



Cheshire West
and Chester

HyNet Carbon Dioxide Pipeline DCO

Local Impact Report - Cheshire West and Chester Council

APPLICATION REFERENCE: EN070007

DATE: 26 April 2023

1 INTRODUCTION

- 1.1 Cheshire West and Chester Council (**the Council**) is one of the host authorities for the for Liverpool Bay CCS Limited's (**the Applicant**) application for a development consent order for the HyNet Carbon Dioxide Pipeline project (**the Project**)
- 1.2 This document is the Council's Local Impact Report (LIR), submitted at Deadline 1A of the Examination into the development consent order (**DCO**). The Council's Local Impact Report (**LIR**) provides details of the likely impacts of the Project within the Council's area and identifies relevant Policies of the Statutory Local Development Plan (**LDP**), constraints, designations.

2 SITE DESCRIPTION AND SURROUNDINGS / LOCATION

- 2.1 The DCO limits cover two administrative areas within two local planning authority/ local highway authorities and therefore both Flintshire County Council and Cheshire West and Chester Council are host authorities for the purposes of the DCO.
- 2.2 The DCO limits within Cheshire West and Chester run from the industrial / employment areas in the north of the Borough near to the settlements of Stanlow, Elton and Thornton-le-moors to the West through mostly open agricultural farmland / countryside and within the designated North Cheshire Green Belt, before it crosses the border to Wales (Flintshire) at the to the southwest of the settlement of Saughall.
- 2.3 The DCO limits, whilst avoiding the main settlements, passes close to the settlements of Elton, Backford, Mollington and Saughall. Due to the proximity to residential properties immediately adjacent to and St Oswalds Primary School within 20m of the DCO limits, Mollington has the potential for the most significant local impacts especially during the construction works.
- 2.4 The site crosses a number of key transport routes including:
- M53 and M56 motorway
 - A5117, A41 and A56
 - Local rail lines
- 2.5 The DCO limits cross several watercourses including the River Gowy and Shropshire Union Canal as well as a number of smaller tributaries and drainage features.

3 DETAILS OF THE PROPOSAL

- 3.1 The development in the Borough of Cheshire West and Chester (CWAC) would consist of the installation of an underground pipeline to carry carbon dioxide and access. In addition to the pipeline the development includes access and four permanent above ground developments, two Above Ground Installations (AGIs) at

Stanlow and Ince and two Block Valve (BV) compounds at Rock Bank and Mollington.

- 3.2 Construction operations would involve a number of temporary compounds including trenchless crossings compounds as well as central compounds to allow the pipeline to be constructed.

4 RELEVANT PLANNING HISTORY

- 4.1 A spreadsheet is appended to this LIR at Appendix A setting out details of the current planning applications and live planning permissions within the DCO limits and within the wider 500m buffer. This includes major applications and applications for new dwellings or other buildings or conversion of existing buildings that could be affected by the pipeline proposals. Please note that Appendix A does not include householder applications.

5 RELEVANT DEVELOPMENT PLANNING POLICIES

The Statutory Local Development Plan (LDP)

- 5.1 The relevant LDP Policies include the Strategic Policies of the Cheshire West and Chester Council Local Plan (Part One) (LP1) and the Land Allocations and Detailed Policies of the Cheshire West and Chester Council Local Plan (Part Two) (LP2). Neighbourhood Plans should also be taken into consideration including emerging plans.
- 5.2 A list of relevant LDP Policies has been provided within the Applicant's Planning Statement, Table B4 [APP-048]. The LDP should be read as a whole and many of the policies contained within the plan are relevant to the Project. Due to the nature and location of the proposal, the key issues and policies to consider include: sustainable development (STRAT 1), Green Belt and countryside (STRAT 9, GBC 1), landscape (ENV 2), air quality (DM 31), transport (STRAT 10), noise (DM 30), biodiversity (ENV 4, DM 44), flood risk (ENV 1, DM 40), historic environment (ENV 5, DM 46, DM 47, DM 48, DM 50), high quality design and sustainable construction (ENV 6), alternative energy supplies (ENV 7), managing waste (ENV 8) and minerals (ENV 9, DM 4). These policies have been referenced in the Planning Statement [APP-048].
- 5.3 The Council notes that some relevant LDP Policies are missing from Table B4 'Planning policy compliance assessment: local planning policy (Cheshire West and Chester)' [APP-048], as follows:
- 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.

- 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 LDP where this will have no significant adverse impact on recognised environmental assets.
- 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.
- 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).
- 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.
- 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.

5.4 The route passes through and near to several made and emerging Neighbourhood Plan areas which should also be taken into consideration as their 'made' policies form part of the LDP. It is noted that the submitted planning statement omits consideration of emerging plans. There is a made Neighbourhood Plan covering the Upton-by-Chester area and Helsby area and Neighbourhood Plans are currently under preparation for Frodsham, Ince, Dunham on the Hill and Hapsford and Mickle Trafford and District. More information about Neighbourhood Plans is available at: [Cheshire West and Chester Council - Neighbourhood Planning](#).

6 ECONOMIC IMPACTS

6.1 The strategic policies of the LDP promote sustainable economic growth in the Borough and wider sub-region, supporting existing businesses, encouraging indigenous business growth and attracting new inward investment. The creation of new job opportunities across a range of sectors is supported.

6.2 The LDP seeks to deliver 365ha employment land over the period 2010-2030 through the identification of key sites and employment land allocations, to provide for a range of types and sizes of industry. The majority of the borough's employment

land is located in and around Ellesmere Port. Key employment locations essential to meeting future economic growth include the Stanlow (Essar) and Ince Park (now known as Protos, identified for resource recovery and waste developments) (Policies ECON1, ENV8, STRAT4, EP3, EP6 apply).

- 6.3 In line with the LDP, the Council recognises the wider economic benefits of the Project together with the benefits of the 'HyNet Northwest' (a scheme for the creation of infrastructure to produce, transport and store low carbon hydrogen across the North West and Wales), which this Project forms one element of, through the creation of new job opportunities and support for existing businesses across a wide range of sectors.
- 6.4 In terms of the local context, the LDP facilitates employment uses in Ellesmere Port and surrounding area, including the industrial areas Stanlow and Ince, and makes provision for transport and other infrastructure improvements. To meet strategic development requirements, land adjacent to Encirc Glass is allocated in the LDP for employment use (EP2 and EP2.A) together with land at Station Rd Ince (EP2 and EP2.G). Thornton Science Park (EP5), which is part of the University of Chester, is also located within the Stanlow Refinery boundary and has a close functional relationship with established industries in the wider area.
- 6.5 Some of the borough's major employers are in the vicinity of the pipeline in Ellesmere Port and Ince areas. One of the major employers immediately adjacent to the Project, CF Fertilisers, announced closure in 2022. The LDP supports refurbishment/enhancement of the site for continued economic use. The main employment areas to the east of Ellesmere Port town centre and the M53, are within the settlement boundary for Ellesmere Port and bounded by Green Belt. LDP Policy requires all development proposals in Ellesmere Port be compatible with the retained employment uses in the locality and would be supported where they would not limit the range, choice and quality of employment sites available to meet future employment needs.
- 6.6 The Planning Statement, Table B4 Planning Policy Compliance Assessment for CWAC Local Plan [APP-048], does not identify that part of the DCO limits fall within an area of land allocated to meet the strategic requirement for new employment development in Ellesmere Port: Policy EP2/EP2.A land at Encirc Glass Ltd (34 hectares, use classes B1, B2, B8) or Protos (Ince Park).
- 6.7 The Project includes a permanent access route at Grinsome Road roundabout shown on plans EN070007-D.2.4-WP-Sheet 1, (work.no.3) [AS-12] which passes through the Protos (Ince Park) development site. This site is safeguarded under LDP Policies ENV8, STRAT4, ECON1 and EP6 for employment uses. Policy ECON1 details that 'Protos' site is a key employment location identified in the LDP which is safeguarded as essential to meeting the future economic growth.
- 6.8 As part of the wider Protos (Ince Park) development, the masterplan of a recently approved Plastics Park (planning application no. 21/04076/FUL) shown in figure

6.1. Project 'work.no3' runs directly through plot 11 and building of the approved plastics park masterplan see figure 6.1 below, effectively sterilising this part of the site.

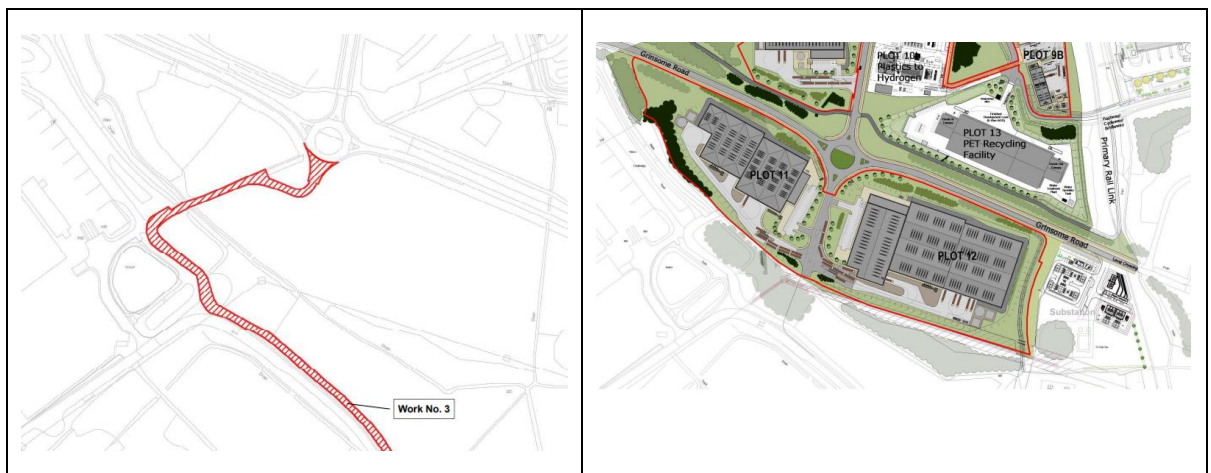


Figure 6.1 – Extract of the Ince Park Plastics Masterplan - Drawing Number: 20039-FRA-XX-00-DR-A-90-0005 P2 approved under application no. 21/04076/FUL and works no.3, EN070007-D.2.4-WP-Sheet 1 [AS-012].

- 6.9 By sterilising part of approved development which falls within an area safeguarded for economic / employment uses in the LDP, the Council highlights the Project's potential for adverse local economic impacts.
- 6.10 The Council highlights the potential for local impacts on existing businesses/operations or future expansion redevelopment plans, such as at Protos, Encirc and CF Fertilisers sites, which can, as outlined above, be directly affected by the Project and indirectly by any potential future Safeguarding Directions placed on the land. NPPF paragraph 187 (agent of change) states this is to ensure existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. The Council note that Document D4.1.1 [APP-028] states that negotiations by the Applicant are ongoing with Encirc and Peel NRE.

7 AIR QUALITY (ES CHAPETER 6)

- 7.1 ES Chapter 6 [APP-058] provides an assessment of air quality and identifies effects upon the four identified AQMAs in Cheshire West and Chester and from dust and odour impacts from construction, operation and decommissioning, including during any venting events.
- 7.2 The Council is in general agreement with the scope of assessments as part of the submitted air quality assessment including the summary of residual effects in table 6.11 [APP-058].

- 7.3 The Council is pleased to note the inclusion of the risk assessment detailed in Appendix 6-2 [APP-082] which assesses and informs emergency venting at the above ground installations. Noting the size of the block valves stations where venting may also occur and the chosen construction corridor, the Council therefore consider that this matter has been adequately addressed.
- 7.4 The Council advise that the impacts from construction dust has been adequately addressed in the Construction Dust Assessment [APP-081] and, considering the measures provided within the Outline Construction Management Plan (OCEMP) [AS-055] and REAC [AS-054], adequate mitigation can be provided but subject to approval of the final CEMP under the Requirements of the DCO.

8 CLIMATE RESILIENCE (ES CHAPTER 7)

- 8.1 The Council recognises the Project's climate change credentials and consider the measures proposed in the ES, in respect climate resilience, to be comprehensive.

9 CULTURAL HERITAGE (ES CHAPTER 8)

Conservation

- 9.1 In accordance with the LDP the development proposal should carefully consider the existing townscapes, local landmarks and skylines, the contribution that open area make to the special character and appearance of any conservation areas.
- 9.2 Within the DCO limits, there is a single scheduled monument: the late medieval moated site, fishpond and connecting channel at Elton, along with two conservation areas (Thornton-le-Moors and Chester Canal – West) within which are several listed structures. A complete list of individual heritage features in the area of influence is provided within the Gazetteer of Heritage Assets in Appendix 8.2 [APP-087].
- 9.3 The Council highlights the potential for impacts on the moated site, Fishpond and Connecting Channel at Elton (scheduled monument) ref: 1012122. It is noted that the location proposed 'Stanlow Centralised Construction Compound' (*work no. 6A*) has been since changed such that there would be no direct impacts, this is welcomed. Subject to the suitable return of land back to its original form it is considered that the development is unlikely to have any long-term impacts on its setting. It should, however, be noted that any consideration of the need for Scheduled Monument Consent would lie with consultation with Historic England.
- 9.4 It is accepted that the majority of the Project, being underground and temporary during the construction period, would only have limited effects to surrounding heritage features and any resulting impacts would be considered acceptable, however, the permanent above ground elements (Ince and Stanlow Above Ground Installations (AGIs) and the Rock Bank and Mollington Block Valve (BVs)) have the

potential to impact upon the identified heritage features including Conservations Areas and listed structures.

- 9.5 The Ince Above Ground Installation (AGI) (*work no.1*) will be located within a compound of approximately 1800sqm, with buildings up to 5m and secure fencing up to 3.5m in height. The Ince AGI does not appear to have any direct effect on any heritage assets however due to its proximity to both Ince and Elton Conservation Areas, both within the 1km study area there is the potential for impacts.
- 9.6 The same is to be said for the Stanlow AGI (*work no.9*). This 2656sqm compound would be lit permanently and is located just outside the Thornton-le-Moors conservation area. There is the potential for impacts from lighting on views into and out of the conservation area, especially in the evenings.
- 9.7 Rock Bank Block Valve (RBBV) (*work no. 20*) is located within a fenced compound of approximately 1050sqm containing access, kiosk, pipework, lighting and parking. RBBV is located approximately 300m north of the Shropshire Union Canal / Chester Canal Conservation Area, and approximately 400m to the south of Chorlton Hall a Grade II listed building.
- 9.8 Mollington Block Valve (MBV) (*work no. 26*), is shown to have similar layout and scale to the RBBV. MBV is located to the west of Mollington village off Overwood Lane. There are no listed structures in the near vicinity which are likely to be affected.
- 9.9 ES Chapter 8 [APP-060] gives an overview of the assessment in relation to above ground heritage. The Councils previous response to the PIER requested that individual Heritage Impact Assessments (HIA's) be submitted for each heritage asset within the DCO limits. From the information submitted in ES Chapter 8 [APP-060] it does not appear this information has been submitted. As such a true assessment of the impacts of the proposed BV and AGIs has not been undertaken at this stage.
- 9.10 ES Chapter 8 [APP-060] does however discuss the contribution of the Setting to the Value of Heritage Assets effect by the proposal and their relative sensitivity is provided within Table 8.5 [APP-060]. The Sensitive Heritage receptors identified as High as part of this process includes the Thornton le Moors Conservation Area, The Willows (Grade II), Barn 25 metres southeast of Willow Farmhouse (Grade II) and Sundial within the garden of The Willows (Grade II) for which the impact of the scheme should be expected to be addressed in more detail.
- 9.11 ES Chapter 8 paragraph 8.10.8 [APP-060] advises that the possible harm caused by the above would be mitigated through the planting of vegetative screening around above ground elements.
- 9.12 It is agreed that screening, in addition to site layout, will help in reducing the visual impact on the setting of the affected heritage assets and has the potential to

mitigate any significant effects. In consideration that only general parameters (Requirement 4 of the draft DCO) and an indicative layout and elevations have been provided, and these only give some impression of the scale of the installations, the heritage assessments undertaken to date are not able to fully consider the impacts of the final layout or go into any further depth regarding materials and mitigation measures that may be in effect in each instance.

- 9.13 The Council also highlight the need for adequate consideration in respect the potential for impact of vegetation removal during the construction phase on heritage assets, including the ability to replant any trees within 15m of the pipeline (30m gap). The change to the wider open setting of historic assets in rural area can be key to their significance. Again, until the final scheme design has been established the magnitude of any such effects on the setting of heritage assets is therefore difficult to quantify.
- 9.14 Whilst details of planting and materials are required to be provided by the Outline Landscape Management Plan (OLEMP) [APP-229] it is noted that any further requirement for mitigation to be directed by further Heritage Impact Assessments is not specified within the OLEMP or the Register of Environmental Actions and Commitments (REAC) [AS-054] and is not directly provided for in the wording of the Requirements in the draft DCO.
- 9.15 In conclusion, it is considered that a thorough assessment of the potential and mostly limited impacts on the historic environment has been undertaken and that further detail and mitigation can be provided and secured as part of the approved scheme albeit with further heritage assessments either within a revised OLEMP or directly by the wording of the Requirements in the draft DCO.

Archaeology

- 9.16 An outline of the archaeological potential within the Borough of Cheshire West and Chester and local policy constraints has been provided within the Environmental Statement (ES) Chapter 8 [APP-060].
- 9.17 The Cheshire Archaeological Planning Advise Service (APAS) advise that the submission, including ES Chapter 8 and relevant appendices provides a detailed and comprehensive account of the currently known designated and non-designated heritage assets affected by the Project within Cheshire West and Chester.
- 9.18 The submitted archaeological assessments are based on accepted sources of information, including data held in the Cheshire Historic Environment Record, information obtained from historic maps, and a consideration of an examination of aerial photographs and Lidar data.
- 9.19 The stand-alone geo-archaeological study (ES Appendix 8.5) [APP-090] allows for the full consideration of the potential for paleoenvironmental work and the presence of waterlogged remains, in areas of peat and alluvium, to be properly assessed.

Whilst a report on the results of the geophysical work (ES Appendix 8.4) [APP-089] allows for early identification of sites requiring further evaluation.

- 9.20 The information contained in these reports, and the assessment of its significance, has allowed the preparation of an Outline Written Scheme of Investigation (OWSI) [APP-223] which, has been submitted as part of the application. This sets out the broad details of the proposed programme of further evaluation and subsequent mitigation, although it is confirmed that each discrete element of the programme will be governed by an individual, detailed Written Scheme of Investigation. The first stage of the programme will see the excavation of the trial trenches which target the anomalies identified by the geophysical survey and secure a 2% trenching sample of the rest of the easement. In an ideal world, such trenching would be carried out prior to the determination of the application, so that the full scope of the required mitigation was known as early as possible. However, it is accepted that the 2008 Act does not make provision to require early access for evaluation trenching and, in these circumstances, the work may have to be postponed until full access to the land has been obtained. The broad approach to evaluation trenching, however, is considered appropriate and should allow areas requiring further investigation by excavation or 'strip map and sample', as set out in the OWSI [APP-223], to be identified with confidence.
- 9.21 Where trial trenching is not possible or in areas of higher archaeological potential it is noted that the WSI does not propose the maintenance of a watching brief. Whilst this is the preferred position it is 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 (OWSI) [APP-223] could be applied.
- 9.22 The OWSI [APP-223] for the programme of mitigation, including the sectioning of significant boundaries, paleoenvironmental work, and the outline post-excavation programme are advised to be appropriate and, when taken as a whole, the draft programme is considered to provide a sound basis which will allow the recognition, recording, and reporting of archaeological remains affected by the development.
- 9.23 The Council therefore advise that sufficient mitigation can be put in place such that the Project will be unlikely to result in unacceptable effects in respect archaeology.

10 BIODIVERSITY (ES CHAPTER 9)

- 10.1 ES Chapter 9 [APP-061] reports the assessment of likely significant effects of the Project on biodiversity. Further to the Applicant's original submission in September 2022 [APP-061] the updated ES Chapter 9 [AS-025] now includes additional survey data in respect bats and riparian mammals [AS-029-042 and AS-057-59].
- 10.2 The pipeline would follow a predominately rural route through the borough, mostly through improved agricultural land. The Project would have impacts upon numerous trees (including 'veteran trees'), watercourses, drains, ditches and hedgerows as well as protected species and a number of habitats including both

internationally designated and non-designated sites including local wildlife sites (LWS). All relevant habitats and sites have been identified within Tables 9.6 and 9.7 of the revised ES Chapter 9 [AS-025].

- 10.3 The impact assessments undertaken on habitats and protected species has been undertaken on a 'Project wide' basis, across both England and Wales. To fully and accurately identify and analyse the local impacts in the Council would advise that impacts assessment should ideally be split into discrete areas and into the relevant authority / regulatory areas. Although presenting some difficulties in its ability to assess and pinpoint individual impacts, the Council acknowledges the reasoning behind the 'project wide' considerations and that this approach can be acceptable. The Councils identification of impacts upon biodiversity are only able to be reported here on a 'project wide' basis.

Surveys and Assessment of Likely Impacts and Effects

- 10.4 An updated ES Chapter 9 [AS-025] and additional survey data in respect bats and riparian mammals has been provided [AS-029-042 and AS-057-59] and was accepted by the ExA as additional information on the 20th March 2023. On review of the scope of all the reported surveys, including the Additional Submission, the Council notes that there remains to be incomplete surveys including for Bats and Riparian mammals.
- 10.5 In view the incomplete surveys the Council raise doubt as to the robustness of conclusions of level of impacts on ecological receptors presented in ES Chapter 9, until this has been resolved the Council is unable to give a detailed view of the impacts of the Project on ecological receptors. This is reflected in the Council's currently limited response on local impacts.

Local Wildlife Sites (LWS)

- 10.6 As is identified in Table 9.6 of ES Chapter 9 [AS-025] several Non-Statutory Designated Local Wildlife Sites (LWS) lie within or near to the Project DCO limits.
- 10.7 Further to identified likely significant effects assessment within Table 9.11 of ES Chapter 9 [AS-025] the Council agrees that there is the potential for impacts on LWS during construction operations.
- 10.8 There are potential direct impacts on LWS from the Projects temporary construction works. Note should be made to the impacts upon Frodsham Helsby and Ince Marshes; Saughall Bank; Gowy Meadows and Ditches; and Gowy Meadows and Ditches LWS all of which lie within the DCO limits and are locations where the quality of any reinstatement works, and aftercare is of importance. In these instances, the Council would advise reinstatement is secured such that the habitats reach a level of either priority habitat status or enhanced condition and the long-term (30year) management plan is put in place to mitigate any impacts.

- 10.9 The Council notes that the Frodsham Helsby and Ince Marshes LWS will be directly impacted by the Project for the permanent siting of the Ince AGI (work. no.1) and its access.

Protected Species Considerations – Bats

- 10.10 Further to identified likely significant effects assessment within ES Chapter 9 (Table 9.11) [AS-025] the Council agrees that there is the potential for both direct and indirect impacts on bat roost resulting from the Project by way of loss and impact upon hedgerows and trees. Without full survey information and robust assessments, the Council does not consider there to be sufficient information to be able to have a view on the degree or significance of effects or the residual impacts.

Protected Species Considerations – Riparian Mammals

- 10.11 Further to identified likely significant effects assessment within ES Chapter 9 (Table 9.11) [AS-025] the Council agrees that there is the potential for both direct and indirect impacts on Riparian Mammals resulting from the Project by way of impacts from the disturbance and severance of watercourses as well as potential impacts on local drainage. Without full survey information and robust assessments, the Council does not consider there to be sufficient information to be able to have a view on the degree or significance of effects or the residual impacts.

Protected Species Considerations – Great Crested Newts

- 10.12 Further to identified likely significant effects assessment within ES Chapter 9 (Table 9.11) [AS-025] the Council agrees that there is the potential for both direct and indirect impacts on GCN resulting from the Project by way of direct injury during construction works, impacts from the disturbance to ponds and connected habitats as well as potential impacts on local drainage.

Protected Species Considerations – Badgers

- 10.13 Further to identified likely significant effects assessment within ES Chapter 9 (Table 9.11) [AS-025] the Council agrees that there is the potential for both direct and indirect impacts on Badgers resulting from the Project by way of loss of setts, direct mortality / injury from construction activities, loss and severance of habitat, impact from noise light and vibration, and effects to commuting.

Protected Species Considerations – Barn Owls

- 10.14 The Barn Owl Survey report [APP-108] identifies three features including one roost and two nesting sites. Further to identified likely significant effects assessment within ES Chapter 9 (Table 9.11) [AS-025] the Council therefore agrees that there is the potential for significant direct and indirect impacts on Barn Owls resulting from the Project by way of loss of direct mortality / injury from construction activities, loss

of nesting and roost sites, loss and severance of habitat, and the impact from noise light and vibration.

Protected Species Considerations – Breeding/Wintering Birds

- 10.15 Further to identified likely significant effects assessment within ES Chapter 9 (Table 9.11) [AS-025] the Council agrees that there is the potential for significant direct and indirect impacts on Breeding / Wintering Birds resulting from direct injury during construction works, loss of nesting and foraging during construction, disturbance / displacement.

Fish

- 10.16 Further to identified likely significant effects assessment within ES Chapter 9 (Table 9.11) [AS-025] the Council agrees that there is the potential for significant direct and indirect impacts on fish resulting from the Project by way of significant direct and indirect impacts from trenchless construction operations, habitat watercourse severance, disturbance, habitat (water quality) degradation.

11 GREENHOUSE GASSES (ES CHAPTER 10)

- 11.1 The Council acknowledge the Projects aims to reduce greenhouse gas emissions and consider the measures proposed in Chapter 10 of the ES [APP-62], in respect management of greenhouse gasses, to be largely comprehensive.

12 LAND AND SOILS (ES CHAPTER 11)

- 12.1 ES Chapter 11 [APP-63] reports the likely significant impacts of the development upon land and soils including contamination and soil and mineral resources, comments by the Council on both such areas are provided below.

Land Contamination

- 12.2 The pipeline route within CWAC is predominantly agricultural in nature with pockets of industrial land (particularly around Stanlow) and operational and historic landfill sites. Ground investigations have been undertaken [APP-135-137], which included geo-environmental sampling of soil, groundwater and surface water. Areas of made ground were identified, however the results of soil analysis carried out were below the relevant generic assessment criteria and no exceedances were identified.
- 12.3 The ground investigation report (Appendix 11.6) [APP-135-137] concludes that further investigation is required around the Stanlow Refinery including with regard to contamination of the controlled waters. The Council note that the comment of the Environment Agency should be taken into account with regard impacts to controlled waters.

- 12.4 The requirement for further site investigations is detailed under the OCEMP [AS-055] which is to form the final CEMP. Table 6.8 (Construction Management and Mitigation – Land and Soils) of the OCEMP [AS-055] provides details of the additional investigation to be undertaken (Unique ES Reference D-LS-020). D-LS-021 states that if remediation is required a suitable remediation strategy will be produced following the additional ground investigation. The Council note that there is no mention of validation of remediation works which is an essential part of any remediation plan.
- 12.5 Requirement 9 (Contaminated Land and Groundwater) under Schedule 2 Part 1 of the of the draft Development Consent Order [AS-016] addresses the requirement for dealing with any impacts from unexpected contamination and sets out how it would be managed. The Council concurs with this approach. It is however noted that again the requirement for remediation validation / verification reporting is absent from this Requirement and that this should be included to ensure any necessary remediation is successful.
- 12.6 Subject to the above recommendations the Council considers that adequate consideration has been made in relation to the impacts on contaminated land and that suitable mitigation / remediation has proposed to be put in place.

Mineral Safeguarding

- 12.7 The Borough of Cheshire West and Chester is a key supplier of high-quality sand and gravel.
- 12.8 It should be noted that Local Authorities are required to have a 7-year landbank of aggregates, based on past sales or on the set apportionment figure. The aggregate landbank is set out in the Council's Local Aggregate Assessment (LAA), which is produced on an annual basis. The latest ratified version of the LAA was published by the Council in March 2022 and is based on data from 2020. This identifies that CWAC have just over the required 7-year landbank based on the annual apportionment figure and a landbank of 9.68 years based on ten-year average sales. The latest LAA based on data from 2021 has not yet been formally ratified or published, but initial indications are that that the landbank is below the required 7-year landbank based on the annual apportionment figure and is 8.44 years based on ten-year average sales.
- 12.9 Most of the other authorities in north-west England also do not have the required aggregate landbank. As such, there is likely to be increasing pressure on those areas with available aggregates. Additional future development, including major infrastructure projects such as HyNet North West Hydrogen Pipeline (NSIP ref: EN060006) (**the HyNet Hydrogen Pipeline**) and High Speed Rail Network (**HS2**) will increase demand for aggregates further.
- 12.10 Large sections of CWAC are covered by Mineral Safeguarding Areas (MSAs) which aim to protect these important reserves and are set out in the LDP. Given the lack

of supply in other areas in north-west England protection of remaining reserves is even more important.

- 12.11 The submitted Mineral Resource Assessment (MRA) (Environmental Statement Volume III, Appendix 11.3) [APP-131& APP-132], identifies that the pipeline cuts into four MSAs in Cheshire West for sand and gravel. This is shown in figure 11.3.3 of the MRA [APP-131].
- 12.12 There will be two main local impacts on mineral resources in CWAC, their sterilisation and creation of additional demand for minerals to use for pipeline bedding.
- 12.13 The MRA [APP-131& APP-132] investigates the impacts on the above identified MSAs in detail. The MRA concludes that much of the safeguarded mineral resources do not meet the requirements for a quality resource or face numerous constraints on development. As such, the MRA considers that it does not present an economically viable prospect for prior extraction, but incidental extraction of mineral will occur, and this will be re-used where possible.
- 12.14 The MRA identifies that the ground investigations to date have not been specific to mineral resources and the wider MSAs influenced by the proposed pipeline have not been investigated in detail. It also states that additional information may become available if further ground investigation is undertaken but, however, this is unlikely to materially alter the outcome of the MRA.
- 12.15 The Council is in general agreement with the findings of the MRA, however, it is noted that if any additional ground investigations identify that the mineral resources were much greater in extent or depth or were better quality than expected, the impacts of the pipeline on mineral resources and the potential for prior extraction should be revisited to assess if the MRA needed to be updated.
- 12.16 The Council advise that a mineral management / safeguarding plan should form a clear part of the developments approved Construction Environment Protection Plan (CEMP). It is advised that the minerals management plan should include details of the material to be extracted / removed from the ground and an assessment of opportunities for processing and / or re-use of the material. If the material extracted includes granular material (aggregate sand or gravel), this should be processed as necessary and re-used where possible to provide granular bedding material for the pipeline. The MRA identifies that many of the safeguarded mineral deposits intersected consist of sand and gravel which may be suitable for use as bedding for the pipeline and this would reduce the volume of sand and gravel that would need to be imported. If this is not considered the best option in environmental terms (due to the need for it to travel long distances for processing for example), it should be re-used to backfill the trench rather than as bedding within the trench or for other localised works if possible. This would reduce the need to dispose of the material extracted off-site.

12.17 *Peat*

- 12.18 Ground investigations have identified underlying peat at two separate locations. Consideration for managing peat is identified in the Outline Peat Management Plan [APP-228] and ES Chapter 11 [APP-061].
- 12.19 The draft Development Consent Order (section 5 (2)(f)) soil management plan [APP-024] should include detail that extraction and storage of peat should be minimised, and any extraction, storage, processing or replacement of peat should minimise opportunities for carbon emissions. The Outline Peat Management Plan (OPMP) [APP-228] as part of the Outline Construction Environmental Management Plan [AS-055] suggests that this will be done.
- 12.20 The OPMP [APP-228] estimates volume of peat to be excavated and presents options to minimise / re-use excavated peat. It states that the findings will be used as a basis for preparing the detailed construction PMP as part of a detailed CEMP, as set out in D-LS-008 of the REAC [AS-054]. This is supported.

13 LANDSCAPE AND VISUAL (ES CHAPTER 12)

- 13.1 The application includes a Landscape and Visual Impact Assessment (LVIA) [APP-064]. The LVIA covers across both the authorities of Cheshire West and Chester (CWAC) and Flintshire County Council for which the pipeline passes through.
- 13.2 In respect to CWAC, the following Local Landscape Character Areas (LCA) impacted by the pipeline development are: -
- LCA 9a Dunham to Tarvin Plain: A flat landscape with some gentle undulation, and the Sandstone Ridge presenting a more elevated skyline to the east of the LCA;
 - LCA 9d Saughall to Waverton Plain: gently undulating landscape with urban fringe and industrial features and infrastructure at Ellesmere Port to the north;
 - LCA 15i Gowy Valley: generally open and flat with open vistas in all directions where trees and woodland are sparse in this LCA,
- 13.3 The landscape and built form character for the above LCA's are accurately described on p27-28 of the Landscape and Visual Impact Assessment [APP-064].
- 13.4 In regard to the proposed development, it is understood that the pipeline will be fully underground, other than the specific above ground features. As such, the impacts from the pipeline upon the receiving landscape will largely be as a consequence of the construction operations and can be considered as temporary impacts.

Viewpoints

- 13.5 In principle the viewpoints provided are considered acceptable. However, confirmation of the locations for photomontages will be needed as part of the approval of the Landscape Environmental Management Plan (LEMP) under the Requirements in the draft DCO.

Mitigation

- 13.6 Regarding mitigation, the information on replacement hedges and trees will also need to be agreed. It is the Council's understanding that the mitigation and detailing works will take the form of a phased approach, as each stage commences. This approach is supported. It will allow both parties an accurate understanding of the works at a detailed level. Furthermore, the potential impacts will be more up to date, as will the approach towards mitigation.
- 13.7 This is particularly relevant to the settings for the above ground features (AGIs and the BV) and the associated mitigation proposals. The restoration of the land should also meet the satisfaction of the landowners.

Phased Works

- 13.8 A Landscape and Ecological Management (LEMP) is to be provided as a requirement of the DCO (Requirement 11) [APP-024]. It is accepted that the information will be provided as each stage of works progresses. It is advised that the LEMP should refer to the above Local Landscape Character Areas and for ease of understanding it is advised that the landscape and ecologic features be provided as separate chapters within any subsequent submission to be approved.

Trees

- 13.9 The Arboricultural Impact Assessment [APP-115 and APP-116] considers trees already subject to protection orders (TPO) and ancient trees / woodland as part of the desktop study and confirms that no trees subject to any designations will be removed because of the development in CWAC.
- 13.10 The OCEMP [AS-055] provides micro siting techniques be used to avoid losses of trees and hedgerows (D-BD-009) and protection for any retained trees and mitigation for those to be removed is to be undertaken as part of the approved LEMP in line with the OLEMP and REAC. Five- and Ten-year (for woodland) aftercare including a Maintenance Schedule of Works for all planting including replacement trees is provided within the OLEMP [APP-229]. The Council consider such measures to be acceptable and appropriate be able to mitigate unacceptable harm to significant trees and hedgerows.
- 13.11 The Project has the potential to impact upon a large number of trees as well as Hedgerows along its route. Whist the desk study did not identify any veteran trees the subsequent surveys show 34 trees assessed as veteran. Losses of veteran

trees represent the loss of an 'irreplaceable habitat' (NPPF) and has permanent long-standing effects on both the landscape and habitats.

- 13.12 Four veteran trees (3 native oaks and a willow) are proposed to be removed with a further two at risk. The loss of up to six veteran trees would be raised as a significant local impact both in terms of habitat and visual landscape wise and would conflict with guidance within the NPPF and the LDP.
- 13.13 The Council advise that all alternatives including trenchless crossings, and other micro sighting changes to the pipeline are fully exhausted before any such losses made, and that significant weight is given to their loss the overall considerations of the Project.

14 MATERIALS AND WASTE (ES CHAPTER 14)

- 14.1 Local Authority Waste Needs Assessments (WNAs) identify waste arisings, waste management capacity and any gaps in capacity. The latest WNA for Council was prepared in 2016 and concluded that the borough had sufficient operational (or likely to become operational) capacity to treat most of the different types of wastes within the authority. The LDP safeguards existing landfill capacity and built waste management facilities and also safeguards specific sites with planning permission for waste uses.
- 14.2 Other authorities in the north-west of England are all at different points in preparation of their WNAs and Local Plans and therefore it is difficult to calculate or quantify existing waste capacity in North-West England.
- 14.3 The scale of future development, including major infrastructure projects such as the HyNet Hydrogen Pipeline and HS2 is likely to increase the volumes of waste to be managed. HS2 Ltd have predicted that HS2 Phase 2b could result in up to an 87% reduction in inert landfill capacity in the north-west. This could have significant implications for future disposal of waste in the north-west of England.
- 14.4 The main impact in terms of waste will be the waste generated from the construction phase. The Environmental Statement Chapter 14 'Materials and Waste' [APP-066] identifies the site arisings and waste recovery proposals. Generally waste will be re-used on site where possible, or will be recycled or sent for off-site treatment. It is noted that there will only be a relatively small amount of waste proposed to be sent to landfill (90 tonnes).
- 14.5 The Council is in general agreement with the assessment of waste within ES Chapter 14 [APP-066] and support the proposed re-use and recycling of waste to avoid the need for disposal of waste. However, as outlined above cumulative impacts from other large infrastructure projects in the area have the potential for wider local impacts and these should be duly considered by the ExA in their decision.

15 NOISE AND VIBRATION (ES CHAPTER 15)

- 15.1 The Council consider the scope of the noise and vibration assessments, including baseline and quantitative assessments and the identification of sensitive receptors as set out in the assessment of likely significant effects in respect noise is provided in ES Chapter 15 [APP-67] to be broadly appropriate.
- 15.2 The Council advise that the proposed pipeline corridor route is favourable, following a predominantly rural path, and consequently minimising the number of noise sensitive receptors (NSRs) in the process. It is advised that the proposed compound locations have been well selected, away from NSRs and in areas of high background noise during operational hours.
- 15.3 Mitigation to the identified significant effects resulting from construction and decommissioning (Table 15.28) [APP-067] are proposed by way of a Noise and Vibration Management Plan and measures as part of the OCEMP [AS-055] and REAC [AS-054] and are to be approved as part of the draft DCO Requirement no. 5 under the final Construction and Environmental Management Plan (CEMP), this position is supported.
- 15.4 Construction noise will primarily be controlled / mitigated through hours of operation which is controlled under draft DCO Requirement no. 13. The Council advise hours of construction and deliveries should, as a default, not take place outside 08.00 hours to 18.00 hours Mondays to Fridays; 08.00 hours to 13.00 hours on Saturdays or at any time on Sundays or Bank Holidays as is set out in the LDP (Planning Policy DM30).
- 15.5 Whilst this is generally reflected proposed draft DCO Requirement no. 13, however, a number of exceptions including in the event of an “*emergency*” and specified works are provided, these include:
- Trenchless construction
 - Filing, testing, dewatering and drying
 - Works required to mitigate delays due to extreme weather
 - Commissioning
 - Receipt of Oversized deliveries
 - Start-up /shut-down activities
 - Works on traffic sensitive streets
- 15.6 In respect the provided definition of “*emergency*” the Council advise that extreme weather should not provide as justification for out of hours activity (effectively the Applicant’s desire to make up on lost time) and, therefore, advise that this is not an acceptable exception.
- 15.7 The Council advise that where uninterruptable (24hr) trenchless construction techniques are required that this should only form part of an approved scheme. Any such activity that can be reasonably predicted to overrun should be well planned in

advance and agreed prior to commencement of said activity. Therefore, whilst the Council advise that extending hours into the weekend as per LDP Policy DM30 para. 13.17 would be acceptable and that they are not opposed to the principle of extending hours for certain operations, however, this should only occur where it is agreed within certain confines to be agreed in writing.

- 15.8 Requirement 13(4) of the draft DCO – provides that “nothing in subpara. (1) preclude oversized deliveries and the undertaking on non-intrusive events”. The Council 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.
- 15.9 The Council also advise that start up and shut down activities are very much part of the core hours of operation and not separate. Staff arriving is possibly acceptable depending on location and number of vehicles but activities such as moving heavy plant for example to warm up, refuel or for maintenance is possibly not acceptable depending on the associated impact. Similarly, the start-up of generators at sensitive locations is not appropriate without due consideration. The exception may be as to enable subsection 4(c) where night-time works may be approved/required by the Highways Authority and it would be contradictory to prevent access to depot/storage sites. However, again, thorough assessments are needed to minimise associated impacts where practical.
- 15.10 In short, whilst the Council advise that they are not averse to extending hours for certain sections of the proposed route, there should be clear requirements in the DCO for the Applicant to present suitable assessments and data to support any variation to the standard hours of operation and which should be subject to written approval by the Local Planning Authority with clear controls in place. This process does not appear to be in place in the current draft of the draft DCO. Without such controls the Council raises the potential for unacceptable local impacts from noise and vibration.

16 POPULATION AND HUMAN HEALTH (ES CHAPTER 16)

Public Rights of Way

- 16.1 Consideration of the effects on Public Rights of Way (PROW) sits across subject appraisals of travel and transport and landscape (ES Chapters 16 and 19 [APP-068 & APP-069]). The pipeline route together with access and construction compounds would result in both direct and indirect impacts upon several rights of way by way of stopping up with temporary diversions and proposed access routes. A list of affected PROW are identified in Appendix 17.5 [APP-153] and their impact in Table 1.2 of Appendix 16.2 [APP-148].

- 16.2 The Council is in general agreement with the assessments and provided mitigation in the ES including, in principle, the identified diversions contained within the draft DCO plans [APP-012].
- 16.3 The Council raise the potential for impacts on PROW as a result of changes to local drainage. Works nos. 13 & 14 (pipeline and construction compound) directly impact footpaths FP1 Wimbolds Trafford 1 FP1 Wervin which cross areas prone to poor drainage/water logging. It is noted that the documents on hydrology comment that there may be an impact on drainage and this area is likely to be affected and will need mitigation. Similarly, the location of work no. 15A (construction compound) off Pickton Lane has known drainage issues relating to adjacent footpaths FP1 Wervin and FP3 Wervin which are prone to poor drainage/water logging and have been temporarily closed in 2021 for reason of poor condition as a result of storm damage.
- 16.4 Work no. 28 (pipeline) cuts across BOAT 11 Saughall. This is one of only a few byways in the Borough. Public right of way for walkers, horseriders, and all vehicles mechanical and non-mechanical. The Council highlight that there is an archive of complaints over the condition of the byway and issues about the misuse of the byway. The byway is also the access to land by agricultural vehicles. Consideration should therefore be given to treating this route as a carriageway with regard to impacts from construction operations.

17 TRAFFIC AND TRANSPORT (ES CHAPTER 17)

- 17.1 The Council advise that it is in general agreement with the scope and findings of the traffic impact assessments as set out within ES Chapter 17 'Traffic and Transport' [APP-069] and relevant appendices [APP-149-162].
- 17.2 The Council highlight that the Project will generate significant new construction related traffic in the brough for its duration. This will include significant HGV/LGV traffic as well as staff traffic movements. This traffic will, in some regards, be spread across the highway network during the Project and at various locations meaning that there will be various routing options on the main road network, to the main compounds and the other works access points. The Council would anticipate that the highways impacts from the concentration of any traffic movements will depend on the build programme and in using various roads and routes depending on which section(s) are under construction at any one time. It would be expected that the majority of staff related traffic would be generated at the start and end of the working day so would be expected to have some overlap with the typical AM and PM peak periods. The HGV/LGV movements are forecasted to have more of flat profile across the working day.
- 17.3 In view of the submitted Traffic Assessments [APP-161] the Council advise that in terms of the impacts on the more major roads, such as the A5117, A41 and A56, it is considered that the forecasted increase in traffic on any route or junction would

not give rise to such a degree of increased traffic as to materially affect the operation of more major routes and junctions.

- 17.4 Impacts on the more minor roads, such as access routes to the compounds/work accesses/road crossings, however, give the potential for some cause for concern, as to the potential negative impacts that the influx of HGV/LGV and staff vehicles could have. These concerns are highlighted in respect the proposed access to the larger centralised construction compounds at Picton Lane (work.15A) and Chorlton (work.19A) as well as Mollington Construction Compound (work. 26A) all which will rely upon small often narrow minor roads / lanes.
- 17.5 It is noted that the Outline Construction Traffic Management Plan (OCTMP) [APP-224] has addressed the issue of the use of smaller roads at these locations and sets out the proposal for Traffic Management for each location. The Council advise that the outlined traffic management could be suitable, however, subject to the agreement of details with the Council within any approved Construction Traffic Management Plan (CTMP) as part of the DCO (Draft Requirement no. 6). In this respect the Council also advise that the Interim Worker Travel Plan [APP-162], to be secured as part of the CTMP, would also be acceptable.
- 17.6 Due to the routing of the pipeline around the north of the village of Mollington the Project affects, by open cut crossings, a number of roads into and out of the village to the north and west and potentially within the same phase of construction. The council highlight the potential for significant impacts from road closures upon residents and in particular access to Mollington Primary School.

18 WATER ENVIRONMENT AND FLOOD RISK (ES CHAPTER 18)

- 18.1 The Council would advise that the overall assessment of likely effects in respect flooding set out within ES Chapter 18 [APP-070] to be appropriate. The Council advise that the submitted Supplemental Flood Risk Assessments and Consequences Reports [APP-166 -170] adequately references and assesses the potential for flood risk implications on systems within borough, and notably Finchetts Gutter, which is identified by the Council a highly sensitive receptor which has a history of localised flooding and is likely to have drainage pressures form future developments in the area.
- 18.2 Table 6.15 of the Outline Construction Environment Management Plan (OCEMP) [AS-055] lists actions to minimise and mitigate drainage impacts during construction. Subject to further approval of the final drainage details, under the Requirements, such measures are supported.
- 18.3 The provided Outline Surface Water Strategy [APP-241 - 245] under which the final drainage plans are to be approved, under draft Requirement 8 (1), is considered acceptable.

- 18.4 As the statutory regulator for main rivers, the Council would defer any comment to the Environment Agency to ensure any appropriate mitigatory measures are in place to ensure no exacerbation of localised flood risk.
- 18.5 The Council highlights that the potential for climate change impacts where the pipeline crosses an area of high likelihood flooding from sea level rise near to the Ince marshes and Elton areas.

19 CUMULATIVE IMPACTS (ES CHAPTER 19)

- 19.1 An assessment of the likely significant effects of the Project from combined and cumulative effects is provided in ES Chapter 19 [APP-071] and appendix 19.1 / 19.2 [APP-172 and 173] which provides an assessment of the Inter-Project Effects, identifying relevant projects within a defined zone of influence.
- 19.2 The Council highlight that there appears to be no clear justification for the inclusion of projects (i.e scale, proximity to the pipeline or date range) within table 2 of appendix 19 [APP-172], and as a result has potentially missed some developments, for example which have been implemented but not completed, and which remain to have the potential to result in cumulative impacts. One such development is the 'Rofton Works' site, Hooton Road, Hooton, Ellesmere Port (Planning application no. 17/02741/FUL), a Residential development comprising 265 residential units and a care home together with access from Hooton Road which, as of April 2022, has 137 dwellings yet to be built and the potential for overlap of construction operations.
- 19.3 The Council highlight the potential for significant impacts from the combined effects with other infrastructure projects including the national HS2 project, in terms of its impact in respect on minerals supply, waste generation and transport.
- 19.4 Similarly, the Council highlight the potential for impacts resulting from the cross over between other NSIP projects including the HyNet Hydrogen Pipeline, which is currently at pre-application stage. Considering the HyNet Hydrogen Pipeline's links to this Project there is the real potential for cross over effects on construction operations (compounds and access) as well as pipe location and siting of permanent above ground installations (which would have potential for some physical overlap near to the Hydrogen production plan plant and the pipeline offshoot to the Protos Site). Given this there is a potentially likely significant cumulative impact between these projects.