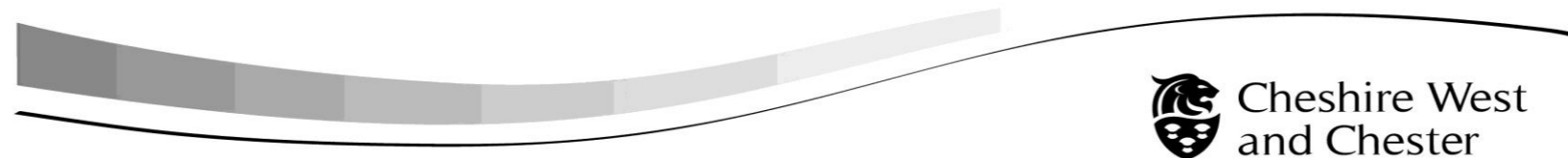




**Cheshire West and Chester Council's response to the
to the Applicant's comments to the Cheshire West and Chester Council's Local Impact Report (26 April 2023) [REP1A-004]**

Submitted at Deadline 3 – Tuesday 23 May 2023




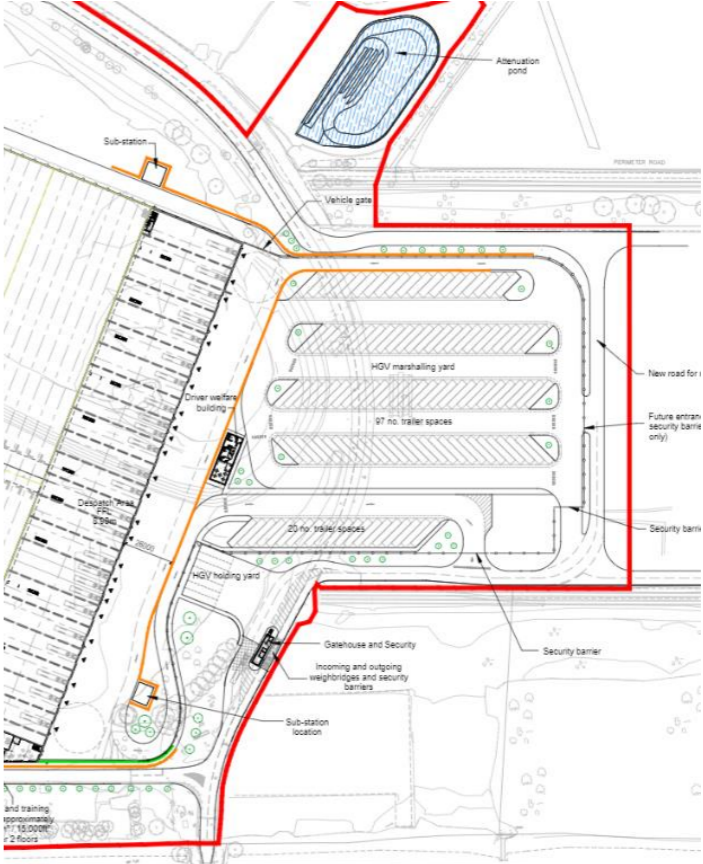
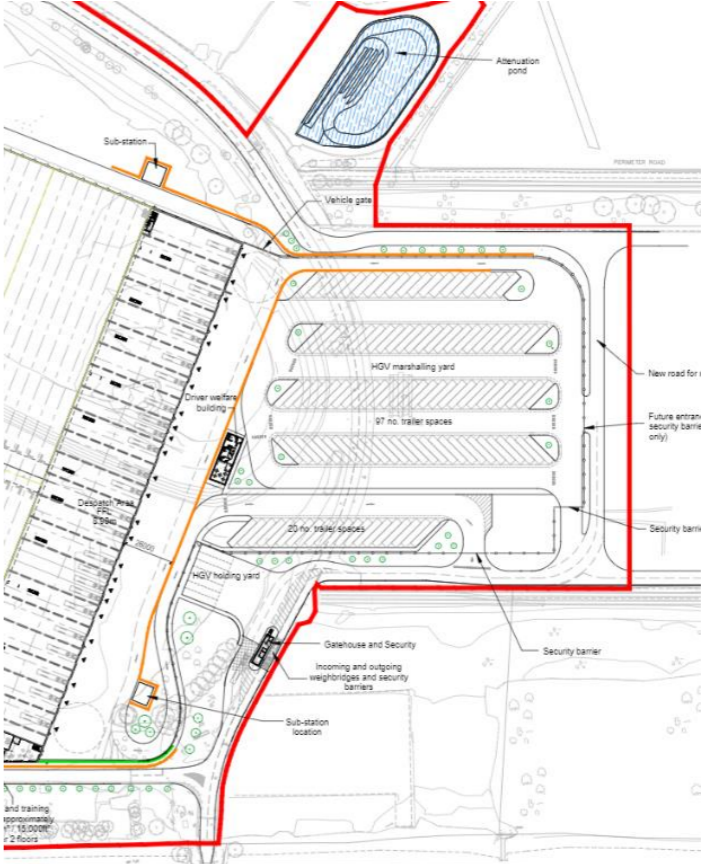
This document represents a table of responses to Liverpool Bay CCC Limited ("the Applicants") response to Cheshire West and Chester Council's (" the Council")W Local Impact Report, in respect of the Applicant's application for development consent for the Hynet Carbon Dioxide Pipeline DCO ("the Project").

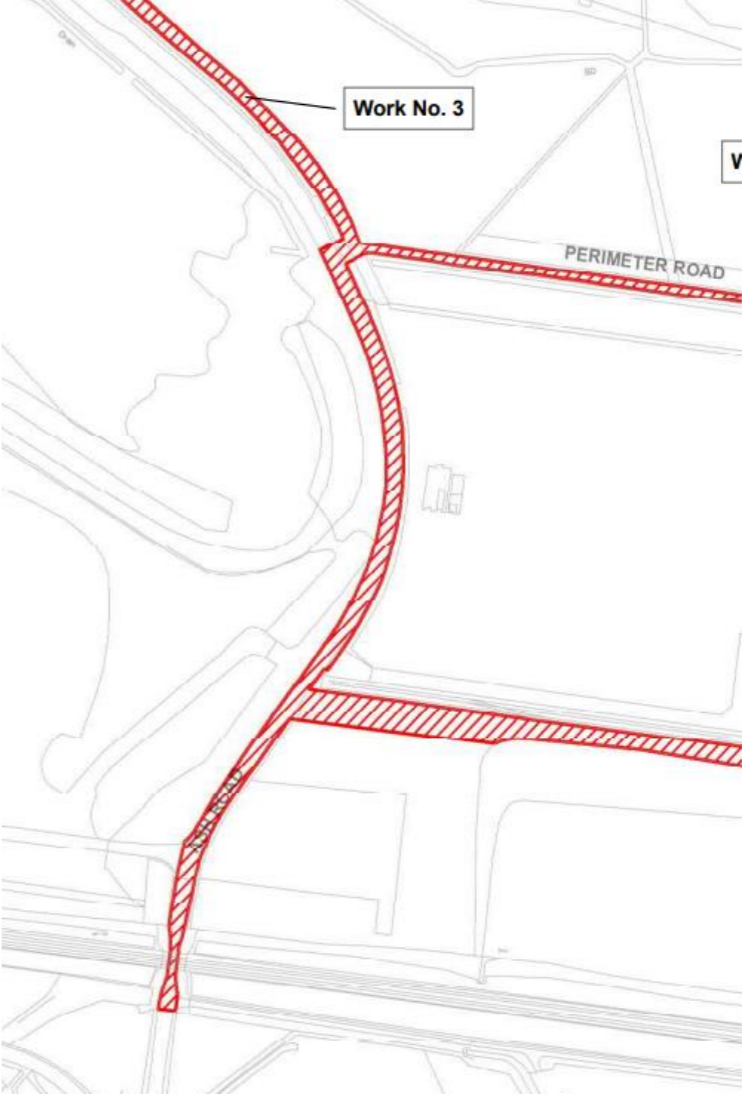
The Council's comments for Deadline 3 are entered in the right-hand column and relate to the matters addressed to the Council directly.

Reference	LPA Reference	Local Impact Report (Deadline1A)	Applicant's Response (Deadline2)	Council's Response (Deadline 3)
5. Relevant Development Planning Policies				
The Statutory Local Development Plan (LDP)				
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. <p>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.</p> <p>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).</p> <p>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.</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 potential missing local policy.</p>	<p>As is stated in the Councils response to Applicant's comments on the Relevant Representation [REP2-046], the Council acknowledges the inclusion of the identified missing Local Development Plan policies in the revised Planning Statement [REP1-013].</p>

Reference	LPA Reference	Local Impact Report (Deadline1A)	Applicant's Response (Deadline2)	Council's Response (Deadline 3)
		DM 37 'Recreational routeways' identifies that development incorporating or adjacent to the following must protect and, wherever possible, enhance and extend: public rights of way, footpaths/bridleways, cycle routes, canals and waterways. This policy also identifies that re-routing should be avoided, but may be supported if the alternative route is acceptable and / or the re-routeing is for a temporary period.		
2.2.5	5.4	The route passes through and near to several made and emerging neighbourhood Plan areas which should also be taken into consideration as their 'made' policies form part of the LDP. It is noted that the submitted planning statement omits consideration of emerging plans. There is a made Neighbourhood Plan covering the Upton-by-Chester area and Helsby area and Neighbourhood Plans are currently under preparation for Frodsham, Ince, Dunham on the Hill and Hapsford and Mickle Trafford and District. More information about Neighbourhood Plans is available at: Cheshire West and Chester Council - Neighbourhood Planning.	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.	The Council confirms that relevant neighbourhood plans have been correctly identified. The Ince Neighbourhood Plan was submitted for examination in January 2023 (Ref: 01/AM/INP) and is under examination.
6. ECONOMIC IMPACTS				
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.	The Applicant confirms that consideration for LDP Policy EP2 (and sub criterium) has been shown within Appendix B of the Planning Statement [REP1-013]. 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.	The Council acknowledges and notes the ongoing engagement / negotiations with local landowners in respect of the employment uses affected by the Project.
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 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	The Council acknowledges and notes the ongoing engagement / negotiations with local landowners in respect employment uses.

Reference	LPA Reference	Local Impact Report (Deadline1A)	Applicant's Response (Deadline2)	Council's Response (Deadline 3)
		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.	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 development in Ellesmere Port: Policy EP2/EP2.A land at Encirc Glass Ltd (34 hectares, use classes B1, B2, B8) or Protos (Ince Park).	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.	As is stated in the Council's response to Applicant's comments on the Relevant Representation [REP2-046] , the Council acknowledges the inclusion of the identified missing LDP policies in the revised Planning Statement [REP1-013] .
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].	Whilst the Council notes the above ongoing negotiations with landowners, it is noted that the Applicant has not addressed the issue of the direct impact from the potential loss / sterilisation of part of a strategic site, and with no alternatives or suggestions put forward to resolve this matter, the Council maintains its concerns on this matter. In addition to the access issue raised regarding the Protos Plastics Park, as outlined in paragraph 6.8 of LIR [REP1A-002] the Council also note that the Project's permanent access at Ince, Work No. 03 of the Works plans within Part1 of Schedule 1 of the dDCO [REP1-004] , could also potentially impact upon a proposed significant expansion of the adjacent Encirc glass manufacturing facility which is on a site safeguarded under the LDP for employment use (EP2 and EP2A). Full permission is sought, and currently being determined by the Council (with a decision likely within the next couple of months), under application no. 22/03693/FUL, for the erection of an automated warehouse (Use Class B2/B8), ancillary office space, an automated link between the automated warehouse and existing facility, a driver welfare building, HGV marshalling yard, security building and other associated works.
2.2.13	6.8	As part of the wider Protos (Ince Park) development, the masterplan of a recently approved Plastics Park (planning application no. 21/04076/FUL) shown in figure 6.1. Project 'work.no3' runs directly through plot 11 and building of the approved plastics park masterplan see figure 6.1 below, effectively sterilising this part of the site.	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].	

Reference	LPA Reference	Local Impact Report (Deadline1A)	Applicant's Response (Deadline2)	Council's Response (Deadline 3)
		 <p data-bbox="587 508 1210 667">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 data-bbox="1240 256 1955 390">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>	<p data-bbox="1979 256 2703 390">As shown below, the permanent access under dDCO (Work No. 3) would cut through the proposed HGV parking area and would potentially affect the proposed access layout.</p>  <p data-bbox="1979 1272 2745 1339">Extract from Proposed Site Plan 12473-AEEX-XX-DR-A-0501 Rev P23 of application no. 22/03693/FUL</p>
2.2.14	6.9	<p data-bbox="578 682 1181 850">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.</p>	<p data-bbox="1240 682 1955 745">The Applicant refers CWCC to the responses 2.2.10 to 2.2.13 above.</p>	 <p data-bbox="1979 1272 2745 1339">Extract from Proposed Site Plan 12473-AEEX-XX-DR-A-0501 Rev P23 of application no. 22/03693/FUL</p>

Reference	LPA Reference	Local Impact Report (Deadline1A)	Applicant's Response (Deadline2)	Council's Response (Deadline 3)
				 <p data-bbox="1982 1287 2650 1360">Work No.3, EN070007-D.2.4-WP-Sheet 1 (Rev D) [REP2-005].</p> <p data-bbox="1982 1392 2745 1493">The Council would welcome engagement and constructive dialogue from the Applicant in respect the impacts of the proposed permanent access (Work No. 3).</p>

Reference	LPA Reference	Local Impact Report (Deadline1A)	Applicant's Response (Deadline2)	Council's Response (Deadline 3)
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 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.	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 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 to.	The Council acknowledges and notes the ongoing engagement / negotiations with local landowners in respect employment uses. As is noted at 2.2.9 above there is the potential for impacts to the expansion of Encirc.
9 CULTURAL HERITAGE (ES CHAPTER 8)				
Conservation				
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].	The Council accepts that impacts from the Ince AGI on Ince and Elton Conservations areas have been scoped out of the Heritage Assessment [APP-060], and as such it is accepted that there would be no resulting likely significant harm to these heritage assets from this and therefore no specific requirement for mitigation including 'vegetative screening' as a result of impact on heritage at this location.
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.	The Council accepts the Applicant's position on this point and confirms, that due to the Stanlow AGI' location with existing screening, there is no requirement for any further mitigation as a result of any heritage impacts at this location.

Reference	LPA Reference	Local Impact Report (Deadline1A)	Applicant's Response (Deadline2)	Council's Response (Deadline 3)
2.2.29	9.9	ES Chapter 8 [APP-060] gives an overview of the assessment in relation to above ground heritage. The Council's 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> <p>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> <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>	The Council accepts the Applicants reasoning and position on this matter including the absence of individual heritage impact assessments for the AGIs and BVs
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	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.	The Council accepts this position and, as outlined in paragraph 2.2.29 above, whilst considering the Applicants response the Council accept the reasoning for the absence of individual heritage impact assessments.

Reference	LPA Reference	Local Impact Report (Deadline1A)	Applicant's Response (Deadline2)	Council's Response (Deadline 3)
		should be expected to be addressed in more detail.		
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.	The Council is satisfied with this explanation and refer to the Council's comments in paragraph 2.2.36 below.
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.	The Council is satisfied with this explanation and refer to the Council's comments in paragraph 2.2.36 below.
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].	Please see the Council's response in paragraph 2.2.36 below.
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	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</i>	The Council notes the requirement for detail of replacement and screen planting is to be secured by the final LEMP, and in view of the assessment being based upon the findings of the Heritage Assessment where considerations have been based on a 'worst case scenario', the Council is satisfied that any requirement for further specific heritage assessments in the OLEMP or

Reference	LPA Reference	Local Impact Report (Deadline1A)	Applicant's Response (Deadline2)	Council's Response (Deadline 3)
		directly by the wording of the Requirements in the draft DCO.	<i>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. 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].	Draft DCO would not be necessary to ensure that there would be no resulting significant harm to identified heritage assets from the Project.
10 BIODIVERSITY (ES CHAPTER 9)				
<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.	The Council directs the ExA to the response in paragraph 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	A review of the updated survey information is provided within the Council's Addendum to Written Representations (Biodiversity) submitted at DL1A [REP1A-004] and within paragraphs 2.12.7 and 2.12.8 of the Council's response to Applicants comments on its Relevant Representation [REP2-046]. The Council appreciates that some survey updates will happen through the process, and some updated surveys have been since received, however, at this stage it is the Council's position that ecological surveys are to date incomplete. As is highlighted in the Council's Addendum to Written Representations (Biodiversity) submitted at DL1A [REP1A-004] and response to Applicants comments on its Relevant Representation [REP2-046] there are discrepancies in the updated reports. Additionally, the ecological survey progress, and the proportion of "precautionary approaches" used, compared to field results, is not clear. This means that the Council is unable to make robust conclusions on

Reference	LPA Reference	Local Impact Report (Deadline1A)	Applicant's Response (Deadline2)	Council's Response (Deadline 3)
			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.	impacts on protected species and habitats from the survey results and analysis provided so far. The Council's position is that a number of clarifications remain to be provided regarding the protected species surveys, including potentially incomplete survey data for Bat and Barn Owls.
<i>Local Wildlife Sites (LWS)</i>				
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 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.	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 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.	The Council accepts the point regarding conflating BNG and LWS management periods. However, the Council reiterates that LWS mitigation and/or compensation for permanent LWS loss should be secured such that the habitats are in the locality of the LWS and reach a level of either priority habitat status or enhanced condition in the long-term.
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.	The Council directs the ExA to the response in paragraph 2.2.52 above.
<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].	The Council directs the ExA to paragraph 2.27 of the Council's Addendum to Written Representations (Biodiversity) submitted at DL1A [REP1A-004] and points 2.12.7 and 2.12.8 of the Council's response to Applicant's comments on its Relevant Representation [REP2-046]. The Council also directs the ExA to the comments in 2.2.49 above, in particular the comment regarding discrepancies in updated surveys and survey progress.
<i>Protected Species Considerations – Riparian Mammals</i>				
2.2.55	10.11	Further to identified likely significant effects assessment within ES Chapter 9 (Table	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-	The Council directs the ExA to paragraph 2.30 of the Council's Addendum to Written Representations

Reference	LPA Reference	Local Impact Report (Deadline1A)	Applicant's Response (Deadline2)	Council's Response (Deadline 3)
		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.	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.	(Biodiversity) submitted at DL1A [REP1A-004] and to 2.2.7 and 2.12.8 of the Council's response to Applicant's comments on its Relevant Representation [REP2-046]. The Council also directs the ExA to the Council's comments in in paragraph 2.2.49 above and in particular the comment regarding discrepancies in updated surveys and survey progress
<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.	The Council refers the ExA to paragraph 2.35 of the Council's Addendum to Written Representations (Biodiversity) submitted at DL1A [REP1A-004] and to paragraph 2.12.8 of the Council's response to Applicant's comments on its Relevant Representation [REP2-046]. It is noted that the Applicant has yet to provide a response.
<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.	The Council refers the ExA to paragraph 2.37 the Council's Addendum to Written Representations (Biodiversity) submitted at DL1A [REP1A-004] and to paragraph 2.12.8 of the Council's response to Applicant's comments on its Relevant Representation [REP2-046]. It is noted that the Applicant has yet to provide a 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.	The Council refers the ExA to paragraph 2.39 the Council's Addendum to Written Representations (Biodiversity) submitted at DL1A [REP1A-004] and paragraphs 2.12.7 and 2.12.8 of the Council's response to Applicant's comments on its Relevant Representation [REP2-046]. It is noted that the Applicant has yet to provide a response.
<i>Protected Species Considerations – Breeding/Wintering Birds</i>				

Reference	LPA Reference	Local Impact Report (Deadline1A)	Applicant's Response (Deadline2)	Council's Response (Deadline 3)
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.	The Council refers the ExA to paragraph 2.41 the Council's Addendum to Written Representations (Biodiversity) submitted at DL1A [REP1A-004] and paragraph 2.12.8 of the Council's response to Applicant's comments on its Relevant Representation [REP2-046]. It is noted that the Applicant has yet to provide a response.
<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.	The Council refers the ExA to paragraph 2.42 the Council's Addendum to Written Representations (Biodiversity) submitted at DL1A [REP1A-004] and paragraph 2.12.8 of the Council's response to Applicant's comments on its Relevant Representation [REP2-046]. It is noted that the Applicant has yet to provide a response.
LAND AND SOILS (ES CHAPTER 11)				
<i>Land Contamination</i>				
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.	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.	The Council notes the Applicant's intention to include verification in REAC commitment D-LS-021 [REP1-015]. For clarification the Council notes that REAC commitment D-LS-021 [REP1-015] OCEMP reference D-LS 21 [REP1-017] has not been updated to include verification reporting for the approval of the relevant planning authority. The Council also notes the inclusion of verification reporting in Requirement 9 (5) of the updated dDCO [REP1-004], however, as is noted in paragraph 2.3.35, below, the Council would require this to be submitted for approval for this to be acceptable.
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.		

Reference	LPA Reference	Local Impact Report (Deadline1A)	Applicant's Response (Deadline2)	Council's Response (Deadline 3)
<i>Mineral Safeguarding</i>				
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.	<p>The Council would highlight that the key consideration in relation to impacts on safeguarded mineral resources is the consideration as to the ability / feasibility of mineral resources, extracted incidentally, to be reused within the Project or other developments.</p> <p>The Council consider that the Project impacts on mineral resources can be effectively dealt within a suitably worded Materials Management Plan (MMP) and / or Waste Management Plan (WMP) both which have yet to be submitted as part of the final CEMP.</p>
LANDSCAPE AND VISUAL (ES CHAPTER 12)				
<i>Mitigation</i>				
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.	The Council acknowledges this requirement under the LEMP.
<i>Phased Works</i>				
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	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	The Council acknowledges the reasoning behind the combined approach undertaken in the OLEMP including the need for a single management scheme. Subject to the final LEMP having clear separate landscape and ecological objectives, as advised by the Applicant, the

Reference	LPA Reference	Local Impact Report (Deadline1A)	Applicant's Response (Deadline2)	Council's Response (Deadline 3)
		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.	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.	Council is satisfied that the final combined LEMP would be able to appropriately address the effects of the Project on both landscape and ecological receptors.
<i>Trees</i>				
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.	The Council acknowledges the proposed change request in respect reducing impacts upon veteran trees. As outlined in its Written Representation [REP1-061] the Council objects to the removal of any veteran trees.
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].	
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.	
15 NOISE AND VIBRATION (ES CHAPTER 15)				
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 Applicant notes the comment but requires to retain flexibility for deliveries, especially where transportation by road during quieter periods is	As outlined in paragraph 15.8 of the Local Impact Report [REP1A-002] the Council accept oversized deliveries for non-intrusive activities outside identified hours.

Reference	LPA Reference	Local Impact Report (Deadline1A)	Applicant's Response (Deadline2)	Council's Response (Deadline 3)
		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).	necessary to mitigate the potential for adverse traffic impacts from large or slow moving vehicles.	The Council acknowledges the need for special load deliveries during quieter periods. However, standard deliveries should take place during the construction hours as agreed.
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	The Council agrees to the inclusion of the Applicant's definition of "emergency" but subject to the removal of requirement 13(3)(c) of the draft DCO.
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.	The Council questions how a scheme for working under 13(3)(c) would be secured / undertaken. The Council therefore requires the removal of Requirement 13 (3) (c) and would only accept the retention of operations under 13(3) (a), (b) and (d), subject to the noise and vibration management plan, to be approved as part of the final CEMP, including detail of any additional mitigation for of all out of hours working including that for operations identified under these parts.
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.	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. 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. The Noise and Vibration Management Plan secured through Requirement 5 of the dDCO [REP1-004] will detail the construction techniques, duration of the	

Reference	LPA Reference	Local Impact Report (Deadline1A)	Applicant's Response (Deadline2)	Council's Response (Deadline 3)
			activities and associated mitigation measures for the trenchless crossings. The proposed activities will only proceed following approval from the Local Planning Authority.	
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>	The Council notes the Applicant's response in respect noise controls contained in the CEMP however additional mitigation for out of hours working is not currently specified in these documents. As is outlined in 2.3.42, above, the Council maintains its position that the control of any working outside the identified hours, including any additional mitigation, should form part of an approved scheme. The Council suggests that this could be secured as part of the yet to be approved noise and vibration management plan, which will form part of the final CEMP.
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.	<p>The Council maintains that uncontrolled start up and shut down operations, even with the controls under the CEMP, such as the use of external machinery including generators and start-up and maintenance of heavy machinery and plant have the potential for significant impacts to amenity especially given the Projects proximity to residential receptors.</p> <p>With suitable controls / restrictions the Council would however not be adverse to certain out of hours start up and shut down activities. The Council would advise that this issue could be resolved by a further definition for “non-discernible activities” for start up and shut down operations and we would specifically say that these should not include certain activities including use /starting up of engines of any external plant or machinery including generators, heavy plant and the use of high-level flood lighting.</p>
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.	The Council welcomes the inclusion of the controls within the NVMP and the prior consent within the COPA. However, as noted above, further controls / mitigation beyond British Standards and those outlined in the OCEMP and REAC is needed for out of hours operations (including trenchless crossings).

Reference	LPA Reference	Local Impact Report (Deadline1A)	Applicant's Response (Deadline2)	Council's Response (Deadline 3)
	18	WATER ENVIRONMENT AND FLOOD RISK (ES CHAPTER 18)		
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].	The Council acknowledges the inclusion of climate change impacts in the submitted Flood Risk Assessment and Flood Consequences Assessment[APP-166 – 170].