

## **DRAFT STATEMENT OF COMMON GROUND WITH CHESHIRE WEST AND CHESTER COUNCIL**

### **HyNet Carbon Dioxide Pipeline DCO**

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010 - Rule 8(1)(c)

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**STATEMENT OF COMMON GROUND**

**This Statement of Common Ground has been prepared and agreed by (1) Liverpool Bay CCS Limited and (2) Cheshire West and Chester Council**

Signed .....

**[NAME]**

**[POSITION]**

on behalf of Liverpool Bay CCS Limited

Date: **[DATE]**

Signed .....

**[NAME]**

**[POSITION]**

on behalf of Cheshire West and Chester Council

Date: **[DATE]**

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# 1. INTRODUCTION

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## 1.1. PURPOSE OF THIS DOCUMENT

- 1.1.1. This draft Statement of Common Ground (SoCG) has been prepared by Liverpool Bay CCS Limited (the Applicant) and Cheshire West and Chester Council (CWCC).
- 1.1.2. For the purpose of this draft SoCG, the Applicant and CWCC will jointly be referred to as the 'Parties'.
- 1.1.3. The purpose of this draft SoCG is to set out the agreement that has been reached between the Parties in respect of a number of matters related to the Development Consent Order (DCO) Proposed Development. It also lists any points on which discussions are ongoing. SoCGs are an established means in the DCO planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination.
- 1.1.4. **Chapter 2** of this draft SoCG records the consultation undertaken with CWCC by the Applicant. **Chapter 3** of this draft SoCG sets out the areas of agreement in relation to the above matters, and any areas of ongoing discussion between the Parties.

## 1.2. THE DCO PROPOSED DEVELOPMENT

- 1.2.1. HyNet (the Project) is an innovative low carbon hydrogen and carbon capture, transport and storage project that will unlock a low carbon economy for the North West of England and North Wales and put the region at the forefront of the UK's drive to Net-Zero. The detail of the project and the DCO Proposed Development can be found in the main DCO documentation. The DCO Proposed Development and this SoCG relate to the onshore CO<sub>2</sub> pipeline element of HyNet only. Other elements of HyNet are subject to separate consenting processes and are not addressed here.
- 1.2.2. The DCO Proposed Development impacts CWCC as a local planning authority (LPA) and in respect of its land interests.
- 1.2.3. The Applicant has identified the following plots in which CWCC holds an interest:  
*10-01, 10-04, 10-04a, 10-06, 10-07, 10-11, 10-12, 10-15, 10-16, 10-17, 11-01, 11-06, 11-14, 12-05, 12-06, 2-04, 2-04a, 2-08, 2-09, 2-13, 3-01, 3-05, 3-13, 3-14, 3-15, 4-03, 4-04, 4-09, 4-10, 4-17, 4-18, 4-19, 5-09, 5-14, 5-20, 5-21, 5-22, 5-23, 5-24, 5-25, 5-26, 6-01, 6-09, 6-14, 6-15, 6-16, 6-17, 6-18, 6-19, 6-21, 6-22, 6-23, 6-24, 6-25, 6-26, 7-01, 7-05, 7-06, 7-07, 7-08, 8-07, 8-08, 8-11, 8-14*
- 1.2.4. A full description of the DCO Proposed Development is detailed in Chapter 3 of the Environmental Statement (ES) **[APP-055]**.

### 1.3. TERMINOLOGY

- 1.3.1. In the Issues tables in **Chapter 3** of this draft SoCG, 'Agreed' and 'Not Agreed' indicates a final position, and 'Under Discussion' indicates where these points will be the subject of on-going discussion wherever possible to resolve or refine, the extent of disagreement between the Parties.

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## 2. RECORD OF ENGAGEMENT

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- 2.1.1. This chapter provides a summary of the engagement undertaken to date between the Parties in relation to the DCO Proposed Development.

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**Table 2-1 – Record of Engagement in relation to the DCO Proposed Development**

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
07/04/2021	Joint Local Planning Authority (LPA) meeting between CWCC / Flintshire County Council (FCC) and the Applicant	<p><b>Key Topics and Outcome</b></p> <p>The Applicant gave a presentation on the CO<sub>2</sub> pipeline to introduce CWCC and FCC to the DCO Proposed Development, the project team, the DCO process, and elements of the project that would be subject to a Town and Country Planning Act (TCPA) application.</p> <p><b>Discussions and Outcomes</b></p> <p>The Applicant agreed to share a Schedule of Meetings and a Standing Agenda.</p> <p>LPAs agreed to provide key contacts to the Applicant.</p>
27/04/2021	Joint LPA meeting between CWCC and the Applicant	<p><b>Key Topics</b></p> <p>Discussion with CWCC on resourcing, information requests, programme update and non-statutory consultation.</p> <p><b>Discussions and Outcomes</b></p> <p>Dates of future joint LPA meetings to be arranged.</p>
14/05/2021	Meeting between CWCC transport team and the Applicant	<p><b>Key Topics</b></p> <p>Introduction to the DCO Proposed Development from a traffic and transport perspective.</p> <p><b>Discussions and Outcomes</b></p> <p>Applicant will follow up on survey locations and dates.</p>
26/05/2021	Joint LPA meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>Continued discussion on Freedom of Information (FoI) requests, programme update and changes to key dates, and non-statutory consultation (dates and details).</p> <p><b>Discussions and Outcomes</b></p> <p>CWCC was made aware of proposed dates and details of non-statutory consultation.</p>
27/05/2021	Joint meeting between Cheshire Archaeology, Clwyd Powys Archaeological Trust (CPAT), Historic England, Cadw and the Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Scope and assessment strategy for the cultural heritage assessments for the DCO.</li> <li>• Scope and strategy for geophysical survey.</li> </ul> <p><b>Discussions and Outcomes</b></p> <ul style="list-style-type: none"> <li>• The wider study area for designated assets was requested for Welsh sections of the DCO Proposed Development (3km).</li> <li>• Paleoenvironmental potential particularly in Gowy river valley. It was confirmed that paleoenvironmental potential is scoped into the assessment.</li> <li>• It was agreed that it will not be assumed that negative results on the geophysical survey means an absence of archaeological remains.</li> </ul>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
30/06/2021	Joint LPA meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>Update regarding non-statutory consultation, and updated GIS shapefile.</p> <p><b>Discussions and Outcomes</b></p> <p>CWCC confirmed its response to the Environmental Impact Assessment (EIA) Scoping Opinion consultation had been issued to the Planning Inspectorate ('the Inspectorate').</p>
12/07/2021	Meeting between CWCC and the Applicant	<p><b>Key Topics</b></p> <p>Presentation to CWCC officers on approaches to delegation and timescales.</p> <p><b>Discussions and Outcomes</b></p> <p>CWCC to review the action points from the presentation and respond accordingly.</p>
22/07/2021	Joint meeting between CWCC and FCC's ecologists and the Applicant's ecologists	<p><b>Key Topics</b></p> <p>Discussion on the approach to baseline surveys, Biodiversity Net Gain (BNG) and mitigation considerations.</p> <p><b>Discussions and Outcomes</b></p> <p>The scope of the BNG assessment and approach was agreed. In addition, CWCC recommended that any District Level Licences (DLL) discussions should include CWCC as the implementing body.</p>
28/07/2021	Joint LPA meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>Update on non-statutory consultation following its closure, discussion on EIA Scoping Opinion [document reference: APP-075] from the Inspectorate and next steps, and SoCG, (including explanation of process and provision of examples).</p> <p><b>Discussions and Outcomes</b></p> <p>Applicant agreed to send feedback report summarising non-statutory consultation to CWCC once drafted.</p> <p>Parties agreed that further meetings would be held with CWCC environmental specialists in relation to follow-up actions from the EIA Scoping Opinion [APP-075].</p> <p>Applicant explained the SoCG process to CWCC. CWCC explained the likely process for signing off SoCGs within the Council but agreed to confirm if any executive sign off would be required.</p>
08/09/2021	Joint LPA meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>Continued discussions relating to route options (Options I and G), and updates on Design Freeze 2 and associated environmental meetings.</p> <p><b>Discussions and Outcomes</b></p> <p>Applicant to provide update on constructability report exercise in relation to route options.</p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		Applicant to feedback any relevant outcomes of Design Freeze 2 to CWCC ahead of next meeting.
15/09/2021	Meeting between CWCC Environmental Protection Officer (EPO) and the Applicant	<p><b>Key Topics</b></p> <p>Meeting with CWCC EPO involving overview of the DCO Proposed Development, discussions relating to noise monitoring, noise data for construction and operation, and proposed assessment methodology.</p> <p><b>Discussions and Outcomes</b></p> <p>CWCC EPO was made aware of the DCO Proposed Development and welcomed opportunity to provide ongoing input throughout the DCO process. CWCC EPO agreed to the monitoring and assessment methodologies.</p>
29/09/2021	Joint LPA meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>Discussions on the progress of the Statement of Community Consultation (SoCC) and non-statutory consultation report, design update, updates on ground investigations work and a planning and environment update.</p> <p><b>Discussions and Outcomes</b></p> <p>Applicant to circulate the SoCC and non-statutory consultation report when these are drafted.</p> <p>Applicant informed CWCC that further engagement with CWCC council officers to inform the Preliminary Environmental Information Report (PEIR) and statutory consultation will be sought.</p> <p>Applicant informed CWCC that geotechnical investigations are starting in early October 2021 and this work will start in Flint and progress west to east from October to December 2021.</p> <p>Applicant informed CWCC that they are monitoring planning applications and are undertaking a review of the Energy National Policy Statement (NPS) which is out for consultation.</p>
02/11/2021	Meeting between CWCC and the Applicant	<p><b>Key Topics</b></p> <p>Discussions on the progress of the SoCC, updates on Design Freeze 2, update on timescales for statutory consultation and a planning and environment update.</p> <p><b>Discussions and Outcomes</b></p> <p>Applicant to circulate the SoCC and EIA methodology for the DCO cumulative assessment note when these have been drafted.</p> <p>Applicant informed CWCC that Design Freeze 2 took place in October 2021 and 'fixed' the consultation red-line boundary for the DCO Proposed Development.</p> <p>Applicant explained that that statutory consultation is now due to start in early February 2022 for a 6-week period.</p> <p>Applicant informed CWCC that work on the PEIR is being progressed for statutory consultation.</p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		CWCC informed the Applicant of a recent application where technical report text had been redacted and this had caused suspicion amongst residents. The Applicant noted this and said this will be avoided where possible.
11/11/2021	Meeting between CWCC transport team and the Applicant's transport and environment teams	<p><b>Key Topics</b></p> <p>Discussion on traffic survey locations included in the PEIR.</p> <p><b>Discussions and Outcomes</b></p> <p>Traffic survey locations to be referenced in the PEIR were considered by the Applicant to be appropriate and the collected survey data representative for assessment purposes.</p>
29/11/2021	Meeting between CWCC Planners and the Applicant	<p><b>Key Topics</b></p> <p>Discussion regarding the Mineral Resource Assessment (MRA) and mineral resources within the CWCC boundary.</p> <p><b>Discussions and Outcomes</b></p> <p>CWCC confirmed a MRA was required.</p>
08/12/2021	Joint LPA meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>Discussions on the progress of the SoCC, programme, update on statutory consultation and a planning and environment update.</p> <p><b>Discussions and Outcomes</b></p> <p>Applicant informed CWCC that a meeting on the DCO Proposed Development, consenting strategy and statutory consultation took place with the Inspectorate.</p> <p>Applicant informed CWCC that a meeting has taken place on the approach to aquatic surveys on the River Dee with Natural Resource Wales (NRW) and Natural England.</p>
14/12/2021	Meeting between CWCC and the Applicant's Landscape Specialist	<p><b>Key Topics</b></p> <p>Review of viewpoints for landscape assessment.</p> <p><b>Discussions and Outcomes</b></p> <p>Design to be reviewed to reduce impacts on mature trees.</p> <p>BNG to be discussed further when more information available.</p>
06/01/2022	Meeting between CWCC and the Applicant	<p><b>Key Topics</b></p> <p>Discussion on the DCO Proposed Development with senior representatives of CWCC.</p>
20/01/2022	Meeting between Cheshire and Warrington Local Enterprise Partnership and the Applicant	<p><b>Key Topics</b></p> <p>Presentation on the HyNet project, including the DCO Proposed Development.</p>
26/01/2022	Meeting between CWCC and Applicant's Land and Soils Specialist	<p><b>Key Topics</b></p> <p>Phase 1 Contaminated Land baseline and Ground Investigation discussion.</p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		<p><b>Discussions and Outcomes</b></p> <p>CWCC are satisfied with the Phase 1 Contaminated Land baseline conclusions and the proposed additional ground investigation locations.</p>
26/01/2022	Joint meeting between CWCC, Natural England and the Applicant	<p><b>Key Topics</b></p> <p>Great Crested Newt (GCN) District Licensing for England.</p> <p><b>Discussions and Outcomes</b></p> <p>The methodology for the GCN District Licensing for England was discussed and agreed upon.</p>
26/01/2022	Joint LPA meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>Discussions on the progress of the SoCC, programme, and a planning and environment update.</p> <p><b>Discussions and Outcomes</b></p> <p>Applicant informed CWCC that the s42 and s47 consultations will run from 9 February to 22 March 2022.</p> <p>Applicant informed CWCC that a development site south of Stanlow Refinery appears to have expanded further west than was understood to be consented. The Applicant asked CWCC if they were aware of any planning applications to extend this area.</p> <p>The Applicant informed CWCC that the PEIR is being prepared for Statutory Consultation in February 2022.</p> <p>Applicant informed CWCC that meetings with the LPAs on ground investigations and ecology are due to take place soon.</p>
01/03/22	Joint LPA meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>Discussions on the progress of the Statutory Consultation, programme, and a planning and environment update.</p> <p><b>Discussions and Outcomes</b></p> <p>Applicant informed CWCC of the progress of the Statutory Consultation and the types of responses being received.</p> <p>CWCC informed the Applicant that there does not appear to be a planning application for the site to the south of Stanlow Refinery and an enforcement action is underway.</p> <p>CWCC to send any information from Council Officers/Local Members who have been consulted on the Statutory Consultation to the Applicant via the HyNet Hub website.</p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
<p>01/03/2022</p> <p>14/03/2022</p> <p>14/04/2022</p> <p>04/05/2022</p> <p>11/05/2022</p> <p>18/05/2022</p>	<p>Email to CWCC (LLFA) from the Applicant</p>	<p><b>Key Topics</b></p> <p>Information request on ordinary watercourses, flood defences, previous flooding records, surface water drainage design criteria, sustainable drainage systems (SuDS) requirements, and other enquiries such as critical drainage area, groundwater flooding, etc.</p> <p><b>Discussions and Outcomes</b></p> <p>On 4 May 2022, CWCC indicated that there might need to be a charge to provide the information – the Applicant has received no further information despite further enquiries.</p>
<p>24/03/2022</p>	<p>Meeting between CWCC transport/planning team and the Applicant</p>	<p><b>Key Topics</b></p> <p>Discussions regarding transport and access.</p> <p><b>Discussions and Outcomes</b></p> <p>Applicant to provide detail of construction traffic routes, access locations, crossing points and diversions.</p>
<p>29/03/22</p>	<p>Joint LPA meeting between CWCC/FCC and the Applicant</p>	<p><b>Key Topics</b></p> <p>Discussions on the progress of the Statutory Consultation, programme, and a planning and environment update.</p> <p><b>Discussions and Outcomes</b></p> <p>Applicant informed CWCC of the response to the Statutory Consultation, which ended on 22 March 2022. The Applicant informed CWCC that they are currently reviewing all consultation responses received and their implications for design.</p> <p>CWCC informed the Applicant that the Council’s response to the consultation on the scheduled moated site at Elton should be looked at urgently and urged contact with Historic England. The Applicant will action this.</p> <p>The Applicant informed CWCC that the assessment for the DCO Proposed Development Environmental Statement (ES) will begin in April 2022.</p> <p>The Applicant informed CWCC of key meetings which have taken place/will take place with NRW, FCC and others.</p>
<p>27/04/22</p>	<p>Joint LPA meeting between CWCC/FCC and the Applicant</p>	<p><b>Key Topics</b></p> <p>A discussion on proposed targeted consultation, programme and a planning and environment update.</p> <p><b>Discussions and Outcomes</b></p> <p>Applicant informed CWCC about the proposed targeted consultation and agreed to send more information including on the size of the proposed changes to the design.</p> <p>CWCC were in general support of the targeted consultation approach but will review when further information is sent.</p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		CWCC explained that the Ince Above Ground Installation (AGI) is located at the edge of the green belt. CWCC explained that justification would be needed as to why it could not be placed outside of the green belt.
19/05/2022	Meeting between CWCC transport/planning team and the Applicant	<p><b>Key Topics</b></p> <p>Discussions regarding the latest design and construction design / programme.</p> <p>Discussions regarding the Transport Assessment Scope.</p> <p><b>Discussions and Outcomes</b></p> <p>Applicant to share the Transport Assessment Scoping Note with CWCC and CWCC agreed to respond.</p>
25/05/22	Joint LPA meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>A discussion on proposed targeted consultation, programme and a planning and environment update.</p> <p><b>Discussions and Outcomes</b></p> <p>CWCC agreed to the proposed targeted consultation strategy.</p> <p>CWCC agreed with the precautionary approach to some areas given survey access issues.</p>
22/06/2022	Joint LPA meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>A discussion on the consenting strategy, targeted consultation, programme and a planning and environment update.</p> <p><b>Discussions and Outcomes</b></p> <p>Applicant updated CWCC about the position on the consenting strategy.</p> <p>Applicant informed CWCC about the proposed targeted consultation and agreed to send a shapefile of the design changes.</p>
22/06/2022, 23/06/2022, 27/06/2022	Emails from the Applicant to CWCC	<p><b>Key Topics</b></p> <p>Geophysical survey report provided to CWCC.</p> <p><b>Discussions and Outcomes</b></p> <p>Comments on geophysical report received from CWCC on 23/06/2022, including a list of sites that required further archaeological evaluation. A further 1 geophysical site was provided by the Applicant to CWCC on 27 June 2022.</p>
04/07/2022	Meeting between CWCC and the Applicant	<p><b>Key Topics</b></p> <p>Discussions regarding the DCO Air Quality Assessment and methodology.</p> <p><b>Discussions and Outcomes</b></p> <p>CWCC agreed with the approach.</p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
12/07/2022	Email to CWCC and Canal & River Trust from the Applicant	<p><b>Key Topics</b></p> <p>To provide an update on the Landscape and Visual Impact Assessment (LVIA) due to changes to the design outlined in the PEIR.</p> <p><b>Discussions and Outcomes</b></p> <p>CWCC to review changes to the LVIA assessment. Call scheduled for 18 July 2022 to discuss CWCC's review.</p>
14/07/2022	Meeting between CWCC and the Applicant	<p><b>Key Topics</b></p> <p>Provide an update on survey results and mitigation plans.</p> <p>The approach for late submission of survey data post DCO submission.</p> <p><b>Discussions and Outcomes</b></p> <p>Updates on ecological surveys and the proposal for further surveys post DCO submission, alongside mitigation principles and approach were discussed and agreed upon. The Applicant will provide monthly updates to CWCC regarding the DCO Proposed Development and mitigation, which was welcomed by CWCC. The Applicant will re-engage to discuss BNG.</p>
18/07/2022	Meeting between CWCC and the Applicant	<p><b>Key Topics</b></p> <p>CWCC received an update on the LVIA outlining key changes to:</p> <ul style="list-style-type: none"> <li>- AGI maximum height increase from 4.5m to 5m due to the addition of roof-mounted fan casings;</li> <li>- Lighting columns decrease from 8m to 5m to reduce potential impacts;</li> <li>- Viewpoint plan and proposed photomontage locations; and</li> <li>- Mitigation principles and the assessment assumptions associated with them.</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>CWCC agreed that the increase in height of Kiosks and reduction in lighting column heights would have limited further impacts upon the assessment; CWCC agreed with the proposed viewpoint and photomontage locations. CWCC agreed with the Applicant's approach to mitigation and assessment assumptions associated with them.</p>
19/07/2022	Joint LPA meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>A discussion on proposed targeted consultation, programme and a planning and environment update.</p> <p><b>Discussions and Outcomes</b></p> <p>Applicant informed CWCC of the consultation responses and additional targeted consultation extension.</p> <p>Applicant informed CWCC that there were methodology updates from the PEIR to inform a worst-case scenario approach within the EIA.</p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		<p>Applicant explained that a number of control documents would be outlined at submission stage with detailed versions provided post-submission. This would include the Construction Environment Management Plans, multiple location phase/specific management plans, Archaeological Mitigation Strategy/Written Scheme of Investigation, Landscape and Ecology Management Plan (LEMP), Worker Travel Plan, Traffic Management Plan and an Operation and Maintenance Environmental Management Plan. These detailed versions would be provided to the LPAs for approval prior to the commencement of works.</p>
21/07/2022	Joint meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>Discussions regarding the approach to BNG.</p> <p><b>Discussions and Outcomes</b></p> <p>The BNG approach and methodology was discussed. This included the sources of habitat data and a tailored approach to the post development assessment. CWCC noted that the approach was logical and complimented the Applicant on a well thought through approach to the assessment. A discussion was held around offset requirements and the Applicant confirmed that early engagement with landowners is progressing.</p>
03/08/2022	Meeting between CWCC and the Applicant	<p><b>Key Topics</b></p> <p>Discussions regarding CWCC comments on the MRA.</p> <p>Discussions regarding additions for the second draft of the MRA.</p> <p><b>Discussions and Outcomes</b></p> <p>CWCC is satisfied with the Applicant's approach and agrees that the Applicant is providing additional commentary.</p> <p>Due to the upcoming DCO submission, CWCC agreed to raise any further queries in a timely manner upon receipt of the second draft.</p>
17/08/2022	Email from the Applicant to CWCC	<p><b>Key Topics</b></p> <p>The Applicant provided an explanation of the reasoning for scoping out agricultural land from the construction and decommissioning stages of the EIA process.</p> <p><b>Discussions and Outcomes</b></p> <p>Awaiting CWCC's review and request for a follow-up meeting.</p>
18/08/2022	Joint meeting between CWCC, Cadw, FCC, Royal Commission of Ancient and Historical Monuments and the Applicant	<p><b>Key Topics</b></p> <p>Update on status of application and archaeological fieldwork</p> <p><b>Discussions and Outcomes</b></p> <p>Discussions were held about lack of trenching pre-submission and guidance from the Welsh planning guide was provided for further discussion on the pre-determination evaluation process. Impacts on the scheduled moated site at Elton and historic hedgerows were also discussed, along with the geoarchaeological assessment.</p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
06/09/2022	Joint LPA meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>A discussion on proposed targeted consultation, programme and a planning and environment update.</p> <p><b>Discussions and Outcomes</b></p> <p>Applicant informed CWCC of the consultation responses.</p> <p>Applicant explained that a precautionary approach has been applied where land access has been restricted.</p>
06/09/2022	Joint LPA meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>A discussion regarding DCO overview, Draft DCO schedule 1, draft requirements and procedure to discharge requirements, Access and Rights of Way plans, road diversions and Other Consents and Licences.</p> <p><b>Discussions and Outcomes</b></p> <p>Follow up meeting to be arranged.</p>
19/10/2022	Joint LPA meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>A discussion on programme and a planning and environment update.</p> <p><b>Discussions and Outcomes</b></p> <p>Applicant noted that the Inspectorate requested the raw data of consultation responses, and this has been provided.</p> <p>Discussion on the key LPA inputs expected during the Acceptance and Pre-Examination periods.</p> <p>Applicant explained that it is aiming to secure BNG on priority habitats and would be keen to talk with the LPAs. Applicant also explained that a common position will be created across the DCO Proposed Development to deliver BNG, despite the difference in regimes across England and Wales, this will enable the Applicant to explain this effectively to stakeholders.</p>
02/11/2022	Joint LPA meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>Discussions regarding the powers in the Draft DCO of relevance to the LPAs and how these relate to the DCO Plans.</p> <p><b>Discussions and Outcomes</b></p> <p>The Applicant agreed that it can look at revising the Draft DCO wording for discharging requirements as discussed (further discussion to be held).</p> <p>The Applicant agreed to share the SoCG outlines in November 2022 with LPAs.</p> <p>The Applicant and CWCC agreed that a call ahead of the Preliminary Meeting to discuss the Draft DCO would be useful.</p>
09/11/2022	Meeting between Cheshire Archaeology Planning Advisory Service (CAPAS) and the Applicant	<p><b>Key Topics</b></p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		<p>Discussions regarding the cultural heritage sections of the DCO application.</p> <p><b>Discussions and Outcomes</b></p> <p>CWCC stated that the baseline was very thorough and that they were pleased to see the geoarchaeological assessment, and that the township boundaries were included in the mitigation. The Applicant stated that the targeted trenching would be undertaken to enable the results to be submitted during Examination. CWCC was pleased to hear this.</p> <p>CWCC confirmed that 2% trenching of the remaining area post-consent was reasonable and agreed that the purpose was to de-risk archaeology, and CWCC agreed that wholesale watching briefs would not be required.</p> <p>CWCC raised a point on the Draft DCO (Part 1 Section 10) that the final archaeological design would be approved by the LPA. This was not as they expected.</p>
11/11/2022	Meeting between CWCC Climate Change Strategy Manager and the Applicant	<p><b>Key Topics</b></p> <p>Discussions regarding the approach to BNG.</p> <p><b>Discussions and Outcomes</b></p> <p>An introduction to HyNet was given followed by discussions regarding Mersey Forest scheme possibility for BNG.</p>
08/12/2022 – 15/12/2022	Email correspondence with CWCC (CAPAS)	<p><b>Key Topics</b></p> <p>Archaeological written scheme of investigation (WSI) for the phase 1 trial trenching.</p> <p><b>Discussions and Outcomes</b></p> <p>Comments were made on the WSI and the text was amended or clarified accordingly. Reissued version was accepted.</p>
08/12/2022	Meeting between CWCC and FCC Ecologists and the Applicant	<p><b>Key Topics</b></p> <p>Discussion on proposed updated Ecology surveys.</p> <p><b>Discussions and Outcomes</b></p> <p>The Applicant provided a progress update on ecological surveys conducted post submission and survey requirements for 2023.</p>
14/12/2022	Joint LPA meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>A discussion on programme and a planning and environment update.</p> <p><b>Discussions and Outcomes</b></p> <p>Updates were provided to CWCC on the DCO programme and meetings the Applicant is holding with relevant stakeholders.</p>
18/01/2023	Joint LPA meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>A discussion on programme, and a planning and environment update.</p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		<p><b>Discussions and Outcomes</b></p> <p>The Applicant informed CWCC that ES updates to include additional ecology surveys is currently underway and is being prepared for an ES addendum.</p>
24/01/2023	Meeting between CWCC Green Infrastructure Lead and the Applicant	<p><b>Key Topics</b></p> <p>Discussions regarding the approach to BNG.</p> <p><b>Discussions and Outcomes</b></p> <p>An introduction to HyNet was given followed by initial discussions on BNG opportunities within CWCC.</p>
26/01/2023 – 27/01/2023	Email correspondence with CWCC (CAPAS)	<p><b>Key Topics</b></p> <p>Overarching archaeological written scheme of investigation (OAWSI).</p> <p><b>Discussions and Outcomes</b></p> <p>Clarification was requested on a few points which was provided and accepted.</p>
15/02/2023	Joint LPA meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>A discussion on programme and a planning and environment update.</p> <p><b>Discussions and Outcomes</b></p> <p>The Applicant aims to send the latest ecology surveys to CWCC ASAP.</p>
22/02/2023	Meeting between CWCC (ProW Officer) and the Applicant	<p><b>Key Topics</b></p> <p>Discussion on Picton Lane Bridleway with CWCC ProW officer.</p> <p><b>Discussions and Outcomes</b></p> <p>Applicant queried whether a 4x4 vehicle can be used along bridleway during operation/maintenance stage (landowner request). CWCC not able to grant increased rights along the bridleway – this is a landowner issue. Landowner will also need to be responsible for condition of track (i.e., any clearance or surfacing works).</p>
07/02/2023 – 03/03/2023	Email correspondence with CWCC (CAPAS)	<p><b>Key Topics</b></p> <p>Evaluation trench results and trench signoff for the Phase 1 archaeological trial trenching located within Cheshire (Trenches 1 to 29).</p> <p><b>Discussions and Outcomes</b></p> <p>The results of some of the trenches have been flagged for consideration in the mitigation strategy.</p>
02/03/2023	Meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>A discussion on the draft examination timetable dates in the Inspectorate’s Rule 6 letter.</p> <p><b>Discussions and Outcomes</b></p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		The parties discussed potential changes to the timetable. CWCC/FCC noted that w/c 30 <sup>th</sup> May is school holidays so changing Hearings dates to this week is not advised.
17/03/2023	Meeting between CWCC Green Infrastructure Lead and the Applicant	<p><b>Key Topics</b></p> <p>Discussions regarding an update to BNG.</p> <p><b>Discussions and Outcomes</b></p> <p>BNG updates were provided to CWCC on metrics and agreement templates.</p>
22/03/2023	Meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>Meeting to discuss the DCO Proposed Development Change Request.</p> <p><b>Discussions and Outcomes</b></p> <p>The Applicant shared the description of the proposed change, total number, affected documents and environmental impact summary with CWCC.</p>
24/03/2023	Joint LPA meeting between CWCC Emergency Planning (CWCC EP) team and the Applicant	<p><b>Key Topics</b></p> <p>Introductory discussion on HyNet Project, Emergency Planning and HSE engagement to date</p> <p><b>Discussions and Outcomes</b></p> <p>The Applicant agreed to share the presentation slides and HSE contact details with CWCC EP team.</p> <p>The CWCC EP team would like to be included in further discussions with HSE. Although HyNet not covered under PSR Regulations, there is the potential to have some sort of arrangement in Cheshire Emergency Response Plan subject to further discussions.</p>
31/03/2023	Meeting between CWCC and the Applicant	<p><b>Key Topics</b></p> <p>Draft SOCG catch up prior to deadline 1.</p> <p><b>Discussions and Outcomes</b></p> <p>The Applicant and CWCC reviewed the draft in advance of Deadline 1.</p>

### 3. ISSUES

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3.1.1. This chapter sets out the areas of agreement in relation to specific issues relating to the DCO Proposed Development, and any areas of ongoing discussion between the Parties. The topics discussed between the Applicant and CWCC are as follows:

- Engagement;
- Adequacy of Consultation;
- Planning Policy;
- Benefits of the DCO Proposed Development;
- Cultural Heritage;
- Biodiversity;
- Land and Soils;
- Landscape and Visual;
- Noise and Vibration;
- Traffic and Transport;
- Water Resources and Flood Risk;
- Population and Human Health;
- Cumulative Impacts;
- Issues related to the DCO Proposed Development – Draft DCO (including requirements to the Draft DCO); and
- Economic Impact

**Table 3-1 – Engagement**

Ref.	Description of Matter	Current Position	Status
<b>Engagement</b>			
<b>CWCC 3.1.1</b>	Engagement	The Parties agree that engagement has been ongoing in the pre-application period (as set out in the record of engagement) and the Applicant has sought to bring forward a design which has had regard to CWCC's views.  CWCC has been formally consulted on the application as required by the Planning Act 2008 (PA2008).	Agreed

**Table 3-2 – Adequacy of Consultation**

Ref.	Description of Matter	Current Position	Status
<b>CWCC 3.2.1</b>	Adequacy of Consultation	CWCC confirmed in the Adequacy of Consultation response on 6 <sup>th</sup> October 2022, that it is satisfied that consultation has been carried out in accordance with the requirements of paragraphs 42, 47 and 48 of the PA2008.	Agreed

**Table 3-3 – Planning Policy**

Ref.	Description of Matter	Current Position	Status
<b>CWCC 3.3.1</b>	Role of National Policy Statements (NPSs)	The Planning Act 2008 requires the SoS to determine applications having regard to any local impact report prepared by the relevant local planning authority; and matters prescribed in relation to development of the description to which the application relates; and any matters which the SoS thinks are both “important and relevant”.  CWCC local planning policy is a relevant and important consideration pursuant to section 105 of the PA2008.  While NPSs may not have effect in relation to projects determined under section 105, matters incorporated within them are nonetheless likely to constitute important and relevant considerations.	Under Discussion
<b>CWCC 3.3.2</b>	Local Planning Policy	The important and relevant local planning policy in CWCC is: <ul style="list-style-type: none"> <li>Cheshire West and Chester Local Plan (Part 1) Strategic Policies (adopted 2015);</li> <li>Cheshire West and Chester Local Plan (Part 2) Land Allocations and Detailed Policies (adopted 2019)</li> </ul> CWCC has noted a number of inconsistencies in the identification of policies, including an omission of Neighbourhood Plans (NP's), as well as the full consideration of a number of Local Plan Policies, including economic policies for the project's impact on existing businesses / operations including future expansions (standoffs / restrictions to the pipeline) and ecological network implications of Policy DM 44. CWCC has provided a complete list of omitted policies: <ul style="list-style-type: none"> <li>STRAT 4 'Ellesmere Port' refers to the key sites at Stanlow and Ince Park (which are close to the proposed Carbon Dioxide pipeline, a small part of the pipeline falls within Stanlow and the access falls within Protos). The potential impacts (or lack of negative impacts) on Stanlow and Ince Park (now known as 'Protos') should be considered. This is also covered by LPP2 policies EP 3 and EP 6, EP 1 which provide the settlement boundary linked to STRAT 4.</li> <li>STRAT 11 'Infrastructure' supports the provision of new infrastructure, including schemes intended to mitigate and adapt to climate change and any cross-boundary schemes necessary to deliver the priorities of the Local Plan where this will have no significant adverse impact on recognised environmental assets.</li> </ul>	Under Discussion

		<ul style="list-style-type: none"> <li>• SOC 5 'Health and wellbeing' identifies that development that gives rise to significant adverse impacts on health and quality of life (e.g. soil, noise, water, air or light pollution, and land instability etc) including residential amenity, will not be allowed.</li> <li>• EP6 'Ince Park' as the pipeline passes along the edge of this area and a small part of the access falls within the defined Protos boundary (EP 6).</li> <li>• DM 2 'Impact on residential amenity' as this identifies that development will only be supported where it does not result in a significant impact upon the residential amenity of the occupiers of existing properties.</li> <li>• DM 37 'Recreational routeways' identifies that development incorporating or adjacent to the following must protect and, wherever possible, enhance and extend: public rights of way, footpaths/bridleways, cycle routes, canals and waterways. This policy also identifies that re-routing should be avoided, but may be supported if the alternative route is acceptable and / or the re-routeing is for a temporary period.</li> </ul> <p>The Applicant has addressed these inconsistencies within the updated Planning Statement [APP-048] submitted at Deadline 1.</p>	
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**Table 3-4 – Benefits of the DCO Proposed Development**

Ref.	Description of Matter	Current Position	Status
<b>CWCC 3.4.1</b>	Wider benefits	<p>The Needs Case for DCO Proposed Development [APP-049] sets out the wider benefits of the DCO Proposed Development in terms of job creation. It also sets out the wider economic, environmental and social benefits of the Project.</p> <p>CWCC agree that the DCO Proposed Development demonstrates benefits for the climate and climate change.</p>	<b>Under Discussion</b>

**Table 3-5 – Cultural Heritage**

Ref.	Description of Matter	Current Position	Status
<b>CWCC 3.5.1</b>	Study Area	The study areas adopted by the Applicant in Chapter 8 – Cultural Heritage (Volume II) of the ES [APP-060] assessment are considered by the Applicant to reflect best practice and are proportionate. CWCC considers that the study areas are appropriate.	<b>Agreed</b>
<b>CWCC 3.5.2</b>	Methodology	The methodology in Chapter 8 – Cultural Heritage (Volume II) of the ES [APP-060] assessment reflects best practice and guidance. The methodology is appropriate.	<b>Agreed</b>
<b>CWCC 3.5.3</b>	Baseline data sources	The baseline data sources have been collated using desk-based and field-based techniques, through consultation with stakeholders, and are considered by the Applicant to reflect best practice. The scope, coverage, and timing of the surveys [APP-084 – APP-090] undertaken to inform the baseline conditions and sensitive receptors are in line with best practice and appropriate to inform the assessment of effects reported in the Cultural Heritage assessment [APP-060]. CWCC considers that the data sources used, and the evaluation undertaken are appropriate and that the baseline assessment is thorough.	<b>Agreed</b>
<b>CWCC 3.5.4</b>	Impact assessment	The impact assessment in Chapter 8 - Cultural Heritage (Volume II) of the ES [APP-060] has been undertaken in line with best practice and guidance. CWCC agrees that the conclusions of the impact assessment are appropriate.	<b>Agreed</b>

<b>CWCC 3.5.5</b>	Mitigation	<p>The mitigation strategy outlined in Chapter 8 - Cultural Heritage (Volume II) of the ES [APP-060] and the Outline Archaeological Written Scheme of Investigation (WSI): [APP-223] is considered by the Applicant to be in line with best practice and proportionate to the effects of the DCO Proposed Development.</p> <p>CWCC considers the mitigation strategy to be appropriate. The Draft DCO [AS-016] commits the Applicant to produce a detailed Archaeological WSI based on the Outline Archaeological WSI [APP-223].</p> <p>CWCC have requested that individual Heritage Impact Assessments are provided to provide a true impact of AGIs and BVSs. Details on impacts resulting from AGIs and BVSs and mitigation measures are outlined in the 2022 ES [APP-060].</p> <p>The Applicant has reviewed CWCC's request and is of the view that individual assessments are not necessary as no significant effects are being reported.</p>	Under Discussion
<b>CWCC 3.5.6</b>	Outline Written Scheme of Investigation (WSI)	<p>CWCC have raised that WSI for archaeology does not include a maintenance and watching brief to deal with areas that cannot be trenched or where there are suspicions that the trenching might not have fully defined the archaeological potential.</p> <p>The Applicant considers that the methodology for maintenance and watching brief included in Section 3.3.1 to 3.3.9 of the Outline Archaeological WSI [APP-223] is proportionate and deliverable. It is proposed that this could be applied for those areas where trial trenching is not possible or in areas of higher archaeological potential.</p> <p>Whilst a watching brief to deal with areas that cannot be trenched etc. this is the preferred position CWCC accepted that the proposed methodology for strip, map and sample outlined in Section 3.3.1 to 3.3.9 of the Outline Archaeological Written Scheme of Investigation (OAWSI) [APP-223] could be applied.</p>	Agreed

**Table 3-6 – Biodiversity**

Ref.	Description of Matter	Current Position	Status
<b>CWCC 3.6.1</b>	Mitigation	<p>A cross-border approach to mitigation was discussed during a meeting on 14 July 2022. No major issues were raised by CWCC on this approach but a preference for siting mitigation as close as possible to the impact site should be prioritised and suggested using the CWCC ecological networks and local policy plans as a basis for restoring habitats and providing suitable justification for locations. The Applicant advised that mitigation areas would be identified within the constraints of the Order Limits and would seek to tie in with and improve existing green infrastructure.</p>	Under Discussion
<b>CWCC 3.6.2</b>	Surveys	<p>CWCC has raised an issue in respect of the supporting biodiversity surveys including their strategy / extent (absence of surveys beyond the order boundary for barn owls and badgers), incomplete / missing survey data, as well as discrepancies in the provided survey data. CWCC has requested that this be updated with advanced notice provided to allow for an assessment.</p> <p>The Applicant can confirm that, as per discussions and communication with CWCC during a meeting held on 8th December 2022, further surveys for select receptors have taken place during preparation of the DCO Application. The results of outstanding and further surveys are presented within upcoming submission of Rev B documents. The Applicant recognises the need for CWCC to review the Rev B documents and would welcome any queries or discussions in due course. The Rev B documents were provided to CWCC on 3 March 2023.</p>	Under Discussion
<b>CWCC 3.6.3</b>	Biodiversity Net Gain (BNG)	<p>The parties are in active discussion to progress a BNG proposal.</p> <p>Further meetings took place regarding the approach to BNG as described in Chapter 2 of this SoCG. This included:</p>	Under Discussion

		<p>- Meeting on 11th November 2022 with the CWCC Climate Change Strategy Manager to provide HyNet introduction and discussions regarding Mersey Forest scheme possibility for BNG.</p> <p>- Meeting on 24th January 2023 with the CWCC Green Infrastructure Lead for provide an introduction to the HyNet CO<sub>2</sub> pipeline and initial discussions on BNG opportunities within CWCC.</p> <p>- Meeting on 17th March 2023 with the CWCC Green Infrastructure Lead regarding a BNG update on metrics and agreement of templates.</p>	
<b>CWCC 3.6.4</b>	Local Wildlife Sites (LWS)	<p>CWCC seeks clarification on a matter regarding replacement trees which cannot be planted within 12m either side of the pipeline and how this impacts the mitigation, compensation and enhancement for Local Wildlife Sites (LWS) and overall habitat connectivity, including the provision of any required long-term management, which appears to be absent from any proposed mitigation.</p> <p>The Applicant confirms that the mitigation strategy for LWS is outlined in Outline CEMP <b>[AS-055]</b> and Chapter 9 – Biodiversity <b>[AS-025]</b>. Further information on the Applicant’s approach to the LWS and replacement trees has been provided in the Applicant’s Response to Relevant Representations (document reference: <b>D.7.8</b>).</p>	Under Discussion

**Table 3-7 – Land and Soils**

Ref.	Description of Matter	Current Position	Status
<b>CWCC 3.7.1</b>	Phase I Report	CWCC confirmed that the Phase 1 Report was satisfactory during a meeting on 26 January 2022.	Agreed
<b>CWCC 3.7.2</b>	Additional Ground Investigation	CWCC is satisfied with the scope and extent of the proposed additional ground investigation, but subject to the inclusion of remediation validation / verification reporting in the OCEMP <b>[AS-055]</b> for the additional ground investigations. The Applicant has agreed to amend the wording of DCO Requirement 9 to state that a Remediation Verification Report has to be submitted.	Agreed
<b>CWCC 3.7.3</b>	Unidentified Contamination	CWAC requests the inclusion of remediation validation / verification reporting in the wording of DCO Requirement 9.	Under Discussion
<b>CWCC 3.7.4</b>	Mineral Safeguarding	CWAC requests the inclusion of a mineral management /safeguarding plan should form part of the wording of DCO Requirement 5.	Under Discussion

**Table 3-8 – Landscape and Visual**

Ref.	Description of Matter	Current Position	Status
<b>CWCC 3.8.1</b>	Viewpoint selection	CWCC has provided confirmation that the proposed viewpoint and photomontage locations are acceptable.	Agreed
<b>CWCC 3.9.2</b>	Mitigation	CWCC requested further discussion on BNG and replacements for any trees and hedges that will be lost as a result of the works. This was provided by the Applicant. There are ongoing discussions around mitigation between the Parties.	Under Discussion
<b>CWCC 3.9.2</b>	Mitigation – loss of veteran trees	CWCC asks that all avenues (micro-sighting / trenchless options) are explored before any veteran trees are removed. CWCC identifies the potential loss of up to 6 veteran trees of significant concern. Veteran trees are irreplaceable, and their loss	Under Discussion

		<p>cannot be mitigated against. Any losses should be avoided wherever possible, and all options explored fully before any consideration should be given to their loss.</p> <p>The Applicant has explored options to reduce the potential environmental impact and has held further discussions with the concerned landowner.</p> <p>The Applicant has submitted a Change Request Notification <b>[AS-060]</b> to the Planning Inspectorate on 27 March 2023 which proposes to amend the Order Limits to reduce the impact of the DCO Proposed Development on veteran trees. The extension of the Order Limits to the north will avoid loss of veteran trees as far as practicable. No new ownership interests would be affected by the proposals as the proposed new location is within the same ownership as currently. This change has been discussed with CWCC at a meeting on 22 March 2023.</p>	
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**Table 3-9 – Noise and Vibration**

<b>Ref.</b>	<b>Description of Matter</b>	<b>Current Position</b>	<b>Status</b>
<b>CWCC 3.9.1</b>	Baseline Noise Monitoring	The overall approach to the baseline noise monitoring is agreed.	Agreed
<b>CWCC 3.9.2</b>	Construction Noise and Vibration Assessment	The overall approach to the noise and vibration assessment during the construction and decommission phases is in accordance with BS5228, Parts 1&2 (2009) + A1:2014 is agreed.	Agreed
<b>CWCC 3.9.3</b>	Construction Hours	<p>CWCC raised issue with the provisions under DCO Requirement no. 13 (Construction Hours) in respect the exceptions to normal construction hours.</p> <p>The definition of “emergency” is questioned as is the allowance for works required to mitigate delays as a result of bad weather.</p> <p>Where any uninterruptable works are required (i.e., for trenchless crossings) CWCC are of the view this should only occur where a scheme to mitigate any unacceptable harm has been approved.</p> <p>DCO Requirement 13. Subpara. (4) – provides that “nothing in subpara. (1) preclude oversized deliveries and the undertaking on non-intrusive events”. CWCC advise that they would accept the requirements of over-sized deliveries as these are out of the control of the Applicant, but non-intrusive events as defined by subpara. (5) would need further clarification and tighter links to prevailing noise limits and most importantly the character of the noise, duration, frequency, maximum levels as part of a Scheme to be approved.</p>	Under Discussion
<b>CWCC 3.9.4</b>	Operational Noise Assessment	The overall approach to the noise assessment during the operational phase is in accordance with BS 4142:2014+A1:2019 and was agreed on 15 September 2021.	Agreed
<b>CWCC 3.9.5</b>	Operational Vibration Assessment	The Applicant has scoped out operational vibration assessment from the EIA on the basis that the operation of the new equipment included in the AGIs and Block Valve Stations (BVSs) is not expected to give rise to a significant effect at the nearest sensitive receptor in terms of vibration, this agreed as acceptable between the Parties.	Agreed

**Table 3-10 – Traffic and Transport**

Ref.	Description of Matter	Current Position	Status
<b>CWCC 3.10.1</b>	Definition of Heavy Goods Vehicles (HGV) and Light Goods Vehicles (LGV)	For the purposes of the DCO Proposed Development submission, an HGV is defined as being in excess of 3.5 tonnes and an LGV is a vehicle weighing less than 3.5 tonnes.	Agreed
<b>CWCC 3.10.2</b>	Definition of temporary access	A temporary access location will be designed and constructed to accommodate the most onerous vehicle type and manoeuvres required for construction.	Agreed
<b>CWCC 3.10.3</b>	Suitability of survey data	Traffic surveys undertaken in 2021 were agreed as being acceptable based on guidance in National Highways Advice Note dated 30 <sup>th</sup> July 2021, which established that the effects of the Covid-19 Pandemic and their impact on traffic flows could be mitigated by collecting a 14-day sample. Subsequent data in 2022 has been collected for a 7-day period and is considered by the Applicant to be a representative baseline suitable for assessment purposes.	Agreed
<b>CWCC 3.10.4</b>	Principles of construction traffic routing	Construction traffic routes have been identified as being appropriate due to their accessibility to the Strategic Road Network (SRN), their geometry, capacity and where they limit disruption to human receptors and other road users. Where this is difficult to achieve, suitable mitigation measures have been documented in the Outline Construction Traffic Management Plan <b>[APP-224]</b> with justification detailed.	Agreed
<b>CWCC 3.10.6</b>	Construction techniques	Trenchless installation techniques to be used where specified in the crossing register to limit the need for closures of roads.	Agreed
<b>CWCC 3.10.7</b>	Scope of assessment	No individual junction assessments are required due to the volumes of traffic in peak periods being within agreed thresholds (less than 30 two-way trips during the peak months (August 2024 Project Peak Month)).	Agreed
<b>CWCC 3.10.8</b>	EIA assessment conclusions	Chapter 17 – Traffic and Transport (Volume II) of the ES <b>[APP-069]</b> and the further detailed assessment included within the Transport Assessment <b>[APP-161]</b> enable the conclusion to be drawn that the residual traffic and transport effects of the DCO Proposed Development are not significant	Agreed

**Table 3-11 – Water Resources and Flood Risk**

Ref.	Description of Matter	Current Position	Status
<b>CWCC 3.11.1</b>	Preliminary Environmental Impact Report	Full CWCC response to PEIR provided as part of the s42 statutory consultation in 2022. CWCC comments are noted and have been taken account of in the DCO Proposed Development application.  Table 18.1 in Chapter 18 (Water Resources and Flood Risk) of the 2022 ES <b>[APP-070]</b> provides a summary of the consultation undertaken with stakeholders (including CWCC) to inform the water resources and flood risk assessment to date.	Under Discussion

**Table 3-12 – Population and Human Health**

Ref.	Description of Matter	Current Position	Status
<b>CWCC 3.12.1</b>	Drainage and waterlogging	CWCC has noted that several footpaths in the borough, including those affected by the proposed works to the south of the M53 (Wervin and Wimbolds Trafford Works nos. 13 -15), are prone to drainage and waterlogging issues.  CWCC comments are noted. The Applicant has considered the impacts of the increase in surface water flood risk in the Outline Surface Water Drainage Strategy <b>[APP 241 to 245]</b> and in a Flood Risk Assessment (FRA) <b>[APP-167 to App-168]</b> .	<b>Under Discussion</b>
<b>CWCC 3.12.1</b>	Public Rights of Way	The Applicant has discussed the approach to diversions and closures of PRow with CWCC who have confirmed their agreement in principle for diversions (see Statements of Common Ground (SoCGs) –D.7.2.2.  The Applicant intends to provide a Public Rights or Way Management Plan (PROWMP) (at deadline 1) and will act as a working document during the construction of the DCO Proposed Development to include information on each PRow closure to be signed off by the relevant highway authority at the appropriate time.  With CWCC the following PRow have been identified:  <ul style="list-style-type: none"> <li>- 123/FP3/1, Elton FP3</li> <li>- 123/FP5/1, Elton FP5</li> <li>- 294/FP2/1, Thornton-le-Moors FP2</li> <li>- 318/FP1/1, Wimbolds Trafford FP1</li> <li>- 309/FP1/2 , Wervin FP1</li> <li>- 309/FP3/1, Wervin FP3</li> <li>- 211/FP4/1, Mollington FP4</li> </ul>	<b>Under Discussion</b>

**Table 3-13 – Cumulative Impacts**

Ref.	Description of Matter	Current Position	Status
<b>CWCC 3.13.1</b>	Cumulative Impacts	CWCC has requested the Applicant to consider the combined effects with other NSIPs such as the Cadent Hydrogen Pipeline project including its pipeline location and HAGIs, which would have potential for physical overlap especially near to the HPP plan and offshoot to the Protos Site. The Applicant has considered the combined effects with other NSIPs, including the Cadent Hydrogen Pipeline, in Chapter 19 Combined and Cumulative Effects <b>[APP-071]</b> and Table 1 of Appendix 19.1 of the 2022 ES <b>[APP-172]</b> .	<b>Under Discussion</b>

**Table 3-14 – Issues related to the DCO Proposed Development - Draft DCO (including requirements to the draft DCO)**

Ref.	Description of Matter	Current Position	Status
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<p><b>CWCC 3.14.1</b></p>	<p>Disapplication of legislation</p>	<p>CWCC raises issues with respect to the proposed wording and appropriateness of its provisions including the principal powers, the content and wording of the suggested requirements and the unrealistic proposed process timescales relating to applications made under the requirements.</p> <p>These include but are not limited to the following (<i>Applicant comments also provided below in italics</i>):</p> <ul style="list-style-type: none"> <li>• Clarification in respect of the defence to proceedings and arbitration in respect of statutory nuisance for noise and its interplay with existing statute (DCO Part 2 (Principal Powers) Article 9). <i>The Applicant would refer CWCC to the Explanatory Memorandum [APP-025] which describes that this provision exists solely to extend the statutory nuisance defences created by s158 of the Planning Act 2008 to actions brought by persons other than the local authority. Article 9 entirely relates to those actions brought by “persons aggrieved”, not the local authority- and therefore has no effect on the local authority’s powers or position. The Applicant is happy to discuss further to clarify this issue.</i></li> <li>• The Construction Environmental Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP) provisions under requirements 5 and 11 are considered too vague. More clarification of the inclusions for each are needed, and in particular direct reference for mineral safeguarding, the protection and replacement planting of all significant trees and hedgerows (not just ancient woodland), heritage mitigation as well as clear biodiversity considerations including survey reporting and monitoring strategies. <i>The Applicant suggests that further discussion is required on this point to understand CWCC’s position.</i></li> <li>• Further to the above a definition of “existing features” in requirement 11 (2)(d) is needed. The definition of “emergency” and “non-intrusive” within Schedule 2 requirement 13 (Construction Hours) has been raised. <i>The Applicant confirms this will be reviewed and amended if required to make this clearer.</i></li> <li>• The proposed exceptions and definitions in relation to the proposed construction working hours under Requirement 12 (1-5) are not considered acceptable. <i>The Applicant suggests that further discussion is required on this point to understand CWCC’s position. Note that 24-hour working is covered in DCO requirement 13, not requirement 12.</i></li> <li>• There is the need for detailed restoration plans including aftercare under requirements 15 and 16. <i>The Applicant suggests that further discussion is required on this point to understand CWCC’s position. The Applicant is of the view that a separate DCO requirement is not required for aftercare, as this is already covered by the DCO plans.</i></li> <li>• Clarification of timescales for notifications and decisions under the proposed requirements and discharge of requirements – 42 days? <i>Further discussion required. The Applicant has asked CWCC if they would be willing to potentially enter into a PPA to allow them to engage in detailed pre-application discussion on the matters to be approved before they are submitted, including discussions with specialist colleagues, with the joint aim of identifying and resolving any further issues before applications for approval under requirement are made. This would be to support an aim of agreeing the shortest practicable period for determination of approvals.</i></li> <li>• The proposed 5/21-day notification periods for the request for further information under Schedule 2 Part 2 Article 21 (2-4) is not considered acceptable <i>The Applicant suggests that further discussion is required on this point to understand CWCC’s position. The Applicant notes that these timescales are commonly included in DCOs.</i></li> <li>• Clarification is sought in relation to Schedule 12 (Arbitration Rules) as the Environmental Protection Act 1990 (EPA) and Control of Pollution Act 1974 (COPA) have existing legally defined routes to recourse. <i>The Applicant confirms that the arbitration provision relates to disputes under the DCO and does not affect any mechanism under the EPA or COPA.</i></li> <li>• Clarification is sought on whether the proposed DCO is based on legislation that contains powers to “over-ride” other existing statute. Referring specifically to paragraph 3 to 8 of the draft DCO, CWCC submitted that it is not clear whether the draft DCO has the authority to override either the Control of Pollution Act 1974 and the Environmental Protection Act 1990. <i>The Applicant notes that, on the point of DCO scope in general, the Planning Act explicitly allows for the</i></li> </ul>	<p>Under Discussion</p>
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<p><b>CWCC 3.14.2</b></p>	<p>Biodiversity Impact</p>	<p>CWCC's Natural Environment Team have reviewed the biodiversity impacts within the draft DCO [APP-024] and raised the following comments:</p> <ul style="list-style-type: none"> <li>• <b>Part 4</b> refers only to “main rivers” rather than inclusive to ordinary watercourses for the discharge of water. <i>The Applicant is unclear if this is intended to refer to Article 19(5)? The reference in Article 19(5) is intended to be main rivers only, crossing other watercourses are consented by the DCO so would not be included in this Article;</i></li> <li>• <b>Part 6</b> regarding the felling or lopping of trees and removal of hedgerows should include reference to necessary ecological surveys and licenses. <i>The Applicant requires more information to respond to this comment. Licences are not required because the DCO provides the consent. Surveys are secured where required in the requirement, not the Articles. The Applicant would recommend the contents of the outline plans are reviewed and CWCC provide further details of their position;</i></li> <li>• <b>Schedule 1</b> does not include reference to biodiversity or consideration of requirements. <i>The Applicant notes this is correct, this is the list of descriptions of works only, the schedules cannot be read in isolation, requirements are in schedule 2;</i></li> <li>• <b>Schedule 2, Part 5 (CEMP)</b> does not include biodiversity within the list of requirements. <i>The Applicant advises this will be provided in the LEMP;</i></li> <li>• <b>Schedule 2, Part 11 (LEMP)</b> should include updated survey, reporting to the appropriate bodies and monitoring strategies. <i>The Applicant advises that as part of the LEMP there would be a survey/monitoring requirement and associated reporting of such, which can be provided to relevant bodies. This would be expanded on in a detailed LEMP;</i></li> <li>• <b>Schedule 2, Part 12 (Ecological Surveys)</b> is inclusive to European sites alone and international sites and nationally protected habitats and species should also be included. Non-statutory sites (Local Wildlife Sites) as well if appropriate. Mitigation, compensation and obtaining appropriate licences if required, should also be stipulated here. <i>The Applicant would refer CWCC to the response above in Table 3-6 on surveys (CWCC 3.6.2);</i></li> <li>• <b>Schedule 2, Part 15 (Restoration of Land)</b> should be restricted to restoration within 12 months of the works completed by section or phase, not the whole project, as that will increase the time to restoration of habitats. <i>The Applicant suggests that further discussion is required on this point to understand CWCC’s position;</i></li> <li>• <b>Schedule 2, Part 16 (Post Construction)</b> should specifically mention ecological monitoring and surveys. <i>The Applicant suggests that further discussion is required on this point to understand CWCC’s position;</i></li> <li>• <b>Schedule 2 (Removal of Hedgerows)</b> is limited with no strategy to assess the hedgerows referred to. <i>The Applicant suggests that further discussion is required on this point to understand CWCC’s position;</i></li> </ul> <p>The Applicant is in regular communication with the local authority on the draft DCO.</p>	<p>Under Discussion</p>

<b>CWCC 3.14.3</b>	Protective Provisions	Schedule 10 Part 7 of dDCO (CWCC legal team will be reviewing) – road condition surveys	Under Discussion
<b>CWCC 3.14.4</b>	DCO Requirements	The Parties are still in discussion on this point.	Under Discussion
<b>CWCC 3.14.5</b>	Compulsory Purchase	The Parties are still in discussion on this point.	Under Discussion
<b>CWCC 3.14.6</b>	Street Works	The Parties are still in discussion on this point.	Under Discussion
<b>CWCC 3.14.7</b>	Traffic Regulations	The Parties are still in discussion on this point.	Under Discussion

**Table 3-15 – Economic Impact**

<b>Ref.</b>	<b>Description of Matter</b>	<b>Current Position</b>	<b>Status</b>
<b>CWCC 3.15.1</b>	Economic Impact (Protos)	<p>CWCC identifies that the DCO boundary incorporates a permanent access for Ince AGI (work no.3) through the economic safeguarded site of Ince Park (Protos). Maintaining this access has a direct impact by cutting across a plot and building of the approved Protos Plastics Park (no. 21/04076/FUL). Without resolution of this matter CWCC has concerns regarding the ability to deliver the development and the resulting economic impact on the area.</p> <p>CWCC asked that clear consideration be given of impacts if both DCO projects were to commence together, including working arrangements to be secured in the CEMP.</p>	Under Discussion