

## **DRAFT STATEMENT OF COMMON GROUND WITH PEEL NRE LIMITED**

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

Planning Act 2008

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

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# TABLE OF CONTENTS

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<b>1. INTRODUCTION.....</b>	<b>1</b>
1.1. Purpose of this document.....	1
1.2. The DCO Proposed Development.....	1
1.3 Terminology .....	2
<b>2. RECORD OF ENGAGEMENT .....</b>	<b>3</b>
<b>3. ISSUES .....</b>	<b>10</b>

## TABLES

---

Table 2-1 – Record of Engagement in relation to the Proposed Development	4
Table 3-1 – Engagement, Land, ES & Other application documents	11
Table 3-2 – CO <sub>2</sub> Network Connections	25
Table 3-3 – Provision and Integration of Utilities	27
Table 3-4 - Right of Access	28
Table 3-5 Surface Water and Flood Risk, and Drainage Strategy	30
Table 3-6 –Committed Developments (Protos 4 site and adjacent developments)	32
Table 3-7 - Issues related to the DCO Proposed Development - Draft DCO (including requirements to the draft DCO)	34

# 1. INTRODUCTION

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## 1.1. PURPOSE OF THIS DOCUMENT

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

## 1.2. THE DCO PROPOSED DEVELOPMENT

- 1.2.1 HyNet (the Project) is an innovative low carbon hydrogen and carbon capture, transport and storage project that will unlock a low carbon economy for the NorthWest 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 and the DCO Proposed Development which forms part of the wider HyNet ambition, can be found in the main DCO documentation.
- 1.2.2 The DCO Proposed Development impacts Peel as a landowner and property developer of the Phase 4 Development, Protos Site, Grinsome Road, Chester CH2 4RB.
- 1.2.3 The Applicant has identified the following plots in which Peel hold an interest:
- Peel L&P Environmental Protos Limited: 1-01
  - Peel L&P Gas and Oil (Investments) Limited: 1-04, 1-05, 1-08, 1-09, 1-10, 1-11, 1-12, 1-13, 1-14, 1-15, 1-16, 1-17, 1-18
  - Peel NRE Limited: 1-01, 1-03, 1-04, 1-05, 1-06, 1-08, 1-09, 1-10, 1-11, 1-12, 1-13, 1-14, 1-15, 1-16, 1-17, 1-18, 1-19
- 1.2.4 The DCO would authorise the construction and operation of the Ince Above Ground Installation (AGI) (Work No. 1) within Peel's Protos Phase 4 development. With reference to the Works Plan [**REP2-005, Sheet 1**], this AGI will be installed in the area labelled as Work No.1, with its access secured within

the areas labelled Work Nos.2 and 3. The CO<sub>2</sub> pipeline will run south from the Ince AGI as Work No. 4.

The Applicant is seeking powers of compulsory acquisition over land where Peel holds an interest as follows:

- a) Peel freehold land: 1-01, 1-04, 1-05, 1-08, 1-09, 1-10, 1-11, 1-12, 1-13, 1-14, 1-15, 1-16, 1-17, 1-18, 1-19
  - i) CA all interests in plots 1-09, 1-10, 1-14
  - ii) CA freehold of subsurface interests and rights/restrictive covenants in plots 1-11, 1-12, 1-13, 1-15, 1-18, 1-19
  - iii) CA of rights/imposition of restrictive covenants in plots 1-01, 1-04
- b) Other land in which Peel holds an interest but is not the freehold owner: 1-02, 1-03, 1-06
  - i) CA all interests in plots: N/A
  - ii) CA freehold of subsurface interests and rights/restrictive covenants in plots: N/A
  - iii) CA of rights/imposition of restrictive covenants in plots 1-02, 1-03, 1-06

The Applicant will require the creation of rights and imposition of restrictive covenants over a corridor of 24.4m width over Peel land from Work No. 1 to the railway crossing that marks the boundary of Peel's ownership (at the southern extent of plot no 1-18).

This 24.4m easement will be taken within the 100m construction corridor once the final route of the pipeline is known to allow access to and along the pipeline in operation and to protect the pipeline from interference or damage.

### 1.2.5

A full description of the DCO Proposed Development is detailed in Chapter 3 of the Environmental Statement (ES) **[APP-055]**. On the 21 March 2023, the Applicant's submitted a Change Request which 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]**.

## 1.3

### TERMINOLOGY

#### 1.3.1

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

## **2. RECORD OF ENGAGEMENT**

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

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

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
July 2021 – Oct 2021	Various ad hoc meetings and communication between the Applicant and Peel	General discussions on the purpose and requirements of the AGI.
Nov 2021 – April 2022	Formalised monthly meetings started	Formalised discussions on the engineering design and site requirements of the AGI.
03/05/2022	Hybrid meeting between Peel and the Applicant (over Microsoft Teams and face to face at Thornton Science Park, Pool Lane, Chester, CH2 4NU)	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Regular monthly meeting – wider HyNet - Protos development integration</li> <li>• Phase 4 CO<sub>2</sub> T&amp;S Integration regular agenda Item</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>Discussion of ongoing Front End Engineering Design (FEED) engineering of pipeline routing and of Ince AGI design.</p> <p>Update on timelines regarding when Heads of Terms (HoT) will be issued to Peel. Agreed focused meetings between Peel’s team and Applicant’s engineering team on pipeline route deconfliction with Protos Phase 4 development projects.</p>
06/05/2022	Microsoft Teams meeting between Peel and the Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Discussion to deconflict the CO<sub>2</sub> pipeline route and Ince AGI and the Protos Phase 4 development proposals.</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>A meeting was held to discuss the routing and positioning of the CO<sub>2</sub> pipeline and location of the Ince AGI to best serve the emitters which it is envisaged could be in future located on Peel’s Protos site and the adjacent CF Fertilisers plant.</p>
07/06/2022	Hybrid meeting between Peel and the Applicant (over Microsoft Teams and face to face at Thornton Science Park, Pool Lane, Chester, CH2 4NU)	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Regular monthly meeting – wider HyNet - Protos development integration</li> <li>• Phase 4 CO<sub>2</sub> Transport &amp; Storage (T&amp;S) Integration regular agenda Item</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>Confirmation of completion of FEED engineering of pipeline routing and of Ince AGI design.</p> <p>Update on timelines regarding when HoT will be issued to Peel. Discussed focused meetings between Peel’s team and Applicant’s engineering team on route deconfliction.</p>
27/06/2022	Microsoft Teams meeting between Peel and the Applicant	<p><b>Key Topics</b></p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		<ul style="list-style-type: none"> <li>Peel briefed the Applicant on the drainage strategy and further insight the Applicant has on drainage in the Protos Phase 4 area.</li> </ul> <p><b>Key Outcomes</b></p> <p>The meeting was held to discuss the management of surface water levels within the Ince and Frodsham marshes. Details including use of ditches and pumps for current level management, possible abandoning of pumps by the Environment Agency, whose thoughts on the development were discussed.</p> <p>Peel briefed the Applicant on the drainage strategy.</p> <p>Proposed future approach discussed. Further information on potential flood risk to be collected by the Applicant from Peel Port.</p>
05/07/2022	Hybrid meeting between Peel and the Applicant (over Microsoft Teams and face to face at Thornton Science Park, Pool Lane, Chester, CH2 4NU)	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>Regular monthly meeting – wider HyNet - Protos development integration</li> <li>Phase 4 CO<sub>2</sub> T&amp;S Integration regular agenda item</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>Update on timelines regarding when the Applicant will issue HoTs to Peel.</p> <p>It was noted and agreed that with the deconfliction and FEED design complete, there was less scope for movement of the CO<sub>2</sub> pipeline and AGI.</p>
15/07/2022	Hybrid meeting between Peel and the Applicant (over Microsoft Teams and face to face at Thornton Science Park, Pool Lane, Chester, CH2 4NU)	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>HoT draft</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>A meeting was held to discuss the details of the terms in the draft HoT document including the detail in the plans. Applicant to provide clarification on the land required and arrange discussion on provision of services.</p>
02/08/2022	Hybrid meeting between Peel and the Applicant (over Microsoft Teams and face to face at Thornton Science Park, Pool Lane, Chester, CH2 4NU)	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>Regular monthly meeting – wider HyNet - Protos development integration</li> <li>Phase 4 CO<sub>2</sub> T&amp;S Integration regular agenda item</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>Update on timelines regarding when HoT will be issued to Peel.</p> <p>Discussion of impact outcomes of ongoing CF Fertiliser site consultation. It was confirmed in all cases this land would not be made available for development for this DCO and no design changes were made.</p>
28/08/2022	Email correspondence between Peel and the Applicant.	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>HoT</li> </ul>



Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		<p><b>Discussions and Outcomes</b></p> <p>Formal Issue of HoT for option agreement and lease of pipeline and surface site.</p>
06/09/2022	Hybrid meeting between Peel and the Applicant (over Microsoft Teams and face to face at Thornton Science Park, Pool Lane, Chester, CH2 4NU)	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Regular monthly meeting – wider HyNet - Protos development integration</li> <li>• Phase 4 CO<sub>2</sub> T&amp;S Integration regular agenda Item</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>The wider HyNet Project need for the routing and pipeline and the infrastructure from Ince AGI was confirmed. It was also discussed that the adjacent CF Fertilisers site owners were going through decommissioning and sale process; as such extra parcels of land would not be made available for the DCO Proposed Development.</p>
04/10/2022	Hybrid meeting between Peel and the Applicant (over Microsoft Teams and face to face at Thornton Science Park, Pool Lane, Chester, CH2 4NU)	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Regular monthly meeting – wider HyNet - Protos development integration</li> <li>• Phase 4 CO<sub>2</sub> T&amp;S Integration regular agenda Item</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>Focus on the detailed layout of the Protos Phase 4 development was discussed. Peel enquired on the flexibility of ancillary land parcels regarding the pipeline routing.</p>
13/10/2022	In person meeting between Peel and the Applicant at Thornton Science Park, Pool Lane, Chester, CH2 4NU	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• HoT document review, after Peel's first review.</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>A meeting was held to discuss the points raised by Peel on the issued HoT document. The Applicant took away the responsibility to clarify on the flexibility and time requirement of the land (i.e. land required for access or during the construction phase only).</p>
01/11/2022	Hybrid meeting between Peel and the Applicant (over Microsoft Teams and face to face at Thornton Science Park, Pool Lane, Chester, CH2 4NU)	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Regular monthly meeting – wider HyNet - Protos development integration</li> <li>• Phase 4 CO<sub>2</sub> T&amp;S Integration regular agenda Item</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>Further discussions on the impact to Peel's land and Peel enquired about the flexibility of ancillary land parcels regarding the pipeline routing.</p>
22/11/2022	Microsoft Teams meeting between Peel and the Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Future use of land</li> </ul>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		<ul style="list-style-type: none"> <li>• Access and drainage during construction and operation</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>A meeting was held to discuss the future use of land owned by Peel affected by the DCO Proposed Development, including access and drainage, during construction and operation of the DCO Proposed Development and other known proposals.</p> <p>Further information on proposed land use to be provided by Peel and Applicant to review flexibility in the draft DCO to minimise potential conflicts.</p>
11/01/2023	Microsoft Teams meeting between Peel and the Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Regular monthly meeting – wider HyNet - Protos development integration</li> <li>• Phase 4 CO<sub>2</sub> T&amp;S Integration regular agenda item</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>Further discussions on the impact to Peel land surrounding the AGI location which Peel have requested to be relocated further to the south (approx. 5m) to allow for a services corridor to run between the AGI and the existing drainage ditch to the north. The Applicant raised concerns on moving the AGI further to the south as it would encroach within the exclusion zone of the existing overhead electricity line (40m minimum distance).</p> <p>The Applicant and Peel will continue discussions to facilitate both the AGI location and the services corridor. A further meeting is also to be arranged between Peel and the Applicant to discuss the HoT.</p>
26/01/2023	Microsoft Teams meeting between Peel and the Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Meeting to discuss key points within the HoT.</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>The Applicant and Peel discussed 5 key areas of the HoT to include:</p> <ul style="list-style-type: none"> <li>• The option fee – A valuation report has been carried out internally by Peel which the Applicant has requested a copy of to review the basis of valuation. Peel have requested a counteroffer be provided by the Applicant. The Applicant is continuing to negotiate with Peel on the consideration payment for the option fee.</li> <li>• The option area – Negotiations are ongoing between Peel and the Applicant to allow the option area to reflect the location of the AGI and pipeline easement corridor.</li> <li>• Access – Due to the development plans of the Peel site, the access route to the AGI may change. It has been agreed that an access right from a “point A to point B” will be used to ensure the Applicant can retain access rights over Peel’s land.</li> <li>• Lift and Shift Provisions – The Applicant is not looking to agree lift and shift provisions. Discussions are ongoing with Peel around this.</li> <li>• Professional Fees - The Applicant has requested a cost undertaking from Peel for professional fees. Discussions are ongoing.</li> </ul>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
<b>23/02/2023</b>	Hybrid – In person (Thornton Science Park) and Microsoft Teams meeting between Peel and the Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>Meeting to review first version of the Statement of Common Ground (SoCG).</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>The Applicant and Peel discussed key areas of the SoCG and adapted the wording accordingly.</p>
<b>03/03/2023</b>	Hybrid – In person (Venus Site) and Microsoft Teams meeting between Peel and the Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>Meeting to review the updated version of the SoCG</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>The Applicant and Peel discussed key areas of the SoCG and adapted the wording accordingly.</p>
<b>17/03/2023</b>	Microsoft Teams meeting	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>Meeting to discuss the Applicant’s electricity requirements on the Protos Phase 4 Site.</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>The Applicant and Peel discussed various electrical power connections for the AGI.</p>
<b>11/04/2023</b>	Microsoft Teams meeting	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>Meeting to close out the first draft of SoCG and to plan commercial discussions.</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>The Applicant will send Peel the SoCG first draft for final approval. Peel will suggest meeting dates for commercial discussions.</p>
<b>25/04/2023</b>	Microsoft Teams meeting	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>Meeting to discuss comments submitted by Peel at DL1.</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>The Applicant shared early feedback on the comments and feedback given by Peel</p>
<b>03/05/2023</b>	Microsoft Teams meeting	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>Meeting to discuss comments submitted by Peel at DL1.</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>The Applicant provided further feedback on the comments and feedback given by Peel. The Parties agreed current position on various points raised by Peel at Deadline 1.</p>
<b>12/05/2023</b>	Microsoft Teams meeting	<p><b>Key Topics</b></p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		<ul style="list-style-type: none"> <li>• Feedback on the Applicant's Heads of Terms Document Issued to Peel</li> <li>• Forward engagement plan</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>Peel provided commercial feedback on the Applicant's Heads of Terms.</p> <p>The Parties agreed target meeting dates to review points related to the ES and Heads of Terms (in separate meetings)</p>
17/05/2023	Microsoft Teams meeting	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• ES discussion</li> </ul>

### **3. ISSUES**

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

- Engagement, Land, ES & Other application documents;
- CO<sub>2</sub> Network Connections;
- Provision and Integration of Utilities;
- Right of Access;
- Surface Water and Flood risk and Drainage Strategy;
- Committed Developments (Protos 4 site and adjacent developments);  
and
- Issues related to the DCO Proposed Development - Draft DCO (including requirements to the draft DCO).

**Table 3-1 – Engagement, Land, ES & Other application documents**

Ref.	Description of Matter	Current Position	Status
<b>Engagement</b>			
<b>Peel 3.1.1</b>	Engagement	The Parties agree that engagement has been ongoing in the pre-application period (as set out in the record of engagement) and the Applicant has sought to bring forward a design which has had regard to Peel’s views.  Peel has been formally consulted on the application as required by the Planning Act 2008 (PA2008).	Agreed
<b>Peel 3.1.1.1</b>	Accompanied Site Inspection	Peel is supportive of the Applicant’s proposal to include the site of the Ince AGI as part of the ASI (as identified in the draft itinerary (provided by the Applicant at document reference number D.7.6 published on 10 March 2023 [PDA-002]).  The Applicant acknowledges Peel’s response and notes that the Ince AGI site is listed in the Applicant’s draft itinerary for an Accompanied Site Inspection [REP1-040] as issued at Deadline1.	Agreed
<b>Peel 3.1.1.2</b>	Planning Policy	Peel welcomes the request to consider the proposed changes to national planning policy.  The Applicant acknowledges the response of Peel and has no further comments.	Agreed
<b>Peel 3.1.1.3</b>	Project Support	Peel notes that HyNet is a ground-breaking clean energy project which will not only produce hydrogen for use in transport and industry but will also capture and store CO <sub>2</sub> produced by energy intensive industries from combustion or during manufacturing processes.  Peel is a supporting organisation of HyNet and remains wholly supportive of the principle of the Pipeline. Indeed, Peel recognises that there are potential beneficial synergies between the Pipeline, HyNet and Protos.  The Applicant acknowledges the response of Peel and has no further comments.	Agreed
<b>Land</b>			
<b>Peel 3.1.2</b>	Land Requirements	As part of the DCO Proposed Development, Compulsory Acquisition is proposed. Peel objects to the proposed acquisition of land, interests and rights identified within the Land Plans [REP2-004].  The Parties are continuing discussion regarding land required and its scheduling for holistic site planning.  Ongoing discussions are being held on the complex land interactions. The intention is to come to a voluntary commercial agreement between both Parties. Specific points are highlighted below.	Under Discussion
<b>Peel 3.1.2.1</b>	Land Requirements - References	Peel have reviewed the land plans, book of reference and SoR and are not aware of any inaccuracies.  The Applicant acknowledges the response of Peel and has no further comments.	Agreed
<b>Peel 3.1.2.2</b>	Land Requirements – Compulsory Acquisition	Peel notes that the Applicant proposes to acquire land (including interests and rights) permanently for the AGI, the subsurface (including rights) permanently for the Pipeline, the permanent rights to access, and the temporary use of land for construction. Peel is in discussions with the Applicant with a view to agree Heads of Terms to avoid the need for the Applicant to exercise powers authorising any CA or Temporary Possession on land owned by Peel.	Under Discussion

<p><b>Peel 3.1.2.3</b></p>	<p>Land Requirements – Conflicts with Peel’s planned developments</p>	<p>Peel has lodged an objection to the proposed development on the basis that it conflicts with the ongoing development of the Protos site. Whilst Peel is in discussions with the Applicant to resolve the conflicts between the two developments, the development of the Protos site poses a significant impediment to the development as currently proposed. Please refer to the Written Representations submitted on behalf of Peel for further details dated 17.4.23 <b>[REP1-074]</b>.</p> <p>At this stage, Peel objects to the proposed acquisition of land, interests and rights identified within the Land Plans <b>[REP2-004]</b> (drawing ref. EN070007-D.2.2-LP-Sheet 1). The Applicant proposes to acquire land (including interests and rights) permanently for the Ince AGI, the subsurface (including rights) permanently for the Pipeline, the permanent rights to access, and the temporary use of land for construction. These acquisitions will severely restrict the future development of this parcel of land by Peel, not just during construction of the Pipeline but throughout the lifetime of its operation.</p> <p>The Applicant has issued a new version of the HoT and the commercial discussions will progress in respect of these points.</p>	<p>Under Discussion</p>
<p><b>Peel 3.1.2.4</b></p>	<p>Land Requirements – CO<sub>2</sub> Pipeline Easement</p>	<p>Peel notes the pipeline corridor is proposed to travel north/south along the eastern boundary of the Order Limits. The location of the pipeline corridor in the current proposal is an improvement on the location of the pipeline previously proposed in the Section 42 Consultation. However, despite this improvement, the current proposals are still not acceptable to Peel on the basis that the proposed 24.4m corridor around the pipeline for the permanent acquisition of sub-soil (at plots 1-11, 1-12, 1-13, 1-15, 1-18 and 1-19) would cause an unacceptable quantum of land to be restricted from development by way of the proposed restrictive covenants.</p> <p>The Applicant notes that the easement width (24.4m) is necessary for the protection and maintenance of the pipeline. The restrictive covenants are required to achieve that protection. The covenants do not mean that any development over the pipeline will be unacceptable, and it is anticipated that some developments will be suitable in this location including for example accesses or car parking. However, in order to ensure that the pipeline is protected, consent would be required for any development within the easement area.</p> <p>The Applicant is committed to its ongoing engagement with Peel on their planning of the Protos site in order for site impacts of the easement to be minimised (for example, refer to <b>Peel 3.2.2</b>, regarding pipeline construction positioning).</p> <p>This is currently under review by Peel.</p>	<p>Under Discussion</p>
<p><b>Peel 3.1.2.5</b></p>	<p>Land Requirements – CO<sub>2</sub> Pipeline Easement</p>	<p>Peel notes that the proposed restrictive covenants prevent any activity from being undertaken on this land (within the 24.4m corridor) which would interfere with the pipeline (unless the prior written consent of the Applicant is obtained) including drilling foundations and hard surfacing. Such restrictions over the proposed quantum of land would impose unacceptable restraints on the ability to develop and extend the Protos site at these plots (as described above). Peel accordingly objects in principle to the current proposal on the basis of the permanent acquisition and quantum of land included within this 24.4m corridor and is in the process of discussing matters with the Applicant to agree a position acceptable to both Parties.</p> <p>The Applicant would refer to point <b>Peel 3.1.2.4</b></p>	<p>Under Discussion</p>
<p>ES</p>			
<p><b>Peel 3.1.3</b></p>	<p>ES</p>	<p>Peel considers that appropriate regard has been had to its proposals in the cumulative assessment having regard to the level of information available.</p> <p>Peel has reviewed the conclusions of the ES, with the detail given in the below sub-points.</p> <p>This point is currently under review by the Applicant, and a response will be given at the next revision of the SoCG.</p>	<p>Under Discussion</p>

<p><b>Peel</b> <b>3.1.3.1</b></p>	<p>ES – Inter Project Effects</p>	<p>Peel has reviewed the information provided and intends to make the following comments.</p> <p>Within Appendix 19.1 (Table 2) <b>[CR1-044]</b> and on Figure 19.1 <b>[CR1-099]</b>, three projects have been identified within the Ince Resource Recovery Park (Protos) strategic employment allocation<sup>1</sup> comprising:</p> <ul style="list-style-type: none"> <li>• ID 1e(iii) - TCPA – CWACC: 19/03489/FUL Development of a hydrogen production plant (HPP) and electricity generating plant, comprising of a waste reception and handling building, gasification facility, hydrogen production facility with associated/ ancillary infrastructure which includes access roads, weighbridge, fencing / gates, lighting, surface water drainage, and electricity distribution plant;</li> <li>• ID 54 TCPA - CWACC Reference: 21/04076/FUL: Materials recycling facility, two plastics recycling facilities, a polymer laminate recycling facility and a hydrogen refuelling station (Protos Plastics Village); and</li> <li>• ID 63 TCPA - CWACC Reference: 20/04396/FUL: Resource recovery facility (Plastics Recycling Facility).</li> </ul> <p>In addition to the above 'Other Developments', there are a number of other extant permissions which have not yet been implemented or are under construction as of Spring 2023 which lie within the land owned by the IP at the strategic safeguarded site "Protos".</p> <p>These include the following:</p> <ul style="list-style-type: none"> <li>• Plot 1 – Dry Cargo Facility (approved under application ref: 14/02277/S73) – not built. Construction start date tbc.</li> <li>• Plot 2 – Soil Treatment Facility (approved under application ref: 14/02277/S73) – not built. Construction start date tbc.</li> <li>• Plot 3 – Timber Recycling Plant (TRP) (approved under application ref. 14/02271/S73, date 26 March 2015) – the Timber plant is built and operational.</li> <li>• Plot 4 – Bio-Substitute Natural Gas Renewable Fuels Facility (BioSNG) (approved under application ref. 18/04671/WAS, date 16 March 2022) – construction is anticipated to take 27 months. Construction start date tbc.</li> <li>• Plot 5 – Integrated Waste Management Facility (IWMF) – including a In Vessel Composting (IVC) Plant, a Materials Recycling Facility (MRF), and a Mechanical Biological Treatment (MBT) Facility (approved under application ref: 14/02277/S73) – not built. Construction start date tbc.</li> <li>• Plot 6 – Plastics Recycling Facility (approved under application ref: 14/02277/S73) – not built. Construction start date tbc.</li> <li>• Plot 7 – Waste Treatment Plant (approved under application ref: 14/02277/S73) – not built. Construction start date tbc.</li> <li>• Plot 8 – Energy from Waste Facility (approved via Appeal APP/A0665/W/18/3213090 (LPA ref. 18/01543/S73) date 3rd May 2019) – the EFW Facility is currently under construction and is anticipated to be operational in 2024.</li> <li>• Plot 9 – Biomass Renewable Energy Plant (approved under application ref. 14/02278/S73, date 26 March 2015) – the Biomass Plant is built and operational.</li> <li>• Plot 14 – Block Making Facility (approved under application ref: 14/02277/S73) – not built. Construction start date tbc. el NRE Responses 17.4.23</li> <li>• Plot 15 – Battery Storage (approved under application ref: 17/02683/FUL, date 30 August 2017) (this sits outside of the consented RRP boundary but is operationally linked) – construction commenced but not yet complete.</li> <li>• Internal road infrastructure (approved under application ref: 14/02277/S73) – much of the road infrastructure has been built.</li> <li>• Ecological Mitigation Areas A-E (approved under application ref: 14/02277/S73) – Areas A &amp; D have been created. Areas B, C &amp; E are being created.</li> <li>• Full Rail Link (approved under application ref: 14/02277/S73). Not built. Construction start date tbc.</li> </ul>	<p>Under Discussion</p>
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		<ul style="list-style-type: none"> <li>• Dry Cargo Berth (approved under application ref: 14/02277/S73). First phase of works complete. Second phase of works tbc.</li> <li>• Substation (132kV/33kV/11kV) (approved under LPA ref. 19/02566/FUL date 21 November 2019) – this is under construction and complete.</li> </ul> <p>The location of these Other Developments is provided in Appendix 4 of Peel’s Written Representations [<b>REP1-085</b>].</p> <p>Due to the proximity of these developments and potential for inter-project effects due to the presence of common sensitive environmental receptors (specifically in respect to air quality, traffic and transport and biodiversity) due consideration of the Other Developments listed above should be provided as part of the assessment of cumulative effects.</p> <p>A review of the list of applications provided by Peel has identified developments that would meet the criteria for inclusion in the long-list of the Inter-Project Effects Assessment (Table 2 of Appendix 19.1 of the 2022 ES [<b>CR1-044</b>]). These developments, (references: 14/02277/S73 (including Plots 1-3 and 5-7), 18/04671/WAS (Plot 4), 19/02566/FUL, 17/02683/FUL (Plot 15) and 18/01543/S73 (Plot 8)) have now been assessed and will be included in the updated ES towards the end of the DCO examination. The result of this assessment is summarised below.</p> <p>All Protos Plots are assessed as related development despite some being small scale in some cases. These individual developments overlap in some cases with the DCO Proposed Development and therefore have the potential for adverse effects in both construction and operation stages. Development 18/04671/WAS would result in mostly negligible, but some Minor Adverse Inter-Project Effects primarily in the construction stage, a formal response from the Applicant is being issued to the ExA as part of the Deadline 2 response</p> <p>Upon conclusion of this assessment Peel will review and comment. Peel are content with the approach so far.</p>	
<b>Peel 3.1.3.2</b>	ES – Inter project / Cumulative Effects	<p>Peel also requests clarification that the assessment of cumulative effects with ID 1e(ii) takes account of the amended permission (CWACC reference 21/02848/S73).</p> <p>The amended permission (CWACC reference 21/02848/S73) would not lead to a change in the significant residual effects of the Inter-Project Effects Assessment of development 1eii due to the nature of the development (the addition of earthworks) not being anticipated to alter any assessment outcomes of the Inter-Project Effects Assessment.</p> <p>This will be included in the updated ES towards the end of the DCO examination. Upon conclusion of this assessment, Peel will review and comment. Peel are content with the approach so far.</p>	Under Discussion
<b>Peel 3.1.3.3</b>	Assessment of Cumulative Effects – General Approach	<p>An assessment of cumulative effects is provided within Chapter 19: Combined and Cumulative Effects [<b>APP-071</b>]. This covers cumulative effects in terms of multiple, different effects to receptors caused by the Pipeline (intra-project) and in combination with any other developments/ projects in the vicinity (inter-project). These types of assessment ensure that the requirements to consider cumulative effects pursuant to the Infrastructure Planning (EIA) Regulations 2017 (as amended) are met for the DCO application.</p> <p>The Applicant acknowledges this response from Peel and has no further comments at this time</p>	Agreed
<b>Peel 3.1.3.4</b>	Assessment of Cumulative Effects – Inter project Effects	<p>To identify relevant projects for the assessment of inter-project effects, a series of search criteria have been used (Chapter 19 [<b>APP-071</b>], Paragraph 19.5.14). Based on the search undertaken three projects have been identified within Protos (Appendix 19.1 (Table 2) [<b>CR1-044</b>] and Figure 19.1 [<b>CR1-099</b>]), comprising:</p> <p>ID 1e(iii) - TCPA – CWACC: 19/03489/FUL Development of a hydrogen production plant (HPP) and electricity generating plant, comprising of a waste reception and handling building, gasification facility, hydrogen production facility with associated/ ancillary</p>	Agreed

		<p>infrastructure which includes access roads, weighbridge, fencing / gates, lighting, surface water drainage, and electricity distribution plant1;</p> <p>ID 54 TCPA - CWACC Reference: 21/04076/FUL: Materials recycling facility, two plastics recycling facilities, a polymer laminate recycling facility and a hydrogen refuelling station (Protos Plastics Village); and ID 63 TCPA - CWACC Reference: 20/04396/FUL: Resource recovery facility (Plastics Recycling Facility).</p> <p>The Applicant acknowledges this response from Peel and has no further comments at this time.</p>	
<b>Peel 3.1.3.5</b>	Assessment of Cumulative Effects – Other Protos Developments	<p>Peel notes whilst these Other Developments have been considered, there are a number of other extant permissions which have not yet been implemented or are under construction as of Spring 2023 which lie within the land owned by Peel at Protos. These are outlined in Appendix 2. The location of these developments is provided at Appendix 4, and layout plans at Appendices 5 – 15.</p> <p>A review of the list of applications provided by Peel 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 <b>[CR1-044]</b>). These developments, with references: 14/02277/S73 (including Plots 1-3 and 5-7), 18/04671/WAS (Plot 4), 19/02566/FUL, 17/02683/FUL (Plot 15) and 18/01543/S73 (Plot 8) have been assessed and will be included in the updated ES that will be submitted during the examination process. The result of this assessment is summarised as follows.</p> <p>All Protos Plots are assessed as a related development despite some being small scale in some cases. These individual developments overlap in some cases with the DCO Proposed Development and therefore have the potential for adverse effects in both the construction and operation stages. Development 18/04671/WAS would result in mostly Negligible, but some Minor Adverse Inter-Project Effects primarily in the construction stage.</p> <p>Upon conclusion of this assessment Peel will review and comment. Peel are content with the approach so far.</p>	Under Discussion
<b>Peel 3.1.3.6</b>	Assessment of Cumulative Effects – Intra Project Effects	<p>Due to the proximity and scale of these developments and potential for intra-project effects due to the presence of common sensitive environmental receptors (specifically in respect to air quality, traffic and transport and biodiversity), Peel objects to the current scope and contents of the cumulative assessment.</p> <p>The Applicant notes developments identified in <b>Peel 3.1.3.5</b> will be included in the updated ES submitted at the end of the DCO examination process.</p> <p>Upon conclusion of this assessment Peel will review and comment. Peel are content with the approach so far.</p>	Under Discussion
<b>Peel 3.1.3.7</b>	ES – Population and Health	<p><u>Peel has raised the following as an issue relating to Chapter 16: Population and Human Health <b>[APP-068]</b> – Development Land and Businesses:</u></p> <p>It is acknowledged that the Newbuild Infrastructure Boundary lies within / in proximity to Protos. Protos and the surrounding land presents a unique opportunity to become a destination for sustainable energy, innovation and industry and it is the ambition of Peel to develop Protos further to cluster together innovative technologies in energy generation and resource management to lead the way on the clean growth agenda. This aim will only be further realised through the development of the land surrounding Protos, including land within the Newbuild Infrastructure Boundary.</p> <p>Effects on Protos itself as a receptor are concluded to be ‘Moderate Adverse (Significant)’ prior to mitigation, based on a sensitivity of ‘High’ and magnitude of ‘Minor’ (Appendix 16.1, Table 3 <b>[CR1-038]</b>). Effects following mitigation are considered to be ‘Minor Adverse (Not significant)’. The categorisation of Protos as ‘High’ sensitivity does not correlate with the criteria provided (Chapter 16, Table 16.2 <b>[APP-068]</b>), which indicates that land allocated for employment (e.g., strategic employment sites)</p>	Under Discussion

		<p>covering &gt;5ha should be considered as 'Very High'. Given the strategic, allocated nature of the Protos site (as allocated within CWACC Local Plan Part 2 – Policy EP6) which is c.130ha, it is considered that the latter category would be more appropriate.</p> <p>The assessment considers 'the potential for temporary disruption to businesses as a result of potential minor access restrictions to roads whilst construction is undertaken. Associated construction traffic could also give rise to amenity effects for employees and customers' (Chapter 16, Paragraph 16.9.6 <b>[APP-068]</b>). However, there are additional impacts which have the potential to affect Protos and future expansion, including direct land take associated with the access road from Grinsome Road roundabout which conflicts with the delivery of the planned Protos Plastic Park (CWACC reference: 21/04076/FUL) and interaction with the Protos (CWACC reference: 10/01488/FUL, amended by CWACC reference: 14/02277/S73).</p> <p>Peel requests the full assessment of these impacts and the development of mitigation to ensure that the delivery of consented developments and future expansion of Protos are not hindered.</p> <p>The Applicant has carried out a review of the list of applications provided by Peel and has identified developments that would meet the criteria for inclusion in the long-list of the Inter-Project Effects Assessment and were publicly listed prior to the submission of the 2022 ES (31 August 2022) (Table 2 of Appendix 19.1 of the 2022 ES <b>[CR1-044]</b>). These developments, (references: 14/02277/S73 (including Plots 1-3 and 5-7), 18/04671/WAS (Plot 4), 19/02566/FUL, 17/02683/FUL (Plot 15) and 18/01543/S73 (Plot 8)) have now been assessed and will be included in the updated ES towards the end of the DCO examination. The result of this assessment is summarised below.</p> <p>All Protos Plots are assessed by the Applicant as related development despite some being small scale in some cases. These individual developments overlap in some cases with the DCO Proposed Development and therefore have the potential for adverse effects in both construction and operation stages. Development 18/04671/WAS would result in mostly Negligible, but some Minor Adverse Inter-Project Effects primarily in the construction stage.</p> <p>The amended permission (CWCC reference 21/02848/S73) would not lead to a change in the significant residual effects of the Inter-Project Effects Assessment of development due to the nature of the development (the addition of earthworks) not being anticipated to alter any assessment outcomes of the Inter-Project Effects Assessment.</p> <p>This is currently under review by Peel. The Applicant confirms that all potential effects on Protos related to Population and Human Health, including land take and access, have been fully considered and assessed as part of the Inter-Project Effects Assessment.</p> <p>The Applicant agrees that Protos energy has been incorrectly identified as 'high' sensitivity and it should be classed as 'very high'. However, given that the effects are still considered by the Applicant to be minor, this would not result in a change to the overall recorded effect of moderate adverse significance. This will be updated in the ES and submitted towards the end of Examination.</p>	
<b>Peel 3.1.3.8</b>	Impacts on Development Land and Businesses	<p>As part of Chapter 16: Population and Human Health <b>[APP-068]</b>, effects on 'development and land and businesses' have been 'scoped into' the EIA. As part of this assessment, it is acknowledged that the Newbuild Infrastructure Boundary lies in proximity to Protos and effects on the strategic employment site are concluded to be 'Minor Adverse (Not Significant)' following mitigation</p> <p>The Applicant acknowledges this response from Peel and has no further comments at this time.</p>	Agreed
<b>Peel 3.1.3.9</b>	Impacts on Development Land and Businesses - Sensitivity	<p>Peel notes, within the assessment, Protos is categorised as being of 'High' sensitivity, which does not correlate with the criteria provided (Chapter 16 <b>[APP-068]</b>, Table 16.2), which indicates that land allocated for employment (e.g., strategic employment</p>	Agreed

		sites) covering >5ha should be considered as 'Very High'. Given the strategic, allocated nature of the Protos site it is considered that the latter category would be more appropriate.	
<b>Peel 3.1.3.10</b>	Impacts on Development Land and Businesses – Temporary Disruption	<p>Peel notes that the assessment identifies 'the potential for temporary disruption to businesses as a result of potential minor access restrictions to roads whilst construction is undertaken. Associated construction traffic could also give rise to amenity effects for employees and customers (Chapter 16 [APP-068], Paragraph 16.9.6). In addition, for the temporary disruption impacts described are additional impacts which have the potential to affect consented developments within Protos and Peel's future expansion ambitions, including direct land-take associated with the access road from Grinsome Road roundabout which conflicts with the delivery of the planned Protos Plastic Park (CWACC reference: 21/04076/FUL) and interactions with the Protos site's (CWACC reference: 14/02277/S73) Railway Line.</p> <p>The Applicant has issued an updated Heads of Terms document and site access is a key point that is being handled as part of these commercial discussions.</p>	Under Discussion
<b>Peel 3.1.3.11</b>	Impacts on Development Land and Businesses – Major Accident Classification	<p>Peel notes that it is also unclear whether the Pipeline would be classified as a Major Accident Hazard Pipeline by the Pipeline Safety Regulations 1996 and therefore 'generate' a Consultation Zone with associated land use restrictions. There are a number of other pieces of legislation noted within Chapter 13: Major Accidents and Disasters [APP-065] (e.g., The Planning (Hazardous Substances) Regulations 2015 and The Dangerous Substances and Explosive Atmospheres Regulations 2002) and it is not clear whether to respond to the relevant requirements under this legislation, appropriate separation or 'stand-off' distances may be applied. Such additional land use restrictions also have the potential to prejudice currently consented and future development ambitions at Protos.</p> <p>Given this, Peel objects on the basis that these potential impacts are not currently addressed and mitigation measures are not set out to address these impacts.</p> <p>The Applicant notes that CO<sub>2</sub> is not currently defined as a dangerous fluid under the Pipelines Safety Regulations 1996 and, as such, CO<sub>2</sub> pipelines are not classified as Major Accident Hazard Pipelines and do not have an associated Consultation Zone. Therefore, developments around CO<sub>2</sub> pipelines are currently not subject to controls under Land Use Planning.</p> <p>The Applicant also notes that CO<sub>2</sub> is not currently regulated under The Planning (Hazardous Substances) Regulations 2015 or The Dangerous Substances and Explosive Atmospheres Regulations 2002 and, as such, there are no defined separation or 'stand-off' distances.</p> <p>This is currently under review by Peel.</p>	Under Discussion
<b>Peel 3.1.3.12</b>	ES – Biodiversity	<p><u>Peel has raised the following as an issue: Chapter 9: Biodiversity [AS-025] - Impacts on Water Vole</u></p> <p>It is understood that significant dewatering is proposed at and around the Ince Above Ground Installation (AGI) due to the high groundwater levels in the area (Appendix 18.3 [APP-165], Paragraph 1.3.14). The abstracted water will be treated (if required) and discharged into the watercourse network. There is known to be Water Vole in the Ince Marshes (including on East Central Drain). As such, there are potential impacts on this species. Peel requests that these issues are fully considered, and mitigation developed to ensure that impacts to the protected species are mitigated.</p> <p>This point is currently under review by the Applicant, and a response will be given at the next revision of the SoCG.</p> <p>The Applicant is aware of the presence of water vole within the Order Limits and wider landscape of the DCO Proposed Development and has completed a suite of surveys (see Chapter 9.6 – Riparian Mammal Survey Report [AS-039] (superseded by [CR1-072 and CR1-073])). The Applicant recognises the potential for impacts to water vole during the course of construction</p>	Under Discussion

		<p>of the DCO Proposed Development and has included mitigation measures to safeguard the species: see items D-BD-034 and D-BD035 within Table 6.6: Construction Management and Mitigation – Biodiversity of the Outline Construction Environmental Management Plan (OCEMP) [REP2-021]. Where required, protected species licensing will be applied for by the Applicant in advance of construction, as captured by item D-BD-002 within [REP2-021]. The Applicant will be further supported by the presence of an Ecological Clerk of Works (ECoW)/team of ECoWs during construction who will ensure compliance with relevant legislation and any obtained protected species licenses (as captured by item D-BD-001 within [REP2-021].</p> <p>This is currently under review by Peel.</p>	
<b>Peel 3.1.3.13</b>	Location of Ecological Mitigation	<p>Peel notes, that with relevance to the Ince AGI, no Environmental Mitigation Areas are defined on the Works Plans [REP2-005] (D.2.4-WP-Sheet 1). However, ecological mitigation measures are proposed include an area of riparian habitat enhancement along the southern bank of East Central Drain as well as the planting of native triple staggered hedgerow, hedgerow trees native shrub planting and species rich grassland around the Ince AGI [CR1-008] (D.2.14-LAY-Sheet 2). The location and extent of these works should be discussed with Peel to ensure that these do not prejudice future development ambition.</p> <p>The Applicant acknowledges this response from Peel and has no further comments at this time</p>	Agreed
<b>Peel 3.1.3.14</b>	Location of Ecological Mitigation – Priority Habitats	<p>Peel also recognises that additional opportunities for biodiversity enhancement are being considered by the Applicant to achieve at least 1% gain in Priority Habitats, including refining / reducing the extent of proposed temporary impacts and delivery of further habitats.</p> <p>The Applicant acknowledges this response from Peel and has no further comments at this time</p>	Agreed
<b>Peel 3.1.3.15</b>	ES – Assessment of Alternative	<p>Peel notes that under the Guiding Principles in Appendix 4.1 [APP-079] ‘to minimise the need for compulsory acquisition / To utilise existing infrastructure and routing corridors where possible’ major planning permissions/strategic site allocations should be recognised. This to ensure that interactions / overlaps with construction and operation of such sites are managed to minimise disruption.</p> <p>The Applicant notes that this was related to route selection and appropriate consideration was given at the alternatives stage. The Applicant acknowledges Peel’s statement and is working with Peel to resolve this objection via commercial discussions.</p>	Under Discussion
<b>Peel 3.1.3.16</b>	ES – Air Quality and Emissions	<p>Peel notes that the odour zone at Ince AGI is located to the south of Protos, with the closest consented development the Protos Plastics Village (CWACC Reference: 21/04076/FUL), approximately 160m from the edge of the H2S Odour Zone for Manifold Venting (shown on Figure 6.3 [CR1-108]).</p> <p>The assessment shows that the predicted odours fall below the odour detection threshold for most weather conditions, which means that the risk of odour annoyance is reduced. As set out in paragraph 1.2.8 of Appendix 6.2 [APP-082], the threshold used in the assessment (7 µg/m3) is the identification threshold for H2S, odour has been reported at levels significantly lower than this. Also, the risk of odour annoyance remains for stable atmospheric conditions.</p> <p>The Applicant has identified residential areas but has not considered industrial or commercial locations such as the Protos which is close to the Ince AGI. The IP acknowledges that areas which will provide amenity value such as residential or leisure areas are considered to be more sensitive than industrial and commercial locations. However, consideration should be given to relevant receptors within the assessment to demonstrate that odour is unlikely to be an issue.</p> <p>It would be possible to mitigate the risk of odorous impacts by ensuring that venting does not occur at night and to ensure that venting does not occur during stable/very stable conditions (i.e., those identified as having the most significant potential for odour impacts).</p>	Under Discussion

		<p>The management regime for such venting activities should be secured through an Odour Management Plan. This should be provided as part of the application and its implementation secured through the DCO. The Applicant submitted the Outline Odour Management Plan <b>[REP2-044]</b> (D-AQ-042 of the REAC, <b>[REP2-017]</b>) at Deadline 2 which will aim at notifying nearby residents (including commercial/industrial receptors) in advance of any venting occurring at the AGIs. Peel will review this plan when issued and will use this for further discussion.</p> <p>The Applicant has submitted the plans as detailed above at Deadline 2, these are currently under review by Peel</p>	
<b>Peel 3.1.3.17</b>	Odour Management	<p>Peel notes that the Applicant has identified the potential for odour emissions at the Ince AGI, with associated Odour Zone, which lies close to Protos (shown on Figure 6.3 <b>[CR1-108]</b>). Further consideration should be given to commercial and industrial uses nearby as part of the assessment. It is understood that such emissions can be mitigated through the adoption of an appropriate odour management regime.</p> <p>Peel objects on the basis that the odour management plan has not been provided as part of the information submitted as part of the DCO application outlining the anticipated management regime.</p> <p>The Applicant submitted the Outline Odour Management Plan <b>[REP2-044]</b> (D-AQ-042 of the REAC, <b>[REP2-017]</b>) at Deadline 2. Peel will review this plan when issued and will use this for further discussion.</p> <p>The Applicant has submitted the plans as detailed above at Deadline 2, these are currently under review by Peel</p>	Under Discussion
<b>Peel 3.1.3.18</b>	ES – Provision of Ecological Surveys	<p>Comments from Peel regarding the level of ecology surveys carried out on its interests are as follows:</p> <p>Peel believes the range of ecological surveys proportionate to the development type and habitats/species present or potentially present were undertaken.</p> <p>Peel notes regarding the baseline information is present to be reasonable with the exception of the current baseline for water voles in the East Central Drain and adjacent watercourses. Within Appendix 9.6, no signs of water voles were identified but surveys undertaken by Ecology Consulting Ltd in 2022 identified the presence of water voles in the East Central Drain and adjacent ditches. It is possible this information has since been collected by the Applicant and it is understood that this is due to be submitted as supplementary information during the determination of the DCO application.</p> <p>Peel notes that up to date water vole baseline information should be shared to assess if these measures are adequate and clarification provided if any further mitigation are required (e.g., riparian habitat enhancements).</p> <p>The Applicant has directed Peel to the Supplementary Information submitted to, and accepted by, the ExA on 20 March 2023. Updated survey results in relation to water voles are provided within Appendix 9.6 – Riparian Mammal Survey Report <b>[AS-039]</b> and further updated within ES Addendum Change Request 1 <b>[CR1-072 and CR1-073]</b>. Whilst evidence of water vole was not found on East Central Drain during the Applicant’s survey visits, water vole presence was confirmed on adjacent watercourse West Central Drain. As such, as part of the impact assessment, the Applicant has applied a precautionary approach and water vole presence has been assumed on East Central Drain.</p> <p>The submission of these reports by the Applicant corroborates the original impact assessment and mitigation prescriptions as presented within Chapter 9 – Biodiversity <b>[AS-025]</b>. Mitigation prescriptions in relation to water vole and riparian habitats are detailed in items D-BD-035, D-BD-036, D-BD-048, D-BD-049, D-BD-059, D-BD-060 and D-BD-062 within the Outline CEMP <b>[REP2-021]</b> and REAC <b>[REP2-017]</b> and as updated at Deadline 2.</p> <p>This is currently under review by Peel.</p>	Under Discussion

<p><b>Peel</b> <b>3.8.3.19</b></p>	<p>Location of Ecological Mitigation – Baseline survey</p>	<p>Peel notes a comprehensive suite of baseline ecological surveys have been undertaken to identify whether protected / notable ecological species are present within the Newbuild Infrastructure Boundary or appropriate Zones of Influence (ZOIs) surrounding the Pipeline. However, it is noted that further baseline surveys were to be undertaken post-June 2022 with the information to be provided during the DCO examination period.</p> <p>Peel also notes the timing of the submission of the above information should be confirmed by the Applicant and whether this corroborates the baseline conditions, impact assessment and mitigation identified for protected / notable ecological species. Any further mitigation requirements should be clearly defined and discussed and agreed with Peel if located at Ince AGI to ensure that these do not prejudice development aspirations.</p> <p>Peel therefore objects on the basis that the currently proposed mitigation measures are not agreed, and further mitigation requirements are unknown.</p> <p>The Applicant has made Peel aware that the results of further surveys were submitted on 3 March 2023, subsequently accepted by the ExA as part of the Applicant's Section 51 advice response on 14 and 20 March 2023 [<b>AS-029 to 042</b> and <b>AS-057 to 059</b>].</p> <p>This is currently under review by Peel.</p>	<p>Under Discussion</p>
<p><b>Peel</b> <b>3.1.3.20</b></p>	<p>ES – Construction Monitoring Measures</p>	<p>Peel is satisfied with the monitoring measures during construction and post construction described within Chapter 9: Biodiversity [<b>APP-061</b>], [<b>CR1-124</b>].</p> <p>The Applicant acknowledges the response and has no further comments.</p>	<p>Agreed</p>
<p><b>Peel</b> <b>3.1.3.21</b></p>	<p>ES – BNG / Biodiversity</p>	<p>Peel notes that although BNG is not yet mandatory, it is Peel's view that BNG should be sought as part of all developments. Whilst a large proportion of the impacts of the proposed project are of a temporary nature, the large-scale nature of this nationally significant infrastructure provides an opportunity to deliver BNG on a regional scale. Therefore, where feasible, this opportunity should be maximised either through habitat creation or restoration of degraded habitats.</p> <p>The Applicant acknowledges the Peel's response and refers Peel to the BNG Strategy Update Document issued by the Applicant to the ExA at Deadline 2 [<b>REP2-042</b>].</p> <p>This is currently under review by Peel.</p>	<p>Under Discussion</p>
<p><b>Peel</b> <b>3.1.3.22</b></p>	<p>ES – Habitats / Biodiversity enhancement</p>	<p>It is suggested by Peel that ecological restoration and enhancement delivered by the project should complement ecological nature strategies, for example aligning the proposed restoration/enhancement to CWACC environmental policies and developing this with Cheshire Wildlife Trust as part of their Living Landscapes strategy for the area.</p> <p>The Applicant confirms that it has, and continues to, discuss habitat offsetting with CWCC in England. These discussions are ongoing and, where possible, through engagement with both parties, the Applicant will seek to align with relevant strategies and policies of the councils, including CWCC's Ecological Network (part of the Local Plan Part 2 Policy (DM44)).</p> <p>This is currently under review by Peel</p>	<p>Under Discussion</p>
<p><b>Peel</b> <b>3.1.3.23</b></p>	<p>ES - GCN</p>	<p>Two ponds/waterbodies were identified in the vicinity of the Ince AGI; neither of these were surveyed but this is not considered a limitation as surveys undertaken over a number of years across Protos have indicated that great crested newts are likely locally absent. Therefore, no concerns are raised on this.</p> <p>The Applicant notes this.</p>	<p>Agreed</p>

<p><b>Peel</b> <b>3.1.3.24</b></p>	<p>ES - Bats</p>	<p>Peel notes that relatively low level of bat activity was recorded along Elton Lane, a higher level of activity was identified along Elton Lane by Ecology Consulting Ltd in 2022 but this was further to east, and activity varies seasonally and given the small area affected by the Pipeline no concerns are raised.</p> <p>The Applicant notes this.</p>	<p>Agreed</p>
<p><b>Peel</b> <b>3.1.3.25</b></p>	<p>ES – Aquatic Surveys</p>	<p>Peel is satisfied with the scope and content of the surveys undertaken.</p> <p>The Applicant notes this.</p>	<p>Agreed</p>
<p><b>Peel</b> <b>3.1.3.26</b></p>	<p>ES – Wildlife Corridors</p>	<p>Peel requests that where it is feasible the project should be considered as an opportunity to deliver ecological benefits on a wide scale and in terms of wildlife corridors this could be creating new corridors, complementing / joining up existing corridors or enhancement of existing corridors along the Newbuild Infrastructure Boundary.</p> <p>This is currently under review by Peel, upon review of the BNG Strategy Documents as issued by the Applicant at Deadline 2 [REP2-042].</p>	<p>Under Discussion</p>
<p><b>Peel</b> <b>3.1.3.27</b></p>	<p>ES - Trees</p>	<p>Peel requests that further information on the locations for tree planting (if proposed) are provided.</p> <p>The Applicant has set out BVS and AGI Landscape Layouts [CR1-008], which show the preliminary landscape designs, including proposed tree locations. Currently the landscape layouts set out the principles of the mitigation; however, flexibility is required at this stage of the design development, and the proposals will be refined further at detailed design stage. With regards tree planting within mitigation areas identified across the Order Limits, these are illustrated within Works Plans [REP2-005]. The mitigation areas have been selected for targeted mitigation tree planting (alongside scrub planting) to mitigate for the loss of trees as a result of construction of the DCO Proposed Development. These locations have been selected on the basis of tying into existing green infrastructure and corridors within the landscape.</p> <p>This is currently under review by Peel.</p>	<p>Under Discussion</p>
<p><b>Peel</b> <b>3.1.3.28</b></p>	<p>Local Wildlife Site</p>	<p>Peel has drawn the Applicant’s attention to the site of the Ince AGI is located within a ‘Local Wildlife Site’. Local Plan (Part 1) Strategic Policy ENV 4 applies which seeks to safeguard and enhance biodiversity. The policy requires ‘no net loss’ of natural assets. However, there is an emerging requirement for developments to achieve 10% biodiversity net gain. Whilst this requirement is not yet mandatory it is fast becoming the expectation for developments to achieve this figure.</p> <p>The basis of the below point Peel accordingly objects in principle to the current proposed layout of the Ince AGI and is in the process of discussing matters with the Applicant to agree a position acceptable to both Parties. The precise location of the Ince AGI should be agreed with Peel.</p> <p>The Applicant notes, permanent impacts associated with the construction of the Ince AGI will result in the loss of some habitat associated with the Frodsham and Ince Marshes LWS. The design has sought to minimise losses and retain existing priority habitats wherever possible in line with the mitigation hierarchy. Where this is not possible, further options to mitigate this loss will be explored during detailed design stage. Any remaining losses of priority habitat within the LWS will be adequately compensated for to achieve a net gain in these habitat types.</p> <p>Any losses of priority habitat within this LWS are being compensated for through the BNG assessment to achieve an overall net gain, and that this will be delivered through off-site compensation, largely due to the difficulty in ensuring and securing ongoing long-term management for priority habitats within the Order Limits.</p> <p>Discussions regarding offsetting of these habitats is ongoing with CWCC and other potential delivery partners.</p>	<p>Under Discussion</p>



		<p>The Applicant however notes that there is no statutory obligation under the Environment Act 2021 on this Application to provide BNG. Therefore, while delivery of BNG is agreed to be desirable and a minimum target of 1% has been set, the 10% provision threshold does not apply and is not required to accord with existing policy.</p> <p>This is currently under review by Peel.</p>	
<b>Peel 3.1.3.29</b>	Local Wildlife Site -- Ince AGI Layout	<p>Additionally, the layout of the Ince AGI <b>[CR1-004]</b> (as shown on plan ref. EN070007-D.2.10-LAYSheet 1) orientates the infrastructure adjacent to an existing drain which travels in an east/west direction to the north of the Ince AGI (East Central Drain). This drain is known for the presence of Water Voles. Additional Water Vole survey work is understood to be completed, with this to be submitted as supplementary information during the determination of the DCO. This information is requested by Peel to fully understand the impacts of the Application.</p> <p>The Applicant notes the results of further surveys were submitted on 3 March 2023, subsequently accepted by the Examining Authority (ExA) as part of the Applicant's Section 51 advice response on 14 and 20 March 2023. The Riparian Mammal Survey Report <b>[CR1-072 and CR1-073]</b> details the results of the water vole surveys noting that presence has been confirmed in West Central Drain, with Precautionary Presence of water vole assumed on East Central Drain and Elton Ditches. Mitigation has been developed and is presented within the Outline CEMP <b>[REP2-021]</b>.</p> <p>This is currently under review by Peel.</p>	Under Discussion
<b>Peel 3.1.3.30</b>	ES – Climate Change	<p>Peel notes that estimated greenhouse gas emissions are presented in Chapter 10: Greenhouse Gas Emissions <b>[APP-062]</b>; however, the underpinning assumptions and calculations are not provided, including the worst-case assumptions applied in respect to manifold venting. These should be provided to evidence the figures presented.</p> <p>This point is currently under review by the Applicant, and a response will be given at the next revision of the SoCG.</p> <p>The Applicant notes that Section 10.5 of Chapter 10 (of the ES): Greenhouse Gases <b>[APP-062]</b> outlines the methodology used for the calculations, including any assumptions and limitations of the assessment. The following venting frequencies have been assumed as a worst case scenario:</p> <ul style="list-style-type: none"> <li>• Manifold venting will occur every five years; and</li> <li>• Pigging will occur every two years over a two week period.</li> </ul> <p>This is currently under review by Peel.</p>	Under Discussion
<b>Peel 3.1.3.31</b>	ES - EIA	<p>Peel welcomes the proposal to for the preparation of a schedule setting out baseline sources of data and where additional information is being collected. It is understood that supplementary ecological information is anticipated to be submitted – Peel requests confirmation of when this information is likely to be submitted.</p> <p>The Applicant draws Peel's attention to the data submitted in Appendix A - Schedule of Additional Baseline Data <b>[REP1-045]</b> as part of the Applicant's Response to ExA's ExQ1 <b>[REP1-044]</b>, Q1.9.1 (page 68), submitted at Deadline 1. Appendix A <b>[REP1-045]</b> contains a schedule of additional baseline data gathered for each of the technical chapters, and shows the following:</p> <ul style="list-style-type: none"> <li>• Type of baseline data collected for the 2022 ES and which documents it was presented in.</li> <li>• Whether additional baseline data / surveys have been gathered since submission of the 2022 ES and which documents it was presented in.</li> </ul>	Under Discussion

		<ul style="list-style-type: none"> <li>Whether there are currently any ongoing surveys or data collection.</li> <li>Why baseline data is considered to be valid and fit for purpose where it has not been updated and if there are any limitations.</li> </ul> <p>This is currently under review by Peel.</p>	
<b>Peel 3.1.3.32</b>	ES - EIA	<p>Peel also requests that as part of the submission of supplementary information, the potential impact on the baseline conditions outlined and subsequent changes to assessment and mitigation proposals should be set out.</p> <p>Appendix A - Schedule of Additional Baseline Data [REP1-045] sets out timescales for ongoing surveys and baseline data collection. Supplementary ecological information was submitted to the ExA on 3 March 2023 and subsequently accepted by the ExA as part of the Applicant's Section 51 advice response on 20 March 2023. Updated versions of the following documents were accepted by the ExA:</p> <ul style="list-style-type: none"> <li>Appendix 9.3 – Bat Activity Survey Report Part 1 [AS-057] and Bat Survey Report Annex G Part 2 [AS-029]</li> <li>Appendix 9.4 – Bats and Hedgerows Assessment Parts 1 to 7 [AS-032 to 037] (Part 2 superseded by AS-059)</li> <li>Appendix 9.6 – Riparian Mammal Survey Report [AS-039] [updated in CR1-072 and CR1-073]</li> </ul> <p>The Applicant notes that the submission of these reports corroborates the original impact assessment and mitigation prescriptions as presented Chapter 9 – Biodiversity [AS-025]. A revised version of Chapter 9, OCEMP [AS-055] and REAC [AS-053] was provided to the ExA, capturing minor text amendments in response to the submission of these three revised appendices.</p> <p>A further revised version of Chapter 9 – Biodiversity is provided within Environmental Statement Addendum Change Request 1 [CR1-124] with revised versions of associated appendices [CR1-054-CR1-081].</p> <p>This is currently under review by Peel.</p>	Under Discussion
<b>Peel 3.1.3.33</b>	ES – Flood Risk	<p>Peel requests that should options to slow local surface water flow in the Newbuild Infrastructure Boundary (or nearby) be considered, these should be discussed and agreed with Peel to ensure that their proposed location does not conflict with any future development ambitions</p> <p>The Applicant proposes a future focused meeting between the specialists to resolve this point.</p>	Under Discussion
<b>Peel 3.1.3.34</b>	ES – Flood Risk	<p>Peel requests that consultation should be undertaken with the Environment Agency and Local Lead Flood Authority (in respect to the area around the Ince AGI) to identify the appropriate design flood level.</p> <p>Should flood storage compensation be provided in the Newbuild Infrastructure Boundary (or nearby), these should be discussed and agreed with Peel to ensure that their proposed location does not conflict with any future development ambitions.</p> <p>The Applicant confirms that they are in regular consultation with the EA, as set out in the Applicant's draft SoCG with the EA [REP1-024], as well as the IP, with respect to any necessary facilities.</p> <p>The Applicant notes that, whilst there are noted areas of historical flooding, these are above ground and as the proposed pipeline is buried at those locations, it is unlikely that the proposed pipeline will exacerbate any of the existing flood risk. The proposed CO<sub>2</sub> pipeline alignment will take into account the alignment and the location of the existing drainage assets and the design will avoid clashes with these assets.</p> <p>This is currently under review by Peel.</p>	Under Discussion

<b>Peel 3.1.3.35</b>	ES – Flood Risk	Peel requests further information to be provided on the potential impacts of significant dewatering and impacts from discharge into adjacent watercourses on Water Voles which are known to be present in the drainage network surrounding the Ince AGI.  The Applicant notes this and refers to the response to <b>Peel 3.1.3.3</b> .	See Peel 3.1.3.3
<b>Peel 3.1.3.36</b>	ES – Water Environment	Peel requests for consultation prior to agreement of any dewatering discharge rates or locations as the landowner.  The Applicant confirms that dewatering activities will be subject to appropriate assessment, mitigation and monitoring, through the Dewatering Management Plans and Groundwater Management and Monitoring Plans. These will include details of location and rates of any abstractions and discharges which will be subject to consultation and agreement with the regulator and landowner. The appointed Construction Contractor will be responsible for developing and implementing these Plans secured through Requirement 5 (Construction Environmental Management Plan) of the dDCO <b>[REP1-004]</b> .  This is currently under review by Peel.	Under Discussion
<b>Peel 3.1.3.37</b>	ES – Water Environment	Peel agrees with the approach detailed in the WFD Assessment <b>[APP-165]</b> and Outline Construction Environmental Management Plan <b>[REP2-021]</b> .  Peel also requests further information on the proposed outfall to the East Central Drain and proposed riparian enhancements. These aspects should be discussed and agreed with Peel to ensure there are no conflicts with future development ambitions.  The Applicant acknowledges that Peel agrees with the approach within the Water Framework Directive assessment <b>[APP-165]</b> . The riparian enhancements proposed by the Applicant are provided within the landscape plans <b>[CR1-008]</b> .  The Applicant will continue to engage with Peel on these matters.	Under Discussion
<b>Peel 3.1.3.38</b>	ES - Licenses	Peel acknowledges that appropriate licenses will be obtained for works in proximity to watercourses at the Ince AGI (including East Central Drain) and that temporary structures / drainage channels may be implemented. Further engagement with Peel on the location and duration of such measures should be undertaken to ensure there are no conflicts with future development ambitions.  The Applicant notes, that with respect to water and waste generation, the Applicant's appointed Construction Contractor will be responsible for obtaining all necessary licences and permits prior to the commencement of relevant works as set out in the Other Consents and Licences document <b>[REP1-011]</b> .  The Applicant will continue to engage with Peel on these matters.	Under Discussion
<b>Peel 3.1.3.39</b>	ES – Land Contamination	Peel acknowledges that land contamination and pollution matters have been considered within the ES arising from construction and operation of the Ince AGI. Peel requests appropriate measures to be in place to prevent pollution events, including ongoing monitoring, with landowners' engagement.  The Applicant acknowledges that Peel is satisfied with regard to contamination and pollution matters. D-WR-070 of the REAC <b>[REP2-017]</b> commits the Applicant to developing a Surface Water Management and Monitoring Plan for before, during and after construction. D-WR-044 of the REAC <b>[REP2-017]</b> commits the Applicant to turbidity monitoring during the construction phase.  This is currently under review by Peel.	Under Discussion
<b>Peel 3.1.3.40</b>	ES – Landscape and Visual	Peel requests that the in-combination effects on landscape and views should consider all consented schemes at Protos, as listed at 1.1.8 in <b>[REP1-075]</b> .  See response to <b>Peel 3.1.3.1</b> .	See response to Peel 3.1.3.1

<b>Peel 3.1.3.41</b>	ES - Lighting	<p>Peel acknowledges that lighting is proposed during construction and operation of the Ince AGI. Peel request appropriate measures should be put in place to minimise disturbance to wildlife on and around the facility during both these phases of the project.</p> <p>The Applicant notes that the detailed CEMP, secured by Requirement 5 of the dDCO [REP1-004], will include the details of lighting during construction, including working methods and mitigation measures to ensure the reduction/removal of potential adverse impacts as a result of construction lighting. REAC commitments D-PD-013, D-PD-014, D-BD-015, D-BD-040, and D-LV-021 [REP2-017] provide mitigation measures to avoid and reduce potential adverse impacts arising from lighting during construction which align with best practice guidance. Additionally, the ECoW/team of ECoWs, as committed to through D-BD-001 of the OCEMP [REP2-021], will oversee and monitor the implementation of mitigation measures during the construction stage, inclusive of items associated with light use and provision. The Applicant has additionally included provision of a Lighting Plan to be prepared detailing operational lighting requirements and associated mitigation (see item D-PD-14 of the REAC [REP2-017]).</p> <p>This is currently under review by Peel.</p>	Under Discussion
Other application documents			
<b>Peel 3.1.4</b>	Other application documents	Peel agrees that its interests are correctly reflected in the Book of Reference [REP2-012].	Agreed

**Table 3-2 – CO<sub>2</sub> Network Connections**

<b>Ref.</b>	<b>Description of Matter</b>	<b>Current Position</b>	<b>Status</b>
<b>Peel 3.2.1</b>	Development significance	<p>In principle, Peel supports the DCO Proposed Development's ambitions and goals of delivering a CO<sub>2</sub> Transport and Storage network to the area.</p> <p>Peel supports the principle of the DCO Proposed Development and its siting and routing.</p>	Agreed
<b>Peel 3.2.2</b>	Pipeline route siting	<p>The Parties are in discussion regarding the proposed 24.4m siting in a 100m corridor as shown in the DCO Land Plans [REP2-004], with adjacent developments on the Peel site under planning taking this routing into account.</p> <p>The Applicant has agreed to align the pipeline to the ditch on the eastern extremity of the area located along the eastern side of plots 1-10, 1-13, 1-18 as shown on the Land Plans [REP2-004], and to route the pipe as close as practicable to this ditch.</p>	Under Discussion
<b>Peel 3.2.3</b>	Ince AGI detailed connections and design	<p>The Parties agree that the Ince AGI (Work No.1) shown on the Work Plans [REP2-005] can be accommodated within the Work area. The Parties continue to work together on elements of the detailed design to ensure that the AGI and any future developments can co-exist. The Applicant has been working extensively with Peel to minimise the impact of the DCO Proposed Development on adjacent developments.</p> <p>The Applicant will continue to consult Peel on the developing design of the infrastructure during detailed design. There is an expected high-level confirmation of integration of site layout expected after the Department of Energy Security and Net Zero (DESNZ) announcement, to be reviewed if changed after announcement.</p>	Under Discussion

Ref.	Description of Matter	Current Position	Status
<b>Peel 3.2.4</b>	Construction scheduling	The Parties agree that both the DCO Proposed Development, other future DCO applications impacting the site and Peel's proposals for its site can coexist, and that construction works can be managed to prevent conflict between them.	Agreed
<b>Peel 3.2.5</b>	Construction scheduling	The Parties are working together to review their relevant construction timelines and interactions between these but consider that in principle these can be appropriately managed. Accordingly, Peel has no objection to the DCO on this point.	Under Discussion

**Table 3-3 – Provision and Integration of Utilities**

<b>Ref.</b>	<b>Description of Matter</b>	<b>Current Position</b>	<b>Status</b>
<b>Peel 3.3.1</b>	Utility requirements	The Applicant considers that the routing and provision of utilities (specifically electrical power and telecoms) used by the AGI will not impact the existing Protos site and that the size of the power demand is manageable within Peel’s plans with the site development and their discussion with third party utility providers.  Peel and the Applicant are working together to define utility corridors in and around the DCO Proposed Development.	Under Discussion
<b>Peel 3.3.2</b>	Utility connection	The Parties are engaging in ongoing discussions on the integration of the utilities to the wider Protos development.  The Applicant will be arranging telecoms themselves to the AGI.  Peel is reviewing provision for electrical power connection to the AGI.  The Applicant and Peel are working together on the best connection but agree there is no in principle impediment to a connection.	Under Discussion
<b>Peel 3.3.3</b>	Utility scheduling	The Parties are engaging in ongoing discussions on the time for electrical power connection	Under Discussion
<b>Peel 3.3.3</b>	Utility scheduling	The Parties are engaging in ongoing discussions on the time for telecoms installation	Under Discussion

**Table 3-4 - Right of Access**

Ref.	Description of Matter	Current Position	Status
<b>Peel 3.4.1</b>	Ince AGI location	<p>The Applicant has proposed a layout at Ince AGI which has assumed access points that are viable. As Peel develop their Phase 4 Development plans at Protos, the rights of access points in the wider area will be developed as part of the detailed design. At this point the detailed routing of the access to the AGI and construction / operational corridor of the pipeline will be confirmed.</p> <p>The statutory consultation response from Peel regarding the potential risk of the AGI prejudicing the delivery of the expansion of Protos has been addressed between the Parties. This proposal is now incorporated into the future expansion plans at Protos.</p> <p>Peel currently objects to the proposed layout of the AGI. The Applicant will further engage with Peel regarding the general arrangement of the AGI.</p> <p>The Applicant proposes to construct the access as shown to Ince AGI (Work No.2), as shown on the Works Plans <b>[REP2-005]</b>, access strategy will be handled via commercial discussions of the HoT.</p>	Under Discussion
<b>Peel 3.4.2</b>	Point of Access	<p>The Parties are discussing the routing shown on the Works Plans (Work No.3) <b>[REP2-005]</b>.</p> <p>The Applicant has proposed the primary access road from Grinsome Road roundabout to the Pipeline/AGI. Peel have raised that this conflicts with the delivery of the approved Protos Plastics Park requesting a secondary access is identified. Peel have offered plans to be available for the Protos Plastics Park upon request.</p> <p>Where Peel requires to realign any part of the existing access within its site as part of its proposals away from the route set out within the DCO Proposed Development, such realigned access will be suitable for use by and made available to the Applicant. As only the access within the site would be realigned, the transport assessment for the DCO Proposed Development would be unaffected and any works to create a realigned access would be consented under the relevant Protos consent. The Applicant agrees that this is appropriate subject to a suitable realigned access being available would agree not to use compulsory powers to retain the route shown on the DCO plans.</p>	Under Discussion
<b>Peel 3.4.2.1</b>	Point of Access – Grinsome Road to Ince AGI	<p>Peel notes the proposed access road from Grinsome Road roundabout to the Ince AGI and pipeline corridor (as shown on Works Plan <b>[REP2-005]</b> ref. EN070007-D.2.4-WP-Sheet 1) conflicts with the delivery of the approved Protos Plastics Park (CWACC Planning application ref. 21/04076/FUL), and the delivery of the railway line consented as part of the overarching planning permission for Protos (ref. 14/02277/S73), which would constrain the delivery of the developments. Therefore, at this stage, Peel objects to the proposed access (as shown on Works Plan <b>[REP2-005]</b> ref. EN070007-D.2.4-WP-Sheet 1).</p> <p>The Applicant acknowledges this response. This is being discussed as part of ongoing commercial discussions</p>	Under Discussion
<b>Peel 3.4.2.2</b>	Point of Access – Impact on Grinsome Road Master Plan	<p>Peel have referred the Applicant to a plan of the approved Plastics Park masterplan (ref. 20039-FRA-XX-00-DR-A-90-0005 P2) is provided with an overlay of the proposed access route to the Ince AGI and pipeline (shown on plan ref. <b>[REP2-005]</b> EN070007-D.2.4-WP-Sheet 1). This is provided at Appendix 16. These overlays plan clearly shows the conflict of the Applicant’s proposed access with the planned development of the Plastics Park at Protos. A plan of the approved railway line is provided at Appendix 17 (plan ref. 0775/SK/05).</p>	Under Discussion
<b>Peel 3.4.2.3</b>	Point of Access – Impact on Protos site growth	<p>Peel notes the Plastics Park forms part of the development proposals across Protos, which as described above, is identified in CWACCs adopted Local Plan as a key strategic site for economic growth and safeguards the land for a multi-modal resource recovery park and energy from waste facility for use in connection with the recycling, recovery and reprocessing of waste materials (Local Plan Part One Policies STRAT 4 and ENV 8; and Local Plan Part Two Policy EP6). The access to the Ince AGI as proposed in the Application would constrain the delivery of a key strategic site in CWACCs Local Plan.</p>	Under Discussion

Ref.	Description of Matter	Current Position	Status
		The Applicant acknowledges this response. This is being discussed as part of ongoing commercial discussions.	
<b>Peel 3.4.2.3</b>	Point of Access – Alternative means of access	Peel suggests an alternative means of access should be identified by the Applicant to avoid conflicting with planned development at Protos and avoid conflicting with the strategic ambitions established by CWACC in their adopted Local Plan; or negotiations should continue with Peel as part of the property terms to reach agreement on the access arrangement, as set out in this document.  The Applicant acknowledges this response. This is being discussed as part of ongoing commercial discussions.	Under Discussion
<b>Peel 3.4.2.3</b>	Point of Access – Ash Road	Peel also notes that construction traffic routes to the Ince AGI would include Ash Road and Grinsome Road via Pool Road, with measures to mitigate effects comprising advanced hazard warning signage along Ash Road is proposed (as set out in the Outline Construction Traffic Management Plan, Annex A). Given Grinsome Road is the access to / from Protos, further consideration should be undertaken to identify the interaction with vehicles (including HGVs and Abnormal Loads) along these routes with measures to reduce delays / restrictions and engagement with Peel and operators to minimise disruption.	Under Discussion
<b>Peel 3.4.2.3</b>	Point of Access - Changing Access Routing	Peel has commented that the Consultation Report (document ref. D.5.1, Revision A, September 2022, ref. S1-09), states the Applicant is open to changing the access route provided continued access is made available to the Ince AGI, as is also established in this document. This is welcomed and further conversations should be held with Peel, but at this stage Peel objects in principle to this aspect of the proposal.  The Applicant acknowledges this response. This is being discussed as part of ongoing commercial discussions.	Under Discussion
<b>Peel 3.4.3</b>	Impact of Construction Traffic	Peel notes that the Ince AGI would cause an increase in construction traffic on local roads, including Ash Road and Grinsome Road via Pool Road and advanced hazard warning signage along Ash Road is proposed (OCTMP Annex A). Peel notes that given Grinsome Road is the access road for Protos, further consideration should be undertaken on the interaction with vehicles (including HGVs and Abnormal Loads) along Grinsome Road with measures to reduce delays / restrictions and engagement with Peel and operators to minimise disruption.  The Applicant acknowledges this response. This is being discussed as part of ongoing commercial discussions.	Under Discussion
<b>Peel 3.4.3</b>	Impact of Construction Traffic	Peel notes that the access from Grinsome Road roundabout crosses the consented Protos Plastics Village. An alternative means of access should be identified by the Applicant to avoid conflicting with planned development at Protos and avoid conflicting with the strategic ambitions established by CWCC in their adopted Local Plan; or negotiations should continue with the IP as part of the property terms to reach agreement on the access arrangement, as set out in the SoCG.  As noted under <b>Peel 3.4.3</b> , consideration should be given to measures to reduce delays / restrictions for vehicles travelling to / from Protos along the routes to the Ince AGI and engagement should be undertaken with Peel and operators to minimise disruption.  The Applicant acknowledges this response. This is being discussed as part of ongoing commercial discussions.	Under Discussion



**Table 3-5 Surface Water and Flood Risk, and Drainage Strategy**

Ref.	Description of Matter	Current Position	Status
<b>Peel 3.5.1</b>	Surface Water Management (Ince AGI and adjacent land)	<p>The Applicant has considered and provided appropriate surface water management. Cumulative impacts with regard to adjacent developments are continually under review.</p> <p>The Applicant has regularly reviewed the location of Ince AGI in regard to flooding potential.</p> <p>Peel have received comments from the Environment Agency on Sustainable Drainage Systems (SuDS) and flood risk, and these are currently under review. Peel will follow-up and share outcomes with the Applicant.</p> <p>Peel's concerns are flagged in the sub-topics.</p> <p>Based on these points Peel accordingly objects in principle to the current proposed layout of the Ince AGI and is in the process of discussing matters with the Applicant to agree a position acceptable to both Parties. The precise location of the Ince AGI and other infrastructure should be agreed with Peel. Peel is liaising with the Applicant to agree terms for a private agreement to regulate how works in proximity to Protos are undertaken and to govern agreement as to the precise location of the Ince AGI to ensure that Protos can continue to come forward and is not compromised by the DCO.</p> <p>The Applicant also refers to the detailed section <b>Peel 3.1.3.19</b> to <b>Peel 3.1.3.23</b> above.</p>	Under Discussion, also see Peel 3.1.3.19 to Peel 3.1.3.23
<b>Peel 3.5.1.1</b>	Surface Water Management (Ince AGI and adjacent land) – Flood Risk Zone	<p>Peel notes the site of the Ince AGI is located within a 'flood risk zone' as defined by CWCC Local Plan (Part 1) Strategic Policies. Policy ENV 1 applies which seeks to reduce flood risk. The Environment Agency flood risk maps identifies the site as being within an area at 'low' risk of flooding, and also incorporate sufficient space for future planned infrastructure within this area</p> <p>The Applicant acknowledges the response from Peel.</p>	Agreed also see Peel 3.1.3.19 to Peel 3.1.3.23
<b>Peel 3.5.1.2</b>	Surface Water Management (Ince AGI and adjacent land) – Flood Risk Assessment	<p>Peel also notes that a Flood Risk Assessment supports the Application which confirms the Ince AGI will be served by a drainage system which will accommodate for the effects of flooding and climate change.</p> <p>This point is currently under review by the Applicant, and a response will be given at the next revision of the SoCG.</p>	Under Discussion also see Peel 3.1.3.19 to Peel 3.1.3.23
<b>Peel 3.5.1.3</b>	Surface Water Management (Ince AGI and adjacent land) – Ince AGI Layout Impact	<p>Additionally, Peel states the layout of the Ince AGI (as shown on plan ref. <b>[CR1-004]</b> EN070007-D.2.10-LAYSHEET 1) orientates the infrastructure adjacent to an existing drain which travels in an east/west direction to the north of the Ince AGI (East Central Drain) (an Environment Agency "main drain"). The location of the Ince AGI and associated surface water drainage infrastructure needs to be a sufficient offsetting distance from the main drain</p> <p>This point is currently under review by the Applicant. The Applicant notes that the detailed design of the AGI site and its drainage will be subject to further approval under requirement.</p>	Under Discussion also see Peel 3.1.3.19 to Peel 3.1.3.23
<b>Peel 3.5.1.4</b>	Surface Water Management (Ince AGI and adjacent land) –	<p>Peel also understands that temporary drainage systems and other temporary works to watercourses are proposed (including temporary diversion channels) to facilitate construction. These should be discussed and agreed with Peel to ensure that these do not conflict with future development ambitions.</p> <p>This point is currently under review by the Applicant, and a response will be given at the next revision of the SoCG.</p>	Under Discussion also see Peel 3.1.3.19 to Peel 3.1.3.23

Ref.	Description of Matter	Current Position	Status
	Ince AGI Layout Impact		
<b>Peel 3.5.2</b>	Existing and Proposed Drainage	The Parties are engaging in ongoing discussions as part of a wider Protos Phase 4 wider site development The Applicant also refers to the detailed section <b>Peel 3.1.3.19</b> to <b>Peel 3.1.3.23</b> above.	Under Discussion also see Peel 3.1.3.19 to Peel 3.1.3.23
<b>Peel 3.5.3</b>	Impact	The Parties are engaging in ongoing discussions as part of a wider Protos Phase 4 wider site development The Applicant also refers to the detailed section <b>Peel 3.1.3.19</b> to <b>Peel 3.1.3.23</b> above.	Under Discussion also see Peel 3.1.3.19 to Peel 3.1.3.23
<b>Peel 3.5.4</b>	Mitigation	The Parties are engaging in ongoing discussions as part of a wider Protos Phase 4 wider site development The Applicant also refers to the detailed section <b>Peel 3.1.3.19</b> to <b>Peel 3.1.3.23</b> above.	Under Discussion also see Peel 3.1.3.19 to Peel 3.1.3.23

**Table 3-6 –Committed Developments (Protos 4 site and adjacent developments)**

<b>Ref.</b>	<b>Description of Matter</b>	<b>Current Position</b>	<b>Status</b>
<b>Peel 3.6.1</b>	Future Proposed Development	<p>The Parties are working on a strategy relating to adjacent developments, several of which require the Applicant’s pipeline infrastructure to be established.</p> <p>Peel notes that the Pipeline will conflict with planned development at Protos which would prejudice the delivery of a key development within CWCC and limit its potential.</p> <p>This point is currently under review by the Applicant, and a response will be given at the next revision of the SoCG.</p>	Under Discussion
<b>Peel 3.6.2</b>	Protos Phase 4 Site	<p>The Applicant acknowledges that the Protos Site is safeguarded through Cheshire West and Chester Council (CWCC) Local Plan Part One Policies STRAT 4 and ENV 8: and Local Plan Part Two Policy EP6. The Applicant is also aware and through engagement has an understanding of the expansion of this site. The Parties will continue engagement to ensure the two can co-exist.</p> <p>Peel also notes the following conflicts between the pipeline and other developments the future ambitions of Peel for the expansion of Protos on the Affected Land. The key issues presented in this Representation, and to which objections are raised, are included in the following sub-topics</p> <p>Peel has been working with the Applicant to resolve the objections. However, the Parties have not yet managed to reach agreement on the below points.</p> <p>This point is currently under review by the Applicant, and a response will be given at the next revision of the SoCG.</p>	Under Discussion
<b>Peel 3.6.2.1</b>	Protos Phase 4 Site – Ince AGI Layout	<p>Layout of the Ince AGI</p> <p>Peel understands the Order will be granted to the Works Plans (ref. EN070007-D.2.4-WPSheet 1) <b>[REP2-005]</b>, and the final precise layout of the Ince AGI will be within the limits of the Order. No Environmental Mitigation Areas are defined on the Works Plans (D.2.4-WPSheet 1) <b>[REP2-005]</b>. Notwithstanding this, the Ince AGI Landscape Layout (ref. D.2.14-LAY-Sheet 2) <b>[CR1-008]</b> identifies the location for landscaping/ ecological mitigation and a drainage detention pond. The current location of such features has the possibility to constrain future planned development across the Affected Land. Peel accordingly objects to the current proposed layout of the Ince AGI. The precise location of the Ince AGI and mitigation features should be agreed with Peel.</p> <p>This point is currently under review by the Applicant. The Applicant notes that the detailed design of the AGI site and its drainage will be subject to further approval under requirement. While the Applicant is very happy to engage with Peel on that detail, it will ultimately have to be acceptable to the LPA as well.</p>	Under Discussion
<b>Peel 3.6.2.2</b>	Protos Phase 4 Site – Access	<p>Means of access to the Ince AGI and CO<sub>2</sub> Pipeline</p> <p>The Applicant refers to the detailed <b>Table 3-4</b> and its topics above.</p> <p>This point is currently under review by the Applicant and Peel.</p>	See Table 3-4
<b>Peel 3.6.2.3</b>	Protos Phase 4 Site – Environment considerations	<p>Environmental considerations</p> <p>The Applicant refers to the detailed section <b>Peel 3.1.3</b> and its sub-topics above.</p> <p>This point is currently under review by the Applicant, and a response will be given at the next revision of the SoCG.</p>	See Peel 3.1.3 and its sub-topics
<b>Peel 3.6.2.4</b>	Protos Phase 4 Site – Easement	<p>Easement of the CO<sub>2</sub> Pipeline (as shown on Works Plan <b>[REP2-005]</b> ref. EN070007-D.2.4-WPSheet 1).</p> <p>The Applicant notes that these points are being discussed as part of ongoing commercial negotiation.</p>	Under Discussion

Ref.	Description of Matter	Current Position	Status
		This point is currently under review by the Applicant, and a response will be given at the next revision of the SoCG.	
<b>Peel 3.6.2.5</b>	Protos Phase 4 Site – Commercial Discussion	<p>Negotiating land agreements for the Affected Land (as shown on Works Plan <b>[REP2-005]</b> ref. EN070007-D.2.4-WP-Sheet 1).</p> <p>The Applicant notes that these points are being discussed as part of ongoing commercial negotiation.</p> <p>This point is currently under review by the Applicant, and a response will be given at the next revision of the SoCG.</p>	Under Discussion
<b>Peel 3.6.3</b>	Green Belt Policy	<p>Peel notes the Applicant’s Planning Statement (ref. D.5.4 Planning Statement) <b>[REP2-015]</b> correctly identifies the Ince AGI is located within the Green Belt. The National Planning Policy Framework (NPPF) is clear that inappropriate development within the Green Belt is, by definition, harmful and should not be approved except in Very Special Circumstances (VSC) (NPPF para 147). VSC will not exist unless the harm to the Green Belt, and any other harm, is outweighed by other considerations (NPPF para 148).</p> <p>Peel agrees with the Applicant that the Ince AGI is inappropriate development and is therefore harmful to the Green Belt (by definition). Peel agrees with the Applicant’s case presented in the Planning Statement <b>[REP2-015]</b> that the harm to the Green Belt is outweighed by VSC including the locational need of the Ince AGI and the benefits that will arise as a result of the Project as a whole, including contributing to the UKs commitment to achieve net zero by 2050, the urgent need for carbon reduction infrastructure, and contribution to the overall reduction in greenhouse gas emissions. A full understanding of the ‘other harms’ resulting from the proposal is not clear from the information submitted to the Examination to date</p> <p>The Applicant considers that the case submitted covers all of the greenbelt considerations required and would request more information from Peel on the ‘other harms’ referred to in order to resolve this issue.</p>	Agreed
<b>Peel 3.6.4</b>	Open Countryside	<p>Peel states the site of the Ince AGI is located within the ‘countryside’ as defined by CWCC Local Plan (Part 1) Strategic Policies. Policy STRAT9 applies which seeks to protect the character and beauty of the countryside by restricting development to that which requires a countryside location and cannot be accommodated within the identified settlements.</p> <p>Peel also state whilst the Planning Statement for the Application does not specifically address the ‘countryside’ element of Policy STRAT 9 (instead focusing the analysis on Green Belt), it is our opinion the same case made for the VSC case can also be applied for the need to locate the proposal within the countryside, and that any harm to the countryside is outweighed by the benefits of the scheme including contributing to the UKs commitment to achieve net zero by 2050, the urgent need for carbon reduction infrastructure, and contribution to the overall reduction in greenhouse gas emissions</p> <p>This point is currently under review by the Applicant.</p>	Agreed

**Table 3-7 - Issues related to the DCO Proposed Development - Draft DCO (including requirements to the draft DCO)**

<b>Ref.</b>	<b>Description of Matter</b>	<b>Current Position</b>	<b>Status</b>
Peel 3.7.1	<b>Draft DCO Issues</b>	In order for Peel to be in a position to withdraw its objection to the proposed Order, Peel requires confirmation from the Applicant on the subtopics: This point is currently under discussion.	Under Discussion
Peel 3.7.1.1	<b>Draft DCO Issues</b>	Peel requests the access to the Ince AGI is relocated or renegotiated to avoid conflicting with planned development at Protos. The access included in the DCO application will not be relocated. The Applicant continues to engage with Peel to seek to alignment between the developments, including using any alternative route brought forward as part of Peel's plans where that is made available to the Applicant at the appropriate time.	Under Discussion
Peel 3.7.1.2	<b>Draft DCO Issues</b>	Peel requests the acquisition of land and rights over the Affected Land (including the extinguishment of any rights) is on terms agreed with Peel. The Applicant shall continue to work with Peel to reach a voluntary agreement.	Under Discussion
Peel 3.7.1.3	<b>Draft DCO Issues</b>	Peel requests sufficient protection for the Protos expansion is afforded by the Pipeline scheme to enable the Protos expansion to come forward unhindered; This point is currently under discussion.  Peel are currently reviewing this position.	Under Discussion
Peel 3.7.1.4	<b>Draft DCO Issues</b>	Peel requests no works pertinent to the Affected Land shall be carried out without Peel's prior approval of the plans, specification, method statement and programme of works; The Applicant notes that it will share appropriate drawings and documents, but cannot agree to Peel's approval.  The Applicant requests a list of documentation that Peel considers should be shared The Applicant will not accept the need for this Peel Approval, the Applicant can however discuss how a review / consultation programme would work.  Peel are currently reviewing this position.	Under Discussion
Peel 3.7.1.5	<b>Draft DCO Issues</b>	Peel requests full access rights, during both the construction and operation phases, are retained to the Affected Land for the benefit of Peel. The point is under discussion, the Applicant notes that the AGI site itself is a secured operational site and therefore cannot be accessed by other Parties. Peel are currently reviewing this position.	Under Discussion
Peel 3.7.1.6	<b>Draft DCO Issues</b>	Peel requests submission of an Odour Management Plan and securement of its implementation through the DCO; This plan is already secured as part of requirement 5 for construction and the operational management plan for operation. The Applicant submitted an outline of this plan at Deadline 2 <b>[REP2-044]</b> .	Under Discussion