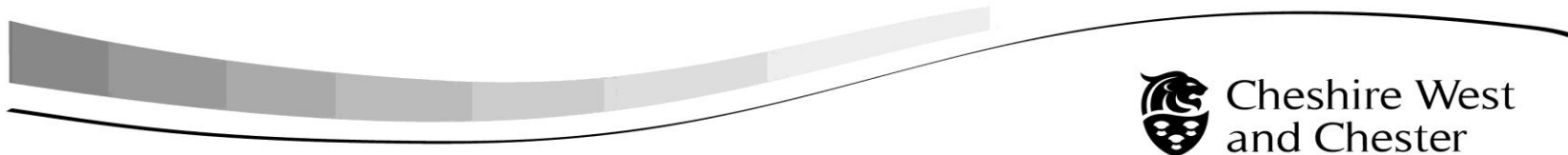




**Cheshire West and Chester Council's response to the
to the Applicants comments to the Council's Relevant Representation [RR-012]**

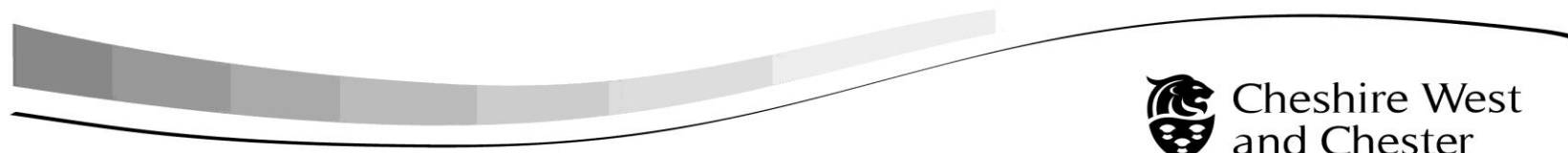
Submitted at Deadline 2 – Wednesday 10 May 2023



This document represents a table of responses to the Applicants response to the Councils Relevant Representation, in respect of Liverpool Bay CCS Limited (“the Applicant’s”) application for development consent for the Hynet Carbon Dioxide Pipeline DCO (“the Project”).

Cheshire West and Chester Council’s (“CWAC”) comments for Deadline 2 are entered in the right-hand column and relate to the matters addressed to CWAC directly.

Ref	The Councils Relevant Representation Comment [RR-012]	The Applicant’s Response at DL1 [REP-042]	CWACC Response
2.12.1	This Relevant Representation of Cheshire West and Chester Council provides an initial comment and issues relating to the content and scope of the application including the Local Plan Policy context, Environmental Assessment and the proposed requirements and provisions of the Draft Development Consent Order. Further to this representation, as a Host Authority, the Council will be providing a Local Impact Report (LIR) and, if necessary, a Written Representation (WR) at the forthcoming examination.	The Applicant looks forward to receiving the LIR as part of the examination. The Applicant is in regular communication with CWAC and will continue engagement to resolve the issues described in the Relevant Representation.	The Council’s Local Impact Report (LIR) and Written Representations (WR) (including addendum) have been submitted at Deadline 1 and 1A [REP1-061; REP1A-004; REP1A-02].
	The Planning Statement and Policy Context		
2.12.2	The submitted application and associated Planning Statement identifies the Local Development	The Applicant has reviewed and updated the Planning Statement [APP-048] as required and it is submitted at Deadline 1.	Paragraph 5.3 of the Council’s LIR [REP1A-02] identifies the missing Local Development Plan (LDP)

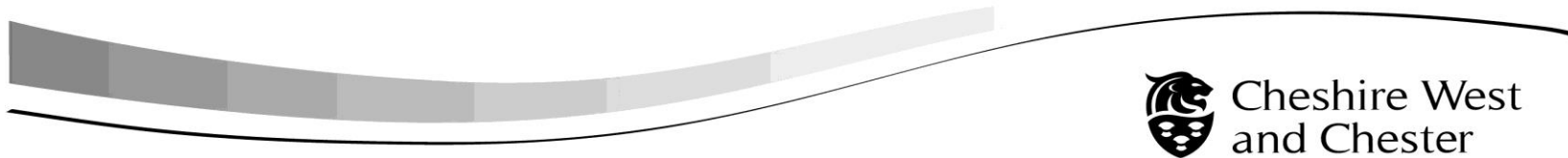


	<p>Plan within the Borough of Cheshire West and Chester (CWAC). A number of inconsistencies are noted in the identification of policies including an omission of Neighbourhood Plans as well as the full consideration of a number of Local Plan Policies including economic policies for the projects impact on existing businesses / operations including future expansions (standoffs / restrictions to the pipeline) and ecological network implications of Policy DM 44. Please note a more detailed consideration of the Local Development Plan will be provided as part of the examination within the Councils LIR.</p>	<p>The Applicant would refer CWAC to Table B4 in Appendix B to the Planning Statement [APP-048] which provides a detailed appraisal of policy compliance against Cheshire West and Chester Local Planning Policy, including compliance with Policy DM 44. The Applicant is engaging with the CWAC to gain an understanding of what information is not provided so that they can address any inconsistencies and provide further detail on relevant Local Plan policies as required.</p>	<p>Policies within the Applicant's policy considerations / assessment in table B4 of the Planning Statement [APP-048]. The Council notes the inclusion and consideration of these previously missing Policies (STRAT4; STRAT11; EP6; DM2 and DM37) within table B4 of the revised Planning Statement (Rev B) submitted at DL1 [REP1-013]. This resolves the Council's concern in respect the identification of relevant policies of the LDP.</p> <p>In respect the consideration of LDP Policy DM44 (Protecting and enhancing the natural environment), whilst correctly identified, as is outlined in paragraph 2.9 of the Council's Addendum WR [REP1A-004], the Council highlights that the consideration of 'contributions towards the boroughs ecological network' remains absent from the assessments. This will need to be addressed by the Applicant.</p> <p>The Council would advise that the Ince Neighbourhood Plan was submitted for examination on the 3rd April 2023. Any relevant emerging</p>
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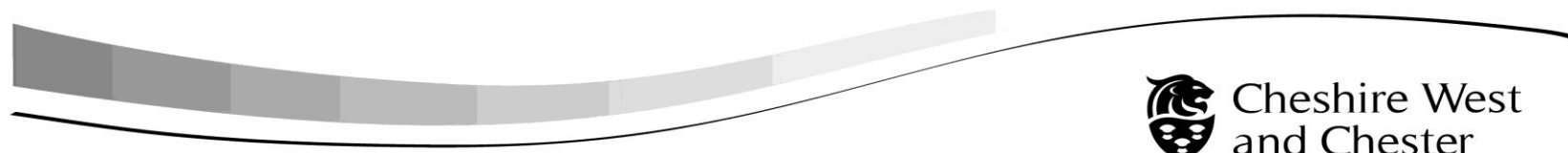


			policies should be identified and given due weight in the policy considerations.
	The Environmental Statement		
	The Council has previously provided comment and recommendations on the scope and content of the Preliminary Environmental Impact Report (PEIR). There are ongoing discussions between the Councils internal services and the applicant in respect to the content of the submission stage Environmental Statement. The Councils position, as it stands on, specific matters including raised issues are provided below. Please note, as above, a detailed response in respect the Local Impacts of the project will be provided as part of the examination.	Responses from the Applicant to CWAC's comments and recommendations on the initial scope and content of the PEIR can be found in Appendix 1.3 of the 2022 ES [APP-076] and the HyNet DCO Consultation Report [APP-031], respectively. The Applicant will continue to work proactively with CWAC.	The Council's LIR has been submitted at Deadline 1A [REP1A-02]
	Chapter 8 – Cultural Heritage		
2.12.4	Whilst the Councils Conservation officer is in general agreement with the overview of heritage impacts and assessments in Chapter 8 it is asked that individual Heritage Impact Assessments are provided to provide a true impact of AGIs and BVSs.	The impacts on heritage assets caused by all aspects of the DCO Proposed Development, including AGIs and BVSs, are included in Section 8.9 of Chapter 8 of the 2022 ES [APP-060] and within Sections 11 and 12 of the Historic Environment Desk-Based Assessment, Appendix 8.1 [APP-084].	As is detailed in the Council's LIR [REP1A-02] the reasoning for the absence of individual heritage impact assessments at this stage is accepted. However, as is highlighted in the paragraph 2.3 of the Council's WR [REP1-061], it is noted that any further requirement for mitigation to be directed by further Heritage Impact

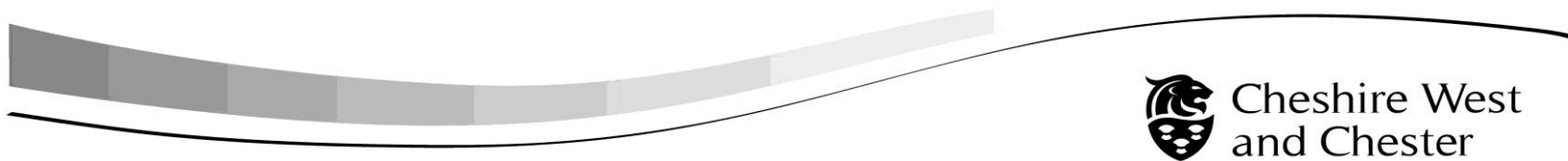
	<p>In addition, it is also requested that further detail is provided of how any harm resulting from AGIs and BVSs can be mitigated against including planting and materials.</p>	<p>It should be noted that only significant impacts are reported in the 2022 ES [APP-060], with effects not considered to be significant reported in Appendix 8.1 [APP-084]. For example, effects on the Chester Canal Conservation Area caused by the Rock Bank BVS are reported in paragraphs 12.2.1 to 12.2.3, effects on Thornton-le-Moors Conservation Area caused by Stanlow Above Ground Installation (AGI) are reported in paragraphs 12.2.4 to 12.2.5, and effects on The Willows, a Grade II listed building, caused by the Mollington BVS, is reported in paragraphs 12.3.4-12.3.6 of Appendix 8.1 - HEDBA Part 1 Rev A [APP-084]. The introduction to Chapter 8 of the 2022 ES [APP-060] explains the assets which were scoped out.</p> <p>Mitigation measures for impacts caused by the construction of the AGIs and BVSs are defined in paragraph 8.10.8 of Chapter 8 of the 2022 ES [APP-060]. This states “Permanent impacts to the setting of the historic assets will be mitigated through the planting of vegetative screening around upstanding aspects of the proposed AGI and BVS installations to reduce the impact of the</p>	<p>Assessments is not specified within the OLEMP or the Register of Environmental Actions and Commitments (REAC) [AS-054] nor directly provided for in the wording of the draft DCO Requirements.</p> <p>For this reason, the Council’s position remains that further heritage assessments including appropriate mitigation should be provided for within the OCEMP or specifically required within the DCO Requirements.</p>
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		visual intrusion within the landscape.” As stated in the Outline Landscape and Ecological Management Plan [APP-229] , the detail of the planting and materials will be produced by the appointed construction contractor during the detailed design stage.	
2.12.5	In respect to archaeology, whilst in general agreement with the assessments undertaken, the Archaeological Planning Advice Service for the Council identify that the outline Written Scheme of Investigation (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. Without this inclusion in the outline WSI concern is raised by the Council as to the potential for impacts on currently unidentified archaeology.	Methodology for strip, map and sample (which is broadly the same methodology as watching brief) is included in Section 3.3.1 to 3.3.9 of the Outline Archaeological Written Scheme of Investigation [APP-223] . It is proposed that this could be applied for those areas where trial trenching is not possible or in areas of higher archaeological potential.	As is outlined in the Council’s LIR [REP1A-02] , whilst the preferred position is for a watching brief to be used for areas where trial trenching is not possible, in view of archaeological potential the Council accepts 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] can be acceptably applied.
	Chapter 9 – Biodiversity		
2.12.6	It is understood that the project is considered as a whole, across both England Wales, however, in considering local impacts within	The Applicant has undertaken the EIA with regard to the relevant guidance and case law, which requires assessment of ‘the project’. NPS EN-1 at 4.2.1 sets out	Although presenting some difficulties in its ability to assess and pinpoint individual impacts, the Council acknowledges the reasoning behind



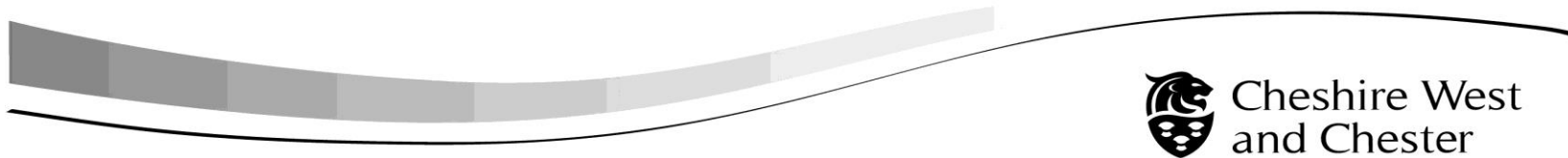
	<p>CWAC, in most instances, it has not been possible to assess impacts, as all analysis has been done at the project-wide level. To allow the assessment of local biodiversity impacts in CWAC it is asked that any impact assessments be split out (HyNet identified Sections 1-7).</p>	<p>that what is required is “an assessment of the likely significant effects of the proposed project on the environment” (emphasis added), not sub-divisions thereof. There is no requirement under that to break the assessment down into local authority areas, and to do so could result in confusing or misleading levels of effects being reported.</p> <p>The NPSs state that ‘local’ in the Nationally Significant Infrastructure Project (NSIP) context for biodiversity relates to locally designated sites, not council areas. NPS EN-1 Section 5 requires consideration of locally designated sites, which has been undertaken. There is no provision in this requiring assessment at a council area level.</p> <p>The Applicant does not consider it is appropriate to disaggregate parts of the project, and that doing so is contrary to considerable case law that the EIA must consider and report on the impact of ‘the project’ as a whole.</p>	<p>the ‘project wide’ considerations and confirm that this approach is acceptable.</p>
2.12.7	<p>Significant concern is raised by the Council in respect the supporting</p>	<p>The Applicant can confirm that, as per discussions and communication with</p>	<p>An updated ES Chapter 9 [AS-025] and additional survey data in respect</p>



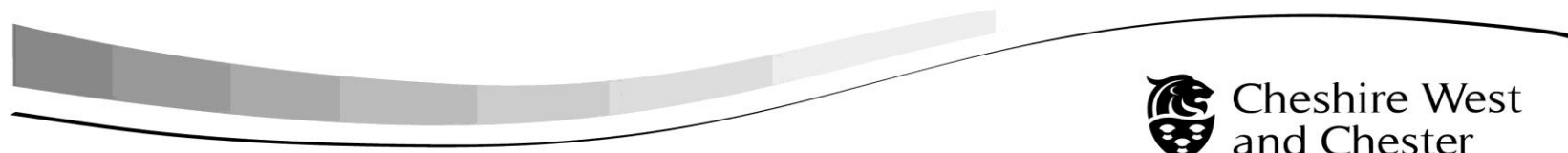
	<p>biodiversity surveys including their strategy / extent (absence of surveys beyond the order boundary for barn owls and badgers), incomplete / missing survey data, as well as discrepancies in the provided survey data. It is noted that the applicant has advised that further survey data is to be provided within the next couple of months. Considering the nature of the incomplete surveys both in terms of their scope and missing data it is advised that any assessment of the projects likely impacts and effects in respect biodiversity cannot be made at this stage. For this reason, it is asked that suitable provision of time is given to enable the Council to consider any updated survey data and assessments prior to the commencement of the examination.</p>	<p>CWAC during a meeting held on 8 December 2022, further surveys for select receptors have taken place during preparation of the DCO Application. The results of further surveys are presented in the following documents submitted on 3 March 2023, subsequently accepted by the Examining Authority (ExA) as part of the Applicant's Section 51 advice response on 14 March 2023:</p> <ul style="list-style-type: none"> • Chapter 9 – Biodiversity [AS-025] • Riparian Mammal Survey Report [AS-039] • Bat Activity Survey Report [AS-027 and 029] • Bats and Hedgerows Assessments [AS-031 to AS-038] • Outline CEMP [AS-055] <p>The Applicant recognises the need for CWAC to review updated documents and would welcome any queries or discussions in due course. The results of the additional surveys validate the assessment within Chapter 9 - Biodiversity [AS-025] and, despite the additional surveys, the mitigation and mitigation principles as secured by Requirement 5 of the dDCO [AS-016]</p>	<p>bats and riparian mammals has been provided [AS-029-042 and AS-057-59] and was accepted by the Examining Authority as additional information on the 20 March 2023.</p> <p>Further to the Councils Written Representation (WR) submitted at DL1A [REP1-061] the Council is concerned that there remains incomplete surveys in respect Bats and Barn Owls. With potential for incomplete surveys the Council is concerned that the assessments of importance levels and value/sensitivity of receptors are not based on a complete data set and are therefore not robust.</p> <p>In addition, the Council notes the need for clarifications in respect surveys of other identified receptors.</p> <p>The Applicants Response to the Council's RR [REP-042] states that data has been collected beyond order limits, but it is not clear where this is and seems to refer to the previously larger draft DCO Order Limits at pre-application stage, rather than a</p>
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		<p>and prescribed within the Outline CEMP [AS-055] and Requirement 11 and prescribed within the Outline LEMP [APP-229] are sufficient and appropriate to safeguard and mitigate identified receptors.</p> <p>With regards the extent of surveys completed for protected species, the impact assessment presented within Chapter 9 - Biodiversity [AS-025] is appropriate to assess the potential for significant effects upon relevant considered species and receptors within the Order Limits, in the absence of a detailed design stage. The Order Limits have been subject to a number of revisions during the completion of surveys with field data having also been collected beyond the Order Limits as presented within the DCO Application. The primary assessment of potential significant effects has been dedicated to features within the Order Limits, with receptors beyond the Order Limits only potentially subject to indirect impacts. Direct impacts associated with the DCO Proposed Development will be further restricted within the Order Limits and confined within a prescribed working</p>	<p>measured survey strategy relating to species ranges and standard survey distances considered for these species. The Council requires clarification and/or provision of further information on this matter.</p> <p>The Applicant responds that “<i>primary assessment of potential significant effects has been dedicated to features within the Order Limits, with receptors beyond the Order Limits only potentially subject to indirect impacts</i>”. However, this is confusing “distant” with “indirect”. Impacts on protected species are considered at standard ranges from a development site. Even if these are outside the NIB, they are should not be classed as indirect. The Council needs further clarification and/or further information on this matter.</p> <p>It is stated that “updated surveys will take place at detailed design stage and mitigation is sufficient to safeguard or otherwise mitigate identified receptors within the Order Limits and beyond.” It is not clear how the conclusion that mitigation for</p>
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		<p>corridor upon development of a detailed design stage and pipeline route.</p> <p>The DCO Proposed Development will, for its majority, result in short term, temporary and localised impacts associated with pipeline construction, with measures developed to avoid sensitive receptors wherever possible. Mitigation has been developed and presented within the Outline CEMP [AS-055] and the Outline LEMP [APP-229] to update baseline survey results in response to a confirmed detailed design stage as secured by Requirement 5 and 11 of the dDCO [AS-016] (see examples D-BD-005, D-BD-006, D-BD-021 of the Outline CEMP [AS-055]). However, the mitigation prescribed within the DCO Application is sufficient to safeguard or otherwise mitigate identified receptors within the Order Limits and beyond.</p>	<p>receptors beyond the Order Limits has been reached. The Council requests further clarification and/or information to be provided by the Applicant to resolve this matter.</p> <p>The Applicant acknowledges that the route will be permeable in the majority to terrestrial animals (Badgers). It is considered that this is acceptable with the clarification provided and that this issue can continue to be assessed once more detail design and updated survey reports are available.</p> <p>However, issue remains regarding Bats and barn owls, as well as with specific consideration to habitats and the CWAC Ecological Network.</p>
2.12.8	In addition to the above issues relating to surveys, concerns are also raised in respect a number of the undertaken species-specific assessments and which require clarification including detail of the full assessments of tree and hedgerow losses on bats and barn owls, habitat	As stated in Paragraph 3.1.3 of Chapter 3 – Description of the DCO Proposed Development [APP-055] , the DCO Application does not define a fixed pipeline design/route and therefore a reasonable worst-case scenario has been applied to the Biodiversity Assessment in Chapter 9 – Biodiversity [AS-025] . In the	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] was accepted by the Examining Authority as additional information on the 20 March 2023.

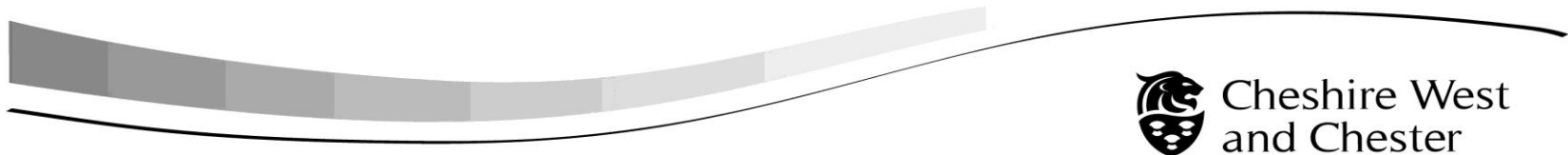


	<p>severance in respect badgers and riparian mammals as well the logic for transect and survey locations for breeding / wintering birds and fish.</p>	<p>absence of a finalised detailed design, definitive extents of hedgerow and tree losses, across the Order Limits, cannot be confirmed. Efforts have been made during the design development to avoid features and trees wherever possible, for example, through the use of micro-siting, commitments to avoid certain trees (e.g. veteran trees), and use of trenchless installation techniques (for example where ancient woodland spans the Order Limits at Northop). During the detailed design stage and construction of the DCO Proposed Development, further opportunities for micro-siting and avoidance will be sought to further reduce impacts arising from construction as detailed within mitigation measures D-BD-009 to D-BD-014, of the Outline CEMP [AS-055] and Outline LEMP [APP-229] and to be included in the detailed CEMP as secured by Requirement 5 and 11 of the dDCO [AS-016]. Current tree losses have been assessed on a reasonable worst-case scenario based on those 'at risk' as per Appendix 9.11 - Arboricultural Impact Assessment – Part 1 [APP-115].</p>	<p>As noted above and in the Council's Written Representation and Addendum [REP1-061, REP1A-004], there remains to be incomplete surveys in respect bats and barn owls.</p> <p><i>Riparian Mammals</i></p> <p>The updates provided in ES Chapter 9 [AS-026] state that further surveys have been carried out and 61 watercourses have been surveyed, however within the Applicants response a number of 70 watercourses is stated. The Council require clarification on this matter.</p> <p><i>Badgers</i></p> <p>The Applicant's response states that the route will be permeable in the majority to terrestrial animals. It is considered that this is acceptable with the clarification provided and that this issue can continue to be assessed once more detail design and updated survey reports are available.</p>
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		<p>A series of commitments to retain and avoid features have been made during the course of the design development and will be further refined at the detailed design stage. However, trees and features within the Order Limits considered to be at risk of direct impacts or removal have been detailed within Table 9.11 Likely Significant Effects during the construction stage within Chapter 9 - Biodiversity [AS-025].</p> <p>Construction of the DCO Proposed Development will be short term, temporary and localised across the landscape and will require the excavation of a trench within a prescribed construction corridor (see D-BD-053 of the Outline CEMP [AS-055]) and Outline LEMP [APP-229], as secured by Requirement 5 and 11 of the dDCO [AS-016]. Measures to maintain the ability of wildlife to move through the construction corridor have been included within the Outline CEMP [AS-055] (see examples D-BD-022 and D-BD-031 of the Outline CEMP [AS-055]), with measures additionally detailed to prevent entrapment of animals during construction (see D-BD-023 of the Outline</p>	<p>The Council requires clarification that all areas have been surveyed 30m from the works as well as the identified sett number discrepancies.</p> <p><i>Breeding/Wintering Birds</i></p> <p>The Applicant's response acknowledges that bird surveys were carried out across a variety of habitat types and in relation to designated sites. However, this approach may still miss unidentified Functionally linked land, or important areas for breeding birds, not related to the designated sites. The Council requires that this be clarified before the residual effects can be accepted.</p> <p><i>Fish</i></p> <p>The Council's Written Representation addendum [REP1A-004] highlights that the logic for survey locations and types is not clear. The Council request that this be clarified by the Applicant.</p> <p>The Applicant's response to the Council's RR [REP-042] states that</p>
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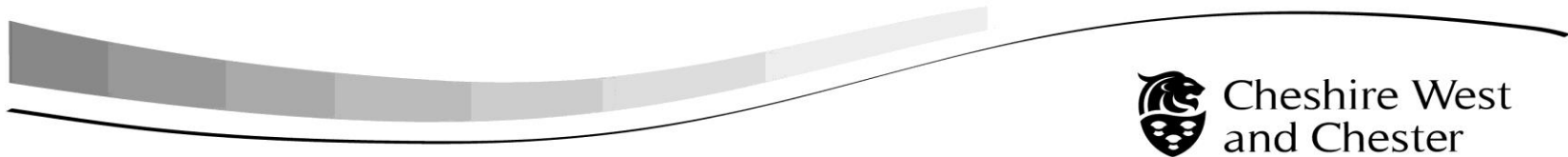
		<p>CEMP [AS-055] allowing movement either side of the trench. Where watercourses are to be crossed using trenched techniques these will be restricted to as minimal a footprint as is practicable for construction (see D-BD-018 of the Outline CEMP [AS-055]) as secured by Requirement 5 of the dDCO [AS-016] and completed as swiftly as possible to allow reinstatement. Additionally, watercourse crossings for access purposes only will be minimised as far as practicable during construction (see D-BD-064 of the Outline CEMP [AS-055]) as secured by Requirement 5 of the dDCO [AS-016] to reduce unnecessary temporary severance effects.</p> <p>As described within Section 2.2 of Appendix 9.8 - Bird Survey Report [APP-112], transect and survey locations for breeding and wintering birds were designed to provide survey results and coverage across a variety of habitat types, allowing representative bird communities to be sampled. Certain transect locations were chosen on the basis of proximity to or locations within statutory designated sites, recognising a need to understand potential impacts</p>	<p>there was only one watercourse safe for accessing for electric fish surveys out of the 70 watercourses surveyed, and some watercourse were subject to DNA survey. It is not clear what percentage of the total watercourses were surveyed or were fully surveyed. An updated survey progress table, was presented in a previous meeting between the Council and the Applicant, showing the percentage and numbers of watercourses surveyed and with which type of survey. The Council ask that this be provided to them so that it can clarify the information shared on screen, as well as a timetable for further, or updated surveys.</p>
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		<p>upon qualifying features of such sites (for example, creation of Transect 2 along the River Dee). Transects were developed utilising desk study data review in combination with local ornithological knowledge.</p> <p>As detailed in Section 9.6 of Chapter 9 - Biodiversity [AS-025] and Section 2.2 to 2.6 of Appendix 9.9 - Aquatic Ecology (Watercourses) Survey Report [APP-113], aquatic habitat scoping assessments were conducted along the extent of each watercourse within the Order Limits. A total of 70 watercourses were therefore assessed during these aquatic habitat scoping assessments. Table 6 within Appendix 9.9 - Aquatic Ecology (Watercourses) Survey Report [APP-113], details the results of the aquatic habitat scoping assessments and provides reasoning for the scoping out of further surveys, where applicable.</p> <p>Where further fish surveys were recommended, the accessibility of the watercourse was assessed for suitability to carry out electric fishing surveys. As stated in Section 2.2 of Appendix 9.9 - Aquatic Ecology (Watercourses) Survey</p>	
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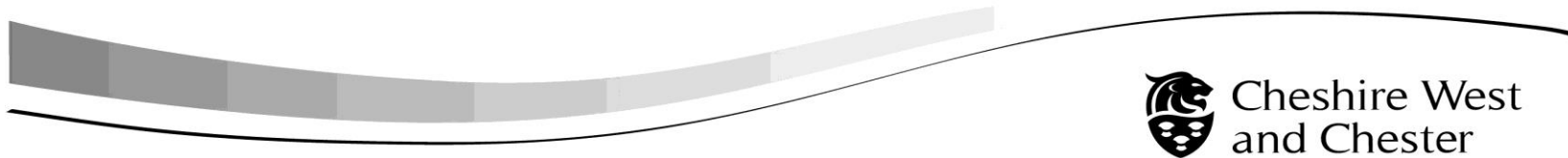


		<p>Report [APP-113], only one watercourse within the Order Limits was deemed to be safe to access for such surveys. Where access to a watercourse deemed to have suitable fish habitat was constrained, an eDNA sample was instead taken to gain an understanding of the fish population within the watercourse (Section 2.7 of Appendix 9.9 - Aquatic Ecology (Watercourses) Survey Report [APP-113]). eDNA surveys collected representative samples from each watercourse by sub-sampling the different habitat and flow types present (Section 2.3 of Appendix 9.9 - Aquatic Ecology (Watercourses) Survey Report [APP-113]).</p> <p>Seine netting is the appropriate survey methodology to assess fish populations within larger watercourses and therefore this methodology was employed to survey the River Dee.</p> <p>The survey location was determined by the indicative pipeline location at the time of survey, with surveys carried out as close to the pipeline crossing locations as reasonably possible, given health, safety, and access constraints. Where suitable</p>	
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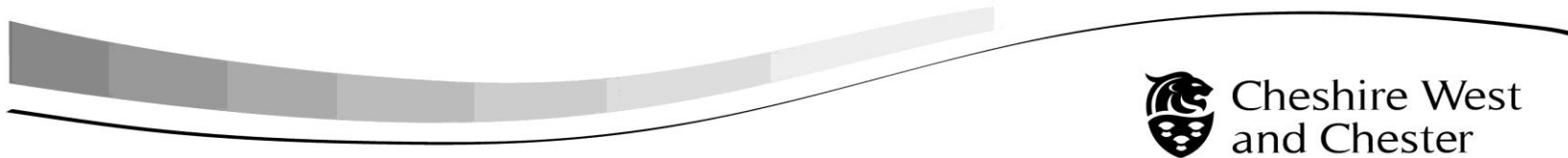


		fish habitat was not observed at the indicative pipeline crossing location, eDNA surveys were conducted either upstream or downstream of the indicative crossing location where appropriate habitat was observed within the Order Limits, and with regard to health, safety, and access constraints.	
2.12.09	It is noted that, due to technical reasons, replacement trees cannot be planted within 12m either side of the pipeline. Clarification on this matter is required in respect what this means in terms of tree and hedgerow replacements and to 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>Where possible, the Applicant will seek to avoid tree and hedgerow loss as much as reasonably practicably during the detailed design stage of the DCO Proposed Development. Where sections of hedgerow are removed to facilitate construction, these will be reinstated post-construction through the planting of a combination of whips and shrubs as captured within mitigation item D-BD-032 (Outline CEMP [AS-055]), also included in the Outline LEMP [APP-229] as secured by Requirement 5 and 11 of the dDCO [AS-016] and will be reinstated across the top of the pipeline reforming the contiguous hedgerow and associated connectivity.</p> <p>As per Section 9.10 of Chapter 9 - Biodiversity [AS-025], whilst minimised or avoided wherever possible, where trees</p>	The Applicant's response to the RR [REP-042] states that all hedgerows lost will be replaced with whips and shrubs across the top of the pipeline to reinstate the hedgerow lines in the same location. Further, tree planting will be as close as possible to loss and on a 3 for 1 basis. 13 areas for mitigation have been selected on the basis of enhancing existing woodland areas, enhancing green infrastructure corridors and providing new connectivity across the landscape, within the confines of the Order Limits. This is acceptable and should be secured by final planting plans. It is noted that tree planting will be monitored for 10 years; it would be in line with other commitments by the Applicant to increase this to the standard 30 year requirement.

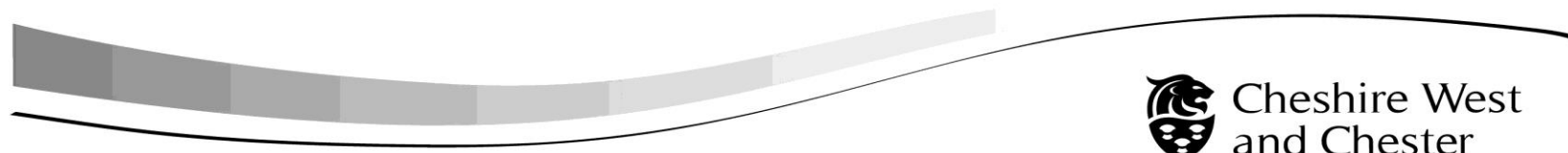
		<p>are required to be removed to facilitate construction, these will be replanted in as close a proximity as possible, where it is appropriate to do so (e.g. no planting of trees within the middle of agricultural fields). Tree planting is proposed on a 3:1 (planting to loss) ratio. Thirteen areas have been identified for mitigation and compensation planting to offset the losses of trees identified 'at risk', as assessed within Appendix 9.11 - Arboricultural Impact Assessment – Part 1 [APP-115]. The locations of proposed mitigation areas have been selected on the basis of enhancing existing woodland areas, enhancing green infrastructure corridors and providing new connectivity across the landscape, within the confines of the Order Limits. Mitigation item D-BD-063 (Outline CEMP [AS-055]) as secured by Requirement 5 of the dDCO [AS-016] defines that management of newly planted trees and woodland would follow management across a 10-year period during establishment. However, exact prescriptions will be detailed within the detailed LEMP to be developed at the detailed design stage and secured by Requirement 11 of the dDCO [AS-016]. It is currently assumed that no trees will be</p>	<p>The Applicant also states that Local Wildlife Site (LWS) habitats will be reinstated, apart from at Ince AGI, where there is permanent loss and agricultural land use prevents reinstatement. It is requested that this is pursued further with the landowner, or further evidence provided to evidence why this is not possible?</p> <p>The Applicant states that LWS habitats will be reinstated, apart from at Ince AGI, where there is permanent loss and agricultural land use prevents reinstatement. It is requested that this is pursued further with the landowner, or further evidence provided to evidence why this is not possible. It should be secured that habitats reach a level of either priority habitat status or enhanced condition and the long-term management plan put in place should include this. The 30-year requirement committed to for BNG should also apply to LWS. The Council ask that confirmation of this is required.</p>
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		<p>felled at Saughall Bank LWS or the banks of the Shropshire Union Canal crossing, with trenchless installation techniques to be employed.</p> <p>With regards LWSs, the DCO Proposed Development will broadly result in short term, temporary and localised impacts during construction. Habitats affected will be reinstated post construction and subject to appropriate management to be defined at the detailed design stage within the LEMP (secured by Requirement 11 of the dDCO [AS-016]) as captured within item D-BD-062 (Outline CEMP [AS-055]) as secured by Requirement 5 of the dDCO [AS-016]. Permanent impacts associated with the construction of the Ince AGI, located within the boundary of the Frodsham and Ince Marshes LWS, will result in the loss of some habitat. Whilst options to mitigate this loss will be explored during the detailed design stage, the field where the AGI will be created is subject to grazing and agricultural pressures and as such may be unsuitable for mitigation directly.</p> <p>All required long term management of created or reinstated habitats will be</p>	<p>In addition to the identified impacts in Table 9.11 of ES Chapter 9 [AS-025] the Council raises the need to consider impacts from permanent losses of trees within the planting exclusion zone over the pipeline and the resulting impacts upon the connectivity between LWS and habitats.</p>
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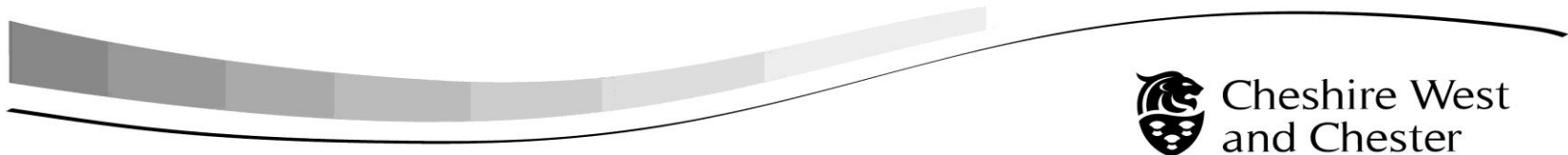
		captured within the detailed LEMP to be produced at the detailed design stage, secured by Requirement 11 of the dDCO [AS-016] .	
12.2.10	A Biodiversity Net Gain (BNG) assessment has been undertaken, but only for priority habitats, rather than all habitats as a standard BNG calculation would. It is noted that BNG is not currently a mandatory requirement for NSIPs but can be used as a general tool to demonstrate if a project is achieving adequate habitat mitigation and compensation. The BNG undertaken shows the project is unable to provide net gain within the order limits and that off-site is only potential. It is asked that if BNG is to be applied to this project, the above be clarified including how off-site mitigation is to be secured.	The Applicant held discussions with CWAC (in tandem with FCC) regarding the approach to the Biodiversity Net Gain assessment on 21 July 2022 (see D.7.2.2 - SoCG with CWAC) with specific reference to the approach of assessing Priority Habitats solely. As per Paragraph 4.1.7 of the Biodiversity Net Gain – Part 1 [APP-231] , the Applicant can confirm that they are exploring opportunities for the creation of off-site compensation to achieve BNG for priority habitats and will provide details of secured offset sites within a revised Biodiversity Net Gain Report. As BNG is not a mandatory requirement for NSIPs, land cannot be specifically included for the sole purpose of BNG offsetting within the Order Limits. The Applicant is currently in discussions with CWAC to secure BNG provisions, linked to the Mersey Forest scheme. MS Teams meetings have been held on 24 January 2023 and on 17 March 2023 and CWAC are currently in detailed discussion regarding the technical	The Council can confirm that meetings have taken place in respect BNG offsetting.



		requirements of the project and the commercial terms.	
	Chapter 16 – Population and Human Health		
2.12.11	<p>A number of 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. Concerns are raised where works have the potential to affect or exacerbate local drainage. It is asked that due consideration of both direct and indirect impacts and on public rights of way from drainage is provided and be clearly addressed in the drainage management schemes and mitigated during construction works (CEMP) as well as the restoration of land.</p>	<p>The Applicant has considered the impacts of the increase in surface water flood risk in the Outline Surface Water Drainage Strategy [APP 241 to 245] and this has ensured compliance with all local and national requirements for sustainable water drainage design to prevent any increase in flood risk elsewhere along the proposed pipeline in England.</p> <p>The Applicant has considered flood risk in a Flood Risk Assessment (FRA) [APP-167 to APP-168] in consultation with the Environment Agency, Dwr Cymru and United Utilities Cheshire West and Chester Council’s Lead Local Flood Authority.</p> <p>In addition to the FRA, the Applicant has also produced an outline Soil Management Plan [APP-227] as part of the CEMP required by Requirement 5 of the dDCO [AS-016], which will be used as part of REAC commitment [AS-053, D-LS-007] to ensure land is restored.</p>	<p>The Council’s LIR [REP1A-02] highlights the potential for impacts in respect direct and indirect drainage in respect public rights of way.</p> <p>Mitigation / consideration of this potential impact on wider drainage on sensitive public rights of way during construction, operation and decommissioning should be included the relevant management plans (CEMP, OMEMP and DEMP).</p> <p>Clarification is requested if and where such drainage matters are addressed in the above management plans.</p>

Chapter 17 – Traffic and Transport			
2.12.12	<p>Whilst some concerns are raised in relation of the suitability and safety of the use of smaller lanes to access construction compounds no overall objection is made from the Council's Highways.</p>	<p>The Applicant has produced an OCTMP [APP-224] which has reviewed the construction traffic routes serving the DCO Proposed Development and includes measures to ensure all routes are suitable for construction traffic without compromising amenity, access and safety.</p> <p>The Applicant notes that CWAC's Highways department does not have any objection to the DCO Proposed Development.</p>	<p>The Council's LIR submitted at deadline 1A [REP1A-02] outlines the impact on traffic and transport.</p> <p>The Council note that there is positive ongoing engagement with the Applicant with regards to the highways impact of the DCO proposed Development. The Council will make representations on the draft DCO and accompanying documentation throughout the Examination and will be liaising with the Applicant to negotiate the Protective Provisions at Part 7 to Schedule 10 of the draft DCO.</p>
Chapter 19 – Cumulative Impacts			
2.12.13	<p>Combined effects should be fully considered with HS2, especially in terms of impacts on MSAs, waste generation and impacts to local and regional transport.</p> <p>Combined effects with other NSIPs should include the Caden Hydrogen Pipe project including its Pipe location and HAGIs which would have potential for physical overlap especially near to the HPP plan and offshoot to the Protos Site.</p>	<p>As per paragraph 19.5.1 of Chapter 19 Combined and Cumulative Effects of the 2022 ES [APP-071] and Table 1 of Appendix 19.1 of the 2022 ES [APP-172], the Study Area for, the Cumulative Inter-Project Effects Assessment has been determined via the identification of Zones of Influence (ZOI) for likely significant effects. The ZOI for local and regional transport used for the assessment is taken from Figure 17.1 of the 2022 ES [APP-211] and extends as far east as</p>	<p>The Council acknowledges the reasoning behind the ZOI threshold and confirm that this approach is reasonable.</p>

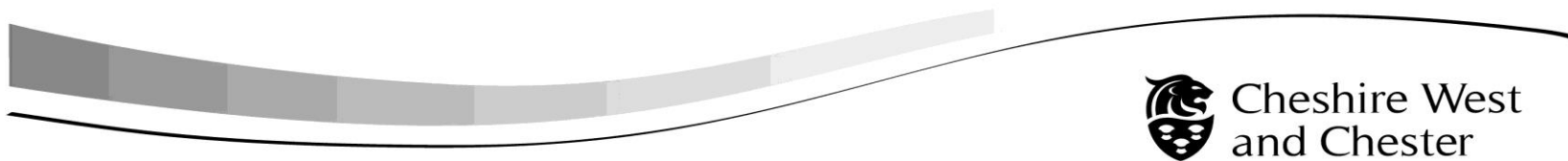
		<p>Helsby. For waste generation (and Mineral Safeguarding Areas (MSAs)) the ZOI was reduced to 10km for practicable and proportionate assessment purposes. As a result of the extent of these ZOIs, HS2 projects have not been scoped into the long-list (Table 2 of [APP-172]) or short-list (Table 3 of [APP-172]) of the Inter-Project Effects Assessment as the HS2 Phase 2b: Crewe to Manchester (the nearest HS2 works to the DCO Proposed Development) are approximately 20km from the DCO Proposed Development.</p> <p>In addition, the residual effects of Chapter 14 Materials and Waste of the 2022 ES [APP-066] concluded Minor Adverse residual effects in relation to material resource consumption and landfill capacity. As no residual effects in relation to MSAs are anticipated, no inter-project effect would occur. Regarding waste generation, mitigation measures detailed in Chapter 14 [APP-066] such as Waste Management Plans and conformance to the Waste Hierarchy are legal requirements as secured by Requirement 5(2)(h) of the dDCO [AS-016]. It is assumed that HS2 would comply with these requirements and would include</p>	
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		<p>equivalent mitigation measures, minimising their effects on landfill capacity. As a result, a measurable in-combination effects between the DCO Proposed Development and HS2 are not anticipated.</p> <p>As per Table 2, Table 3 and Table 4 of Appendix 19.1 of the 2022 ES [APP-172], the Cadent Hydrogen Pipeline project (PINS reference: EN060006) is included in the Inter-Project Effects Assessment (with development ID 1g). The assessment considered potential inter-project effects during both the construction and operation stages and was informed primarily by development 1g's EIA Scoping Report submitted to the Inspectorate on 26 January 2022. The construction stages assessed Biodiversity, Land and Soils, Landscape and Visual, Materials and Waste, Noise and Vibration, Population and Human Health, Traffic and Transport and Water Resources and Flood Risk. The conclusions of the construction stage assessment were limited to Minor Adverse inter-project effects on all assessed topics.</p>	
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		<p>The operational stage assessed Cultural Heritage, Landscape and Visual and Water Resources and Flood Risk. The conclusions of the operational stage assessment were limited to Minor Adverse inter-project effects in relation to Water Resources and Flood Risk, with other effects being determined to be Negligible. This assessment considers that development 1g is adjacent and overlapping the Order Limits for the DCO Proposed Development. The Applicant acknowledges that Table 2 of Appendix 19.1 [APP-172] contains an error, the distance from the DCO Proposed Development has been incorrectly marked as '<0.1km'. This is an erratum and will be marked 'Adjacent', as assessed.</p> <p>As set out in advice note 17, the Applicant can only carry out assessment up to a reasonable cut-off date and with such information as is available. The Cadent pipeline has not yet applied for consent, no ES is available and the cumulative assessment has accordingly been undertaken having regard to the information available which is preliminary.</p>	
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		This accords with the guidance and the EIA case law.	
	The Draft Development Consent Order		
2.12.14	On review of the draft Development Consent Order (DCO) the Council raises several concerns in respect 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. Discussions with the applicant in respect the draft DCO are ongoing and whilst it is expected that much the raised issues can be appropriately addressed there are several which without resolve are potentially matters for significant concern.	The Applicant is in regular communication with the local authority on the content and wording of the dDCO [AS-016] .	Please refer to the Council's WR [REP1-061] The Council welcomes regular meetings but would prefer area specific meetings with clear agendas and outcomes.
2.12.15	These include but are not limited to the following: <ul style="list-style-type: none"> • Clarification in respect the defence to proceedings and arbitration in respect of statutory nuisance for noise 	The Applicant is in regular communication with the local authority on the content and wording of the dDCO [AS-016] .	Please refer to the Council's WR [REP1-061]



	<p>and its interplay with existing statute (DCO Part 2 (Principal Powers) Para. 9).</p> <ul style="list-style-type: none">• 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 referenced 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.• Further to the above a definition of “existing features” in requirement 11 (d) is needed.		
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	<ul style="list-style-type: none">• The proposed exceptions and definitions in relation to the proposed construction working hours under Requirement 12 (1-5) are not considered acceptable.• There is the need for detailed restoration plans including aftercare under requirements 15 and 16.• Clarification of timescales for notifications and decisions under the proposed requirements and discharge of requirements – 42 days?• The proposed 5/21-day notification periods for the request for further information under Schedule 2 Part 2 paras 21 (2-4) is not considered acceptable.		
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