID 54 TCPA - CWACC Reference: 21/04076/FUL: Materials recycling facility, two plastics recycling facilities, a polymer laminate recycling facility and a hydrogen refuelling station (Protos Plastics Village); and
- ID 63 TCPA - CWACC Reference: 20/04396/FUL: Resource recovery facility (Plastics Recycling Facility).

- 3.41 Whilst these Other Developments have been considered, there are a number of other extant permissions which have not yet been implemented or are under construction as of Spring 2023 which lie within the land owned by Peel at Protos. These are outlined in **Appendix 2**. The location of these developments is provided at **Appendix 4**, and layout plans at Appendices 5 – 15.
- 3.42 Due to the proximity and scale of these developments and potential for intra-project effects due to the presence of common sensitive environmental receptors (specifically in respect to air quality, traffic and transport and biodiversity), Peel NRE **objects** to the current scope and contents of the cumulative assessment.

### Easement of the CO2 Pipeline Corridor

- 3.43 The pipeline corridor is proposed to travel north/south along the eastern boundary of the Order limit. The location of the pipeline corridor in the current proposal is an improvement on the location of the pipeline previously proposed in the Section 42 Consultation. However, despite this improvement, the current proposals are still not acceptable to Peel NRE on the basis that the proposed 24.4m corridor around the pipeline for the permanent acquisition of sub-soil (at plots 1-11, 1-12, 1-13, 1-15, 1-18 and 1-19) would cause an unacceptable quantum of land to be restricted from development by way of the proposed restrictive covenants.
- 3.44 The proposed restrictive covenants prevent any activity from being undertaken on this land (within the 24.4m corridor) which would interfere with the pipeline (unless the prior written consent of the Applicant is obtained) including drilling foundations and hard surfacing. Such restrictions over the proposed quantum of land would impose unacceptable restraints on the ability to develop and extend the Protos site at these plots (as described above). Peel NRE accordingly **objects in principle** to the current proposal on the basis of the permanent acquisition and quantum of land included within this 24.4m corridor and is in the process of discussing matters with the Applicant to agree a position acceptable to both parties.

### Negotiating Land Agreements

- 3.45 At this stage, Peel NRE **objects** to the proposed acquisition of land, interests and rights identified within the Land Plans (drawing ref. EN070007-D.2.2-LP-Sheet 1). The

---

<sup>1</sup> It is noted that an Section 73 application was submitted in relation to 1e(ii) (CWACC reference 21/02848/S73) which has been consented.

Applicant proposes to acquire land (including interests and rights) permanently for the Ince AGI, the subsurface (including rights) permanently for the Pipeline, the permanent rights to access, and the temporary use of land for construction. These acquisitions will severely restrict the future development of this parcel of land by Peel NRE, not just during construction of the Pipeline but throughout the lifetime of its operation.

## 4. Withdrawal of Objections

- 4.1 In order for Peel NRE to be in a position to withdraw its objection to the proposed Order, Peel NRE requires confirmation from the Applicant that:
- 4.1.1 the access to the Ince AGI is relocated or renegotiated to avoid conflicting with planned development at Protos.
  - 4.1.2 the acquisition of land and rights over the Affected Land (including the extinguishment of any rights) is on terms agreed with Peel NRE;
  - 4.1.3 sufficient protection for the Protos expansion is afforded by the Pipeline scheme to enable the Protos expansion to come forward unhindered;
  - 4.1.4 no works pertinent to the Affected Land shall be carried out without Peel NRE's prior approval of the plans, specification, method statement and programme of works;
  - 4.1.5 full access rights, during both the construction and operation phases, are retained to the Affected Land for the benefit of Peel NRE;
  - 4.1.6 submission of an Odour Management Plan and securement of its implementation through the DCO;
  - 4.1.7 clarification on the timing of supplementary information and any additional further ecological mitigation requirements at Ince AGI;
  - 4.1.8 updated assessment of impacts on Protos (e.g. direct land-take) and development of appropriate mitigation to avoid / reduce impacts; and
  - 4.1.9 updated cumulative assessment, fully considering intra-project effects with consented development within Protos.



## **Appendix 1 Protos Planning Policy**

Provided separately.

## **Appendix 2 – Planning History of Protos**

Provided separately.

## **Appendix 3 – Protos Masterplan**

Provided separately.

## **Appendix 4 – Location of Other Cumulative Development**

Provided separately.



## **Appendix 5 - Plot 3 Timber Plant Layout**

Provided separately.

## Appendix 6 - Plot 4 BioSNG Layout

Provided separately.

## **Appendix 7 - Plot 8 EFW Facility Layout**

Provided separately.

## **Appendix 8 - Plot 9 Biomass Layout**

Provided separately.

## **Appendix 9 - Plot 10b Plastics to Hydrogen Layout**

Provided separately.

## **Appendix 10 - Plot 13 PETPRF Layout**

Provided separately.

## **Appendix 11 - Plots 9b 10a 11 12 Plastics Park Layout**

Provided separately.

## **Appendix 12 - Plot 15 Battery Storage Location**

Provided separately.



## **Appendix 13 - EFW Facility Underground Cables Layout**

Provided separately.

## **Appendix 14 - Standby Electricity Plant Layout**

Provided separately.

## **Appendix 15 - Substation Layout**

Provided separately.

## **Appendix 16 – Protos Plastics Park and Ince AGI Works Plan Overlay**

Provided separately.

## **Appendix 17 – Protos Railway Line**

Provided separately.

**Turley Office**  
1 New York Street  
Manchester  
M1 4HD

T 0161 233 7676

**Turley**