

APPLICANT'S COMMENTS ON LOCAL IMPACT REPORTS

HyNet North West Carbon Dioxide Pipeline

Planning Act 2008

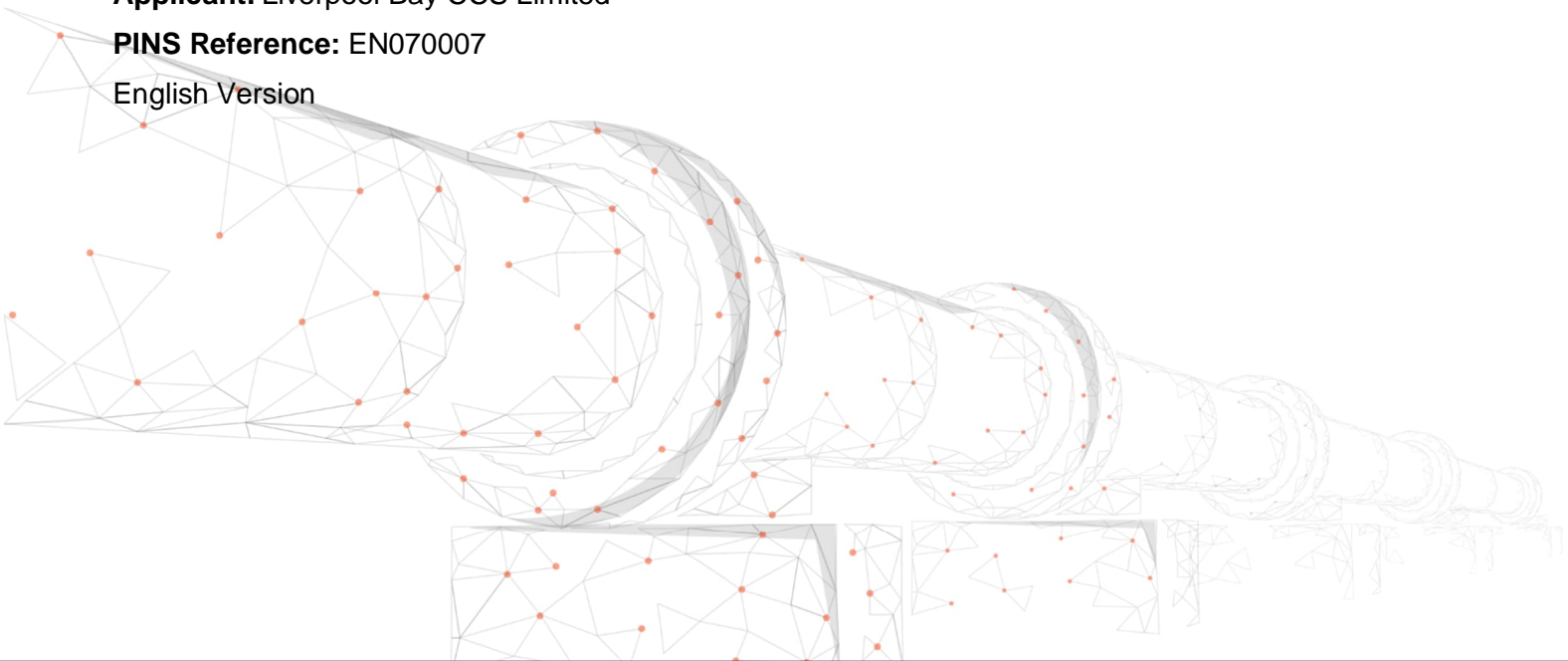
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TABLE OF CONTENTS

- 1. INTRODUCTION..... 1
 - 1.1. Purpose of this document..... 1
 - 1.2. The DCO Proposed Development..... 1
- 2. APPLICANT’S RESPONSE 2

TABLES

- Table 2.1 – Applicant’s response to the Local Impact Report submitted by Flintshire County Council (FCC) [REP1A-005] 3
- Table 2.2 – Applicant’s response to the Local Impact Report submitted by Cheshire West and Chester Council (CWCC) [REP1A-002 and REP1A-003] 64

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1. INTRODUCTION

1.1. PURPOSE OF THIS DOCUMENT

- 1.1.1. This document has been prepared on behalf of Liverpool Bay CCS Limited ('the Applicant') and relates to an application ('the Application') for a Development Consent Order (DCO) that has been submitted to the Secretary of State (SoS) for Business, Energy and Industrial Strategy (BEIS) under Section 37 of the Planning Act 2008 ('the PA 2008'). The Application relates to the carbon dioxide (CO₂) pipeline which constitutes the DCO Proposed Development.
- 1.1.2. This document provides the Applicant's comments to the Local Impact Reports (LIRs) submitted by Cheshire West and Chester Council (CWCC) and Flintshire County Council (FCC).

1.2. THE DCO PROPOSED DEVELOPMENT

- 1.2.1. HyNet (the Project) is an innovative low carbon hydrogen and carbon capture, transport and storage project that will unlock a low carbon economy for the North West of England and North Wales and put the region at the forefront of the UK's drive to Net-Zero. The details of the project can be found in the main DCO documentation.
- 1.2.2. A full description of the DCO Proposed Development is detailed in Chapter 3 of the 2022 Environmental Statement (ES) (as submitted with the DCO application) **[APP-055]**. The previously submitted ES is hereafter referred to as the '2022 ES'.
- 1.2.3. Following the Preliminary Meeting on 20 March 2023 and the Applicant's submission of its Notification of Intention to Submit a Change Request **[AS-060]** on 21 March 2023, the Applicant submitted a Change Request on 27 March 2023 which was accepted on 24 April 2023. The Applicant's Change Request includes '2023 ES Addendum Change Request 1' **[CR1-124 to 126]** and ES Addendum Chapter 3 provides an update to the description of the DCO Proposed Development **[APP-055]** resulting from the proposed design changes and clarifications to assessments.

2. APPLICANT'S RESPONSE

- 2.1.1. This chapter provides the Applicant's comments to the Local Impact Reports (LIRs) submitted by CWCC and FCC to Deadlines 1 and 1a.
- 2.1.2. The Applicant does not have any comments on the appendices to the FCC LIR **[REP1A-006]**, submitted by FCC at Deadline 1A; therefore, that submission is not considered below.

Table 2.1 – Applicant’s response to the Local Impact Report submitted by Flintshire County Council (FCC) [REP1A-005]

Reference	LPA Reference	Local Impact Report Statement	Applicant’s Response
2.1.1	PART A	BACKGROUND AND CONTEXT 1. Introduction (text not copied from original document)	The Applicant acknowledges this section from FCC and has no further comments.
2.1.2		2. Description of the proposed DCO development (text not copied from original document)	The Applicant acknowledges the comments from FCC and reiterates that a full description of the DCO Proposed Development can be found within the Planning Statement Section 1.3 [REP1-013] .
2.1.3		3. Description of the proposed DCO development site and surroundings (text not copied from original document)	The Applicant acknowledges the comments from FCC and reiterates that a full description of the DCO Proposed Development can be found within the Planning Statement Section 2 [REP1-013] .
4. Relevant planning history and committed development			
2.1.4	4.1	Planning applications which are extant or pending determination within the DCO order limit, are set out below. It is noted that the majority of these proposals have not been identified within the applicant’s planning statement:	The Applicant acknowledges the submission by FCC. The Applicant updated the Planning Statement for Deadline 1 [REP1-013] . Appendix A identifies the relevant planning history for land within and adjacent to the Order Limits and considers planning history up to 31 March 2023. The Applicant has updated the Planning Statement for Deadline 2 and has updated Appendix A accordingly based on the submission by FCC as required.
2.1.5	4.2	Planning applications pending determination that lie within the DCO Order limit: - Reference: FUL/000111/23 - Newbridge Farm, Holywell Road, Ewloe, Deeside, CH5 3BS; (RETROSPECTIVE) Construction of a slurry tower with cover. Status – pending. It is understood that this slurry tank has been constructed and therefore the above planning application is retrospective. The slurry tower is sited where the proposed DCO CO2 pipeline is proposed to be located. Liverpool Bay CCS is aware of this existing structure and the pending planning application and has included solutions to resolve this within the change request submitted to the Examining Authority. -Reference: FUL/000073/23 – Land at Mold Road, Ewloe Green, Ewloe, Flintshire, CH5 3BP; Erection of 5 no Holiday Pods. Status; Pending – consultation period open. The above planning application site for 5 holiday pods lies within the DCO application boundary.	

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
		<p>-Reference: FUL/000719/22 - Beeches Farm, Flint Road, Saltney Ferry, CH4 0BW; Construction of a 42m x 13m silage pit with associated apron yards and effluent drainage.</p> <p>The application site for the above proposal intersects the DCO application boundary. However, it is understood that the proposed location of the structure lies outside of the DCO application boundary.</p> <p>- Reference: 064210 - Holywell Grid Substation to Point of Ayr, Talacre; Overhead lines from Holywell Grid Station through Lloc to Talacre; pending decision.</p>	
2.1.6	4.3	Planning applications approved within the last 5 years (extant permissions) (to March 2018) that lie within the DCO Order limit are detailed in the table below.	The Applicant acknowledges this list from FCC. The Applicant has not recreated the table in this document for the purpose of clarity in the document. However, this can be found at paragraph 4.3 in the FCC LIR [REP1A-005] .
2.1.7	4.4	<p>Relevant applications refused and under appeal which may be of relevance to the examination of this Application for a DCO is:</p> <p>- Reference: 062820 - 1 Liverpool Road, CH5 3AR; 'Erection of 130no. Dwellings'. this application has now been refused (26th October 2022). It is uncertain if the applicant will lodge an appeal and we are approaching the end of the period for the applicant to lodge an appeal.</p>	The Applicant acknowledges the response from FCC and confirms any refused application would not be included in the Planning Statement Appendix A [REP1-013] but welcomes updates from FCC regarding the status of relevant committed developments.
Part B Relevant Planning Policies and Guidance			
2.1.8	5	UK Government Planning Policy and Legislation	The Applicant acknowledges the submission from FCC and confirms that a full assessment of UK Government Planning Policy and Legislation can be found within the Planning Statement Section 3 and Section 4 and Appendix B [REP1-013] .
2.1.9	6	Welsh Government Planning Policy and Legislation	The Applicant acknowledges the submission from FCC and confirms that a full assessment of Welsh Government Planning Policy and Legislation can be found within the Planning Statement Section 3 [REP1-013] .
2.1.10	7	Local Planning Policy	The Applicant acknowledges the submission from FCC and confirms that a full assessment of Local Planning Policy can be found within the Planning Statement Section 3.3.8 and Appendix B [REP1-013] .
2.1.11	8	Supplementary Planning Guidance Notes	The Applicant has given consideration to the relevant Supplementary Planning Guidance (SPG) Notes within the updated Planning Statement [REP1-013] submitted for Deadline 2.

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
			The SPG's were adopted by FCC in accordance with the extant UDP and aligned with Planning Policy Wales. The Applicant has considered compliance against Planning Policy Wales in Appendix B of the Planning Statement [REP1-013] .
2.1.12	9	Other Material Considerations	The Applicant acknowledges the submission from FCC and has no further comments at this time.
Part C Assessment Of Impacts			
10. Principle of Development/ Climate Change			
2.1.13	10.1.	The Environment (Wales) Act 2016 (Amendment of 2050 Emissions Target) Regulations 2021 has set an amended target of reducing carbon emissions in Wales to net zero by 2050.	The Applicant acknowledges the net zero targets set by the Environment (Wales) Act 2016. The Planning Statement [REP1-013] provides an overview of compliance with legislation whilst the Environmental Statement Chapter 7 [APP-059] and Chapter 10 [APP-062] assess impact to climate change.
2.1.14	10.2.	PPW provides strategic policy support for renewable energy developments of all scales. At 5.7.14 it states the Welsh Government has set targets for the generation of renewable energy, which includes a target of 70% of electricity consumption in Wales to be generated from renewable energy by 2030.	The Applicant has considered the compliance of the DCO Proposed Development with Chapter 5 of the PPW in the Planning Statement [REP1-013] Appendix B.
2.1.15	10.3.	Future Wales, the National Plan 2040 forms part of the adopted development plan for all local planning authority areas in Wales.	The Applicant has considered the compliance of the DCO Proposed Development with Future Wales, the National Plan 2040 in Chapter 3 of the Planning Statement [REP1-013] .
2.1.16	10.4.	Future Wales Policy 17 sets out strong support to the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs. It states that, in determining planning applications for renewable and low carbon energy development, decision-makers must give significant weight to the need to meet Wales' international commitments and the Welsh Government target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency.	The Applicant has considered the compliance of the DCO Proposed Development with Future Wales, the National Plan 2040, Policy 17 in Chapter 3 of the Planning Statement [REP1-013] .
2.1.17	10.5.	Policy 1 drives the delivery of the Future Wales Outcomes and ensures Future Wales' policies and the planning system in general are committed to achievement. Key issues listed include decarbonisation.	The Applicant has considered the compliance of the DCO Proposed Development with Future Wales, the National Plan 2040, Policy 1 in Chapter 3 of the Planning Statement [REP1-013] .
2.1.18	10.6.	LDP Policy EN13: Renewable and Low Carbon Energy Development states that: <i>"All renewable or low carbon energy proposals will be permitted provided that:</i> <i>i. the development does not prejudice the purpose of the ILSAs [indicative local search areas] to maximise opportunities for large scale solar PV development;</i>	The Applicant has considered the compliance of the DCO Proposed Development with EN13 of the LDP in the Planning Statement [REP1-013] Appendix B.

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
		<ul style="list-style-type: none"> ii. <i>the siting, design, layout, type of installation and materials used do not have a significant adverse effect on the character and features of the proposed location;</i> iii. <i>there would not be unacceptable loss of public amenity or accessibility to the area;</i> iv. <i>the impact of the development upon agriculture, forestry, recreation and other land uses is minimised to permit existing uses to continue unhindered;</i> v. <i>there would be no individual or cumulative significant adverse effect on the landscape, particularly the AONB and its setting;</i> vi. <i>any associated ancillary buildings or structures are sensitively sited and designed to minimize their impact on the character and quality of the locality;</i> vii. <i>in sensitive areas where above ground connections will have an unacceptable adverse effect on the landscape, connection lines and pipes should be located underground;</i> viii. <i>adequate provision has been made in the scheme for the restoration and aftercare of the site on the cessation of use</i> 	
2.1.19	10.7	Of relevance, the explanatory text that accompanies Policy EN13 states: “ <i>The Council is aware that the energy sector is going through significant changes in the light of the need to de-carbonise energy production. Innovative new energy sources such as hydrogen are being developed and there may be opportunities for such development within the County given its long standing energy production role</i> ”.	The Applicant acknowledges the response of FCC and has no further comments at this time.
2.1.20	10.8	Welsh Government has declared a climate emergency in Wales and has set plans for the public sector to be carbon neutral by 2030 (Welsh Government, 2019). As a result, FCC has set the target date of 2030 to decarbonise Council operations and promote the protection and enhancement of the county's natural environment. FCC has published a Climate Strategy – 2029/30) to help meet this goal (Flintshire County Council, 2021).	The Applicant welcomes the position of Welsh Government and FCC and acknowledges this response and has no further comments at this time.
2.1.21	10.9	The applicant's 'Needs Case' [APP-049] and the Planning Statement [APP-048] considers the Energy and Planning Policy and Legislative context for this proposed development. The documents set out general conformity with NPS EN-1 and NPS EN-4.	The Applicant acknowledges the response of FCC and has no further comments at this time.
2.1.22	10.10	From a carbon reduction perspective, the Council are supportive of the proposal due to the anticipated carbon emissions savings that would be prevented from entering the atmosphere. As such, the HyNet project would contribute to carbon reduction and, in turn aid the UK in its target to be net zero carbon by 2050.	The Applicant welcomes the position of FCC as supportive from a carbon reduction perspective and has no further comments at this time.

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
2.1.23	10.11	The wider HyNet project would also contribute to relieving the strain on the national electricity grid, as it is understood that some of the Hydrogen produced would be used in energy generation to supply domestic buildings.	The Applicant acknowledges the response of FCC and has no further comments at this time.
2.1.24	10.12	The decarbonisation of heat within the UK's housing stock will largely be met by the installation of heat pumps, with targets of 600,000 per year installed by 2028. Combined with the introduction of electric vehicles and their associated charging infrastructure, this represents a significant increase in demand on the country's electricity network, the reinforcement of which, to cope with the aforementioned increased demand, will no doubt come at a significant cost.	The Applicant acknowledges the response of FCC and has no further comments at this time.
2.1.25	10.13	A significant proportion of the area covered by the HyNet network is largely industrial, currently emitting large amounts of carbon emissions, and if a proportion of this can be captured this would be beneficial, not just for the immediate areas in which the Hydrogen production plant is proposed in Cheshire, but also for Flintshire and beyond. Furthermore, should the DCO application for a carbon dioxide pipeline be consented, this would provide opportunities in the future (subject to separate consenting) for large CO2 emitting industries to capture their carbon and connect and 'tie-in' to the proposed HyNet CO2 pipeline for offshore storage.	The Applicant welcomes the position of FCC and acknowledges the response of FCC and has no further comments at this time.
2.1.26	10.14	The project therefore would contribute to the reduction of CO2 in the atmosphere and would make a significant contribution to the national and local effort to alleviate the climate change emergency. The Council agree that the proposal would deliver clear and substantial benefits on a local, regional and national level.	The Applicant welcomes the position of FCC as supportive from a carbon reduction perspective and has no further comments at this time.
2.1.27	10.15	However, from a 'green' perspective there are a number of constraints and drawbacks with the wider HyNet project. HyNet proposes the production of what is known as 'Blue' Hydrogen; using natural gas (a fossil fuel) in order to accelerate the move to a zero carbon energy network. This appears to be somewhat counter intuitive as it does not represent an avoidance of emissions and it may further encourage investment into natural gas industries and potentially away from the renewable energy sector. Whilst it can be noted that 'Blue' Hydrogen represents somewhat of a stop gap, if hydrogen networks are to be developed then ultimately these need to switch to renewable energy enabled 'Green' Hydrogen in order to truly reach net zero carbon, which is currently not particularly feasible at scale, although this is being further developed as part of UK Government's 'twin track' approach.	<p>The DCO Proposed Development is for the Transportation and Storage of CO₂ and is being developed for multiple emitters. Currently five emitters, (one of which is located in Flintshire) were announced to be as part of the Cluster sequencing Phase-2: Track-1 project negotiation list, March 2023 and will be provided with support from DESNZ (Department of Energy Security and Net Zero) to proceed to the next design stages. The Applicant is in detailed commercial discussions with all of these emitters and is aware that each has provided justification of their proposed development to the relevant regulatory authorities.</p> <p>The Applicant notes that these 5 emitters are as follows:</p> <ul style="list-style-type: none"> • Hanson Padeswood Cement Works Carbon Capture and Storage Project • Viridor Runcorn Industrial CCS • Protos Energy Recovery Facility

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			<ul style="list-style-type: none"> • Buxton Lime Net Zero • HyNet Hydrogen Production Plant 1 (HPP1) <p>The Cluster sequencing Phase-2: Track-1 project negotiation list (March 2023) is available to view on the following webpage: https://www.gov.uk/government/publications/cluster-sequencing-phase-2-eligible-projects-power-ccus-hydrogen-and-icc/cluster-sequencing-phase-2-track-1-project-negotiation-list-march-2023</p> <p>The Applicant notes that out of the five selected CO₂ emitters, one of them is a Hydrogen Production Plant, with the other four capturing emissions for other key industrial sectors such as cement production and energy from waste.</p> <p>The Applicant is aware that the wider HyNet network has plans to bring in electrolytic or “green” hydrogen users and it is envisaged the contribution of which will grow over time. The Applicant is also aware that any “blue” hydrogen plant connecting to the HyNet CO₂ Transport and Storage system will need to demonstrate compliance with the Government’s Low Carbon Hydrogen Standard (LCHS) to be commercially viable and recover at least 97% of all CO₂ generated as part of this standard.</p> <p>The Government’s LCHS guidance is available to view on this following webpage: https://www.gov.uk/government/publications/uk-low-carbon-hydrogen-standard-emissions-reporting-and-sustainability-criteria</p>
2.1.28	10.16	<p>Conclusion on assessment of impact:</p> <ul style="list-style-type: none"> • Construction Phase: NEUTRAL • Operational Phase: POSITIVE 	The Applicant acknowledges the position of FCC and has no further comments at this time.
11. PLANNING ASSESSMENT FOR THE IMPACT ON THE GREEN WEDGE			
2.1.29	11.1.	<p>Paragraph 4.3.62 of the applicant’s Planning Statement [APP-048] states that the Order Limits do not conflict with any land designated as ‘green wedge’. However, the Council does not agree with this statement. Within the application documents, the applicant has failed to identify that a large proportion of the proposed development would potentially affect a number of green wedges that are designated in the adopted Flintshire LDP under Policy EN11.</p>	<p>The Applicant has further considered the potential impacts upon land designated under policy EN11 as a Green Wedge and clarifies that the land intersects and conflicts with designated Green Wedges.</p> <p>The Applicant has therefore updated the Planning Statement and a full assessment against EN11 can be found in Chapter 5 of the Planning Statement [REP1-013] and Appendix B.</p>

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response	
2.1.30	11.2.	The following table lists the green wedges that would potentially be affected by the proposed development with corresponding project 'Works Nos' noted. FCC LIR Appendix 5 – 'HyNet DCO and Green Wedge' provides a map of the locations of green wedge and its relationship with the Order Limits.	Due to the linear nature of the DCO Proposed Development it is necessary for the pipeline and associated infrastructure to pass through the FCC Green Wedges to avoid settlements and unnecessary conflicts with other developments. The Applicant acknowledges that the Order Limits transect the Green Wedges provided by FCC, to also include the BVS at Aston Hill. A full assessment against EN11 can be found in Chapter 5 of the Planning Statement [REP1-013] and Appendix B.	
		Green Wedge Areas - Policy EN11		Works No's affected
		11. Connah's Quay – Northop Hall / Ewloe / Shotton		Works Nos 40B – 43A affected
		12. Shotton – Mancot – Hawarden – Ewloe		Works Nos 34 – 39 affected Including Aston Hill BVS
		13. Hawarden – Mancot – Hawarden Airport – Saltney (S of R. Dee)		Works Nos 33 – 34 affected
		15. Sealand – Cheshire Border (N of R. Dee)		Works Nos 29 – 31C affected
2.1.31	11.3.	Paragraph 5.10.1 of EN-1 states that an energy infrastructure project will have direct effects on the existing use of the proposed site and may have indirect effects on the use, or planned use, of land in the vicinity of other types of development. Specifically, regarding Green Belts, paragraph 5.10.4 explains that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Paragraph 5.10.18 states that in Wales, 'green wedges' may be designated locally. These enjoy the same protection as Green Belt in Wales and the Secretary of State should adopt a similar approach.	The Applicant acknowledges the comments of FCC regarding Green Wedge Policy and confirms this has been incorporated into an updated version of the Planning Statement [REP1-013] and Appendix B.	
2.1.32	11.4.	PPW (2021) states at paragraph 3.68 <i>“Green wedges are local designations which essentially have the same purpose as Green Belts. They may be used to provide a buffer between the settlement edge and statutory designations and safeguard important views into and out of the area. Green wedges should be proposed and be subject to review as part of the LDP process.”</i>		
2.1.33	11.5.	Paragraph 3.71 continues, <i>“To maintain openness, development within a Green Belt and green wedge must be strictly controlled”</i> . Paragraph 3.73 states <i>“When considering applications for planning permission in Green Belts or green wedges, a presumption against inappropriate development will apply. Substantial weight should be attached to any harmful impact which a development would have on the purposes of Green Belt or green wedge designation.”</i>		

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
2.1.34	11.6.	Paragraph 3.74 states that “ <i>Inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Belt or green wedge.</i> ”	
2.1.35	11.7.	The general planning policy presumption against ‘inappropriate development’ applies with equal force in relation nationally significant energy infrastructure projects.	The Applicant acknowledges the comments of FCC and has no further comments at this time.
2.1.36	11.8.	Construction of new buildings in a Green Belt or Green Wedge is considered to be inappropriate development unless it meets the criteria as set out in PPW paragraph 3.75. Certain other forms of development may be appropriate in the Green Belt or Green Wedge provided they preserve its openness and do not conflict with the purposes of including land within it. PPW paragraph 3.77 lists low carbon energy generation and engineering operations as other development that may be appropriate, provided they preserve its openness.	The Applicant acknowledges the comments of FCC regarding Green Wedge Policy and confirms this has been incorporated into an updated version of the Planning Statement [REP1-013] and Appendix B.
2.1.37	11.9.	<p>Policy EN11 of the adopted Flintshire LDP echoes this policy stance and states:</p> <p><i>Within the designated green wedges development will only be permitted for:</i></p> <ul style="list-style-type: none"> <i>a) justified rural enterprise needs;</i> <i>b) essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses of land which maintain the openness of the green wedge and which do not conflict with the purpose of including land within it;</i> <i>c) limited extension, alteration or replacement of existing dwellings;</i> <i>d) small scale diversification within farm complexes where this is run as part of the farm business; or</i> <i>e) the re-use of buildings provided that:</i> <ul style="list-style-type: none"> <i>i. the original building is substantial, permanent and capable of conversion without major reconstruction;</i> <i>ii. the new use will not have a greater impact on the openness of the green wedge and the purposes of including land within it; and</i> <i>iii. the building is in keeping with its surroundings.</i> <p><i>Certain other forms of development may be appropriate in the green wedge provided they preserve its openness and do not conflict with the purposes of including land within it. These are: mineral extraction; renewable and low carbon energy generation; engineering operations; and local transport infrastructure. Other forms of development would be inappropriate development unless they</i></p>	<p>The Applicant acknowledges the comments of FCC regarding Green Wedge Policy and confirms this has been incorporated into an updated version of the Planning Statement [REP1-013] and Appendix B.</p> <p>The BVS at Aston Hill is the only permanent above ground structure which falls within a Green Wedge. It is considered by the Applicant to be designated as an <i>engineering operation</i> essential to the operation of the DCO Proposed Development. Whilst these elements are considered to impact the open character of the Green Wedge, as the development being proposed is necessary to efficiently and safely operate a gas pipeline, the presence of these elements within the Green Wedge is not considered to conflict with EN-11.</p>

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
		<i>maintain the openness of the green wedge and do not conflict with the purposes of including land within it.</i>	
2.1.38	11.10.	Whilst the applicant has not identified that the proposal would potentially affect the green wedges within Flintshire, the Order Limits also fall within land designated for the Cheshire West and Chester Green Belt. Chapter 5 of the applicant's Planning Statement [APP-048] provides a detailed assessment of Green Belt Policy. This assessment is considered transferable in the consideration of the impact the proposed development would have on the green wedge within Flintshire	The Applicant acknowledges the comments of FCC regarding Green Wedge Policy and confirms this has been incorporated into an updated version of the Planning Statement [REP1-013] and Appendix B.
2.1.39	11.11.	It is noted that due to the strategic, linear nature of the DCO Proposed Development, the applicant has stated that it is necessary for the pipeline and associated infrastructure to pass through the Cheshire West and Chester Green Belt to avoid settlements and unnecessary conflict with other development. The same justification would apply for the pipeline crossing through the green wedges of Flintshire.	
2.1.40	11.12.	Within the Flintshire green wedges, the proposal would comprise a permanent underground pipeline and a permanent BVS at Aston Hill. The table above and appended plan shows the DCO limits in relation to the Flintshire Green Wedges and respective 'Works Nos'. There would also be a total of four temporary construction compounds to facilitate the construction.	
2.1.41	11.13.	Paragraph 5.2.5 onwards of the applicant's Planning Statement [APP-488] discusses the nature of the elements of the DCO Proposed Development within the Cheshire Green Belt and considers whether these elements should be considered appropriate development in the Green Belt, or whether there is a need for a case for very special circumstances to be made. Whilst the applicant has not identified that the proposal would fall within the Flintshire Green Wedges, it is considered that the commentary and considerations provided in the Planning Statement in relation to the proposal in the Cheshire Green Belt are transferable and applicable for the consideration of the appropriateness of the proposal in the Flintshire Green Wedge as the features of the development are comparable.	<p>The Applicant acknowledges the comments of FCC regarding Green Wedge Policy and confirms this has been incorporated into an updated version of the Planning Statement [REP1-013] and Appendix B.</p> <p>The Applicant notes that the Needs Case for the DCO Proposed Development [APP-049] outlines the environmental, economic and socio-economic benefits the DCO Proposed Development can deliver and therefore forms the case for very special circumstances justifying the impact to the Green Wedge.</p>
2.1.42	11.14.	The Council would agree that by its very nature, the DCO Proposed Development would principally be an 'engineering operation' and therefore is likely to be excluded from the definition of inappropriate development in the green wedge, provided it preserved its openness.	The Applicant acknowledges the comments of FCC regarding Green Wedge Policy and confirms this has been incorporated into an updated version of the Planning Statement [REP1-013] and Appendix B.
2.1.43	11.15.	This approach is consistent with other similar gas pipeline schemes and confirmed by the statement in paragraph 5.10.12 of EN-1: <i>"An applicant may be</i>	

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		<i>able to demonstrate that a particular type of energy infrastructure, such as an underground pipeline, which, in Green Belt policy terms, may be considered as an "engineering operation" rather than a building is not in the circumstances of the application inappropriate development."</i>	
2.1.44	11.16.	PPW paragraph 3.77 lists engineering operations as other development that may be appropriate provided they preserve its openness. Likewise, Policy EN11 of the Flintshire LDP states that engineering operations may be appropriate in the green wedge provided they preserve its openness and do not conflict with the purposes of including land within it.	
2.1.45	11.17.	The Council would agree with paragraph 5.2.7 of the Planning Statement with regards to the consideration of the pipeline within the Cheshire Green Belt and that this assessment is applicable to the Flintshire Green Wedge. As the sections of pipeline would be buried underground, this element of the development is considered to be appropriate development within the green wedge for which there will be no harm to the open character of the green wedge or conflict with the purposes of including land within it.	
2.1.46	11.18.	The permanent BVS within the Flintshire green wedge comprise the BVS at Aston Hill. The features of this development would be comparable to those detailed within the Planning Statement at paragraph 5.2.10. The Council would concur that this BVS would also be considered to be an engineering operation essential to the operation of the DCO proposed development.	
2.1.47	11.19.	Due to their scale and nature of the development, it is unlikely that these facilities would preserve the openness of the Green Wedge in this location and therefore, this BVS [Aston Hill] in the green wedge would be considered to be 'inappropriate development'	The Applicant acknowledges the comments of FCC regarding Green Wedge Policy and confirms this has been incorporated into an updated version of the Planning Statement [REP1-013] and Appendix B. The Applicant has concluded that AGIs and BVSs within either a Green Belt or Green Wedge would be classed as 'inappropriate development' and the case for very special circumstances must be demonstrated.
2.1.48	11.20.	However, whilst it is considered that the Aston Hill BVS would impact the openness of the green wedge, as the development being proposed is necessary to efficiently and safely operate a gas pipeline, the presence of the BVS in the green wedge is not considered to conflict with the purposes of the designation, as set out in PPW at paragraph 3.67.	The Applicant acknowledges the comments of FCC regarding Green Wedge Policy and confirms this has been incorporated into an updated version of the Planning Statement [REP1-013] and Appendix B.
2.1.49	11.21.	In relation to the temporary construction compounds proposed in the green wedge, the Council concurs with the assessment provided by the applicant. Seemingly there is no guidance with regards to how temporary effects on the	

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
		opens of the green wedge should be considered, however, any effect would be temporary and short term.	
2.1.50	11.22.	Once the construction is completed, the compounds would be removed and the pipeline would not be visible, and the land restored. Therefore, the Council would concur with the assessment that there would be no long-term harm of the openness of the green wedge.	
2.1.51	11.23.	A case for very special circumstances has been made by the applicant in their Planning Statement at paragraph 5.2.23. This is in relation to the effect on the openness of the Cheshire Green Belt and not the Flintshire green wedge. It is considered that the applicant should provide a case for 'very exceptional circumstances' for inappropriate development in the Flintshire green wedge in relation to the Aston Hill BVS so that a judgement can be made as to whether the harm of the BVS on the green wedge would be outweighed by the need for the development. It is the Council's view that exceptional circumstances would be demonstrated in this instance.	
2.1.52	11.24.	<p>Conclusion on assessment of impact:</p> <ul style="list-style-type: none"> • Construction Phase: NEUTRAL • Operational Phase: NEGATIVE (ASTON HILL BVS ONLY), <p>ALL OTHER ELEMENTS – NEUTRAL</p>	The Applicant acknowledges the position of FCC and has no further comments at this time.
12. ARCHAEOLOGY AND BUILT AND CULTURAL HERITAGE			
2.1.53	12.1.	Planning Policy Wales (PPW 11) Chapter 6 'Distinctive and Natural Places' states there should be a general presumption in favour of the preservation or enhancement of the character or appearance of a conservation area or its setting and Section 6.1.10 indicates that where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building or its setting, and any features of special architectural or historic interest which it possesses.	The Applicant acknowledges the comments of FCC regarding PPW 11 Chapter 6 'Distinctive and Natural Places' and confirms this has been considered within Appendix B of the Planning Statement [REP1-013] .
2.1.54	12.2.	Technical Advice Note 24 (TAN24) at 1.23 states <i>"Planning Policy Wales identifies how local planning authorities must treat World Heritage Sites, scheduled monuments, unscheduled nationally important archaeological remains, listed buildings, conservation areas and registered historic parks and gardens in Wales in their consideration of planning applications and producing development plans. This includes the impact of proposed developments within</i>	The Applicant acknowledges the comments of FCC regarding TAN24 and confirms this has been considered within the Planning Statement [REP1-013] .

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
		<i>the settings of these historic assets.</i> ” Impact on setting is therefore a material consideration to be afforded weight.	
2.1.55	12.3.	Policy EN8: Built Historic Environment and Listed Buildings of the adopted Flintshire Local Development Plan seeks to preserve the County's buildings and features of special architectural and historic importance, and their settings. It states in criterion b. that <i>“Development should preserve Scheduled Ancient Monuments and their settings and where appropriate the preservation of other archaeological remains, having regard to the intrinsic importance of the remains and the need for the proposed development”</i> .	The Applicant acknowledges the comments of FCC regarding EN8 of the LDP and confirms this has been considered within the Appendix B of the Planning Statement [REP1-013] .
2.1.56	12.4.	Appendices FCC LIR Appendix 3.1 through to FCC LIR Appendix 3.6 show the locations of listed buildings/heritage assets in Flintshire in the vicinity of the proposed DCO development.	The Applicant acknowledges the response of FCC and has no further comments at this time.
2.1.57	12.5.	The Environmental Statement Chapter 8 – Cultural Heritage [APP-060] assesses the Cultural Heritage Assessment which includes the assessment of archaeology in and around the Order Limit.	
2.1.58	12.6.	The Council would also respectfully defer to the Examining Authority to any comments or representations made by CADW, and the Clwyd Powys Archaeological Trust (CPAT) on matters relating to Archaeology and Built Heritage.	
2.1.59	12.7.	It is understood however from discussions between the Council and CPAT that following pre-application discussions and on-going liaison and advice, the applicant has completed as much pre-determination evaluation trenching as possible in advance of examination and this has been progressing over recent months. It is understood that the initial stage of archaeological trenching of locations based on the geophysics results has taken place. It is understood that this information will be included in an addendum to the Environmental Statement Chapter 8 relating to Cultural Heritage. This will update the predicted impacts and proposed mitigation.	The results of the initial phase of archaeological evaluation trenching will be submitted during the Examination. This will be accompanied by an updated impact assessment for the features identified during the trenching. While the final report on the trenching has not yet been received, the initial results indicate that the impacts are unlikely to vary from those reported in Chapter 8 Cultural Heritage of the ES [APP-060] and [CR1-124] . The exception is the possible pit alignment recorded immediately south of the M56 and Thornton Lane (NGR 0344596, 373363) which turned out to be a service pipe rather than an archaeological feature. Ongoing discussions in relation to this matter are being captured in the draft Statement of Common Ground (SoCG) with FCC [REP1-020] .
2.1.60	12.8.	It is also understood that an additional 2% trial trench sample evaluation will be completed following Detailed Design of the remainder of the DCO Proposed Development, focussed on the refined 32m wide working width for the construction of the Carbon Dioxide Pipeline.	The Applicant acknowledges the response of FCC and has no further comments at this time.
2.1.61	12.9.	The Council has been advised that following the initial evaluation trenching that nothing significant has been found. However, a number of locations did contain undated features of local interest would need further archaeological investigation	The Applicant acknowledges the response of FCC. Following completion of the 2% trial trenching, specific mitigation areas will be defined and a Site Specific Written Scheme

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
		prior to the pipeline being constructed, should it receive consent, and this would be secured by Requirement 10 with regards to the need to produce a pre-commencement written scheme for the investigation areas of archaeological interest relevant to that stage.	of Investigation will be produced for each one in accordance with Requirement 10 of the dDCO [REP1-004] .
2.1.62	12.10.	It is understood that CPAT and the applicant are in agreement with the mitigation suggested in the Environmental Statement, and the agreed outline Archaeological Written Scheme of Investigation [APP-223]. CPAT have confirmed that the outline Written Scheme of Investigation is largely robust and appropriate. This gives the Council and CPAT confidence that the evaluation work already recommended by CPAT, together with additional evaluation and mitigation options suggested by the applicant's consultants, would be adequately address any archaeological impacts arising from the proposals for the proposed DCO development.	While the principles of the mitigation strategy are agreed, the specifics are not yet available and will require further discussion. CPAT has requested an archaeological watching brief on all works during construction, but the Applicant does not believe this is proportionate. Further information can be found in the Applicant's Response to Examining Authority's First Written Questions to Q1.7.1 (page 65) [REP1-044] . Ongoing discussions in relation to this matter are being captured in the FCC Statement of Common Ground (SoCG) [REP1-020] .
2.1.63	12.11.	Conclusion on assessment of impact: o Construction Phase: NEGATIVE o Operational Phase: NEUTRAL	The Applicant acknowledges the position of FCC and has no further comments at this time.
13. BIODIVERSITY AND NATURE CONSERVATION			
2.1.64	13.1.	PPW11 Section 6.4 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.	The Applicant acknowledges the comments of FCC regarding PPW 11 Chapter 6 Biodiversity and Ecological Networks' and confirms this has been considered within the Appendix B of the Planning Statement [REP1-013] .
2.1.65	13.2.	PPW11 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (Section 6.4.5). PPW also draws attention to the contents of Section 6 of the Environment (Wales) Act 2016, which sets a duty on Local Planning Authorities to demonstrate they have taken all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. It is important that biodiversity and resilience considerations are taken into account at an early stage when considering development proposals (Section 6.4.4).	

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
2.1.66	13.3.	LDP Policy STR13: Natural and Built Environment, Green Networks and Infrastructure sets out the strategic policy framework for conserving, protecting and enhancing the quality and diversity of Flintshire's natural environment including biodiversity and it also aims to promote opportunities to enhance biodiversity and ensure resilience.	The Applicant acknowledges the comments of FCC regarding STR13 of the LDP and confirms this has been considered within Appendix B of the Planning Statement [REP1-013] .
2.1.67	13.4.	<p>LDP Policy EN6: Sites of Biodiversity Importance states: <i>“Development likely to significantly affect any site of international importance, either alone or in combination with other plans or projects, will be subject to a Habitat Regulations Assessment (HRA). Development will only be permitted where it is possible to ascertain no adverse effect on the integrity of the Site or where there are Imperative Reasons of Overriding Public Interest and compensatory measures are secured.</i></p> <p><i>Development likely to impact the special features of a Nationally Designated Site will only be granted in exceptional circumstances where appropriate compensation can be provided.</i></p> <p><i>Development proposals that would have a significant adverse effect on locally designated sites or site with other biodiversity and / or geological interest, including priority species, will only be permitted where:</i></p> <ul style="list-style-type: none"> <i>a. it can be demonstrated that the need for the development outweighs the biodiversity or geological importance of the site; and</i> <i>b. it can be demonstrated that the development cannot reasonably be located elsewhere; and</i> <i>c. any unavoidable harm is minimised by effective mitigation to ensure that there is no reduction in the overall biodiversity value of the area. Where this is not feasible compensation measures designed to create, restore and enhance biodiversity must be provided.</i> <p><i>Development that results in the restoration, enhancement and creation of habitats will be supported especially where this promotes the resilience of ecosystems.</i></p> 	The Applicant acknowledges the comments of FCC regarding EN6 of the LDP and confirms this has been considered within Appendix B of the Planning Statement [REP1-013] .
2.1.68	13.5.	The applicant has considered and assessed the impact on biodiversity and nature conservation interests which is provided in the Environmental Statement, Chapter 9 [APP-061] and accompanying appendices; Appendix 9.1 – 9.10 [APP-091 to APP-116]. Chapter 9 of the ES sets out the mitigation principles and emphasises the importance of embedded and secondary mitigation without which there would be potential for significant impacts.	The Applicant acknowledges the response of FCC and has no further comments at this time.
2.1.69	13.6.	As part of the preparation for this DCO application, extensive ecological surveys have been undertaken as set out in Table 9.3, Table 9.8, and Table 9.10 of the ES Chapter 9 with regards to Receptor Survey Area with Reference to Best	

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
		Practice Guidelines, Summary of Species Survey Results and Embedded mitigation designed for the DCO Proposed Development respectively.	
2.1.70	13.7.	The exact route of the pipeline would be determined at the detailed design stage. Therefore, the impact assessment assumes worst case scenario with regards to mitigation requirements. The detailed design would aim to reduce impacts further, however this may well be limited by actual timing of works and length of time within one locality. It is unlikely that the works would be undertaken at the least sensitive time of year for all species for the whole length of the pipeline, meaning that not all habitats and species can be buffered as proposed.	The Applicant acknowledges FCC's comment and recognises this scenario. As such, the Applicant has sought to provide a range of mitigation items and approaches to reduce impacts and ensure protection of protected/notable species and habitats during construction, as presented within Table 9.11 of Chapter 9 – Biodiversity [AS-025] .
2.1.71	13.8.	FCC LIR Appendix 1.1 through to FCC LIR Appendix 1.6 show the environmental constraints in relation to the DCO application.	The Applicant acknowledges the response of FCC and has no further comments at this time.
2.1.72	13.9.	Table 9.12 of Chapter 9 of the ES sets out Design and Mitigation Measures and their Delivery Mechanisms. This sets out the measures and reasoning which are then detailed within the Outline Construction Environmental Management Plan (OCEMP), Outline Landscape and Ecological Management Plan (OLEMP) and Register of Environmental Actions and Commitments (REAC).	
2.1.73	13.10.	At each stage of the development, it is understood that the detailed CEMP, LEMP and REAC would be agreed by the Local Planning Authority as set out in the requirements of the draft DCO. Action, commitments and mitigation including monitoring requirements are aligned and cover habitats and species thoroughly within the Order Limits. NRW species licences may require additional mitigation and monitoring especially for species such as Great Crested Newt (GCN), which are widespread within Flintshire	The Applicant acknowledges FCC's comments and recognises the potential for additional mitigation requirements/prescriptions upon application for protected species licenses in light of a detailed design for the DCO Proposed Development.
2.1.74	13.11.	The OLEMP sets out the tree and scrub planting mitigation which is to be welcomed. It is not clear however if the areas are specifically chosen for their mitigation value or landowner agreement. It would be beneficial to include opportunities for other habitats such as grassland and pond enhancements.	As per paragraph 9.10.8 of Chapter 9 – Biodiversity [AS-025] , tree planting will take place as close as possible to the area of loss, wherever practicable. Given the need to implement a 12m buffer either side of the pipeline within which no trees can be planted, a coordinated approach to tree/woodland mitigation has been applied. Thirteen areas identified across the Order Limits have been targeted for tree planting, and as per paragraph 9.10.10 of Chapter 9 – Biodiversity [AS-025] , have been chosen to tie into, enhance and bolster existing green infrastructure and woodlands within the landscape. As per item D-BD-066 of Outline Construction Environment Management Plan (OCEMP) [REP1-017 and CR1-119] , opportunities for enhancements will be identified during the Detailed Design stage of the DCO Proposed Development.
Biodiversity Net Gain/ Net Benefit			

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
2.1.75	13.12.	In Wales, PPW11 sets out in paragraph 6.4.5 that “ <i>planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity</i> ”. This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016.	The Applicant acknowledges the response of FCC and is in discussion with FCC's Countryside team with this intent to draft and agree an appropriate agreement for the purpose of the DCO. The Applicant has no further comments at this time.
2.1.76	13.13.	As the submitted Biodiversity Net Gain (BNG) Assessment provided within the applicant's submission [APP-231 to APP-236] states, BNG is specified through the metric, comments within this LIR have been relied on by colleagues in Cheshire West and Chester Council with regards to actual gains (as opposed to benefits as the Welsh Government guidance refers).	
2.1.77	13.14.	However, discussions have taken place with regards to what Flintshire County Council's Countryside Service can achieve through off site habitat compensation. Discussions are also being undertaken with other organisations and private landowners particularly with regards to woodland planting. Securing these biodiversity gains or benefits for the long term should be secured via legal documentation and a draft Heads of Terms should be provided by the applicant for the purpose of the DCO.	
2.1.78	13.15	In addition the Welsh policy means there is an opportunity to look at wider benefits for ecosystem resilience which includes the specified proposals set out in the BNG report but could include wider species opportunities namely for the GCN which are prevalent in Flintshire.	<p>The Applicant is currently in discussions with FCC regarding the required offsetting to achieve the minimum target of 1% net gain of priority habitats. Whilst there is a commitment to compensate for losses 'like for like' wherever possible, it is envisaged that the creation of ponds, hedgerows and woodland has potential to benefit wider protected species such as GCN.</p> <p>Following initial discussions with FCC related to pond and hedgerow creation, it is understood that FCC is set to confirm suitable locations for these habitats within the borough. The Applicant would welcome further discussions with FCC around pond and hedgerow creation being targeted in areas with suspected or known GCN populations, in order to extend their range or provide additional linkages to metapopulations within the landscape.</p>
2.1.79	13.16.	Habitat and Species impacts and mitigation are summarised below but ultimately these will depend on the detailed design and what mitigation can and can't be achieved within the DCO.	The Applicant acknowledges the response of FCC and has no further comments at this time.
Designated Sites			

Reference	LPA Reference	Local Impact Report Statement	Applicant’s Response
2.1.80	13.17.	FCC LIR Appendix 1.1 through to FCC LIR Appendix 1.6 show the locations of the various designated sites in relation to the DCO application	The Applicant acknowledges the response of FCC and has no further comments at this time.
2.1.81	13.18.	The applicant has provided a Habitats Regulations Assessment (HRA) which provides information to inform an Appropriate Assessment [APP-226]. Table 6.11 provides a summary of Stage 1 Screening Results. Section 7 of the HRA Stage 2 incorporates mitigation measures to address potential effects on European Sites as specified within the OCEMP and REAC.	
River Dee Special Area of Conservation			
2.1.82	13.19.	The proposed DCO CO2 pipeline if consented would cross under River Dee Special Area of Conservation (SAC) at a minimum depth of 15m with the entrance/exit pits situated at least 16m from the riverbanks outside the designated boundary. Drilling fluid/mud would be required to keep the borehole open, made up of bentonite and biodegradable polymers. The crossing is anticipated to take up to four weeks with 24hour working.	The Applicant acknowledges the response of FCC and has no further comments at this time.
2.1.83	13.20.	Migratory fish ; the crossing depth of 15m below the river bed, the intensity of vibration at the riverbed is predicted to be negligible but the lighting required for 24hour working has the potential to cause disturbance. Dust generated from open cut trenches within 50m of the River Dee could result in smothering of vegetation/habitats or a deterioration of water quality without mitigation.	Mitigation measures are set out within the REAC [REP1-015 and CR1-109] , as included within Chapter 9 – Biodiversity [AS-025] and acknowledged in FCC's LIR response 2.1.85 below (FCC paragraph reference 13.22 in [REP1A-005]).
2.1.84	13.21.	Otter ; no otter field signs were recorded along the River Dee but they are known to occur. Otter were recorded along Wepre and Alltami Brooks which are hydrologically connected to the River Dee and within the home range (32km for male otters and 20km for female). Open cut techniques on the pipeline have the potential to cause entrapment. The need for 24hour working with lighting together with the equipment noise and vibration has the potential to prevent otter commuting along the River Dee. However, the entrance/ exit pits are expected to be a minimum of 125m apart and the width of the River Dee and natural topography should still allow otter to move along the river	
2.1.85	13.22.	Mitigation measures are set out in the OCEMP and REAC to avoid dust and lighting impacts, with detailed reasonable avoidance measures and the potential need for otter licences dependent on the detailed design.	The Applicant acknowledges the response of FCC and has no further comments at this time.
2.1.86	13.23.	The River Dee is accepted as functionally linked to the Dee Estuary Site of Special Scientific Interest (SSSI)/ Special Protection Area (SPA)/Ramsar/SAC. No Dee Estuary SAC (estuarine habitats) features are proposed to be impacted	

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
		due to crossing at a minimum depth of 15m below the riverbed and with the entrance/exit pits at least 16m from the river banks.	Mitigation measures are set out within the REAC [REP1-015 and CR1-109], as included within Chapter 9 – Biodiversity [AS-025] and acknowledged in FCC response 2.1.88 below (FCC paragraph reference 13.25 in [REP1A-005]).
2.1.87	13.24.	SPA and Ramsar qualifying species include Shelduck, teal oystercatcher and curlew were recorded in low numbers (less than 0.1% mean monthly counts). Redshank were recorded in more significant numbers with over 1% peak and mean monthly count of passage birds and over 1% peak wintering birds. The topography of the River Dee at the crossing site means that works at the entrance/ exit pits is not predicted to be in the line of sight of SPA birds using the mudflats but noise disturbance may still cause an impact. The crossing is anticipated to take up to four weeks and will include 24hour working requiring lighting which could result in the disturbance of mudflat habitat.	
2.1.88	13.25.	Mitigation measures are set out in the OCEMP and REAC to avoid disturbance and lighting impacts. If timing of works is limited to specific summer months, then there would be no impact on passage or wintering Redshank	The Applicant acknowledges the response of FCC and has no further comments at this time.
Deeside and Buckley Newt Sites SAC			
2.1.89	13.26.	The Deeside and Buckley Newt Site SAC is designated for the great crested newt (GCN) habitat. The Order Limits falls just outside the Deeside and Buckley Newt SAC boundary which has compartments to the north and south of the newbuild infrastructure boundary, including south of the A55.	The Applicant acknowledges the response of FCC and has no further comments at this time.
2.1.90	13.27.	Brewery Pond, Waterbody 161, within the SAC has confirmed breeding and occurs 250m to the north west of the DCO at Wepre Woods. It is accepted that the majority of GCN stay within 250m of breeding ponds but a proportion of GCN will migrate over 500m-1km. FCC's Supplementary Planning Guidance 8a, Appendix 1 references 500m buffer to the Deeside and Buckley SAC for planning purposes. Waterbody 10 falls within this buffer so it is potentially linked to the proposal but the ES assume presence.	
2.1.91	13.28.	The SAC compartments/GCN habitats are linked by hedgerows and agricultural land. The proposed pipeline if consented would result in temporary direct habitat loss, potential mortality, disturbance and fragmentation without mitigation. As stated in the REAC, all species specific mitigation and predicted impacts to GCN would be captured under an EPS mitigation licence application subject to agreement with Natural Resources Wales. No adverse impact on the integrity of the SAC is predicted as a result. Further surveys are proposed to inform this licence. However, GCN populations have been recorded adjacent to the DCO application boundary from Ewloe to Flint. Therefore, the majority of the pipeline within Flintshire has the potential to impact GCN terrestrial habitat.	

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
2.1.92	13.29.	The DCO development is expected to last 16 months but with teams working simultaneously. Installation of the pipeline within 50m of the Deeside and Buckley SAC is estimated to last up to 3 months but the overall impact on GCN along the length of the pipeline Flintshire will be much longer. Reasonable avoidance and mitigation measures required for the NRW licence have yet to be detailed. North East Flintshire is a GCN hotspot ¹ and while the DCO works do not intend to impact existing ponds, connectivity would be impacted. There is an opportunity to provide mitigation and enhancement opportunities for example pond restoration of the Habitat Suitability Index poor ponds.	<p>The Applicant has included mitigation items D-BD-044 and D-BD-45 within the OCEMP [REP1-017 and CR1-119] outlining avoidance and mitigation measures to safeguard GCN. These will be supplemented through the application for protected species licenses to facilitate construction of the DCO Proposed Development.</p> <p>As per item D-BD-066 of the OCEMP [REP1-017 and CR1-119], opportunities for enhancements will be identified during the Detailed Design stage of the DCO Proposed Development.</p>
2.1.93	13.30.	The GCN licence is likely to require specific mitigation to benefit the Flintshire GCN population which would be over and above that agreed within the LEMP. The licence requirements would need to be included in details submitted to the LPA as part of the approval of the LEMP.	It is recognised by the Applicant that protected species licensing for GCN is the primary means to safeguard the species during construction. The contents and mitigation of any agreed protected species licence would be reflected within the LEMP [APP-229] .
Sessile Oak Woods			
2.1.94	13.31.	Deciduous woodland functionally linked to Annex 1 woodland at Wepre is present within the DCO where it crosses Alltami Brook. Open cut trench techniques are proposed at Wepre Brook, Alltami Brook and New Inn Brook which could result in silt or contaminants entering the water course which could have detrimental effect downstream.	The Applicant will ensure that the risk of silt laden runoff or potentially contaminated surface water from construction activities will be managed through best practice pollution prevention methods. This is secured in the OCEMP [REP1-017 and CR1-119] as set out in Requirement 5 of the dDCO [REP1-004] and as provided in REAC commitments D-WR-002, D-WR-005 to D-WR-010, D-WR-012, D-WR-018, D-WR-022 to D-WR-024, and D-WR-026 [REP1-015 and CR1-109] .
2.1.95	13.32.	Mitigation measures are set out in the OCEMP and REAC. Loss of functionally linked deciduous woodland would be mitigated through the planting of native species at a ratio of 3:1, replacement planting will be in an area functionally linked to the SAC and set out in the OLEMP. Area 57K is adjacent to Alltami Brook so it is presumably the specified mitigation although this is not clear. Hydrogeological effects due to open trench techniques will be avoided by pollution prevention measures as detailed within the REAC.	Woodland and tree loss, as a result of construction of the DCO Proposed Development, has been considered as a whole across the Order Limits. Given the constraints of the Order Limits, opportunities for appropriate siting of mitigation woodland/tree planting has sought to maximise biodiversity benefits through selecting areas that will enhance existing green infrastructure/woodlands, wherever possible. As such, no one mitigation area can be considered to be solely in response to the loss of trees in any one individual location.
Wildlife Sites (WS) and Ancient woodlands within 50m:			
2.1.96	13.33.	FCC LIR Appendices 1.1-1.6 show environmental constraints along each section of the proposed pipeline. Wildlife Sites and Ancient Woodland have largely been excluded from DCO which is to be welcomed. The DCO boundary encroaches into the edge of Leadbrook Wood WS, and Coed y Cra WS. Brook Park Farm Wood WS/ancient woodland included within trenchless installation as cannot be avoided.	The Applicant acknowledges the response of FCC and has no further comments at this time.

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
2.1.97	13.34.	New Inn Brook Wood WS and Warred Wood WS occur 16m west and 41m south respectively. Little Leadbrook Wood and Church Lane Ewloe Wood Ancient woodland are adjacent to/within DCO boundary.	
Habitats			
2.1.98	13.35.	Table 9.7 of Chapter 9 of the ES [APP-061] sets out the habitats present within the Order Boundary and their importance. Primarily habitats of low ecological importance (eg agricultural land and existing hard-standing) are proposed for permanent built structures including AGIs and BVSs within Flintshire and temporary compound and storage areas and there is no objection to the siting of these on ecological grounds.	The Applicant acknowledges the response of FCC and has no further comments at this time.
2.1.99	13.36.	Specific pond (Predictive System for Multi-metrics PSYM) surveys were conducted on ponds within the DCO boundary but these were recorded as generally poor due to poor water quality, livestock poaching and low macrophyte diversity. As stated above, loss of deciduous woodland would be mitigated through the planting of native species at a ratio of 3:1; replacement planting sites have been specified within the LEMP.	
2.1.100	13.37.	It is considered that there is an opportunity for other habitat creation within the LEMP. For example, LEMP site 57M Northop Hall is recorded on the Phase 1 habitat map as semi-improved grassland. However, there may be an opportunity to enhance at least part of the grassland rather than turn it all into woodland. Similarly, there may be opportunities to enhance ponds within the DCO boundary that are considered to be of poor quality to benefit the aquatic habitat and also potentially GCN.	As per item D-BD-066 of OCEMP [REP1-017 and CR1-119] , opportunities for enhancements will be identified during the Detailed Design stage of the DCO Proposed Development.
2.1.101	13.38.	Table 9.10 of Chapter 9 of the ES [APP-061] sets out the embedded mitigation designed for the DCO Proposed Development which would include micro siting to avoid water bodies, sensitive habitats, trees hedgerows as much as is practicably possible. This is welcomed but will await the detailed designs.	The Applicant acknowledges the response of FCC and has no further comments at this time.
2.1.102	13.39.	It is considered that the detailed design stage will need to demonstrate the following embedded mitigation. <ul style="list-style-type: none"> – <i>Where opportunities exist for routing through existing gaps in hedgerows, scrub and woodlands, avoiding the need to remove vegetation, these will be prioritised. Where hedgerow removal is required to facilitate construction, it has been assumed this will be kept to a maximum width of 15 m (this includes both hedgerows and the trees that sit within hedgerows).</i> – <i>Retained waterbodies within the construction easement of the DCO Proposed Development will be demarcated by a minimum 5 m exclusion buffer to avoid/reduce potential adverse impacts to waterbodies, associated</i> 	

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
		<p><i>terrestrial bankside habitat and associated aquatic receptors from construction.</i></p> <ul style="list-style-type: none"> <i>Stand-off distances around watercourses will be implemented prior to the commencement of works and clearly demarcated through the use of physical barriers (fencing, tape or similar). A minimum 8 m buffer will be demarcated around non-tidal main river watercourses.</i> <i>Plant, personnel and site traffic will be constrained to a prescribed working corridor through the use of temporary barriers, where practicable, to firstly avoid and secondly minimise damage to habitats, encroachment of the construction easement, and potential direct mortality and/or disturbance of fauna located within and adjacent to the construction corridor.</i> 	
Protected Species identified within/adjacent to DCO corridor			
2.1.103	13.40.	Great crested newt are widespread within North East Flintshire. No GCN ponds are proposed to be permanently lost as a result of this development but works would be in close proximity to a number of breeding ponds from Ewloe to Flint, as stated above.	The Applicant acknowledges the response of FCC and has no further comments at this time.
2.1.104	13.41.	Bats; Bat roosts. With regards to the impact of the development on bats and bat roosts there are a limited number of buildings or structures along the pipeline and DCO corridor within Flintshire. One barn; ref B133 is a confirmed day roost which is used by 4 Common pipistrelles and 3 Soprano pipistrelles occurs within the DCO boundary at Aston. Where practicable a 10m buffer will be retained around the confirmed roost, otherwise an NRW license and mitigation will be required.	The Applicant can confirm that applications for necessary protected species licenses will be made, with construction only commencing upon receipt of required licenses as detailed within item D-BD-002 of the OCEMP [REP1-017 and CR1-119] .
2.1.105	13.42.	Ongoing surveys and aerial tree climbing inspections of trees classified as moderate or high suitability dependent on Potential Roost Features (PRF). Tree roosts are notoriously difficult to locate. A number of trees have been recorded as day roosts used by a single Common or Soprano Pipistrelle. (One Noctule maternity roost recorded to date T321 in Cheshire). Where practicable, tree roosts will be retained with an exclusion buffer of 10m.	The Applicant recognises FCC's comments regarding tree roosts. In response to the detailed design of the DCO Proposed Development, a scope of pre-construction surveys to update baseline results will be assessed and completed ahead of construction commencement, as detailed within item D-BD-006 of the OCEMP [REP1-017 and CR1-119] .
2.1.106	13.43.	Trees to be felled would be subject to further assessments and relevant licences as required. Bat activity of foraging and commuting bats were recorded, and a number of hedges assessed as excellent relating to bat usage particularly where connected to ancient woodland. Bat species recorded include lesser horseshoe bats, Brown long eared, Myotis spp, Noctule as well as Pipistrelles spp.	The Applicant acknowledges the response of FCC and has no further comments at this time.
2.1.107	13.44.	The REAC sets out specific measures for "Faux hedges" to be used during construction to maintain connectivity of good or excellent assessed hedgerows which is to be welcomed. Their design will be determined at the detailed design stage but may include straw bales, live willow screening or trees in pots.	

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
2.1.108	13.45.	Badger permeable fencing is proposed where required which is welcomed. Any main setts would be retained in situ with a 30m buffer which would be confirmed at the detailed design stage. A number of outlier setts would be closed under licence.	
2.1.109	13.46.	Barn owl; BOB3 is confirmed with breeding barn owls. Temporary closure of the nest box is proposed as detailed within the REAC, with placement of additional nest boxes. Barn Owls are known within this locality, and there are a number of regularly monitored nest sites here and to the south west at Moor lane. The placement of new boxes should take existing records into account and there needs to be liaison with the recorders.	The Applicant acknowledges FCC's comments regarding existing records and liaison with recorders. Any requirement for erection of barn owl boxes will be determined at the detailed design stage.
2.1.110	13.47.	Breeding birds – reasonable avoidance measures set out in the REAC to avoid vegetation clearance during nesting season. The detail design and associated timetable would need to take this into account.	The Applicant acknowledges the response of FCC and has no further comments at this time.
2.1.111	13.48.	Reasonable avoidance measures for reptiles and water vole are set out in the REAC. Otter are known to use the majority of rivers and small tributaries within Flintshire for commuting and foraging. Although outside the DCO boundary, the activity recorded through the ES surveys along Wepre Brook at Northop Hall is significant. Pre commencement surveys will be undertaken at least 3 months prior to construction works to update mitigation measures required.	
2.1.112	13.49.	Fish; eDNA surveys of Brooks and "Drains" have been undertaken. Significant records include Brown/Sea trout in Broughton Brook plus Eels in most other watercourses. Open trench work would need to take these species into account. Seasonal restrictions may limit working in these watercourses 1st October – 31st April for European eel unless exemptions are granted. With regards to Invasive Non-Native Species (INNS) a Biosecurity Management Plan would be prepared at Detailed Design to be implemented during construction to prevent the spread of INNS.	As prescribed within items D-BD-056 and D-BD-058 of the OCEMP [REP1-017 and CR1-119] , where fish communities have been identified at crossing locations seasonal timing of works will be considered. Where it is not possible to avoid seasonal sensitivities, the Applicant will seek necessary exemptions and implement any required mitigation, should the exemption be granted.
2.1.113	13.50.	The Council considers the species surveys and ecological assessment carried out to be satisfactory and would be in general agreement with the conclusions set out in Chapter 9 of the Environmental Statement [APP-061], subject to adequate ecological mitigation and compensation measures being secured through imposition of requirements.	The Applicant acknowledges the response of FCC and has no further comments at this time.
2.1.114	13.51.	Furthermore, in order to ensure compliance with Planning Policy Wales and the duties set out in the Environment (Wales) Act, the development is also required to incorporate biodiversity enhancements measures into the schedule of works	As per item D-BD-066 of OCEMP [REP1-017 and CR1-119] , opportunities for enhancements will be identified during the Detailed Design stage of the DCO Proposed Development.

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
		in additional to the necessary ecological mitigation and compensation, in order to achieve a net benefit to biodiversity interests.	
2.1.115	13.52.	Conclusion on assessment of impact: o Construction Phase: Neutral with mitigation o Operational Phase: Positive with mitigation and Biodiversity BNB	The Applicant acknowledges the response of FCC and has no further comments at this time.
14. LANDSCAPE AND VISUAL IMPACT			
2.1.116	14.1.	The Overarching National Policy Statement for Energy EN-1 provides a number of statements and guidance of relevance to the landscape, including green infrastructure and visual impacts of energy infrastructure in general.	<p>The Applicant can confirm that the requirements of Policy EN-1 have been considered as part of the Landscape and Visual Impact Assessment (LVIA) [APP-064].</p> <p>The Planning Statement [REP1-013] Section 4 considers the application proposals as a whole against the policies in the National Policy Statements (NPS) EN-1 where relevant. The assessment should be considered in accordance with Appendix B (Table B1) of the Planning Statement which provides a compliance assessment of the relevant and important policy.</p>
2.1.117	14.2.	The National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4) within section 2.21, Gas and Oil Pipelines Impacts: Biodiversity and Landscape and Visual, also provides policy guidance with regards to long term impacts and appropriate assessment and mitigation of pipeline features.	<p>The Applicant can confirm that the requirements of Policy EN-4 have been considered as part of the LVIA [APP-064] and landscape mitigation proposals.</p> <p>The Planning Statement [REP1-013] Section 4 considers the application proposals as a whole against the policies in the National Policy Statements (NPS) EN-4 where relevant. The assessment should be considered in accordance with Appendix B (Table B1) of the Planning Statement which provides a compliance assessment of the relevant and important policy.</p>
2.1.118	14.3.	PPW11 sets out key guidance and planning policies for development and achieving good design throughout Wales with reference to landscape and natural spaces.	<p>The Applicant can confirm that the requirements of Policy PPW11 have been considered as part of the LVIA [APP-064] and landscape mitigation proposals.</p> <p>The Planning Statement [REP1-013] Appendix B considers the application proposals as a whole against the policies of the PPW where relevant.</p>
2.1.119	14.4.	Policy STR13: Natural and Built Environment, Green Networks and Infrastructure of the adopted Flintshire LDP sets out the strategic policy framework for conserving, protecting and enhancing the quality and diversity of Flintshire's natural environment including landscape.	<p>The Applicant can confirm that the requirements of Policy STR13 have been considered as part of the LVIA [APP-064] and landscape mitigation proposals.</p> <p>The Planning Statement [REP1-013] Appendix B considers the application proposals as a whole against the policies of the LDP where relevant.</p>

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
2.1.120	14.5.	General Requirements Policy PC2 states that “ <i>All development should harmonise with or enhance the character, local distinctiveness and appearance of the site, existing building(s) and surrounding landscape/ townscape.</i> ”. Furthermore, Policy PC3: Design states that “ <i>All development should retain existing landscape and nature conservation features and incorporate opportunities to enhance biodiversity and ecological connectivity.</i> ”	The Applicant can confirm that the requirements of Policies PC2 and PC3 have been considered as part of the LVIA [APP-064] and landscape mitigation proposals. The Planning Statement [REP1-013] Appendix B considers the application proposals as a whole against the policies of the LDP where relevant.
2.1.121	14.6.	Policy EN4: Landscape Character states that: “ <i>New development, either individually or cumulatively, must not have a significant adverse impact on the character and appearance of the landscape. Landscaping and other mitigation measures should seek to reduce landscape impact and where possible bring about enhancement.</i> ”	The Applicant can confirm that the requirements of Policy ENV4 have been considered as part of the LVIA [APP-064] and landscape mitigation proposals. The Planning Statement [REP1-013] Appendix B considers the application proposals as a whole against the policies of the LDP where relevant.
2.1.122	14.7.	The applicant's Environment Statement, Chapter 12 [APP-064] considers the impact of the development on landscape and visual amenity. It covers the development's anticipated effect on the landscape and visual amenity. The Environmental Statement also contains Landscape and Visual Impact Assessment appendices; 12.1-12.4 [APP-138-141 respectively].	The Applicant acknowledges the response of FCC and has no further comments at this time.
2.1.123	14.8.	No significant concerns have been identified by the Local Planning Authority relating to the Landscape and Visual Impact Assessment (LVIA) process and the assessments that have been made for the construction, operational and decommissioning stages of the DCO.	
2.1.124	14.9.	The Landscape Analysis at paragraph 12.3 of Chapter 12 of the Environment Statement states that there will be a ‘ <i>Moderate adverse effect</i> ’ on three Landscape Character Areas during the construction stage but these will be ‘ <i>Negligible adverse (not significant)</i> ’, in landscape terminology, once construction is complete. Similarly, where ‘ <i>Minor adverse effects (not significant)</i> ’ have been identified on other Landscape Character Areas during construction stage it is predicted that these will decrease to a ‘ <i>Negligible adverse (not significant)</i> ’ on completion. These effects reflect the nature of the DCO which would be largely underground.	
2.1.125	14.10.	The visual impacts on receptors in the landscape are set out in Table 1 of Appendix 12.4 - Visual Analysis [APP-141] and highlight the longer term visual impact on receptors resulting from the Above Ground Installations (AGIs) at Flint and Northop Hall, together with the Block Valve Stations (BVSs) at Babell, Pentre Halkyn, Cornist Lane and Aston Hill. The visual impacts are dependent	

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
		on the site's visibility, the sensitivity of the receptor to change and magnitude of the effect.	
2.1.126	14.11.	By year 15 of operation, it is anticipated that the landscaping will have largely diminished the adverse visual effects noted in the first year of operation. The visual impact on receptors will be greatest during the construction of the pipeline and difficult to mitigate.	
2.1.127	14.12.	It is considered that the 'moderate adverse' effects identified for certain receptors are acceptable for a short period, taking into account the mitigation and enhancement measures proposed to address site specific concerns proposed in paragraph 12.10 of the Chapter 12 of the Environment Statement [APP-064].	
2.1.128	14.13.	The proposals include an Outline Landscape and Ecological Management Plan (OLEMP) which proposes landscape layouts for the AGIs and BVS, and there are minor concerns relating to these. However, should the development receive consent, there is an opportunity at the approval of the requirements prior to each stage of the development for officers to work with the appointed contractor's landscape specialists, later in the development process, to improve these layouts and ensure the AGIs and BVSs assimilate as much as possible with the surrounding countryside, whilst recognising their design limitations.	The Applicant acknowledges the comments of FCC and agrees that there is the opportunity to refine the landscape layouts of the AGI and BVS at detailed design in accordance with the requirements set out in the OLEMP [APP-229] , commitment D-LV-023 and D-LV-024 in the REAC [REP1-015 and CR1-109] .
2.1.129	14.14.	The OLEMP makes provision for environmental mitigation to be carried out elsewhere where 'like for like' replacement cannot be carried out. The areas comprise of woodland planting (with scrub planting on the pipe's easement) and are identified in Table 1. The Proposed Mitigation Areas in Flintshire amount to 36.4 acres. The provision of these areas of planting should provide a net enhancement of the landscape, although it is acknowledged that there would be limitations on planting directly over the pipeline to maintain an easement.	The Applicant acknowledges the comments of FCC relating to environmental mitigation and can confirm that replacement shrub/scrub planting will be implemented where tree planting is not possible within the pipeline easement corridor (see item D-BD-062 of the REAC [REP1-015 and CR1-109]).
2.1.130	14.15.	In addition to the OLEMP a Biodiversity Net Gain Assessment stating that the applicant is committed to achieving at least a 1% net gain in Priority Habitats on land. It is considered necessary to require a legal agreement to secure this.	The Applicant can confirm that it is in discussions with FCC and other interested parties and landowners in respect of securing land to achieve the targeted net gains in Priority Habitats. Details of discussions and progress with securing appropriate offset sites are captured within the BNG Strategy Update (document reference: D.7.23), submitted at Deadline 2. These will be secured by appropriate agreements.
2.1.131	14.16.	In Wales, Priority Habitats include Lowland Mixed Deciduous Woodland and Native Species Rich Hedgerows with Trees. The commitment is to be pursued through engagement with landowners and other stakeholders on land not associated with the DCO, which would result in further enhancement of the	The Applicant acknowledges the comments of FCC and can confirm that engagement has taken place with landowners and other stakeholders regarding 'off site' enhancement measures. It should be noted that the implementation of such measures is dependent on the agreement of these landowners and cannot be guaranteed at this stage.

Reference	LPA Reference	Local Impact Report Statement	Applicant’s Response
		landscape’s character, however they may not necessarily occur within the landscape affected by the pipeline.	
2.1.132	14.17.	Overall, the evaluated impact of the DCO on Flintshire's landscape (as a resource and receptors experiencing it), is considered to be neutral with positive impacts expected to be gained when schemes of landscaping have been implemented and are establishing. To some extent the degree of positive impact will dependent upon landowners’ and other stakeholders’ willingness to be involved with the commitment of achieving Biodiversity Net Benefit.	The Applicant acknowledges the response of FCC and has no further comments at this time.
2.1.133	14.18.	Conclusion on assessment of Landscape impact: <ul style="list-style-type: none">• Construction Phase: NEUTRAL• Operational Phase: NEUTRAL (Positive subject to Biodiversity Net Benefit and additional Planting)	
2.1.134	14.19.	Conclusion on assessment of Visual impact: <ul style="list-style-type: none">• Construction Phase: NEGATIVE• Operational Phase - Pipeline: NEUTRAL• Operational Phase – AGIs and BVS: NEUTRAL (Subject to successful landscaping)	
15. TREES, HEDGEROWS AND WOODLAND			
2.1.135	15.1.	The applicant’s ES Volume III has provided an Arboricultural Impact Assessment to accompany the DCO application [APP-115 and Ref APP-116].	The Applicant acknowledges the response of FCC and has no further comments at this time.
2.1.136	15.2.	<p>Flintshire LDP Policy EN7: Development Affecting Trees, Woodlands and Hedgerows states that:</p> <p><i>“Development proposals that will result in significant loss of, or harm to, trees, woodlands or hedgerows of biodiversity, historic, and amenity value will not be permitted.</i></p> <p><i>Where the impact of development affecting trees, woodlands or hedgerows is considered acceptable, development will only be permitted where:</i></p> <p><i>a. the development maximises their retention through sensitive design measures; and</i></p>	The Applicant acknowledges the comments from FCC and confirms that the Planning Statement [REP1-013] Appendix B considers the application proposals as a whole against the policies of the LDP where relevant.

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
		<p><i>b. where the removal of trees is considered necessary, suitable replacements shall be provided elsewhere within the site; and</i></p> <p><i>c. it results in a net benefit in biodiversity.”</i></p>	
2.1.137	15.3.	With respects to trees and woodland, it is evident that the applicant has sought to minimise impact to trees and woodlands as much as possible, by the careful planning of the DCO Pipeline route through the open countryside.	The Applicant acknowledges the response of FCC and has no further comments at this time.
2.1.138	15.4.	No trees or woodlands subject to Tree Preservation Orders or within planning Conservation Areas have been identified as being impacted by the new pipeline or AGIs/BVS. The route of the propose DCO CO2 pipeline passes underneath an ancient woodland near Northop Hall as shown on FCC LIR Appendix 1.3 within Section 5 of the DCO Pipeline; at Works no 44. It is proposed to install the pipeline in this location using a trenchless crossing to avoid any direct impact on the ancient woodland. Other trenchless crossings (e.g. for roads) will also enable trees growing along the line of the pipe to be retained which is welcomed.	
2.1.139	15.5.	The Arboricultural Impact Assessment (AIA) [APP-115 and Ref APP-116] was undertaken at the Preliminary Design Stage on ‘a reasonable worst-case basis’. The methodology used appears robust with the assumption that all trees within a 32m buffer zone of the pipeline will be removed (16m either side) and trees within the Newbuild Infrastructure Boundary ‘At Risk of Removal Aiming to Retain’. This acronym demonstrates that as the design has not been finalised there is a degree of uncertainty over which trees can be retained at this stage. However, it is stated that 82% of the tree features (Trees and Groups of Trees) have the potential to be retained on implementation of the scheme.	
2.1.140	15.6.	It should be noted that the AGI/BVS have been subject to site specific AIAs which have not identified any significant arboricultural impacts.	
2.1.141	15.7.	The OLEMP [APP- 229] sets out in Section 6 a maintenance and management schedule for landscape works which would be developed further at the detailed design stage. It is noted that within the maintenance schedule that during the 5-year maintenance any dead, dying or diseased trees, shrubs or hedges would be replaced, and with respects to native tree planting or woodland planting the maintenance period would be 10 years which is welcomed.	
2.1.142	15.8.	As outlined under the above section on Landscape and Visual there are several methods of securing replacement tree planting. The evaluated impact on trees and woodlands reflects the Landscape and Visual Impact Assessment with a loss of trees and groups of trees in the construction and early operational stages	The Applicant acknowledges the comments of FCC. It is anticipated that the implementation of appropriately specified replacement and mitigation planting managed in accordance with the LEMP [APP-229] will result in successful plant establishment.

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
		but in the longer term resulting in an increase in tree and woodland cover. A reasonable assessment of the DCO's impact on trees and woodlands would be a minor positive effect and at the worst neutral. The degree of positive tree and woodland change will be dependent on the success of landscape planting.	
2.1.143	15.9.	Conclusion on assessment of impact: o Construction Phase: NEUTRAL o Operational Phase: NEUTRAL	The Applicant acknowledges the position of FCC and has no further comments at this time.
16. NOISE AND AIR QUALITY – RESIDENTIAL/PUBLIC AMENITY			
2.1.144	16.1.	Policy STR14 of the adopted Flintshire LDP: Climate Change and Environmental Protection states that: <i>“The Council will seek to mitigate the effects of climate change and ensure appropriate environmental protection in the County through: vi. Ensuring that new development has regard to the protection of the environment in terms of air, noise and light pollution”</i>	The Applicant acknowledges the comments from FCC and confirms that the Planning Statement [REP1-013] Appendix B considers the application proposals as a whole against the policies of the LDP including STR14.
2.1.145	16.2.	Policy PC2 General Requirements for Development states that <i>“All Development should: “not have a significant adverse impact on the safety and living conditions of nearby residents, other users of nearby land/property, or the community in general, through increased activity, disturbance, noise, dust, vibration, hazard, or the adverse effects of pollution”</i>	The Applicant acknowledges the comments from FCC and confirms that the Planning Statement [REP1-013] Appendix B considers the application proposals as a whole against the policies of the LDP including PC2.
2.1.146	16.3.	Chapter 15 of the applicant's Environmental Statement [APP-067] assesses the proposed development in terms of noise and vibration and Chapter 6 considers air quality [APP-058]. Mitigation measures set out in the Register of Environmental Actions and Commitments [APP-222] are acceptable. The detail however will be subject to approval at each stage of the development.	The Applicant welcomes this comment from FCC in relation to the mitigation measures for noise, vibration and air quality in the REAC [REP1-015 and CR1-109] .
2.1.147	16.4.	The Council's Public Protection Officer has noted potential local impacts on residents, tourists in terms of their amenity and enjoyment of the County, the use of the public right of way network and the potential impact on local businesses and commercial premises.	The Applicant acknowledges the comments from FCC and confirms that Chapter 16 – Population and Human Health [APP-068] assess the potential impact on residents/ tourists in terms of their amenity and enjoyment of recreational facilities, the use of the public right of way network and the potential impact on local businesses and commercial premises.
2.1.148	16.5.	There are potential strategic impacts of the proposed development arising from noise from construction and maintenance vehicles, including anticipated expected increase in traffic. Operational noise, construction noise, maintenance, and decommissioning stages.	The Applicant confirms that the residual effects identified in Chapter 15 – Noise and Vibration [APP-067] will be addressed in the Noise and Vibration Management Plan as secured by the CEMP within Requirement 5 of the dDCO [REP1-004] .

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
2.1.149	16.6.	There is also a potential impact for dust arisings from construction and maintenance vehicles, including increase in traffic, during all aspects of operational, maintenance and decommissioning stages. Also, there is potential for a reduction in air quality from all aspects of operational, maintenance and decommissioning stages.	<p>Mitigation set out in Section 6.10 of Chapter 6 - Air Quality [APP-058] and the REAC [REP1-015 and CR1-109], as secured by the CEMP in Requirement 5 of the dDCO [REP1-004], will be sufficient to minimise impacts of dust and particulates during construction.</p> <p>Impacts from traffic during both construction and operation phases have been scoped out of the assessment on the basis that predicted traffic flows do not trigger the requirement for quantitative assessment (as per the strict IAQM Planning Guidance). Furthermore, baseline air quality conditions (as presented in Section 6.6 of Chapter 6 - Air Quality [APP-058]) in the Study Area are good and concentrations of pollutants are well within air quality objectives. Therefore, impacts from traffic during construction and operation are likely to be negligible.</p> <p>As stated in Section 6.9 of Chapter 6 - Air Quality [APP-058] there is a potential for odours during the operation of the DCO Proposed Development. However, these will be effectively managed by the implementation of an Odour Management Plan (D-AQ-042 of the REAC, [CR1-109 and REP1-015]) and restricting venting to only occur during the day (D-AQ-039 of the REAC [CR1-109 and REP1-015]).</p>
2.1.150	16.7.	Artificial light would be used for operational works and security at sites during non-daylight hours which may give rise to an impact on residential amenity.	The Applicant acknowledges the comments from FCC and confirms that Chapter 16 - Population and Human Health [APP-068] has considered the potential effects on the potential loss of residential amenity.
2.1.151	16.8.	Whilst the mitigation measures stated within the outline Construction Environmental Management Plan (OCEMP) and Register of Environmental Actions and Commitments (REAC) are noted, the operational and construction hours are unclear. Concerns are raised with regards to out of hours reasonable working time parameters and if there is potential requirement for consent under the Control of Pollution Act.	<p>As provided in Section 2.2 of the Outline CEMP [REP1-017 and CR1-119], construction core working hours will be 08.00 to 18.00 Monday to Friday (excluding bank holidays) and from 08.00 to 13.00 on Saturdays. To maximise productivity within core working hours, the Construction Contractor(s) will require a period of up to one hour before and up to one hour after core working hours for the start-up and close-down of activities.</p> <p>As stated within Chapter 3 – Description of the DCO Proposed Development [APP-055], the DCO Proposed Development will operate without the need for any permanent on-site staff. The AGIs and BVSs will generally be operated remotely.</p> <p>As stated in the Other Consents and Licences Document [REP1-011], the Applicant has included a potential consent under the Control of Pollution Act 1974 (section 61) for any works that could cause noise nuisance. If required, this would be applied for prior to the start of construction (or prior to specific construction activities).</p>
2.1.152	16.9.	More detail is required with regards to the mitigation of noise during construction and decommissioning stages. However, it is understood at each stage of the development a full CEMP would be submitted for approval. Therefore, the Council seeks to ensure that a greater level of detail is submitted with regards to noise mitigation at each stage for subsequent approval.	The Applicant confirms that mitigation relevant to Noise and Vibration are included in the REAC [REP1-015 and CR1-109] and the Noise and Vibration Management Plan, as secured by the CEMP within Requirement 5 of the dDCO [REP1-004] , will include details of the mitigation measures required for each stage.

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
2.1.153	16.10.	A single point of contact is required to be identified in the detailed CEMP to ensure clarity on who and by what methods communities should direct concerns/queries to. The Council's Environmental Protection Officer would also need to discuss further with the responsible person the application submitted by the developer (for the controls of noise on site in accordance with the Control of Pollution Act 1974) so that the Council can authorise this once mitigation is approved during construction and at the decommissioning.	<p>Requirement 5 of the draft DCO [REP1-004] states a stakeholder communications plan will be produced as part of the CEMP. REAC D-NV-003, as secured through the Outline CEMP [REP1-017 and CR1-119], also states that 'The Construction Contractor will nominate a Community Liaison Representative (or equivalent title) who will be a nominated competent site contact for whom the contact details will be shared with local residents and other third parties within close proximity to the construction works and will be displayed clearly within the site compounds.'</p> <p>Paragraph 5.1.3 of the Outline CEMP [CR1-119 and REP1-017] indicates that the detailed CEMP will, as a minimum, set out an organogram showing names, roles, responsibilities and communication methods. Furthermore, paragraph 5.2.3 states that the Environmental Manager will be the main contact for environmental regulators such as the Local Authorities, NRW and EA.</p> <p>The Applicant notes that the Council's Environmental Protection Officer would liaise with the responsible person.</p>
2.1.154	16.11.	Section 61 of the Control of Pollution Act 1974 allows the project to apply for consent. Given potential noise complaints this is deemed a necessary step and as explained in the DCO. Early dialogue with the Council's Environmental Protection Team is required and approval given. The Council would serve the appropriate notice at each required stage, once we have all the information about secondary mitigation measures, which currently is not available.	The Applicant will seek Section 61 consents as stated in the Other Consents and Licences Document [REP1-011] for activities outside core hours that are not assessed in the Noise and Vibration Management Plan as secured by the CEMP within Requirement 5 of the dDCO [REP1-004] .
2.1.155	16.12.	<p>Conclusion on assessment of impact:</p> <ul style="list-style-type: none"> o Construction Phase: NEUTRAL (Subject to satisfactory control) o Operational Phase: NEUTRAL 	The Applicant acknowledges the position of FCC and has no further comments at this time.
17. LAND CONTAMINATION AND SOILS			
2.1.156	17.1.	Planning Policy Wales (PPW) guidance sets out the land use planning policies of the Welsh Government. The primary objective of the PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental, and cultural well-being of Wales.	The Applicant acknowledges the comments from FCC and confirms that the Planning Statement [REP1-013] Appendix B considers the application proposals as a whole against the policies of the PPW where relevant.
2.1.157	17.2.	<p>Policy STR14 of the adopted Flintshire Local Development Plan sets out strategic principles in respect of climate change and environmental protection and states that: "<i>The Council will seek to mitigate the effects of climate change and ensure appropriate environmental protection in the County through:</i></p> <p style="padding-left: 40px;"><i>vi. Ensuring that new development has regard to the protection of the environment in terms of contaminated land.</i>"</p>	The Applicant acknowledges the comments from FCC and confirms that the Planning Statement [REP1-013] Appendix B considers the application proposals as a whole against the policies of the LDP, to include STR14.

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
2.1.158	17.3.	PC2: General Requirements states that all development should not result in or be susceptible to problems related to, contamination, either on or off site.	The Applicant acknowledges the comments from FCC and confirms that the Planning Statement [REP1-013] Appendix B considers the application proposals as a whole against the policies of the LDP, to include PC2.
2.1.159	17.4.	The Council's contaminated land officer has provided the applicant with preapplication advice, and there has been ongoing discussions with the applicant's consultants. In terms of dealing with land contamination, the approach to that had, for the most part, been put in place in the applicant's Environmental Statement Chapter 11 relating to land and soils [APP-063]	The Applicant acknowledges the response of FCC and has no further comments at this time.
2.1.160	17.5.	The extent and scope of the applicants' approach to land contamination is an agreed point in that the methodology, extent of impact and proposed mitigation are agreed. It is understood that information relating to the findings of the sampling and any remediation which may be necessary, will be submitted in due course.	
2.1.161	17.6.	Conclusion on assessment of impact: o Construction Phase: NEUTRAL o Operational Phase: NEUTRAL	
18. TRAFFIC AND TRANSPORT			
2.1.162	18.1.	The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration.	The Applicant acknowledges the response of FCC and has no further comments at this time.
2.1.163	18.2.	LDP Policy PC2 states that: "All development should, ... <i>a) not have an unacceptable effect on the highway network or highways safety as a result of problems arising from traffic generation, inadequate and poorly located parking spaces, servicing and manoeuvring;"</i>	The Applicant acknowledges the comments from FCC and confirms that the Planning Statement [REP1-013] Appendix B considers the application proposals as a whole against the policies of the LDP, including PC2.
2.1.164	18.3.	This reflects general principles set out in Planning Policy Wales (PPW 11) and TAN 18 – Transport, in support of sustainable development.	The Applicant acknowledges the comments from FCC and confirms that the Planning Statement [REP1-013] Appendix B considers the application proposals as a whole against the policies contained within PPW, including PPW 11.

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
2.1.165	18.4.	The proposed DCO development proposes the use of a number of existing and new access points that would be constructed to facilitate various elements of the proposal; all accesses being derived from the Local Highway Network there for the existing highway infrastructure would be used to route vehicles to the application sites during construction.	The Applicant acknowledges the response of FCC and has no further comments at this time.
2.1.166	18.5.	The Transport Assessment [APP-161] that supports the application looks at the worst-case scenario over the construction phase of the project and assesses the peak month being August 2024.	
2.1.167	18.6.	The Council agrees with the conclusions of the Traffic & Transport Chapter 17 in the Environmental Statement and Transport Assessment [APP-161] and accepts that the adverse impacts on the highway network, for the construction phase, can be adequately mitigated. The operational/maintenance phase of the project having an insignificant impact on the highway network.	
2.1.168	18.7.	The Local Highway Authority has considered the content of the application and discussed the impacts likely to be experienced on the network. The Local Highway Authority is satisfied that the development can be managed on the Local Network and accords with national and local planning policies in respect of sustainable development. The Outline Construction Traffic Management Plan [APP-224] (OCTMP) and IWTP framework documents are agreed in principle.	
2.1.169	18.8.	Full details of the access locations, design and visibility will be submitted, as required by the DCO, would be submitted for approval prior to each stage of development. The detail contained in the OCTMP is considered acceptable and full Construction Traffic Management Plan (CTMP) would be submitted, as required by the DCO, prior to each stage of development. The full CTMP's shall include details relating to parking facilities being provided for contractor's vehicles (numbers & layout) at the construction compounds.	
2.1.170	18.9.	The Local Highway Authority does however wish to see the construction phase carefully managed to reduce the impact on the highway network.	The Applicant welcomes continuing engagement with the LHA in developing the full CTMP as secured by Requirement 6 of the dDCO [REP1-004] .
2.1.171	18.10.	For information to the ExA, the Roads Review Panel recently released their report and recommendations to the Welsh Government, one of which related to the removal of the proposed A55 'Red Route' as a new road scheme. The Welsh Government has yet to finalise its response to the Panel's recommendations, as there are ongoing considerations following a notice of motion. The Flintshire LDP was adopted prior to the panel's report being published, and the Red Route is therefore referenced within Policy PC10 New Transport Schemes, under criterion i., and is shown on the proposals maps as a protected route. Until such	The Applicant welcomes the comment that FCC do not consider there to be a potential conflict between the DCO Proposed Development and any new A55 'Red Route' scheme.

Reference	LPA Reference	Local Impact Report Statement			Applicant’s Response
		a time as the Welsh Government publish their formal response to the Road Review Panel Report, the position must be assumed to be as set out in the LDP and it cannot be said at present that there will not be any potential conflict between the Hynet proposals and this road scheme.			
2.1.172	18.11.	Conclusion on assessment of impact: o Construction Phase: NEGATIVE o Operational Phase: NEUTRAL			<p>The Applicant submitted Chapter 17 Traffic and Transport of the Environmental Statement [APP-069] and Appendix 17.13 Transport Assessment [APP-161]. The conclusions of those assessments are that with the implementation of appropriate mitigation measures outlined in those documents and the Outline Construction Traffic Management Plan [CR1-117], the construction traffic associated with the DCO Proposed Development can be accommodated without compromising the safe and efficient operation of the local and strategic transport networks.</p> <p>Notwithstanding the above, the Applicant acknowledges the position of FCC and has no further comments at this time.</p>
19. PUBLIC RIGHTS OF WAY					
2.1.173	19.1	Appendices FCC LIR Appendix 4.1 to 4.6 provide plans showing the public right of way network in relation to the proposed DCO application. The following table provides commentary on the proposed DCO and its potential impact on the Public Right of Way network within Flintshire. The commentary is provided for each affected Works No.			The Applicant acknowledges the response of FCC and has no further comments at this time.
2.1.174	19.2.	Generally speaking, it is considered that the applicant has identified all the affected public rights of way that would be affected by the proposal and they propose to making provision for temporary diversions during construction, which is welcomed. The Council’s main concerns surround construction compound areas, permanent access tracks at some locations, and we have a significant interest in Deeside Lane and Bridleway No. 9 being identified as being used for the construction access for traffic (works no 30E).			The Applicant acknowledges the response of FCC, with location specific details provided below.
		Work No.	Proposal	PROW comments	
		Work No. 30D	The creation and use of a temporary logistics and construction compound for the use during the construction of the authorised	Our concerns are not necessarily to do with the site being used as a construction compound but the access track that is being proposed (Work No. 30E).	<p>The road at Work No. 30E for the length of Public Bridleway No.8 (309/8/10) to Deeside Lane will be used for non-exclusive access and as such, the Public Right of Way (PRoW) in this location will not be stopped up during the construction or operation of the DCO Proposed Development.</p> <p>The Land Plans [CR1-009] show this road as <i>“Temporary use of land to take access”</i>.</p>

Reference	LPA Reference	Local Impact Report Statement			Applicant's Response
			development, within the location shown on Sheet 13 and 14 of the Work Plans.	<p>The proposed access track would tie into this compound and would impact on the public rights of network to a great effect. During the construction this would have a negative effect on the public right of way</p>	<p>Sheet 6 of Figure 17.6 of the ES [CR1-094] incorrectly describes this PRoW as a temporary closure. An updated Figure 17.6, which corrects the error by removing this sheet, will be submitted at Deadline 3 .</p> <p>The impact on the Public Rights of Way (PRoWs) which conflict with the DCO Proposed Development will be managed by a Public Rights of Way Management Plan (PRoWMP), based on an Outline PRoWMP, the latest revision of which was submitted at Deadline 1 [REP1-043].</p> <p>The Outline PRoWMP [REP1-043] contains management principles and measures which are required to be followed for any closure or diversion of a PRoW during the construction of the DCO Proposed Development.</p> <p>The final PRoWMP will include further information to enable the relevant local authority to agree to the closures before each relevant stage of works, as secured by Requirement 5 of the dDCO [REP1-004].</p>
		Work No. 30E	<p>Creation and use of a temporary construction access from the A548, within the location shown on Sheets 13 and 14 of the Work Plans, including—</p> <p>(a) improvement of an existing junction with the public highway;</p> <p>(b) improvement of road surfacing and provision of new hard surfacing; and</p> <p>(c) creation of visibility splays.</p>	<p>The proposed construction access track is along Public Bridleway No.8 (309/8/10) from its junction with Sealand Road in a southerly direction to the junction with Deeside Lane (309/10/30). The construction access track then continues along Deeside Lane to the proposed pipeline construction.</p> <p>Bridleway No. 8 is an unmade track which is not part of the adopted highway network. The Local Authority (LA) is under a duty to maintain it only to a standard for users on foot and on horseback. Deeside Lane has highway status as a public footpath only and the LA is only required to maintain the route up to a footpath standard. Both tracks are currently unsuitable for the proposed usage that would come with this proposal.</p> <p>The LA do not argue with the route being used as a temporary construction access on the basis that it is suitably upgraded to serve the construction traffic that would be using it. We do not</p>	<p>The Outline PRoWMP [REP1-043], the latest revision of which was submitted at Deadline 1 will be further developed during later stages by the Construction Contractor(s) to form a final PRoWMP which will contain the following information to be approved by the relevant authority for each PRoW:</p> <ul style="list-style-type: none"> • Plans (showing the relevant control measures) • Length (distance) of the closure • Route, length and any surfacing proposals for diversions • Details of any gates, stiles, or similar features to be removed and reinstated on any PRoW • Details of signage to be provided for diversions and • The appropriate standards for reinstatement of the PRoW <p>The management for each PRoW will be secured in the final PRoWMP to be signed off by each relevant authority prior to the commencement of the relevant stage of works, as required by Requirement 5 of the draft DCO [REP1-004].</p> <p>The Applicant notes that Public Bridleway No.8 (309/8/10) is currently used by heavy agricultural vehicles. The Applicant commits to reviewing the condition of the route and its suitability for construction traffic, but does not currently consider that it is appropriate/necessary to upgrade the condition prior to use. The Applicant commits to reinstating the condition of the route to its original condition (or better) on completion of the construction phase of the DCO Proposed Development.</p> <p>The Applicant does not believe a legal agreement is appropriate in this instance and would instead secure the standard of the PRoW through final PRoWMP, which will be submitted to and requires approval by the relevant planning authority, as secured in Requirement 5 of the dDCO [REP1-004].</p>

Reference	LPA Reference	Local Impact Report Statement			Applicant's Response
				<p>feel that it would be suitable to use any type of crushed stone/aggregate for the track as this would generate dust pollution that would be detrimental to anybody walking the rights of way and also to the neighbouring properties and businesses. The use of the bridleway and Deeside Lane would also increase potential conflict between walkers and vehicles.</p> <p>To support the proposal of Bridleway No. 9 and Deeside Lane being utilised as the temporary construction access track we are requesting that the entire route under 'Work No. 30E' be upgraded to a tarmac surface. This would be suitable for the construction traffic, limit the dust pollution to walkers and the community and be an improvement for users as part of the legacy of the Hynet project. The details of the specification of this should be agreed as part of the approval of details at that stage in the development. This would mitigate against any negative effect of the development during the use of this track during construction.</p> <p>The Council would welcome the applicant entering into a legal agreement to ensure this section of the right of way network is upgraded to a standard suitable to sustain heavy traffic</p>	
		Work No. 31	Construction of an underground Carbon Dioxide (CO2) pipeline approximately 873 metres in length and with an	<p>The main concern is regarding Work Nos. 31B and 31C rather than the pipeline itself. Work No. 31B is described as a permanent access and would directly impact PROW 307/2. The Local Planning Authority would need to see detailed plans at the</p>	

Reference	LPA Reference	Local Impact Report Statement			Applicant's Response
			external diameter of 36 inches (914.4 millimetres) between Work No. 30 and Work No. 32.	construction stage for this phase to be satisfied that the public right of way is adequately incorporated into the design. At the very minimum, the route would need to be temporarily closed during the period that this area is used as a compound and access track.	
		Work No. 31B	Creation and use of a permanent access from the B5129, within the location on Sheet 14; Work Plans— (a) improvement of an existing junction with the public highway; (b) improvement of road surfacing and provision of new hard surfacing; and (c) creation of visibility splays	As per above, the construction of a permanent access from the B5129 would directly affect PROW 307/2 and we would need to see proposals that satisfy us that the right of way is adequately incorporated into the design and protected along its current alignment.	Please see Applicant's response to FCC's comment on "Work No. 31" above.
		Work No. 33	Construction of an underground Carbon Dioxide (CO2) pipeline approximately 2.5km in length and with an external diameter of 36 inches (914.4 millimetres) between Work No.32 and Work No. 34.	The PROW affected by the pipeline in this section are adequately protected with temporary diversions during works.	The Applicant welcomes FCC's confirmation of this.
		Work No. 33C	Creation and use of a permanent access from	This area is PROW 308/4/10 the proposal is not too concerning as this is already used as a short vehicular	The Applicant acknowledges that PROW 308/1 and 308/3 are affected in the construction phase of the DCO Proposed Development. It is proposed that a temporary

Reference	LPA Reference	Local Impact Report Statement			Applicant's Response
			Chester Road East, within the location shown on Sheets 15 and 16 of the Work Plans, including— (a) improvement of an existing junction with the public highway; (b) improvement of road surfacing and provision of new hard surfacing	access to the adjacent Church and property. The stiles currently in-site should be replaced with kissing gates upon completion of the access track. PROW 308/1 and 308/3 are also affected and would require temporary diversions during the works.	diversion would be implemented in this location to avoid the closure of the PROWs (see Figure 17.6 [CR1-094]). <i>“Details of any gates, stiles, or similar features to be removed and reinstated on any PROW”</i> will be part of the Final PROWMP that will be submitted by the Construction Contractor(s) to be signed off by each relevant authority prior to the commencement of the relevant stage of works, as required by Requirement 5 of the draft DCO [REP1-004] .
		Work No. 35	Construction of an underground Carbon Dioxide (CO2) pipeline approximately 1.9km in length and with an external diameter of 36 inches (914.4 millimetres) between Work No.34 and Work No. 38.	The PROW no. 303/32 affected by the pipeline in this section are adequately protected with temporary diversions during works.	The Applicant welcomes FCC's confirmation of this.
		Work No. 38	Construction of an underground Carbon Dioxide (CO2) pipeline approximately 377 metres in length and with an external diameter of 36 inches (914.4 millimetres) between Work No.	There are a number of PROWs affected by the pipeline in this section are adequately protected with temporary diversions during works.	

Reference	LPA Reference	Local Impact Report Statement			Applicant's Response
			35 and Work No. 39.		
		Work No. 38B	Creation and use of a temporary construction access from Lower Aston Hall Lane, within the location shown on Sheet 17 of the Work Plans, including— (a) improvement of an existing junction with the public highway; and (b) improvement of road surfacing and provision of new hard surfacing.	This would appear to cross PROW 303/26/10. The route would need to be adequately incorporated into any new access. In the DCO this is described as a temporary access but the work plans state Work No. 38B to be a permanent access. It would be helpful to have this clarified.	<p>The Applicant notes the access at Work No. 38B is permanent. The Applicant has updated the text of Work No. 38B in Schedule 1 of the draft DCO to state “permanent” from Rev B [REP1-004].</p> <p>During the construction phase, the section of the PROW does not need to be stopped up and can be managed by traffic management measures.</p> <p>During the operation of the Carbon Dioxide Pipeline, permanent access is required infrequently for operational inspections of the Carbon Dioxide Pipeline, for light duty vehicles within the land located between the Borderlands Railway Line and the A494. Permanent access will also be required for occasional visits associated with maintenance operations of the environmental mitigation land at Work No. 57H.</p> <p>The access in this location is existing and traffic movements currently cross the PROW without diversions or specific measures. The operational stage of the DCO Proposed Development will not result in a volume of movements greater than that outlined above and as such it is believed that no traffic management/further work to the PROW to incorporate it into the access will be required.</p> <p>The PROW will not require permanent modification and will be retained on its current alignment.</p>
		Work No. 39	Construction of an underground Carbon Dioxide (CO2) pipeline approximately 402 metres in length and with an external diameter of 36 inches (914.4 millimetres) between Work No. 38 and Work No. 40.	303/25/20 is in the work area but doesn't appear to be affected. More detail in the construction phase will be required if the pipeline is affecting the route of the footpath.	<p>303/25/20 is in work no.39 and shown as “to be temporarily stopped up with proposed diversion” in Appendix 3 – Outline Public Rights of Way Management Plan [REP1-043].</p> <p>Figure 17.6 of the ES [CR1-094] incorrectly does not show the PROW as being affected. An updated Figure 17.6 of the ES will be submitted at Deadline 3, to correct this.</p> <p>303/25/20 is shown as being affected on Sheet 17 of the Rev C version of D.2.5 Access and Rights of Way Plans - Part 1 [CR1-012], which was submitted with the Applicant's Change Request.</p> <p>More detail will follow at a later stage. The management for each PROW will be secured in the final PROWMP to be signed off by each relevant authority prior to the commencement of the relevant stage of works, as required by Requirement 5 of the draft DCO [REP1-004].</p>
		Work No. 40	Construction of an underground Carbon Dioxide (CO2) pipeline approximately 561	Work No. 40 includes Church Lane which is recorded as PROW 303/25/20. The lane is also private vehicular access to properties. Church Lane would need to be restored back to the	<p>The Outline PROWMP [REP1-043], latest revision which was submitted at Deadline 1 will be further developed during later stages by the Construction Contractor to form a final PROWMP which will contain the following information to be approved by the relevant authority for each PROW:</p> <ul style="list-style-type: none"> Plans (showing the relevant control measures)

Reference	LPA Reference	Local Impact Report Statement			Applicant's Response
			metres in length and with an external diameter of 36 inches (914.4 millimetres) between Work No. 39 and Work No. 41...	same condition following the installation of the pipeline. 303/24/10 is also affected and runs from Old Aston Hill towards Aston Hill Farm. The same applies to this lane as above. 303/22/10 appears to be affected but necessary diversions are in place.	<ul style="list-style-type: none"> Length (distance) of the closure Route, length and any surfacing proposals for diversions Details of any gates, stiles, or similar features to be removed and reinstated on any PRow Details of signage to be provided for diversions and The appropriate standards for reinstatement of the PRow <p>The management for each PRow will be secured in the final PRowMWP to be signed off by each relevant authority prior to the commencement of the relevant stage of works, as required by Requirement 5 of the draft DCO [REP1-004].</p>
		Work No. 40B	The creation and use of a temporary working area for the use during the construction of the authorised development, within the location shown on the Work Plans, including construction of a haul road, temporary construction accesses and working areas and laydown areas.	The corner of this proposed site is crossed by PRow 303/24A/10. The route would need to be temporarily closed during its use as a compound area. As the route is a good link towards Ewloe, a temporary diversion should be provided but this isn't set out on the work plan	PRoW 303/24A/10 is shown to fall within the construction area required to execute the trenchless crossing under Church Lane. The PRow will be maintained without any closures or diversions.
		Work No. 41	Construction of an underground CO2 pipeline approximately 1.1km in length and with an external diameter of 36 inches (914.4 millimetres) between Work No. 40 and Work No. 42...	The PRow affected 303/20 by the pipeline in this section are adequately protected with temporary diversions during works.	The Applicant welcomes FCC's confirmation of this.

Reference	LPA Reference	Local Impact Report Statement			Applicant's Response
		Work No. 41C	Creation and use of a permanent access from the B5125, within the location shown on Sheet 18 of the Work Plans, including— (a) creation of a new bellmouth junction with the public highway; (b) improvement of road surfacing and provision of new hard surfacing.	This small area marked as a permanent access appears to be directly where we currently have a stile and public footpath sign. The footpath affected 303/143 would need to be protected and stile replaced with a kissing gate following construction.	As stated in the Outline PRoWMP [REP1-043] “ <i>Details of any gates, stiles, or similar features to be removed and reinstated on any PRoW</i> ” will be included in the Final PRoWMP secured through Requirement 5 of the dDCO [REP1-004] that will be submitted by the Construction Contractor to be signed off by the relevant authority prior to the commencement of the relevant stage of works.
		Work No. 42	Construction of an underground CO2 pipeline approximately 1.8km in length and with an external diameter of 36 inches (914.4 mm) between Work No. 41 and Work No. 43.	The PROW affected by the pipeline in this section are adequately protected with temporary diversions during works. PROW 303/143 runs through the site and no temporary diversion has been shown which suggests it won't be affected during construction clarification is required.	This PROW (Ref: 303/143) is intended to be diverted within the Order Limits, if required, during the construction of the DCO Proposed Development. Figure 17.6 and the dDCO will be updated at Deadline 3 to reflect this. The management for each PROW will be secured in the final PRoWMP to be signed off by the relevant authority prior to the commencement of the relevant stage of works, as required by Requirement 5 of the draft DCO [REP1-004] .
		Work No. 43	Construction of an underground CO2 pipeline approximately 611 metres in length and with an external diameter of 36 inches (914.4 mm) between Work No. 42 and Work No. 44.	The PROW affected by the pipeline in this section are adequately protected with temporary diversions during works.	The Applicant welcomes FCC's confirmation of this.

Reference	LPA Reference	Local Impact Report Statement			Applicant's Response
		Work No. 44	Construction of an underground CO2 pipeline approximately 2.5km in length and with an external diameter of 36 inches (914.4mm) between Work No. 43 and Work No. 47.	We have concerns related to the compound and surrounding area with regard to PROW 414/4. These concerns are regarding Work Nos 44C, 45 & 46 (see comments below).	See responses below in relevant sections pertaining to Work Nos 44C, 45 and 46.
		Work No. 44C	<p>The creation and use of a temporary logistics and construction compound for the use during the construction of the authorised development, within the location shown on Sheet 20 of the Work Plans, including—</p> <ul style="list-style-type: none"> a. office, welfare and security facilities; b. a parking area; c. power supplies and temporary lighting; d. pipe equipment and fittings storage; e. plant storage; f. a fabrication area; 	<p>The proposed compound is on the line of PROW 414/4. At present this is a field footpath. The footpath needs to be restored back to its previous condition (if not better), following completion of the AGI at this location and the compound no longer being required.</p>	<p>The Applicant commits to reinstating the condition of the PROW 414/4 route to its original condition (or better) on completion of the construction phase of the DCO Proposed Development.</p> <p>The management for each PROW will be secured in the final PROWMP to be signed off by the relevant authority prior to the commencement of the relevant stage of works, as required by Requirement 5 of the draft DCO [REP1-004].</p>

Reference	LPA Reference	Local Impact Report Statement			Applicant's Response
			g. a plant wheel wash area; h. waste processing and management areas; and fencing and gating.		
		Work No. 45	Construction of an AGI at Northop Hall, comprising equipment for the control and interface of the Stanlow AGI to Flint AGI Pipeline, within the location shown on Sheet 20 of the Works Plans.	The AGI itself doesn't appear to be on the line of the PROW 414/4 therefore the AGI would not permanently affect PROW 414/4 and a diversion would not be required.	The Applicant acknowledges the response from FCC and has no further comments.
		Work No. 46	The creation and use of a permanent vehicular access to the authorised development, from B5125 within the location shown on Sheet 20 of the Works Plans, including— <ul style="list-style-type: none"> a. improvement of road surfacing and provision of new hard surfacing; b. creation of a new bellmouth junction and visibility splays; 	This proposed new permanent access would create a junction right on top of where PROW 414/4 meets the junction of B5125. The footpath needs to be adequately incorporated into this junction design with the proposed new vehicular access to ensure pedestrians are not in conflict with vehicles unnecessarily. We would request that the proposed design for the AGI and associated track is reviewed by the PROW team before any progression.	Following the acceptance of Change Request 1 by the ExA on 24 April 2023 [PD-016] , this PRoW (ref: 414/4) will no longer be permanently affected by the DCO Proposed Development due to the relocation of the Northop Hall AGI and associated access to the west. This PRoW is still proposed to be diverted during the construction of the DCO Proposed Development. The management for each PRoW will be secured in the final PRoWMP to be signed off by each relevant authority prior to the commencement of the relevant stage of works, as required by Requirement 5 of the draft DCO [REP1-004] .

Reference	LPA Reference	Local Impact Report Statement			Applicant's Response
			installation of utilities.		The Applicant welcomes FCC's confirmation of this.
		Work No. 47	Construction of an underground Carbon Dioxide (CO2) pipeline approximately 2.4km in length and with an external diameter of 36 inches (914.4 mm) between Work No. 44 and Work No. 50.	The PROW affected by the pipeline in this section are adequately protected with temporary diversions during works.	
		Work No. 50	Construction of an underground Carbon Dioxide (CO2) pipeline approximately 422 metres in length and with an external diameter of 24 inches (609.6 millimetres) between Work No. 47 and the existing pipeline.	The PROW affected by the pipeline in this section are adequately protected with temporary diversions during works.	
2.1.175	19.3.	Conclusion on assessment of impact: <ul style="list-style-type: none">• Construction Phase: NEGATIVE• Operational Phase: NEUTRAL			The Applicant acknowledges the response of FCC and has no further comments at this time.
20. WATER ENVIRONMENT AND FLOOD RISK					
2.1.176	20.1.	Planning Policy Wales confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The drainage / flooding impacts of a development proposal are a material consideration.			The Applicant acknowledges the comments from FCC and confirms that the Planning Statement [REP1-013] Appendix B considers the application proposals as a whole against the policies contained within the PPW.

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
2.1.177	20.2.	<p>PPW Section 6.6.22 to 6.6.29 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, which provides a detailed framework within which risks arising from different sources of flooding should be assessed. TAN 15 advises that in areas which are defined as being of high flood hazard, development proposals should only be considered where:</p> <ul style="list-style-type: none"> new development can be justified in that location, even though it is likely to be at risk from flooding; and the development proposal would not result in the intensification of existing development which may itself be at risk; and new development would not increase the potential adverse impacts of a flood event. 	The Applicant acknowledges the comments from FCC and confirms that the Planning Statement [REP1-013] , to include Appendix B considers the application proposals as a whole against the policies contained with TAN15.
Flood Risk:			
2.1.178	20.3.	<p>Flooding is also an important consideration for any new development as a large proportion of the site is mostly within a C1 Flood Risk Zone as defined by TAN15 and is therefore an area at risk of coastal flooding (served by significant infrastructure including flood defences). It will also be necessary to have regard to the new TAN15 and Flood Map for Planning which is due to come into force in June 2023, although it has been indicated by Welsh Government that this date may be pushed back as the consultation on the further revisions to the draft TAN has only just closed. Works Nos 29 – 35 all lie within a C1 Flood Risk Zone which is illustrated on FCC LIR Appendix 1.1. Land within works no 43 also lies within a C2 Flood Risk Zone.</p>	<p>The Applicant acknowledges the comments from FCC and confirms that the Planning Statement [REP1-013], to include Appendix B considers the application proposals as a whole against the policies contained with TAN15.</p> <p>The proposed development has also taken into consideration the new Flood Maps for Planning (FMfP) in the assessment of flood risk relating to the new TAN15, as presented in the Addendum to the Flood Consequences Assessment [APP-168, APP-169 and APP-170].</p>
2.1.179	20.4.	The Council would respectfully defer to comments from Natural Resources Wales, as the statutory body for coastal and fluvial flood risk, on matters relating to flooding.	The Applicant acknowledges the response of FCC and has no further comments at this time.
Land drainage			
2.1.180	20.5.	The Council has additional duties and powers associated with the management of flood risk under the Land Drainage Act. As Land Drainage Authorities, Ordinary Watercourse consent would be required for any permanent or temporary works that could affect the flow within an ordinary watercourse under their jurisdiction in order to ensure that local flood risk is not increased.	As set out in the Other Consents and Licences document [REP1-011] , the Applicant will submit an appropriate application after the DCO is made.
2.1.181	20.6.	Flintshire County Council, as Lead Local Flood Authority (LLFA) is responsible for the management of risks associated with local sources of flooding such as ordinary watercourses, surface water and groundwater.	The Applicant acknowledges the response of FCC and has no further comments at this time.
2.1.182	20.7.	It is noted that the REAC [APP-222] states that consents would be sought from LLFA for works affecting for Ordinary Watercourses.	As set out in Article 8 of the draft DCO [REP1-004] , the requirement for ordinary watercourse consents is disapplied. In line with the ethos and objective of the DCO

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
			regime, a separate consent should not be required where this can be addressed through the DCO.
2.1.183	20.8.	From a local flood risk and land drainage perspective, the LLFA would like to offer alternative wording within the Supplemental Powers contained in Part 4 of the draft DCO which are outlined within paragraph 22.5 below.	The Applicant acknowledges the position of FCC and has no further comments at this time.
Surface Water Drainage:			
2.1.184	20.9.	Schedule 3 of the Flood and Water Management Act 2010 makes sustainable drainage systems (SuDS) a mandatory requirement on all new developments involving more than a single dwelling or a construction area more than 100m ² .	The Applicant acknowledges the position of FCC and has no further comments at this time.
2.1.185	20.10.	New developments of more than a single dwelling or a construction area more than 100m ² must have: <ul style="list-style-type: none"> • Sustainable drainage systems to manage on-site surface water; • Surface water drainage systems designed and built in accordance with mandatory Welsh Government standards for sustainable drainage; • Approval of the surface water drainage systems by the SuDS Approving Body (SAB). 	
2.1.186	20.11.	It does not appear to be the case that supplementary powers are being sought through Part 4 of the DCO with respect to the duties under Schedule 3 of the Flood and Water Management Act 2010. As such, separate, formal approval from Flintshire County Council as the SAB is therefore required in relation to the surface water drainage and SuDS features.	
2.1.187	20.12.	The DCO application also includes for the provision of temporary hardstanding areas for temporary construction compounds and access routes. It is not clear from the application documents how the Applicant will mitigate any impacts to watercourses, highways, or property as a consequence of any runoff from these temporary hardstanding areas. It is understood that temporary hard standing areas are not usually considered as part of an application for SAB approval. However, on the basis that these temporary hardstanding areas are likely to be in excess of 100 M ² , the length of time that these 'temporary' hardstanding areas maybe considerable, consent via the SAB may be a practical means for consideration and the applicant would be invited to include these areas that are proposed to be 'temporary' as part of the SAB application process. Early contact could also be made with the SAB via a request for pre-application advice.	
2.1.188	20.13.	As the planning process should not duplicate other legislative controls, the Council does not wish to make any observations on the provisional surface water drainage strategy for the AGI and BVS as it will be controlled through the	

Reference	LPA Reference	Local Impact Report Statement	Applicant’s Response
		SuDS approval process. Furthermore, any works involving watercourses would require ordinary water course consent. What is not clear however, is how the applicant intends to deal with run-off and surface water issues in relation to those areas of hardstanding that are below the threshold for SAB consent, and those elements of the project that do not create hardstanding but effect watercourses such as works effecting ditches.	
2.1.189	20.14.	Conclusion on assessment of impact: o Construction Phase: NEUTRAL o Operational Phase: NEUTRAL	
21. MINERALS SAFEGUARDING			
2.1.190	21.1.	Key national land use planning policies are provided by Planning Policy Wales (PPW11), in particular Section 5.14 which relates to the sustainable extraction of minerals. Supplementary guidance is provided the following Minerals Technical Advice Notes (MTAN 1).	The Applicant acknowledges the response from FCC and confirms that the Planning Statement [REP1-013] Appendix B considers the application proposals as a whole against the policies with PPW 11.
2.1.191	21.2.	Minerals Technical Advice Note 1 (MTAN1): Aggregates, Minerals Planning Policy (Wales), providing guidance on how the land use planning system should contribute to the sustainable supply of aggregates and sets out detailed advice on aggregates, such as limestone, sand and gravel.	The Applicant acknowledges the response of FCC and has no further comments at this time.
2.1.192	21.3.	<p>Policy EN23 states: “Non-mineral development within Mineral Safeguarding Areas as defined on the proposals map will only be permitted where it can be demonstrated that:</p> <ul style="list-style-type: none">a. <i>The mineral underlying the site does not merit extraction, or</i>b. <i>The need for the non-mineral development outweighs the need to protect the resource, or</i>c. <i>The mineral can be satisfactorily extracted prior to the non-mineral development, or</i>d. <i>The development is of a temporary nature or can be removed within the timescales within which the mineral is likely to be needed, and</i>e. <i>Essential infrastructure that supports the supply of minerals would not be compromised or would be provided elsewhere.</i> <p><i>All applications for development, with the exception of householder applications, in these areas shall be supported by a Mineral Safeguarding Assessment.</i></p> <p><i>Proposals for non-mineral development on sites of 4ha or more, which are underlain by Category 1 sand and gravels shall be supported by a Prior Extraction Assessment”</i></p>	The Applicant acknowledges the comments from FCC and confirms that the Planning Statement [REP1-013] Appendix B considers the application proposals as a whole against the policies of the LDP, to include EN23.

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
2.1.193	21.4.	Chapter 11 of the applicant's Environmental Statement [APP-063] acknowledges that the proposed DCO development would intersect multiple Mineral Safeguarding Areas. This is also shown on FCC LIR Appendices 2.1 – 2.5 which shows the Flintshire LDP allocations and includes the locations of Mineral Safeguarding Areas.	The Applicant acknowledges the response of FCC and has no further comments at this time.
2.1.194	21.5	A Minerals Resource Assessment (MRA) has been provided to accompany the application [APP-131 and Ref APP-132]. The Council largely concurs with the conclusions of the MRA which states that the mineral resources located within the MSA do no present workable or viable mineral prospects due to poor quality resources, and due to the constraints associated with the site areas. Some of the resources are also sterilised by existing infrastructure or development	
2.1.195	21.6.	Chapter 14 of the applicant's Environmental Statement [APP-066] refers to the requirement of producing a Material Management Plan (MMP). It confirms that a MMP would be produced by the Construction Contractor(s) as a Requirement of the DCO (as part of requirement 5 of the draft DCO with regards to the production of a CEMP) [APP-024]. This is welcomed to ensure that limited incidental extraction of mineral resource can be managed.	The requirement for a Materials Management Plan is included as a commitment in D-MW-006 of the REAC [REP1-015] , as secured by the CEMP within Requirement 5 of the dDCO [REP1-004] .
2.1.196	21.7.	Conclusion on assessment of impact: o Construction Phase: NEUTRAL o Operational Phase: NEUTRAL	The Applicant acknowledges the position of FCC and has no further comments at this time.
22. GENERAL COMMENTS ON THE DRAFT DCO			
2.1.197	22.1	The Local Highway Authority is satisfied with the proposed draft DCO requirements which will ensure that full traffic management plans and construction worker travel plans will be approved in consultation with the Local Highway Authority prior to the commencement of any stage of development.	The Applicant acknowledges the response of FCC and has no further comments at this time.
<i>Part 2</i>			
2.1.198	22.2	Flintshire County Council do not agree with the current words of the provisions as set out in the draft DCO Part 2; Principal Powers, article 9 with regards to 'Defence to proceedings in respect of statutory nuisance'. The current wording of the draft DCO would effectively remove the main control the Local Authority would have under the Environmental Protection Act 1990.	The Applicant refers FCC to the response given on this point to the FCC in the draft SoCG in row 3.12.1 [REP1-020] . A full explanation of the legal position on this article has also been provided by email to FCC for their consideration.
2.1.199	22.3	It is considered unclear whether the current wording of the draft DCO is based on legislation that contains powers to over-ride other existing statute. It is unclear if the Local Authority would have the authority to override either the	The Applicant notes that, on the point of DCO scope in general, the Planning Act explicitly allows for the disapplication of other legislation. The Applicant however confirms there is no 'over-ride' (or disapplication as it would be referred to in the

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
		Control of Pollution Act 1974, and the Environmental Protection Act 1990, irrespective of its content. Clarification is therefore required in respect the defence to proceedings and arbitration in respect of statutory nuisance for noise and its interplay with existing statute and the Control of Pollution Act 1974.	application documents) of the EPA 1990 or COPA 1974. The drafting relates to how controls inter-relate, rather than seeking to displace the existing regime. The Applicant refers to the Other Consents and Licences document [REP1-044] which explains, for example, that the project would intend to seek COPA prior approvals at the correct stage when construction details are known.
<i>Part 3</i>			
2.1.200	22.4.	Article 11 (3) of Part 3, Streets is noted that 'The undertaker must restore to the reasonable satisfaction of the street authority any street that has been temporarily altered under this article'. However, the Council considers it necessary to also include within the DCO the provisions of Section 72 of the New Roads and Steet Works Act 1991. This would ensure remedial works to be carried out by the developer should there be a subsequent failure in the highway network after restoration.	This insertion would not make sense when read together with the provisions of article 12 as section 72 only applies where the duty to reinstate under section 70 is relied upon. In any case, section 72 allows for an investigation to be carried out to ascertain compliance with the need for reinstatement, it does not provide for an ongoing liability for the street where no failure is disclosed when the compliance is ascertained. This is exactly the principle and point already covered by the article – restoration to reasonable satisfaction and acceptable reinstatement being different expressions of the same concept.
<i>Part 4</i>			
2.1.201	22.5.	Part 4; Supplemental powers, article 19; Discharge of water. It is considered that Article 19 (5) should also include reference to seeking Ordinary Watercourse consent. The Council suggest that the following wording should be considered: <i>"The undertaker must not, in carrying out or maintaining the works pursuant to this article, damage or interfere with the bed or banks or construct any works within any Ordinary Watercourse without obtaining Ordinary Watercourse Consent from Flintshire County Council."</i>	This addition would directly conflict with the provisions of article 8 where the requirement for ordinary watercourse consents is disapplied. In line with the ethos and objective of the DCO regime, a separate consent should not be required where this can be addressed through the DCO.
2.1.202	22.6	Additional the following wording should also be inserted after the word 'soil' in the final sentence of Article 19(6) <i>"silt, sediment or other solid substance etc"</i> .	Silt is small solid particles. Sediment is small solid particles mixed with water. The Applicant considers that the wording would therefore already cover silt and sediment under other 'solid substance' and 'matter in suspension'.
2.1.203	22.7	Part 4; Supplemental powers, article 21; Authority to survey and investigate the land. Reference is made to accessing land for the purpose of sampling and to trial holes/pits. The Council consider that this is too restrictive an approach and may not be sufficient to yield the information needed. Whilst it is not expected that there will be a need to drill boreholes, trial pits are generally only to be used for visual inspection of the condition of the ground where appropriate or where there is a known aspect which needs only indicative information. So, for example, to find the edge of a feature, to visually inspect buried wastes or to enable semi-quantitative sampling to be undertaken such as to chase a plume of	The Applicant notes that FCC raised this point in order to prevent the Applicant accidentally constraining this power. The Applicant's interpretation of this article is that it is not restricted to any specified form of investigation. The ability to make trial holes or pits is expressly set out as being without prejudice to the wider power to survey and investigate and nothing in the article would preclude (but to the contrary the article empowers) the forms of investigation cited.

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
		contamination to allow locations for accurate exploratory methods or sampling to be targeted.	
2.1.204	22.8	The Council would suggest that alternative terminology is used based upon the likely exploratory techniques that the assessment of land contamination to be carried out will rely upon. For example, window/windowless sampling. It is likely that alternative methods of exploring the ground conditions at the different points along the route of the pipeline; including the BVS, will need to be relied upon to enable the samples required to be collected and so there appears to be a conflict between the approach to be taken in terms of assessing and addressing land contamination and the scope of the DCO.	
2.1.205	22.1	For this reason, it is suggested that the DCO is amended to allow for a broader scope of exploratory methods to be used to enable the works proposed. The current wording of the DCO is considered too restrictive	
2.1.206	22.2	Part 6; Miscellaneous and general, article 44. Certification of plans, part (m): a document number is required for the outline written scheme of archaeological investigation. It is understood from the examination that this document is [APP223] that this reference should state D.6.5.2.	This change was made to the dDCO in revision D [REP1-004] .
23. OBLIGATIONS			
2.1.207	23.1.	The applicant's Biodiversity Net Gain Assessment [APP-231 to APP-236] states that the applicant will achieve the required Biodiversity Net Gain (Biodiversity Net Benefit in Wales) through engagement with private landowners using the offsite compensation scenarios.	The Applicant acknowledges the response of FCC and has no further comments at this time.
2.1.208	23.2.	As set out in Section 13 above, should Development Consent be granted, the Council considers it necessary to secure a package of nature conservation management contributions secured by legal agreement to ensure the successful delivery and implementation of the required Biodiversity Net Benefit in Wales and Biodiversity Net Gain in England. It is considered that a legal agreement is required to ensure compliance and the long-term management of off-site biodiversity compensation scenarios to ensure Biodiversity Net Gain/Net Benefit is achieved.	The Applicant is currently in discussion with CWCC and FCC to provide the majority of BNG/BNB through the council's schemes at the Applicant's cost. The Applicant does not consider it to be necessary or appropriate for the LPA to seek a legal agreement to monitor its own compliance with a legal agreement.
2.1.209	23.3.	Furthermore, as set out in Section 19 above, should Development Consent be granted, to support the proposal of Bridleway 9 and Deeside Lane being utilised as the temporary construction access track, the Council considers it necessary for the entire route under 'Work No. 30E' be upgraded to a tarmac surface.	Please see Applicant's response above in row 2.1.174 in response to FCC's LIR response in paragraph 19.2 [REP1A-005] .

Reference	LPA Reference	Local Impact Report Statement			Applicant's Response
2.1.210	23.4.	The upgrading of the Bridleway is considered necessary to ensure that it would be suitable for the construction traffic that would use it. By providing an appropriate surface for construction traffic this would limit the dust pollution to walkers and the community. It would also provide an improvement for users as part of the legacy of the HyNet project and should be secured by a legal agreement.			
24. COMMENTARY ON APPLICANT'S DRAFT DCO REQUIREMENTS					
2.1.211	24.1.	The Council has reviewed the applicant's Draft Planning Requirements set out in Schedule 2 of the DCO and has and the following observations to make.			The Applicant's detailed responses to FCC's observations on Schedule 2 of the DCO are set out below.
		Part/Schedule	Observation	Recommendation	
		1. Interpretation	In the definitions there is no reference of a Decommissioning Environmental Management Plan (DEMP) The Council considers the submission of a DEMP at the appropriate time necessary – see comments later at point 16: Post construction environmental management plans	It is suggested to include within the Requirements the need to submit a Decommissioning Environmental Management Plan (DEMP) therefore please can this be listed in the Interpretation.	This change was made at Deadline 1 – please see tracked version of the dDCO [REP1-005].
		2: Time limits of 7 days to respond	It is considered that 7 days isn't sufficient to respond.	Having reviewed other DCOs 14 days seems to be standard. Suggested amendment to increase the time limits to 14 days to allow Officers to ensure compliance.	The Applicant notes that the DCO as drafted requires notification within 7 days of commencement occurring, not in advance. The Applicant agrees to amend the provision to notice 14 days in advance.
		3: Stages	<i>“The authorised development may not commence until a written scheme</i>	Suggested wording:	As set out in the Applicant's response to Q1.19.44 (page 138 to 143) in the Applicant's response to ExA's Frist Written Question [REP1-044], the submission of stages is proposed to give the LPAs visibility of the planned approach to the development. It is intended to assist the LPA in planning their work load by giving them warning of when

Reference	LPA Reference	Local Impact Report Statement			Applicant's Response
			<p><i>setting out all stages of the authorised development including a plan indicating when each stage will be constructed has been submitted to each relevant planning authority."</i></p> <p>The requirement does not require the stages scheme to be approved or for the undertaker to undertake the development in accordance with the submitted approved stages.</p>	<p>No part of the authorised development may commence until a written scheme setting out all stages of the authorised development including a plan indicating when each stage will be constructed has been submitted to and approved in writing by each relevant planning authority. The authorised development shall then be undertaken in accordance with the approved stages plan unless approved in writing by each relevant planning authority in accordance with Requirement 17.</p>	<p>applications would be made. It is not submitted for approval. The development will be carried out with multiple work fronts and with some elements, such as complex trenchless crossings carried out ahead of the main pipeline spread.</p>
		4.(1) Scheme Design – Above ground development	<p>The requirement only allows for above ground elements to be in "general accordance with the general arrangement plans"</p> <p>This is too vague to enable other assessments / detailed mitigation e.g. Visual and ecological impacts LEMP. Mitigation against worst case scenario may well result in unnecessary</p>	<p>It is recommended that an additional requirement is included to provide detailed design for approval for all above ground infrastructure on a stage-by-stage basis. Details include the need to see the elevations for example. Can be provided alongside the CEMP and LEMP?</p> <p>Or as a submission with each design stage?</p>	<p>Requirement 4 already secures the need for approval of detailed design for the above ground structures in sub-paragraph (4):</p> <p><i>"(4) Each of Work Nos. 1, 9, 20, 26, 36, 45, 48, 51, 53 and 55 may not be commenced until, for that Work No. the following details have been submitted to and approved by the relevant planning authority:</i></p> <p><i>(a) the siting, layout, scale and external appearance, including the colour, materials and surface finishes of all new permanent buildings and structures..."</i></p> <p>The information needed is therefore already being provided and a further requirement is not necessary.</p> <p>The relevant parts of the CEMP and LEMP cannot be finalised until the detailed design is known.</p>

Reference	LPA Reference	Local Impact Report Statement			Applicant's Response
			<p>mitigation resulting other impacts / effects</p> <p>Detailed design would no doubt be required to allow Detailed LEMP or CEMP scheme to be undertaken?</p>		
		4.(2) Scheme Design - Changes to above ground development	<p>Question over what the “environmental effects” actually include?</p> <p>There is no definition is provided in Requirement 1 within the interpretation.</p> <p>Importantly clarity is required with regards to who determines if the changes cause materially new environmental effects?</p> <p>And what are the mechanisms for approval?</p>	Suggested that a definition is included or wording amended to provide clarity	This is standard wording in DCOs and has been approved repeatedly by the Secretary of State, including in insertions made on their behalf at determination stage. The Applicant notes that for details to be approved, the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 apply and when details are submitted for approval the LPA is required to consider if they are within the scope of the ES or if further environmental information is required. For other elements, failure to comply with a DCO is a criminal offence and the undertaker will have to take a view on materiality in that context. Where the relevant LPA disagrees, its enforcement powers would be available to it.
		4. (3) Scheme Design – Parameters	<p>AGI and BVS –</p> <p>Maximum height of buildings and structures including operational fencing and lighting columns – 5m from ground level.</p>	<p>The current wording would allow for buildings and operational fencing up to 5m in height, which would not be visually acceptable.</p> <p>Recommend separate AGI parameters for buildings, lighting columns and fencing or specify accordingly – clarity is needed</p>	This change was made at Deadline 1 – please see tracked version of the dDCO [REP1-005] .

Reference	LPA Reference	Local Impact Report Statement			Applicant's Response
		5. (2) CEMP	'Substantially' is this too vague?	Recommendation to remove the word "substantially"	This has been removed but please note contrary request by CWCC.
		5. (2) (a-m) CEMP – Management plans, Working Methods and Mitigation Measures	Specific measures for construction works are missing including plant and equipment detail; night-time noise levels; minerals safeguarding is not specifically referenced in the MMP	<p>Include the following additional measures:</p> <ul style="list-style-type: none"> Detail of all construction plant and equipment. Specify noise limits and mitigation (day and night-time). The Material Management Plans should be renamed to Material and Minerals Management Plan to ensure Minerals Safeguarding (in accordance with outline minerals safeguarding assessment). Address / mitigate identified risks from contamination. A mechanism for review should also be included 	<p>These details are secured in the plans as set out in the outline and do not need to be repeated in the requirement itself.</p> <p>A review mechanism is not required as the CEMP will only apply during construction and each plan to the stage/s it is for.</p> <p>A Materials Management Plan is governed by the Definition of Waste Code of Practice and is used to assess if earthworks can be reused. A Materials Management Plan is not associated with the extraction or use of minerals – this is considered in the Mineral Resource Assessment. As such, the Applicant does not agree that the Materials Management Plan should be renamed.</p>
		8. (1) Surface Water Drainage	Not all Works numbers are listed. Where there are BVS location and all AGI works.	Include works Nos. for all BVSs and AGIs Cross reference check is required.	This change was made in revision B of the dDCO [AS-017] .
		9. Contaminated land and Groundwater	Only addresses unexpected contamination	Include an additional requirement to address mitigate identified Contaminated Land or incorporate into the CEMP (5.(2)) as recommended above	REAC [REP1-015] commitments D-LS-006, D-MW-006 and D-GG-005 refer to the implementation of a Materials and Management Plan, which would include measures and guidance on how to deal with contaminated land and materials (known or unexpected) as secured by the CEMP within Requirement 5 of the DCO [REP1-004] . As such, the Applicant considers that the Materials and Waste assessment has considered the potential for hazardous materials, albeit unquantifiable for inclusion in the quantitative assessment.
		11. (1) LEMP	Lots of detail in combining ecology and Landscape – has the potential to miss important elements	Recommendation to separate the landscape and ecological matters and the inclusion of an additional Requirement to ensure important items are not missed.	<p>The Applicant considers that such a split would be entirely artificial and leads to a risk of inconsistency. For example, hedgerow restoration and reinforcement can serve more than one purpose, reinstating landscape boundary features and providing ecology benefits. Trying to allocate that to one or the other plan would serve no useful purpose.</p> <p>The Applicant notes that the outline LEMP [REP1-017] provides what must be included in the detailed plan and therefore can be used as a check that all the required matters have been covered in any detailed plan submitted.</p>

Reference	LPA Reference	Local Impact Report Statement			Applicant's Response
			Does the LEMP include measures to protect Heritage?	Detail inclusion of heritage matters	Cultural heritage matters are not normally included in the Landscape and Ecological Mitigation Plan [APP-229]. Details are included within the REAC [REP1-015 and CR1-109] and within the Outline Archaeological Written Scheme of Investigation [APP-223].
		11. (2) LEMP – Inclusion	Missing heritage measures	Detail inclusion of heritage matters	Please see the response above to 11.(1) LEMP.
		11. (2) (d) LEMP – Inclusion	“features”	Definition of features in the ES – include LWS, Statutory Sites, heritage features, landscape features etc?.	The Applicant notes that Figure 3.3 Environmental Features [CR1-102] provides an illustration of relevant heritage, ecological and landscape features within a 1km offset from the Newbuild Infrastructure Boundary. The OLEMP [APP-228] also identifies the requirement to provide detailed landscape layouts which identify features to be removed, retained and protected.
		13. Construction Hours (1-5)	The current wording of requirement 13 (3) (c) would appear to allow works outside of the stated construction hours in any eventuality – this is quite open-ended. The proposed exceptions and definitions in relation to the proposed construction working hours are not considered acceptable.	Consider more precise wording	The Applicant will agree to amend the DCO so that working for what is currently (c) would require approval under a scheme but maintains that allowing 24 hour working for (a), (b) and (d) is necessary and appropriate.
		15. Restoration of Land	<i>“Subject to article 34 (temporary use of land for carrying out the authorised project)], any land within the Order limits which is used temporarily for or in connection with</i>	Re-word to require full detail of restoration scheme or remove and combine into Requirement 16 Or include more detail in the soil management plan	This requirement is a reserve power to allow the LPA to require restoration in default or where there is an issue. The primary mechanism for controlling restoration is the land agreements which will include for example schedules of condition before possession is taken, the details of restoration, which will in the main be to the former use. Drainage would be reinstated in its former location. Deterioration in land would be a compensatable issue not a planning one. Aftercare of agricultural land once returned to the landowners' use is not appropriate or reasonable as it would not only interfere with the land agreements between the landowner and Applicant but would require the Applicant to control land for longer than necessary, to interfere with the landowners

Reference	LPA Reference	Local Impact Report Statement			Applicant's Response
			<p><i>construction must be reinstated to a condition fit for its former use, or such other condition as the relevant planning authority may approve, within 12 months of completion of the authorised project."</i></p> <p><i>"fit for its former use"</i> - not precise or enforceable and would not secure return the higher grades of agricultural land back to their former grading / condition including drainage etc...</p> <p>Requirement 15 as a whole is not precise or enforceable and does not require the approval of a scheme of restoration and aftercare if required.</p>		use, to take rights for longer than necessary and it is accordingly disproportionate to move from the control of the landowner to the LPA.
		16: Post construction environmental management plans	Operational Maintenance and management and decommissioning are distinctly separate stages of the project and cannot be easily	Split into two requirements for the approval of schemes for restoration/aftercare if necessary on agricultural land and one for decommissioning.	The Applicant has no objection to splitting this into two requirements. Restoration aftercare from construction is addressed above. Restoration of decommissioning would be covered by the DEMP secured by Requirement 17 of the dDCO [REP1-004] .

Reference	LPA Reference	Local Impact Report Statement			Applicant's Response
			<p>dealt with together in one scheme?</p> <p>Does not detail restoration aftercare?</p>	<p>Include a Decommissioning Environmental Management Plan (DEMP).</p> <p>As above - Detail of restoration and aftercare needs to be provided for approval can be incorporated here or a detailed scheme approved under Requirement 15.</p> <p>Need to include wording for scheme to be completed / undertaken in accordance with approved details.</p>	
		17. (4) Amendments	<p>"42 days" notification period</p> <p>The current wording is not flexible as there is no ability to agree an extension of time if required</p>	<p>Suggestion to use a standard period for decision of 56 days (8 Weeks)</p> <p>Include provision to agree an extension of time i.e. <i>"within such longer period as may be agreed by the undertaker and the host authorities in writing"</i></p>	<p>The Applicant is willing to amend the period to 56 days (8 weeks) as requested by FCC.</p> <p>The Applicant is willing to add the flexibility requested to allow agreement of a different period.</p>
		Schedule 2: Part 2: Applications made under requirements (pp. 70-72)			
		19.(1) pp70 - Applications made under requirements	<p>Notice of decision is required within 42 days</p> <p>This period is too short and not in accordance with standard timescales for determining applications.</p>	<p>Suggestion to use standard period for decision of 56 days (8 Weeks)</p>	<p>The Applicant is willing to amend the period to 56 days (8 weeks) as requested by FCC.</p>
		20. pp70 - Multiple relevant authorities	<p>Any request for comments on multiple authorities – "21 days"</p> <p>Timescale is short and doesn't allow any agreed extensions of time.</p>	<p>Remove provision or provide a reasonable extended period of time and ability to agree an extension of time i.e. "within such longer period as may be agreed by the undertaker and the host authorities in writing"</p>	<p>The Applicant is willing to add the flexibility requested to allow agreement of a different period.</p>

Reference	LPA Reference	Local Impact Report Statement		Applicant's Response	
			<p>This is in effect a pre-app to and between the two authorities – the need for timescales at all is questioned?</p> <p>If a timescale is accepted there should at very least be the ability to agree an extension of time. The current wording is not acceptable.</p>		
		21. (2) pp70 - Further Information	<p><i>“(2) If the relevant authority considers further information is necessary and the requirement does not specify that consultation with a requirement consultee is required, the relevant authority must, within 5 business days of receipt of the application, notify the undertaker in writing specifying the further information required. Notification required in 5 business days to specify further information required.”</i></p>	Amend to longer and reasonable time scale, include the provision for allowing an extension of time for an agreement.	The Applicant would be willing to add the flexibility requested to agree a longer timescale, and will agree to change 5 days to 10, but will not agree to extend the 21 day period.

Reference	LPA Reference	Local Impact Report Statement		Applicant's Response	
			<p>Even for internal consultees it is not considered reasonable to only allow 5 working days for notification for further information.</p> <p>Notwithstanding the admin time, consultees will need time to fully review the provided material to be able to advise if further information will be required. This is not considered reasonable or acceptable.</p>		
		21. (3)) pp70 - Further Information	<p><i>“(3) If the requirement specifies that consultation with a requirement consultee is required, the relevant authority must issue the consultation to the requirement consultee within five business days of receipt of the application and must notify the undertaker in writing specifying any further</i></p>	<p>Amend to longer and reasonable time scale, include the provision for allowing an extension of time for an agreement.</p>	<p>Where consultation is needed on a requirement that would be stated in the requirement and known upfront.</p> <p>The Applicant will not agree to remove this wording but would be willing to amend the period to 10 days.</p>

Reference	LPA Reference	Local Impact Report Statement		Applicant's Response	
			<p><i>information requested by the requirement consultee within five business days of receipt of such a request and in any event within 21 days of receipt of the application."</i></p> <p>The timescales stated are unreasonable.</p> <p>Requiring a specified timescale for consultation of external bodies is not considered reasonable or necessary. This can be adequately dealt with under an agreed extension of time under Schedule 2 Part 2 (19(1)).</p>		
		21. (4)) pp70 - Further Information	<p>"(4) If the relevant authority does not give the notification mentioned in sub paragraphs (2) or (3) or otherwise fails to request any further information within the timescales provided for in this paragraph, it is deemed to have sufficient</p>	Remove provision.	<p>The discharging authority has the ability to ask for further information, within the timescales stated, not at any time thereby delaying determination unpredictably and with an impact on delivery of the NSIP project. The Applicant does not agree that this standard wording should be deleted. The Applicant will not agree to remove this wording but would be willing to amend the period to 10 days.</p>

Reference	LPA Reference	Local Impact Report Statement			Applicant's Response
			<p>information to consider the application and is not thereafter entitled to request further information without the prior agreement of the undertaker.”</p> <p>This provision effectively removes the LPA entitlement to request further information if the 5 day timescales are missed.</p> <p>This is unreasonable.</p> <p>If insufficient info has been provided the host authority should have the right to ask for further information as deemed necessary. If this was to remain in place the Host Authority, if missing it's 5 day notice period, would have no choice but to refuse the requirement application – this would be counterproductive.</p>		

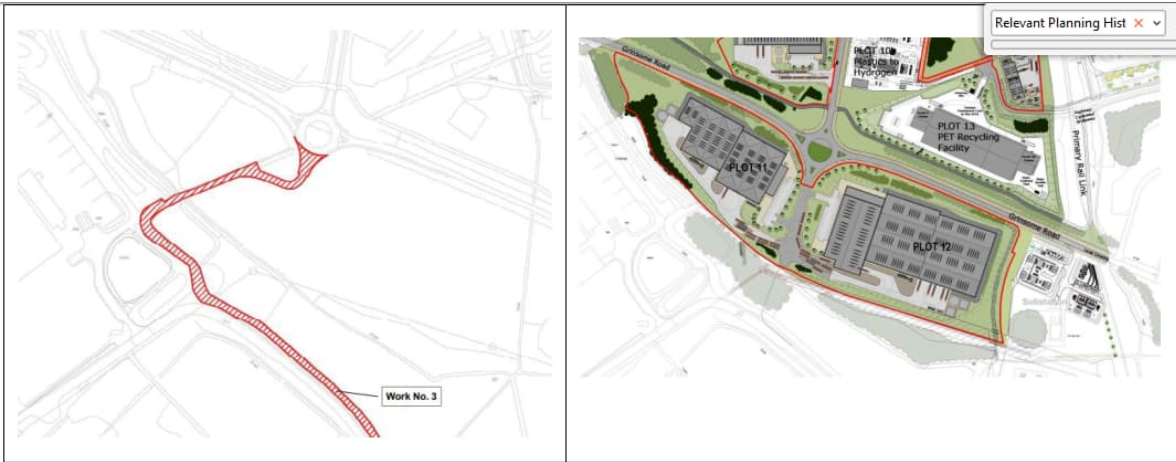
Reference	LPA Reference	Local Impact Report Statement			Applicant's Response
		22. pp71 – Fees	Fee of £97 does not reflect any current fee for planning	Clarification on fees and a suggestion to align with current fee schedule	This has been amended, please see tracked version of the dDCO [REP1-005] .
			Return of fee does not allow for the provision of an extension of time.	Include in the provision - unless an extension of time has been agreed in accordance with Schedule 2 Part 2 (19(1))	This has been amended, please see tracked version of the dDCO [REP1-005] .
			The Council questions the timescales for dealing with applications made under requirements What evidence has been provided for the timescales suggested for the application to be refunded?	Clarification on timescales Suggestion to use a standard period for decision of 56 days (8 Weeks)	As responded to similar comments above, the Applicant is willing to amend the period to 56 days (8 weeks) as requested by FCC.

Table 2.2 – Applicant’s response to the Local Impact Report submitted by Cheshire West and Chester Council (CWCC) [REP1A-002 and REP1A-003]

Reference	LPA Reference	Local Impact Report Statement	Applicant’s Response
4. Relevant Planning History			
2.2.1	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.	<p>A review of the list of applications provided by CWCC [REP1A-003] has identified developments that would qualify for inclusion in the long-list of the Inter-Project Effects Assessment (Table 2 of Appendix 19.1 of the 2022 ES [APP-172]). These developments, with references: 21/04024/FUL, 21/03392/HAZ, 18/04671/WAS, 18/04894/FUL and 18/00756/FUL, have now been assessed and will be included in the updated ES produced towards the end of the DCO examination. The results of this assessment are summarised below.</p> <p>All developments progressed to full assessment as part of the short-list (Table 3 of Appendix 19.1 of the 2022 ES [APP-172]). Development 18/00756/FUL, 18/04894/FUL, 18/04671/WAS and 21/04024/FUL would result in mostly Negligible, but some Minor Adverse Inter-Project Effects primarily in the construction stage. Development 21/03392/HAZ, a significant development with an ES anticipating significant adverse residual effects, has already been assessed in the Inter-Project Effects Assessment (Appendix 19.1 of the 2022 ES [APP-172]) as development 1ei. Therefore, no changes to the significant effects of the assessment are anticipated as a result of the inclusion of these developments.</p>
5. Relevant Development Planning Policies			
The Statutory Local Development Plan (LDP)			
2.2.2	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.	The Applicant acknowledges the submission from CWCC and confirms that a full assessment of Local Planning Policy can be found within the Planning Statement Section 3 and Appendix B [REP1-013] .
2.2.3	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].	The Applicant acknowledges the response from CWCC and has no further comments at this time.

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
2.2.4	5.3	<p>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:</p> <ul style="list-style-type: none"> • 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-routing is for a temporary period. 	<p>The Applicant acknowledges the response from CWCC and confirms that the Planning Statement, Appendix B was updated for Deadline 1 [REP1-013] to include any potential missing local policy.</p>
2.2.5	5.4	<p>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.</p>	<p>The Applicant acknowledges the response from CWCC and confirms that the Planning Statement, Appendix B was updated for Deadline 1 [REP1-013] to include any neighbourhood plan catchment areas which intersected the Order Limits.</p>
6 ECONOMIC IMPACTS			
2.2.6	6.1	<p>The strategic policies of the LDP promote sustainable economic growth in the Borough and wider sub-region, supporting existing businesses, encouraging</p>	

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
		indigenous business growth and attracting new inward investment. The creation of new job opportunities across a range of sectors is supported.	The Applicant acknowledges the response from CWCC and has no further comments.
2.2.7	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).	
2.2.8	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.	
2.2.9	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.	<p>The Applicant confirms that consideration for LDP Policy EP2 (and sub criterium) has been shown within Appendix B of the Planning Statement [REP1-013].</p> <p>The Applicant is engaging with a number of landowners which intersect the Order Limits and this is evidenced through the respective SoCG's for Peel [REP1-027], Cadent Gas [REP1-031], Essar Oil (UK) Limited [REP1-032], and CF Fertilisers UK Limited [REP1-039]. An SoCG with Encirc (document reference: D.7.2.36) will also be submitted at Deadline 2.</p>
2.2.10	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.	The Applicant acknowledges the response from CWCC and confirms that a collaborative approach has been undertaken with developers (including CF Fertilisers) to ensure the DCO Proposed Development is compatible with uses in the locality to meet future employment needs. The Applicant has a number of SoCGs set up with developers including CF Fertilisers [REP1-039] which will record the progress of discussions throughout the examination.
2.2.11	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	The Applicant acknowledges the response from CWCC and confirms that the Planning Statement, Appendix B was updated for Deadline 1 [REP1-013] to include any potential missing local policy.

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
		development in Ellesmere Port: Policy EP2/EP2.A land at Encirc Glass Ltd (34 hectares, use classes B1, B2, B8) or Protos (Ince Park).	
2.2.12	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.	The Applicant acknowledges the response from CWCC and that the Order Limits intersect along the edge of this area and a part of the access falls within the defined Protos boundary (EP6), which is a safeguarded area. A collaborative approach has been shown with developers here to ensure appropriate development is delivered. A record of engagement has been submitted in the Schedule of Negotiations with Land Interests [REP1-009] . Statements of Common Ground have been submitted at Deadline 1 with adjacent landowners such as Peel [REP1-027] .
2.2.13	6.8	<p>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.</p>  <p>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].</p>	<p>The Applicant acknowledges the potential for future delivery of the Protos Plastic Park (CWCC reference: 21/04076/FUL) and Protos Railway Line (CWCC reference: 10/01488/FUL, amended by CWCC reference: 14/02277/S73). The combined and cumulative effects of the DCO Proposed Development and the Protos Plastic Park (CWCC reference: 21/04076/FUL) have been assessed within Chapter 19 - Combined and Cumulative Effects of the 2022 ES [APP-071] and of the Environmental Statement Addendum Change Request [CR1-124].</p> <p>The Applicant continues to engage with Peel NRE directly on this matter. A record of this engagement is available in the Peel SoCG [REP1-027] updated at Deadline 2.</p>
2.2.14	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.	The Applicant refers CWCC to the responses 2.2.10 to 2.2.13 above.
2.2.15	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	The Applicant acknowledges the response from CWCC and considers that there is appropriate ongoing communication as evidenced within the submitted SoCG's. Statements of Common Ground have been submitted at Deadline 1 with adjacent landowners such as Peel [REP1-027] and CF Fertilisers [REP1-039] . The Applicant

Reference	LPA Reference	Local Impact Report Statement	Applicant’s Response
		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.	proposes to submit an SoCG with Encirc (document reference: D.7.2.36) at Deadline 2. It is considered by the Applicant that, through engagement, the Applicant can co-ordinate with businesses/operators to ensure there is a minimal impact and that safeguarding is adhered too.
7 AIR QUALITY (ES CHAPTER 6)			
2.2.16	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.	The Applicant acknowledges the response from CWCC and has no further comments.
2.2.17	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 table6.11 [APP-058].	
2.2.18	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.	
2.2.19	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)			
2.2.20	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.	The Applicant acknowledges the response from CWCC and has no further comments.
9 CULTURAL HERITAGE (ES CHAPTER 8)			
Conservation			
2.2.21	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.	The assessment has considered potential effects upon existing townscapes, local landmarks and skylines in Chapter 12 Landscape and Visual [APP-064] and [CR1-142] and potential effects upon conservation areas in Chapter 8 Cultural Heritage [APP-060] and [CRT-142] and in Section 8 and 12 of Appendix 8.1 [APP-084 to APP-086] .

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
2.2.22	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].	The Applicant acknowledges the response from CWCC and has no further comments.
2.2.23	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.	The impact on the Moated Site, Fishpond and Connecting Channel, Elton (NHLE 1012122) is assessed in paragraph 12.3.1 of Appendix 8.1 [APP-084 to APP-086] . This demonstrates that there is only a temporary slight adverse (not significant) effect. As there is no physical effect on the monument, scheduled monument consent is not required.
2.2.24	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.	The Applicant acknowledges the response from CWCC and has no further comments.
2.2.25	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.	Both the Ince and Elton Conservation Areas will be screened from Ince AGI. The Ince conservation area will be located at least 1.3km from the AGI and the extant Protos development is located between the conservation area and the AGI. While the Elton Conservation Area is approximately 0.5km from the Ince AGI, it is located within a built-up urban area with no views of the proposed AGI. As a consequence, the conservation areas were scoped out of the assessment as there is no likely impact upon them. This is detailed in Table 8.1 of Chapter 8 Cultural Heritage [APP-060] .
2.2.26	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.	The Thornton-le-Moors Conservation Area is assessed within paragraphs 8.2.1-8.2.3 and 12.2.4-12.2.5 of Appendix 8.1 [APP-084 to APP-086] . This concludes that <i>"The view from the CA to the proposed AGI is screened by thick mature vegetation and the AGI is set within the industrial landscape of the Stanlow Manufacturing Complex and would likely blend into the refinery infrastructure."</i> The final assessment is temporary slight adverse (not significant) during construction works and permanent slight adverse (not significant) during the operation stage.
2.2.27	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.	

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
		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.	The Applicant acknowledges the response from CWCC and has no further comments.
2.2.28	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.	
2.2.29	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.	<p>All assets within the Newbuild Infrastructure Boundary are included within the assessment. While Chapter 8 [APP-060] and [CRT-142] details the likely significant effects of the DCO Proposed Development, other impacts are detailed in Section 7 to 13 of Appendix 8.1 [APP-084 to APP-086]. As well as considering assets within the Newbuild Infrastructure Boundary, the assessment covers assets which could be affected by changes in their setting, including:</p> <ul style="list-style-type: none"> • Thornton-le-Moors Conservation Area • Chester Canal Conservation Area • The scheduled Moated Site, Fishpond and Connecting Channel, Elton • Picton Conservation Area • The Willows and associated barn and sundial (all Grade II listed buildings) • Footpath guidepost (grade II listed building) <p>Each of these assets contains a statement of significance in line with NPPF, and considers the contribution setting makes to that significance, in line with guidance from Historic England.</p> <p>As stated in Paragraph 8.1.2 of Appendix 8.1 [APP-084 to APP-086], 130 heritage assets were scoped out of the assessment with rationale and were not considered further.</p> <p>It is not proportionate or required for Heritage Impact Assessments to be undertaken as individual reports as part of the DCO process. However, the information contained within Appendix 8.1 [APP-084 to APP-086] covers this requirement.</p>
2.2.30	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.	The impact on Thornton-le-Moors Conservation Area can be found in paragraphs 8.2.1-8.2.3 and 12.2.4-12.2.5, and the impact assessment on The Willows, barn and sundial is included within Paragraphs 12.3.4 to 12.3.6 of Appendix 8.1 [APP-084 to APP-086] . They are not assessed within Chapter 8 [APP-060] and [CRT-142] as the impacts are considered by the Applicant to be temporary slight adverse (not significant) effect.

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
2.2.31	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.	The Applicant acknowledges the response from CWCC and has no further comments.
2.2.33	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.	While the assessments are based upon the indicative layouts and elevations, as stated in Chapter 5 of the ES [APP-057] and [CRT-142], in paragraph 5.12.1 <i>"In line with the Rochdale envelope approach, the EIA reported in this ES is based on likely reasonable worst case assumptions about the construction and operation of the DCO Proposed Development."</i> Therefore, the impact assessment reflects the worst case and any reassessment following detailed design would not change the impact assessment for the worse.
2.2.34	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.	As stated in the response to 2.2.33 above, the Applicant has assessed the worst case scenario so any tree removal is considered as part of the assessment.
2.2.35	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.	Cultural heritage matters are not normally included in the Landscape and Ecological Mitigation Plan [APP-229]. Details are included within the REAC [REP1-015 and CR1-109] and within the Outline Archaeological Written Scheme of Investigation [APP-223].
2.2.36	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.	<p>The mitigation for impacts caused by changes to setting can be found in paragraph 8.10.8 of Chapter 8 of the 2022 ES [APP-060] and [CRT-142]. This states <i>"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 visual intrusion within the landscape."</i> 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.</p> <p>Mitigation relevant to cultural heritage are included within the REAC [REP1-015], as secured by the CEMP within Requirement 5 of the dDCO [REP1-004] and within the Outline Archaeological Written Scheme of Investigation [APP-223], as secured by Requirement 10 of the dDCO [REP1-004].</p>

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
		<i>Archaeology</i>	
2.2.37	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].	The Applicant acknowledges the response from CWCC and has no further comments.
2.2.38	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.	
2.2.39	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.	
2.2.40	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.	
2.2.41	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.	
2.2.42	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	

Reference	LPA Reference	Local Impact Report Statement	Applicant’s Response
		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.	
2.2.43	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.	
2.2.44	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)			
2.2.45	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].	The Applicant acknowledges the response from CWCC and has no further comments.
2.2.46	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].	Further design refinements as set out in ES Addendum Change Request 1 [CR1-124] have reduced the number of veteran trees at risk of being removed. Three trees are now assessed as being ‘at risk of removal but ‘aiming to retain’, as their root protection areas are potentially encroached. However, mitigation measures will be implemented during construction to allow their protection, and as such, the ES Addendum Change Request 1 [CR1-124] states that the DCO Proposed Development will seek to protect and retain all veteran trees during construction. Mitigation will be detailed within a site-specific Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) to be prepared at the detailed design stage by the Construction Contractor, as required within item D-LV-030 of the Outline Construction Environmental Management Plan [REP1-017 and CR1-119] under Requirement 5 of the dDCO [REP1-004] .
2.2.47	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.	The Applicant refers to its response to row 2.2.16 of CWCC’s Relevant Representations as captured within Applicant’s Response to Relevant Representations [REP1-042] with regard to the project wide assessment but recognises CWCC’s acceptance of the approach.

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
		<i>Surveys and Assessment of Likely Impacts and Effects</i>	
2.2.48	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 20 th 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.	The Applicant refers CWCC to the response to row 2.2.49 below.
2.2.49	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.	Through consultation with CWCC in advance of submission of the DCO Application, the Applicant made CWCC aware of the need to apply a Precautionary Approach to assessment and surveys due to on-going issues with land access (despite use of appropriate powers), as well as the need for the Applicant to submit supplementary information post DCO Application (as captured within Table 2-1 – Record of Engagement in relation to the DCO Proposed Development and item CWCC 3.6.2 of Table 3-6 of the Statement of Common Ground – Cheshire West and Chester Council [REP1-021]). The Applicant as such has highlighted within Chapter 9 of the ES [AS-026] and [CR1-142] , and the associated appendices, where limitations to survey effort have occurred and where a precautionary approach to assessment has been utilised. As discussed with CWCC during consultation pre-DCO Application, the Applicant has additionally taken a precautionary approach to mitigation prescriptions and recommendations, owing to the need to apply a precautionary assessment to a select number of receptors, and is therefore confident that the mitigation items provided within the OCEMP [REP1-017] and CR-119] are sufficiently robust. The Applicant seeks to engage with CWCC through the SoCG and will update the document accordingly in response through the Examination.
<i>Local Wildlife Sites (LWS)</i>			
2.2.50	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.	The Applicant acknowledges the response from CWCC and has no further comments.
2.2.51	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.	
2.2.52	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	Current BNG guidance requires consideration of securing land for habitat maintenance and management for 30 years. Mitigation planting and BNG are separate and distinct concepts with different requirements, and it is inappropriate to conflate these. Habitat planting for mitigation (including reinstatement of habitats) will be maintained for the establishment period to ensure the function is met then

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
		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.	land management will return to the landowner. It is inappropriate for the Applicant to seek to control and restrict a landowner's use of land for 30 years for this form of planting.
2.2.53	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.	The Applicant acknowledges the response from CWCC and has no further comments.
<i>Protected Species Considerations – Bats</i>			
2.2.54	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.	Updated survey information was submitted to the Inspectorate on 3 March 2023 including Appendix 9.3 – Bat Activity Survey Report Part 1 [AS-057] and Part 2 [AS-029] and Appendix 9.4 – Bat and Hedgerows Assessment Part 1 to Part 7 [AS-031-AS-038] . The Applicant also responded to this point in row 2.12.7 of the Applicant's Response to Relevant Representations [REP1-042] .
<i>Protected Species Considerations – Riparian Mammals</i>			
2.2.55	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.	Updated survey information was submitted to the Inspectorate on 3 March 2023 including Appendix 9.6 – Riparian Mammal Survey Report Part 1 to 3 [AS-039 to 42] . The Applicant also responded to this point in row 2.12.7 of the Applicant's Response to Relevant Representations [REP1-042] . The Applicant also refers to its response to row 2.2.49 above.
<i>Protected Species Considerations – Great Crested Newts</i>			
2.2.56	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.	The Applicant acknowledges the response from CWCC and has no further comments.
<i>Protected Species Considerations – Badgers</i>			
2.2.57	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.	The Applicant acknowledges the response from CWCC and has no further comments.

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
<i>Protected Species Considerations – Barn Owls</i>			
2.2.58	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.	The Applicant acknowledges the response from CWCC and has no further comments.
<i>Protected Species Considerations – Breeding/Wintering Birds</i>			
2.2.59	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.	The Applicant acknowledges the response from CWCC and has no further comments.
<i>Fish</i>			
2.2.60	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.	The Applicant acknowledges the response from CWCC and has no further comments.
11 GREENHOUSE GASSES (ES CHAPTER 10)			
2.2.61	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.	The Applicant acknowledges the response from CWCC and has no further comments.
12 LAND AND SOILS (ES CHAPTER 11)			
2.2.62	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.	The Applicant acknowledges the response from CWCC and has no further comments.
<i>Land Contamination</i>			
2.2.63	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	The Applicant acknowledges the response from CWCC and has no further comments.

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
		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.	
2.2.64	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.	
2.2.65	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.	
2.2.66	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.	Environment Agency 'Land Contamination Risk Management', LCRM (2021) guidance requires that a remediation strategy includes details of how the remediation will be verified through a verification plan (part of the remediation strategy). The Applicant has added reference to the inclusion of a verification report within the remediation strategy requirement in REAC [REP1-015 and CR1-109] commitment D-LS-021, as submitted at Deadline 2. The Applicant updated Requirement 9 of the draft DCO [REP1-004] at Deadline 1 to include the submission of a verification report following completion of the works to the relevant planning authority.
2.2.67	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.	The Applicant acknowledges the response from CWCC and has no further comments.
<i>Mineral Safeguarding</i>			
2.2.68	12.7	The Borough of Cheshire West and Chester is a key supplier of high-quality sand and gravel.	The Applicant acknowledges the response from CWCC and has no further comments.
2.2.69	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	

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
		sales. The latest LAA based on data from 2021 has not yet been formally ratified or published, but initial indications are 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.	
2.2.70	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.	
2.2.71	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.	
2.2.72	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].	
2.2.73	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.	
2.2.74	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.	
2.2.75	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.	
2.2.76	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	

Reference	LPA Reference	Local Impact Report Statement	Applicant’s Response
		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.	
2.2.77	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.	The Applicant considers that commitments D-MW-006 and D-MW-001 of the REAC [REP1-015 and CR1-109] in relation to following guidance within the Materials Management Plan (MMP), would include the re-use of suitable mineral resources such as sand and gravel incidentally extracted during construction.
2.2.78	12.17	<i>Peat</i>	
2.2.79	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].	The Applicant acknowledges the response from CWCC and has no further comments.
2.2.80	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.	
2.2.81	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)			
2.2.82	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.	The Applicant acknowledges the response from CWCC and has no further comments.

Reference	LPA Reference	Local Impact Report Statement	Applicant’s Response
2.2.83	13.2	In respect to CWAC, the following Local Landscape Character Areas (LCA) impacted by the pipeline development are: - <ul style="list-style-type: none">• 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,	
2.2.84	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].	
2.2.85	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			
2.2.86	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.	Photomontage locations have been agreed with relevant consultees as part of the LVIA scoping process and have been provided as part of the DCO submission [APP-207] . The LEMP(s) will be developed at detailed design stage where there will be a further opportunity for engagement with relevant consultees, including CWCC. However, it is not anticipated that there will be a requirement for further consultation in relation to photomontages which are not usually provided or required as part of a LEMP. .
Mitigation			
2.2.87	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.	The applicant notes that the mitigation planting proposals will be further refined and submitted for the approval of the LPA at the detailed design stage.
2.2.88	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.	The Applicant acknowledges the response from CWCC and has no further comments at this time.
Phased Works			

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
2.2.89	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.	The Applicant notes the response regarding the LEMP. The detailed mitigation proposals will be developed in relation to prevailing landscape characteristics which will include consideration of key characteristics and guidance specific to individual Landscape Character Areas. The LEMP will provide separate landscape and ecological objectives but there will be one set of management prescriptions to ensure clarity and avoid duplication.
<i>Trees</i>			
2.2.90	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.	The Applicant acknowledges the response from CWCC and has no further comments.
2.2.91	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.	
2.2.92	13.11	The Project has the potential to impact upon a large number of trees as well as Hedgerows along its route. Whilst 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.	The Applicant refers CWCC to the response to row 2.2.93 below.
2.2.93	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.	Further design refinements as set out in ES Addendum Change Request 1 [CR1-124] have reduced the number of veteran trees at risk of being removed. Three trees are now assessed as being 'at risk of removal but 'aiming to retain', as their root protection areas are potentially encroached. However, mitigation measures will be implemented during construction to allow their protection, and as such, the ES Addendum Change Request 1 [CR1-124] states that the DCO Proposed Development will seek to protect and retain all veteran trees during construction. Mitigation will be detailed within a site-specific Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) to be prepared at the detailed design stage by the Construction Contractor, as required within item D-LV-030 of the Outline Construction Environmental Management Plan [REP1-017 and CR1-119] under Requirement 5 of the dDCO [REP1-004] .

Reference	LPA Reference	Local Impact Report Statement	Applicant’s Response
2.2.94	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.	The Applicant refers CWCC to the response to row 2.2.93 above.
14 MATERIALS AND WASTE (ES CHAPTER 14)			
2.2.95	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 brough 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.	The Applicant acknowledges the response from CWCC and has no further comments.
2.2.96	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.	
2.2.97	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.	
2.2.98	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).	
2.2.99	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)			
2.2.100	15.1	The Council consider the scope of the noise and vibration assessments, including baseline and quantitative assessments and the identification of sensitive receptors	

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
		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.	The Applicant acknowledges the response from CWCC and has no further comments.
2.2.101	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.	
2.2.102	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.	
2.2.103	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).	The Applicant notes the comment but requires to retain flexibility for deliveries, especially where transportation by road during quieter periods is necessary to mitigate the potential for adverse traffic impacts from large or slow moving vehicles.
2.2.104	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: <ul style="list-style-type: none"> • 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 	The Applicant will remove the weather wording and add an ability to seek consent for works outside standard hours to address delays
2.2.105	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.	The Applicant will agree to amend the wording of DCO requirement 13(3)(c) so that working to address delays due to extreme weather conditions would require approval from the Council under a scheme but maintains that allowing 24 hour working for requirement 13(3) (a), (b) and (d) is necessary and appropriate.

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
2.2.106	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.	<p>The Applicant does not agree that an approved scheme is required for the works (a), (b) and (d). It is known that some working outside standard hours is required, for example on trenchless crossings which once commenced cannot be halted except in an emergency. It is inappropriate for activities which are known to need continuous working not to be provided for on the face of the DCO. The drafting of this requirement follows precedent where such exceptions are routinely included.</p> <p>The Applicant will agree to amend the DCO so that working for what is currently (c) would require approval under a scheme but maintains that allowing 24 hour working for (a), (b) and (d) is necessary and appropriate.</p> <p>The Noise and Vibration Management Plan secured through Requirement 5 of the dDCO [REP1-004] will detail the construction techniques, duration of the activities and associated mitigation measures for the trenchless crossings. The proposed activities will only proceed following approval from the Local Planning Authority.</p>
2.2.107	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.	<p>The Noise and Vibration Management Plan secured in the dDCO [REP1-004] will describe the noise limits, character of the noise, duration and frequency for non-intrusive events as defined by sub paragraph (5).</p> <p>The Applicant does not agree and notes that all works will be subject to noise controls through the CEMP and where appropriate COPA prior approvals. A scheme is not necessary as noise controls are already provided for under other requirements.</p>
2.2.108	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.	The Applicant disagrees and notes that start up and shut down hours are routinely allowed outside the core hours as they include activities such as staff arrival, briefings, tool box talks, health and safety checks and numerous other activities which do not have the impacts of the main construction. The Applicant is willing to discuss the wording of this to address any concerns regarding the scope of activity allowed but does not agree a scheme is required for the types of activities listed.
2.2.109	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.	All works will be subject to the controls in the Noise and Vibration Management Plan secured in the dDCO [REP1-004] . In addition, where applicable, prior consent under section 61 of the COPA will be sought. It is therefore not accurate that there are no controls in place.

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
16 POPULATION AND HUMAN HEALTH (ES CHAPTER 16)			
<i>Public Rights of Way</i>			
2.2.110	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].	The Applicant acknowledges the response from CWCC and has no further comments.
2.2.111	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].	
2.2.112	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.	
2.2.113	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.	<p>The Applicant acknowledges the response from CWCC. The dDCO [REP1-004] refers to Kingswood Lane (Byway Open to all Traffic) under Schedule 3 Part 2 Streets subject to temporary street works. The Applicant wishes to clarify that this route has not been identified as a Construction Traffic Route in Figure 17.4 [APP-214] of Chapter 17 Traffic and Transport of the ES.</p> <p>As part of the SoCG process the Applicant would be happy to have further discussions with CWCC regarding the byway and any anecdotal information CWCC hold on its use and condition.</p>
17 TRAFFIC AND TRANSPORT (ES CHAPTER 17)			
2.2.114	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].	The Applicant acknowledges the response from CWCC and has no further comments.

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
2.2.115	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 form 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.	Section 3.3 of the Interim Worker Travel Plan [APP-162] provides commentary on times of travel for construction workers who would work between 0800 and 1800. This section concludes that the vast majority of staff trips would take place on the highway network before and/or after the conventional AM and PM peak hours. HGV and LGV movements for prescribed Construction Traffic Routes are presented in Chapter 17.7 Construction Traffic Profiles [APP-155] , Chapter 17.8 Construction Traffic Profiles [APP-156] and Chapter 17.9 Future Year Traffic flows [APP-157] . As CWCC note, the HGV/LGV movements will occur during the working day and will avoid peak periods. Table 17.9 of Chapter 17 Traffic and Transport [APP-069] reports a residual effect for traffic and transport effects after mitigation measures have been applied. The conclusion to this is that all traffic and transport effects are either Negligible (not significant) or Minor (not significant).
2.2.116	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.	The Applicant acknowledges the response from CWCC and has no further comments.
2.2.117	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	
2.2.118	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.	The Applicant welcomes continuing dialogue with the Local Highway Authorities in developing appropriate, location-specific mitigation/traffic management measures to be included within a final approved Construction Traffic Management Plan.
2.2.119	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	Section 6.2 of Appendix 17.13 Transport Assessment [APP-161] refers to open trench road crossings which will necessitate the closure of roads and implementation of diversion routes. Figure 17.7 [APP-217] of Chapter 17 Traffic and Transport of the ES shows a number of identified road closures and proposed diversion routes. Sheet 3 of this document shows the road closure location north of

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		council highlight the potential for significant impacts from road closures upon residents and in particular access to Mollington Primary School.	<p>St. Oswalds CE Aided Primary School which will ensure that this can be accessed from the south throughout the construction of the DCO Proposed Development. Construction activities that take place outside of the School will be scheduled outside of term time where possible, to avoid potential disturbance and traffic delays (D-PH-013) is included within the REAC [REP1-015 and CR1-109], as secured by the CEMP within Requirement 5 of the dDCO [REP1-004].</p> <p>The Applicant notes that they made a visit to St. Oswald's Primary School on 2 March 2023 in order to introduce the development and address any questions from their Headteacher and School Manager. The Applicant has committed to ongoing engagement with the school.</p>
18 WATER ENVIRONMENT AND FLOOD RISK (ES CHAPTER 18)			
2.2.120	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.	The Applicant acknowledges the response from CWCC and has no further comments.
2.2.121	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.	
2.2.122	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.	
2.2.123	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.	
2.2.124	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.	The Applicant has considered the potential effects of climate change within the Flood Risk Assessment and Flood Consequences Assessment [APP-166 – 170] .
19 CUMULATIVE IMPACTS (ES CHAPTER 19)			

Reference	LPA Reference	Local Impact Report Statement	Applicant's Response
2.2.125	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.	The Applicant acknowledges the response from CWCC and has no further comments.
2.2.126	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.	<p>Paragraph 19.5.14 of Chapter 19: Combined and Cumulative Effects of the 2022 ES [APP-071] and [CR1-124] outlines the criteria for the basis of inclusion of a development in the long-list (Table 2 of Appendix 19.1 of the 2022 ES [APP-172]). These Other Developments are selected for inclusion in the short-list and further assessment (Table 3 of Appendix 19.1 of the 2022 ES [APP-172]) based on these criteria as well as further development information, status, the nature of the DCO Proposed Development and professional judgement. Additional justification for the inclusion or exclusion of Other Developments from the short-list is provided at this stage.</p> <p>The identified Other Development (17/02741/FUL) is located over 10km from the nearest point of the DCO Proposed Development. Therefore, in line with the methodology stated for the Inter-Project Effects Assessment of the 2022 ES [APP-071], the development would not be included in the long-list of Other Developments (Table 2 of Appendix 19.1 of the 2022 ES [APP-172]) as it falls outside of the maximum Zone of Influence (ZOI) (Table 1 of Appendix 19.1 of the 2022 ES [APP-172]) and would not need further assessment.</p>
2.2.127	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.	<p>As stated in paragraph 19.5.1 of Chapter 19: Combined and Cumulative Effects of the 2022 ES [APP-071] and [CR1-124] 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 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 20 km from the DCO Proposed Development.</p> <p>In addition, the residual effects of Chapter 14 Materials and Waste of the 2022 ES [APP-066] and [CR1-124] 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 of the ES [APP-066] and [CR1-124] such as Waste Management Plans and conformance to the waste Hierarchy are legal requirements as secured by Requirement 5(2)(h) of the DCO</p>

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			[REP1-004] . It is assumed that HS2 would comply with these requirements and would include 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.
2.2.128	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.	As per Table 2, Table 3 and Table 4 of Appendix 19.1 of the 2022 ES [APP-172] , the Cadent Hydrogen Pipe project (PINS reference: EN060006) is included in the Inter-Project Effects Assessment (referred to as the 'Hynet North West Hydrogen Pipeline' 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 stage 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. 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, and updated in the ES before the end of Examination. The Applicant is also in discussion with Cadent regarding measures to ensure traffic management measure proposals during construction of the two projects are coordinated.