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20034010	EN070007	Ben Greenwood	18 July 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 6 (18 July 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 6.

The Council's submissions for Deadline 6 comprise this letter and the following emailed to the Case officer on the 18 July 2023:

- Cheshire West and Chester Council's response to Deadline 5 submissions including:
 - Table 1.1: Cheshire West and Chester's Response to the Applicant's Comments on Table 2.1 [REP5-015] - Cheshire West and Chester Council's Deadline 4 Submission - Cover Letter [REP4-274].
 - Table 1.2 – Cheshire West and Chester's Response to Table 2.4 [REP5-015] - The Applicant's Comments on CWCC - Deadline 4 Submission - Comments on the Council's WR Addendum at DL1A [REP4-271]
 - Table 1.3: Cheshire West and Chester's response to Table 2.3 [REP5-015] - Applicant's Comments on CWCC – Deadline 4 Submission - Response to Action Points from the Hearings held week of 5th June 2023 [REP4-276]

- Table 1.4: Cheshire West and Chester Council's response to the Applicants Responses to the Examining Authorities Second Written Questions (EX2) [REP5-025]
- Table 1.5: Cheshire West and Chester's response to the Applicants comments within Change Request 1 Report [REP5-024].

Drainage

Further to the Applicant's response to ISH2-AP5 (Table 2.3 [REP5-015]), the Council has reviewed the Outline Surface Water Management and Monitoring Plan (OSWMMP) (Document reference: **D.7.43**) [REP5-021] submitted at Deadline 5. A detailed review is provided within the Council's attached submission (Table 1.3 of the Council's Response to comments made at Deadline 5 - ISH2-AP5). The Council consider there is a lack of specific detail in the OSWMMP in respect the potential impacts from temporary works within and directly upon ordinary watercourses, and as a result the Council is not currently able to support the disapplication of section 23 of the Land Drainage Act 1991 without further measures in place.

The Council would therefore reiterate its comments made at Deadline 5 (paragraph 2.3.14 [REP5-031]) that due to a lack of detail, which would appear is not able to be provided at this stage, the Council would either need protective provisions for surface water drainage or for the disapplication of section 23 of the Land Drainage Act 1991 to be removed from Article 8(c) of the draft DCO.

To address this issue, the Council will be sending a draft set of protective provisions for the Applicant to review.

Biodiversity – Surveys

As is highlighted within paragraph 2.2 of the Council's Written Representation Addendum at Deadline 1A [**REP1A-004**] incomplete biodiversity surveys have been provided in support of the application. Following meetings between the Council and the Applicant on 22 May 2023 and 13 June 2023, and in view of the percentage survey completion table to be appended to the SoCG, the Council is able to consider the matter of biodiversity survey completion to be adequately addressed. Further detail of the Council's position on biodiversity surveys can be viewed within Table 1.2 of the attached Cheshire West and Chester Council's response to Deadline 5 submissions.

Biodiversity Net Gain (BNG)

The Council notes the Biodiversity Net Gain Strategy Update submitted at Deadline 5 [**REP5-013**]. The Council is advised by the Applicant to expect further updates on this document at Deadline 6, and as such the Council therefore reserves its position to make further comment at a later deadline.

In addition, the Council is awaiting a revised draft s111 Agreement from the Applicant to secure a financial contribution towards BNG.

Highways (Protective Provisions)

The Council is liaising with the Applicant with regards to the protective provisions currently included within the draft DCO and is awaiting receipt of a Planning Performance Agreement to address the practical requirements of the highway authority.

Yours faithfully

Ben Greenwood

Senior Planning Officer