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20034010	EN070007	Ben Greenwood	20 June 2023

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F.A.O: Mr Christopher Butler, Lead Member of the Examining Authority (ExA)

Dear Mr Butler

LIVERPOOL BAY CCS LIMITED'S - HYNET CARBON DIOXIDE PIPELINE PROJECT

SUBMISSION OF CHESHIRE WEST AND CHESTER COUNCIL FOR EXAMINATION DEADLINE 4 (20 June 2023)

In response to your (Rule 8) letter dated 27 March 2023 [reference PD-012] setting out the Examination timetable, I am writing on behalf of Cheshire West and Chester Council with the responses for Deadline 4.

The Council's submissions for Deadline 4 comprise this letter and the following emailed to the Case officer on the 20 June 2023:

- Response to the Applicant's comments made at DL3 [REP3-038] in respect the Councils Written Representation Addendum (Biodiversity) [REP1A-004];
- Response to the Examining Authority's Raised Actions points at Issue Specific Hearing 1 and 2; and
- A copy of Local Development Plan Policy DM44, which is appended to this letter.
- Post Hearing Submission of Oral Case for Deadline 4.

Draft DCO Requirement 13 – Construction Hours

Further to the Councils written representations submitted at Deadline 1 and Deadline3 and the discussion of the wording of draft DCO Requirement 13 at ISH2 on the 8 June 2023, on closer review of the draft DCO (Revision E) submitted at DL3 by the Applicant the Council wishes to make its position clear on several matters.

With respect to the exceptions set out in Requirement 13(4), as was outlined at the ISH2 hearing, the Applicant is to further clarify its definition of “*start-up and shut-down operations*”. The Council welcomes this and would highlight the importance of providing such a definition within the wording of Requirement 13. The Council suggests that the Outline Construction Environmental Management Plan (OCEMP) is amended to further define “*start-up and shut-down operations*” and, in addition, require the provision of further site-specific protective measures within the Noise and Vibration management Plan to be provided within the final CEMP. These protective measures should clearly exclude any intrusive activities / works which would result in unacceptable impacts to amenity at any specific location and should provide any necessary additional site-specific controls / mitigation.

With respect to the exception set out in Requirement 13(3)(a) the Council would also ask for further clarification by the Applicant of what is meant by “*trenchless construction techniques which cannot be interrupted*”, including the type of operation(s), their likelihood, frequency and duration etc. It is noted that an attempt to define this is provided in paragraph 2.2.1 the OCEMP [REP2-021], however, this is not considered to provide sufficient information to establish the potential for amenity impacts which may need further / additional controls.

Whilst the Council accepts that certain operations including continuous drilling will be required as part of the Project, the Council’s concerns lie where such continuous operations occur in very close proximity to residential uses and in particular residential caravans. This issue is particularly highlighted where an established traveller site lies immediately adjacent to the order limits and the trenchless crossing of the A5117.

Cheshire West & Chester Council

ADM006



Works Plan dwg no. EN07007-D.2.4-WSP- Sheet 3 [REP2-005]. Ariel map with DCO overlay.

The criteria for when mitigation including re-homing for significant noise impacts will occur is set out in paragraphs 15.10.3, 15.5.30 and 15.5.56 of Chapter 15 of the Environmental statement [APP-067]. Whilst this is accepted as appropriate for housing, it is not accepted for caravans. Without further clarification and consideration of the scale, type and likelihood of uninterruptible trenchless operations and consideration for any specific mitigation, including appropriate criteria for this, and potentially other sensitive locations, the Council remains concerned in respect the current wording of Requirement 13.

To address the above, the Council suggests that the OCEMP further define uninterruptible trenchless operations and specify the need for a “Special Cases” statement, or similar, to be provided as part of the noise and vibration management plan, as part of the final CEMP, and that this is referenced in the definition of “trenchless construction techniques which cannot be interrupted” under Requirement 13. The “Special Cases” statement should include the requirement for the identification of any buildings and/or their occupants which may not be adequately protected by the thresholds set out in Para. 15.5.30/15.5.56 of Chapter 15 of the Environmental Statement [APP-067], including people dwelling in caravans, and should include and site-specific noise trigger levels and/or alternative noise control measures.

Yours faithfully

Ben Greenwood

Senior Planning Officer

