



**Cheshire West
and Chester**

**Cheshire West and Chester Council's Response to Submissions
Made at Deadline 5**



Submitted at Deadline 6 – Tuesday 18 July 2023

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Table 1.1 – Cheshire West and Chester Council’s (the Council) 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]

Reference	IP Submission	Applicant’s Response at Deadline 5	Council’s Response at Deadline 6
Draft DCO Requirement 13 – Construction Hours			
2.2.1	Further to the Councils written representations submitted at Deadline 1 and Deadline 3 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.	No response required.	N/A
2.2.2	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 “ <i>start-up and shut-down operations</i> ”. 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 <i>define “start-up and shutdown operations”</i> 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.	Additional drafting was proposed in revision G of the dDCO at Deadline 4. The Applicant awaits the Council’s comments on that.	The Council refers the Applicant to paragraph 2.3.44 of its response to comments (Table 2-6) on its Written Representation made at Deadline 5 [REP5-031].
2.2.3	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 “ <i>trenchless construction techniques which cannot be interrupted</i> ”, 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.	<p>Chapter 3 [REP4-029] provides, in paragraph 3.6.110, information relating to the duration of the works at trenchless crossings. It states that the duration of 24 hour working at the majority of trenchless crossings is not likely to exceed a period of days, though the longer crossings in difficult ground conditions are expected to last up to four weeks. This is expected to be for seven trenchless crossing, at six specific crossing locations, as highlighted in Appendix 3.1 Table of Trenchless Crossings of the ES [REP4-070].</p> <p>Information to establish the potential for noise and vibration significant effects related to trenchless construction techniques is presented in Chapter 15 [REP4-053].</p> <p>Residual effects related to noise from trenchless activities during evening and night-time are presented in Table 15.32 and Table 15.33 of Chapter 15 [REP4-053].</p> <p>Paragraph 15.10.2 of Chapter 15 [REP4-053] states that trenchless installation activities during evening and night-time, at locations where the period exceeds the duration defined in paragraph 15.5.56 of the same chapter, will require careful consideration to include secondary</p>	<p>In order for the Council to better understand which activity/activities are proposed to be excluded from Requirement 13.3(a), it is requested that further detail / clarification of the process of trenchless crossing including equipment used and the likely resulting noise sources etc is provided.</p> <p>Considering paragraphs 3.6.55-3.6.56 of the Environmental Statement – Description of the DCO Proposed Development [REP4-029], identify activities such as the excavation of entrance and exit pits which presumably can be undertaken in the daytime and do not need to be done at night. The Council wishes to clarify which aspect of trenchless crossing construction has to be done at night and that they are proposing to exclude via requirement 13.3(a).</p>

		<p>mitigation including measures such as acoustic enclosures for ancillary equipment which is kept above ground for the whole duration of the activity. It is also stated that the production of a Noise and Vibration Management Plan and agreement with the Local Authorities is included in Requirement of the Draft DCO [REP4-008].</p>	
2.2.4	<p>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.</p>   <p>Works Plan dwg no. EN07007-D.2.4-WSP-Sheet 3 [REP2-005].</p> <p>Ariel map with DCO overlay.</p>	<p>Paragraph 15.10.4 of Chapter 15 [REP4-053] states that the construction programme will seek to minimise the duration of high noise generating construction activities, as far as practicably possible. Where construction activities near sensitive areas are expected to affect residents with a magnitude of medium and high and exceed the durations of 10 or more days or nights in any 15 consecutive days or nights, or a total number of days exceeding 40 in any 6 consecutive months, then a set of enhanced mitigation measures will be discussed and agreed with the Local Authority.</p> <p>Temporary re-housing will be also considered through consultation with the Local Authority for specific locations where other mitigation measures do not provide sufficient attenuation to prevent sleep disturbance during activities in the night-time period.</p> <p>The Outline Noise and Vibration Management Plan set the principles which will be followed by the Contractor during detailed design and the entire construction period. It states that a Section 61 application will be submitted in advance of the trenchless activities in close proximity to sensitive receptors and exceeding 10 or more days or nights in any 15 consecutive days or nights, or a total number of days exceeding 40 in any 6 consecutive months.</p> <p>This will give the Local Planning Authority an opportunity to approve the consent. In addition, noise monitoring locations will be agreed with the Local Authority including a management plan with actions for the Contractor when the agreed trigger noise levels are exceeded.</p>	<p>In view of the Outline Noise and Vibration Management Plan (paragraph 4.6.6) submitted at Deadline 5 [REP5-017] the Council consider that adequate mitigation would be provided for occupants of caravans. However, as noted at paragraph 2.2.3 above, further clarifications are still required as to the specific out of hours operations relating to trenchless crossing works.</p>
2.2.5	<p>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 uninterrupted trenchless operations and consideration for any specific mitigation, including appropriate criteria for this, and potentially other sensitive</p>	<p>Residual effects related to noise from trenchless activities during evening and night-time are presented in Table 15.32 and Table 15.33 of Chapter 15 of the ES [REP4-053]. It can be seen from the table that potential significant effects are located in sections 4 and 5 of the DCO Proposed Development.</p> <p>Refer to the row below for further details.</p>	<p>Please see paragraph 2.2.4 above.</p>

	locations, the Council remains concerned in respect the current wording of Requirement 13.		
2.2.5	To address the above, the Council suggests that the OCEMP further define uninterrupted 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.	The Applicant confirms that the Outline Noise and Vibration Management Plan (document reference: D.7.39), as submitted at Deadline 5, includes a requirement for the Construction Contractor during the preparation of the detailed Noise and Vibration Management Plan and any Section 61 application to identify any buildings and/or their occupants which may not be adequately protected by the significance criteria in Chapter 15 [REP4-053] . As part of this process, the Construction Contractor will agree with the Local Planning Authority suitable criteria for temporary re-housing in accordance with guidance in BS5228-1 Annex E (Informative). The Applicant will arrange a meeting with the Local Planning Authority to make sure the concerns are addressed.	Please see paragraphs 2.2.3 and 2.2.4 above.

Table 1.2 – Cheshire West and Chester’s Response to Table 2.4 [REP5-015] - The Applicant’s Comments on the Council’s - Deadline 4 Submission - Comments on the Council’s WR Addendum at DL1A [REP4-271]

Reference	Witten Representation submitted at Deadline1A	Applicant’s Response at Deadline 3	Council’s Response at Deadline 4	Applicant’s Response at Deadline 5	Council’s Response at Deadline 6
Surveys					
2.1	As is highlighted the Council’s Relevant Representation [RR-012] significant concern is raised by the Council in respect the supporting biodiversity surveys including their strategy / extent (absence of surveys beyond the DCO limits for barn owls and badgers), incomplete / missing survey data, as well as discrepancies in the provided survey data.	The Applicant has sought to answer questions received from Cheshire West and Chester Council (CWCC) to date and will continue to engage with the council over any further questions. The Applicant additionally proposes to engage further with CWCC through the Statement of Common Ground (SoCG) process [REP2-027] during the examination to address any further comments or concerns held.	The Council welcomes continuing engagement on this matter.	The Applicant welcomes CWCC’s engagement on this matter. The parties’ latest positions are set out in the SoCG [REP2-027] submitted at Deadline 5.	Discussions have been held between the Council and Applicant on 22 May 2023 and 13 June 2023, and a summary of the percentage completion for each survey type within Cheshire and survey extent for Badgers and Barn owls, was shared with the Council, which provided quantifiable information to help alleviate the Council’s concerns regarding extent of surveys and data collected. Within the ongoing discussions the Applicant advised that a table showing the summary of survey percentage completion is to be appended to the SoCG, which is to be submitted at Deadline 6.

Reference	Witten Representation submitted at Deadline1A	Applicant's Response at Deadline 3	Council's Response at Deadline 4	Applicant's Response at Deadline 5	Council's Response at Deadline 6
2.2	<p>An updated ES Chapter 9 [AS-025] and additional survey data in respect bats and riparian mammals has been provided [AS-029-042 and AS-057-59] was accepted by the ExA as additional information on the 20 March 2023. On review of the scope of all the reported surveys, including the additional submission, the Council note that there remain incomplete surveys in respect Bats and Riparian mammals in addition to the need for further clarifications on the survey strategy for other receptors including barn owls, fish and badgers, these are further detailed below</p>	<p>The Applicant refers CWCC to its response to row 2.2.49 of the Applicant's Response to Local Impact Reports (LIR's) [REP2-040] submitted at Deadline 2.</p> <p>CWCC was made aware of the potential need to apply a precautionary approach to assessment and surveys due to issues and restrictions to land access as well as considering a reasonable worst-case scenario on the basis of maintaining flexibility in the absence of a fixed pipeline route (see Table 2-1 – Record of Engagement in relation to the DCO Proposed Development and item CWCC 3.6.2 of Table 3-6 of the SoCG with CWCC [REP1-021]).</p> <p>The Applicant has made every effort to obtain survey data through surveys and assessment (as detailed within paragraph 9.5.29 of Chapter 9 Biodiversity of the Environmental Statement (ES) [AS-025]).</p> <p>The Applicant believes that the survey approach and use of precautionary assessment, where required, is proportionate and appropriate to have informed the impact assessment and development of mitigation measures and mitigation principles. The use of the precautionary approach is consistent with CIEEM guidance.</p> <p>The Applicant has broadly followed an approach of 'assumed presence' in the absence of survey data; deviations from this approach have been otherwise assessed and justified within Chapter 9 and its associated appendices.</p>	<p>The principle of a precautionary approach is accepted to be used in a reasonable manner; however, it is not clear what proportion of the survey data is field data or assumed/precautionary data and that is where the Council's concerns lie.</p> <p>A meeting was held on 22/05/23 between the Council and the Applicant whereby the Application provided further information and explanation which allayed the majority of the Council's concerns as follows:</p> <ul style="list-style-type: none"> - the final works area will be reduced within the Order limits at the final detail design stage, so all surveys carried out so far, which encompass the Order Limits, are above and beyond what would be required. - the majority of access issues were in Flintshire. - the majority of species ranges were surveyed (e.g. all required areas surveyed for Badgers and 89% of tree surveys completed for Bats in Cheshire); - most areas of data assumptions also had partial field and desktop data informing them, so any assumptions made were informed and not completely assumed <p>This gives the Council more confidence in the survey approach and results and the Council looks forward to receiving further detailed information on this at Deadline 4/5 and reserves the right to comment and make further representations once this</p>	<p>The Applicant is not intending to submit any further information other than that submitted at Deadline 4 on this matter (see Table 2.6 of the Applicant's Response to Submissions Received at Deadline 3 [REP4-263]).</p>	<p>The Council notes paragraph 2.2.49 of Table 2.7 submitted by the Applicant at Deadline 4 [REP4-263] which states:</p> <p><i>"In addition, the Applicant has engaged further with CWCC and held meetings to address concerns regarding ecological survey data, including riparian mammals, and the robustness of the field survey data. Through this engagement, it is the Applicant's understanding that CWCC's concerns have been addressed appropriately. Recent discussions between CWCC and the Applicant will be submitted within an updated SoCG [REP2-027] at Deadline 5, with a view to capturing the council's concerns as an 'Agreed' item through the SoCG."</i></p> <p>This position is agreed and following discussions held with the Council and the Applicant on 22 May 2023 and 13 June 2023, where a summary of the percentage completion for each survey type within Cheshire and survey extent for Badgers and Barn owls, was shared with the Council and which provided quantifiable information to help alleviate concerns raised regarding extent of surveys and data collected.</p> <p>The percentage of survey field data collected demonstrates that the majority of field surveys have taken place and that this is enough on which to base robust conclusions and enable updated surveys at a later date to merely take account of any changes in</p>

Reference	Written Representation submitted at Deadline 1A	Applicant's Response at Deadline 3	Council's Response at Deadline 4	Applicant's Response at Deadline 5	Council's Response at Deadline 6
			further detailed information has been submitted into the Examination and has been reviewed by the Council.		species movement or distribution as standard. The survey extent for Badgers is to accepted guidelines and for Barn owls is reasonable. Further information has been provided within [REP3-038]. The Council considers this matter to be resolved.
2.3	With incomplete surveys the Council retains its concerns that the assessments of importance levels and value/sensitivity of receptors is not based on a complete data set and is therefore not robust.	The Applicant refers to the response to point 2.2 above. In addition, the impact assessment presented with Chapter 9 Biodiversity of the ES [AS-025] has been developed on the basis of a reasonable worst-case scenario for the DCO Proposed Development, in the absence of a fixed pipeline route/design. As such, taking into account the embedded mitigation detailed within Table 9.10 and mitigation measures and mitigation principles detailed within Table 9.12 of Chapter 9 Biodiversity of the ES [AS-025] , the impact significance, during the construction stage, as detailed within Table 9.11, and residual effect significance, detailed within Table 9.13 of Chapter 9 Biodiversity of the ES [AS-025] , are considered by the Applicant to be robust and appropriate for the predominantly short term, temporary, and localised effects of the DCO Proposed Development.	See response at 2.2 above.	See Applicant's response at row 2.2 above.	See response at 2.2 above. The Council considers this matter to be resolved.
2.4	It is explained in paragraph 9.5.29 of the Assumptions and Limitations section of ES Chapter 9 [AS-025] that surveys post DCO submission will be undertaken but only to	The paragraph that CWCC is referring to is presented within the original 2022 ES Chapter 9 Biodiversity [APP-061] , which was submitted before the completion and submission of supplementary	See response at 2.2 above. The Council reserve the right to comment and make further representations once the updated surveys have been reviewed.	See Applicant's response at row 2.2 above.	The documents have been reviewed and responses given in the Council's Response to comments on the Written Representations Addendum at Deadline A, submitted at

Reference	Witten Representation submitted at Deadline1A	Applicant's Response at Deadline 3	Council's Response at Deadline 4	Applicant's Response at Deadline 5	Council's Response at Deadline 6
	<p>corroborate the baseline data presented. With incomplete surveys it is considered unreasonable to be able to assume this to be the case. The Council also note that there is no indication of the percentage of surveys completed and yet to be completed, nor the area of the project covered by the surveys to date. The Council highlight that the quantity of survey for each species or habitat still to be completed and at which stage, should be provided.</p>	<p>information. The need of such, was discussed with CWCC as captured within Table 2-1 of the SoCG [REP2-027], row dated 14/07/2022. Following the results of further surveys, the below revised documents were submitted, and accepted by the Examining Authority (ExA) on the 14 March 2023:</p> <ul style="list-style-type: none"> • Chapter 9 – Biodiversity [AS-025] • Riparian Mammal Survey Report [AS-039] • Bat Activity Survey Report [AS-027 and 029] • Bats and Hedgerows Assessments [AS-031 to AS-038] <p>The paragraph present within [APP-061] was removed accordingly owing to the updated results and revisions made to Chapter 9 subsequently presented within the updated Chapter 9 Biodiversity of the ES [AS-025].</p> <p>Chapter 9 and its supporting appendices detail limitations to survey effort and completion of surveys across the Order Limits and how, where assessed appropriate, a precautionary approach (generally of 'assumed presence') to assessment has been implemented. A precautionary approach has therefore also been applied to the subsequent development of mitigation measures and mitigation principles accordingly.</p>			<p>Deadline 4 and gives a summary of the position on survey data at paragraphs 2.2 and 2.4. See response at Deadline 4 and Deadline 6 provided above at paragraph 2.2.</p> <p>The Council considers this matter to be resolved.</p>
2.5	<p>The Council note that land outside of the DCO limit has not been surveyed including, for example, Barn owl (who can be</p>	<p>Survey data has been recorded beyond the Order Limits for some receptors, this is presented where available within Chapter 9</p>	<p>See response at 2.2 above.</p>	<p>See Applicant's response at row 2.2 above.</p>	<p>See response at paragraph 2.2 above.</p>

Reference	Written Representation submitted at Deadline 1A	Applicant's Response at Deadline 3	Council's Response at Deadline 4	Applicant's Response at Deadline 5	Council's Response at Deadline 6
	<p>impacted by disturbance 100m from their nest site) and Badger surveys have not taken place as standard 30m from the NIB, as is the most basic level of survey.</p>	<p>Biodiversity of the ES [AS-025] and its associated appendices.</p> <p>The information presented within the DCO application describes those receptors that could be subject to direct impacts and effects as a result of the DCO Proposed Development, in the absence of a detailed design. Impacts and effects beyond the Order Limits will be limited to indirect effects (for example, light, noise, vibration).</p> <p>The Applicant has developed a series of mitigation measures and mitigation principles on the premise of 'assumed presence' of features beyond the Order Limits as well as a reasonable worst-case scenario (see for example (but not limited to) items D-BD-015, D-BD-021, D-BD-024, D-BD-025, D-BD-028, D-BD-040) to be utilised during construction and subject to monitoring and oversight by an ECoW (or team of ECoWs) as well as a third party 'auditing ECoW' (as captured by D-BD-001 and D-BD-003 of the OCEMP [REP2-021]).</p> <p>The Applicant has provided for the completion of pre-commencement/ construction surveys (see items D-BD-005 and D-BD-006 of the OCEMP [REP2-021]), as secured by Requirement 5 of the dDCO [REP1-004], that will ensure mitigation prescriptions and principles can be appropriately applied in response to the detailed design. The Applicant believes this to be a proportionate approach given the predominantly short term, temporary and localised</p>			<p>The Council considers this matter to be resolved.</p>

Reference	Witten Representation submitted at Deadline1A	Applicant's Response at Deadline 3	Council's Response at Deadline 4	Applicant's Response at Deadline 5	Council's Response at Deadline 6
		<p>impacts of the DCO Proposed Development.</p> <p>The Applicant additionally refers CWCC to its response in row 2.12.7 within the Applicant's Response to Relevant Representations [REP1-042]. Direct impacts associated with the DCO Proposed Development will be restricted to within the Order Limits and confined within a prescribed working corridor upon development of a detailed design and pipeline route, with further opportunities explored during the design development (and construction stage) to avoid and safeguard recorded receptors/features. However, the mitigation principles and measures prescribed within the DCO Application are sufficient to safeguard or otherwise mitigate identified receptors within the Order Limits and beyond.</p>			
2.8	<p>The Council note that there are several discrepancies between ES Chapter 9[AS-025] and the various species-specific surveys reports, for example with bat roost potential trees, where the numbers do not match. It is also noted that CAWOS (Cheshire and Wirral Ornithological Society) were not consulted as part of the project.</p>	<p>In relation to bat roost potential trees, Table 9.8 of Chapter 9 Biodiversity of the ES [AS-025] refers to survey results reported within Section 3.2 and Section 3.2 within Appendix 9.3 Bat Activity Report Rev B [AS-027]. A total of 90 structures and 417 trees were identified with bat roosting potential, with 86 trees subjected to aerial tree climb inspections, which resulted in updated suitability for Low, Moderate and High potential trees. Following the submission of Change Request 1, Table 9.4 within the Environmental Statement Addendum Change Request 1 [CR1-124] reports the updated baseline assessment following amendments to the Order Limits. This is also reflected within</p>	<p>Taking account of the Applicant's explanation, the discrepancies are likely to be as a result of Change Request 1 and therefore the Council reserves the right to comment and make representations on this matter if and once Change Request 1 has been accepted by the ExA.</p> <p>The lack of consultation to CAWOS is not thought to affect results, due to the Applicant's explanation that other sources, some of which cross-reference CAWOS surveys, were consulted. This is accepted by the Council.</p>	<p>The Applicant notes CWCC's Relevant Representation in response to Change Request 1 [CR1RR-003]. The Applicant has set out their response in the Change Request 1 Consultation Report (document reference: D.7.35).</p>	<p>It is noted that [AS-077] / [REP4-95] - D.6.3.9.3 Environmental Statement Appendix 9.3 Bat Activity Survey (Tracked Change) has now been altered to include Change Request 1 data and that this now resolves previous discrepancies.</p> <p>No further information is required.</p>

Reference	Written Representation submitted at Deadline 1A	Applicant's Response at Deadline 3	Council's Response at Deadline 4	Applicant's Response at Deadline 5	Council's Response at Deadline 6
		<p>the updated results presented within Appendix 9.3 Bat Activity Report Rev C [CR1-062], Section 3.2 and Section 3.3 which detail an increase in the number of trees with bat roost potential from 417 to 427.</p> <p>The Applicant can confirm that CAWOS was not consulted as part of the DCO Proposed Development, however, third-party data within 2km of the Newbuild Infrastructure Boundary was requested from RECORD and Wetland Bird Survey (WeBS) count data was requested from the British Trust for Ornithology (BTO).</p>			
Policy / Green Infrastructure					
2.10	<p>For any infrastructure project, and as discussed with the wider 'HyNet Northwest' project (for the creation of infrastructure to produce, transport and store low carbon hydrogen across the North West and Wales), which this Project forms one element of, the Ecological Network is an important consideration, due to the large-scale severance impacts such projects are likely to have, whether it be on a temporary or permanent basis. The significance of habitats lost in the Ecological Network is higher than those outside it. In addition, any compensatory habitats should be targeted to be located within the Ecological Network, to strengthen the network.</p>	<p>The Applicant acknowledges CWCC Local Plan (part 2) Policy DM44 and the role of ecological networks, as well as the importance of contributing positively towards these to ensure adherence to this policy. It is acknowledged that a large percentage of the order limits covers areas within the ecological network, predominantly due to the 'core areas' occurring over a relatively widespread footprint, together with several instances of 'corridors and stepping stones' (comprising existing Local Wildlife Sites and/or priority habitat).</p> <p>The DCO Proposed Development has undergone several revisions of the Order Limits and re-evaluated construction impacts to attempt to reduce impacts to priority habitat wherever possible, to ensure adherence to the mitigation hierarchy. This will be further explored during development of</p>	<p>Please see the Council's response to 2.7 above. The Applicant's response is accepted and in addition, the Council can confirm the areas for habitat creation discussed with the Council with the Applicant as detailed in paragraph 2.2.1 the HyNet CO2 Biodiversity Net Gain Strategy Update [REP3-035], are located within the Ecological Network.</p> <p>The Council looks forward to receiving further information once submitted into the Examination at Deadline 4/5 and it reserves the right to comment and make representations once that information has been reviewed.</p>	<p>The Applicant is not intending to submit any further information other than that submitted at Deadline 4 on this matter (see Table 2.6 of the Applicant's Response to Submissions Received at Deadline 3 [REP4-263]).</p>	<p>The Council notes the updated [REP5-013] - D.7.23 Biodiversity Net Gain Strategy Update (Tracked) submitted at Deadline 5, which provides updates on areas for habitat creation in Cheshire West and Chester and that they are located in the Ecological Network, thereby satisfying this query. Further updates on areas for BNG habitat creation are expected at Deadline 6.</p>

Reference	Written Representation submitted at Deadline1A	Applicant's Response at Deadline 3	Council's Response at Deadline 4	Applicant's Response at Deadline 5	Council's Response at Deadline 6
		<p>the detailed design of the DCO Proposed Development. This in turn ensures that any severance impacts are kept to a minimum, particularly in cognisance that the DCO Proposed Development will predominantly result in short term, temporary, and localised impacts. An example of this is through commitments to remove a maximum of 15m of hedgerow (per hedgerow crossing) to facilitate construction of the pipeline and replace this within 1 year of impacts occurring (as captured by mitigation item D-BD-032 of the OCEMP [REP2-021] secured by Requirement 5 of the dDCO [REP1-004]).</p> <p>Where impacts do persist on priority habitats, a BNG offsetting strategy is proposed, and this will target areas within the ecological network wherever possible. To this end, the Applicant is working with CWCC to identify suitable sites to provide this priority habitat. If these areas are successfully identified as falling within the ecological network (as led by CWCC), then the DCO Proposed Development will provide a significant positive contribution towards this policy, specifically point 11 which aims to "increase the size, quality or quantity of priority habitat within core areas, corridors or stepping stones". Due to the negative multipliers inherent within the biodiversity metric (which are more heavily weighted for priority habitats), considerably larger areas of this habitat will be created to offset the extent of habitat lost, in order to achieve at least 1% BNG. A full assessment of the DCO Proposed Development against the</p>			

Reference	Witten Representation submitted at Deadline1A	Applicant's Response at Deadline 3	Council's Response at Deadline 4	Applicant's Response at Deadline 5	Council's Response at Deadline 6
		policy DM44 will be made at Deadline 5 following completion of the updated BNG assessment with confirmation of the BNG offsetting strategy.			
<i>Biodiversity Net Gain</i>					
2.15	It is noted that BNG is not currently a mandatory requirement but can be used as a general tool to demonstrate if a project is achieving adequate habitat mitigation and compensation. The BNG for this Project has been carried out on priority habitats only (rather than all habitats as a standard BNG calculation would), so just a small proportion of the habitats likely to be impacted by the project. Even considering just Priority habitats, the project results in a 57.25% habitat unit loss, a 7.63% hedgerow unit loss and a 0% river unit result. In terms of the off-site information entered into the metric, this is based on potential scenarios, therefore the project is not achieving a net gain currently. It is noted that the CWCC Ecological Network has not been taken into account in the Strategic Significance columns, so losses could be greater than calculated.	The Applicant acknowledges that at the time of writing, the DCO Proposed Development results in a net loss of priority habitats and provides a hypothetical compensation scenario within the most recent BNG assessment report. This is stated as such within the report submitted at Deadline 3 (document reference D.6.5.12) which supersedes [APP-261 to APP-236] . The hypothetical scenario provides an example of the type and scale of habitats which will be required to evidence the minimum 1% net gain target of priority habitats. This scenario has formed the basis for future discussions around identifying suitable sites in which to achieve the aims of BNG. The Applicant is continuing discussions with CWCC with a view to securing appropriate offset locations, full details of which will be provided within an updated and final BNG assessment report [APP-231 to 236] to be submitted at Deadline 5. However, the Applicant has provided a BNG Strategy Update document for progression of the BNG discussions at Deadline 2 [REP2-042] and updated at Deadline 3. Discussions between CWCC and the Applicant are ongoing with consideration of the Ecological Network and emerging Local Nature Recovery Strategy raised and included within those discussions.	Please see the Council's response at 2.7 and 2.10 above. The Council looks forward to receiving further information from the Applicant to be submitted into the Examination at Deadline 4/5 and reserves the right to comment and make further representations once it has reviewed that information.	The Applicant is not intending to submit any further information other than that submitted at Deadline 4 on this matter (see Table 2.6 of the Applicant's Response to Submissions Received at Deadline 3 [REP4-263]).	See response to paragraph 2.10 above.

Reference	Witten Representation submitted at Deadline1A	Applicant's Response at Deadline 3	Council's Response at Deadline 4	Applicant's Response at Deadline 5	Council's Response at Deadline 6
2.16	In view of the general status of the legislation at this point in time the general approach to BNG is seen as reasonable, however, the Council do highlight that there is still no off-site solution presented to compensate for the losses as described above.	The Applicant acknowledges CWCC's response and can confirm that it continues to explore opportunities with the councils and other parties to secure offset sites. Progress has been made with CWCC's internal BNG team in respect of securing offset site locations covering all four habitat types requiring offsets. Details of discussions to date and future plans to secure these offsets are presented within the Draft BNG Strategy Update [REP2-042] and as submitted at Deadline 3 to capture further progress from discussions with the council.	This progress is acknowledged and the Council looks forward to receiving further information from the Applicant to be submitted into the Examination at Deadline 4/5 and reserves the right to comment and make further representations once it has reviewed that information.	The Applicant is not intending to submit any further information other than that submitted at Deadline 4 on this matter (see Table 2.6 of the Applicant's Response to Submissions Received at Deadline 3 [REP4-263]).	See response to paragraph 2.10 above.
<i>Survey Reporting and Monitoring Strategy</i>					
2.18	An addition to the submitted REAC the Council's position is that there should be a survey, reporting and monitoring strategy. This would include frequency, phases or stages of survey updates, reporting frequency and the authorities reported to. This could possibly include a working group of interested parties. The Council note that the updated REAC [AS-054] has only been updated in terms of survey data and has not taken on board any of the above requirements.	Survey, reporting and monitoring has been included within the mitigation measures and principles contained within the REAC [REP2-017] and OCEMP [REP2-021], including items D-BD-001, D-BD-003, D-BD-005, D-BD-006, D-BD-068 and D-BD-069. As part of the requirements of the ECoW (required through D-BD-001) reporting of results (e.g. of surveys undertaken) and compliance (e.g. of construction works against the requirements of the CEMP) will be required. The roles and responsibilities of the ECoW, including reporting requirements, will be developed and included within the detailed CEMP. In addition to the site ECoW, measure D-BD-003 captures the requirement for a third-party auditing ECoW to be appointed. The roles and responsibilities of the auditing ECoW will also be developed and detailed within the detailed CEMP as secured by Requirement 5 of the dDCO [REP1-004]. Reporting and	The explanation given by the Applicant gives clearer information and it is accepted that further detail will be given on reporting and monitoring elements at the detailed CEMP stage and detailed LEMP and Operations and Maintenance Environment Management Plan. The Council reserves the right to comment and make representations on the submission of survey detail to be submitted by the Applicant into the Examination DL4/5.	The Applicant is not intending to submit any further information other than that submitted at Deadline 4 on this matter (see Table 2.6 of the Applicant's Response to Submissions Received at Deadline 3 [REP4-263]).	[REP4-236] - D.6.5.1 Register of Environmental Actions and Commitments (REAC) (Tracked Change) was submitted at Deadline 4 and includes veteran trees as a consideration. The Council considers this matter to be resolved.

Reference	Written Representation submitted at Deadline 1A	Applicant's Response at Deadline 3	Council's Response at Deadline 4	Applicant's Response at Deadline 5	Council's Response at Deadline 6
		monitoring requirements will be developed and captured within the detailed LEMP and Operations and Maintenance Environment Management Plan (Requirement 11 of the Draft DCO [REP1-004]), which will include consideration of any terms or conditions of any protected species licenses granted for the DCO Proposed Development.			
<i>Local Wildlife Sites (LWS)</i>					
2.19	The impact assessments presented within ES Chapter 9 on Local Wildlife Sites (LWS) have not been assessed in terms of the designations, with only general habitat mitigation and compensation alluded to. There is no indication of the percentage of LWS loss, nor any long-term plan to ensure the LWS quality habitat is reinstated (maximum long-term management in LEMP suggested is 10 years).	The Ince AGI location represents the only location where permanent habitat losses will be required within an LWS (the Frodsham, Helby and Ince Marshes LWS). The footprint of the Ince AGI will result in impacts to the grazing pasture/farmland that dominates the field in that location (and chosen for the AGI because of its widespread and common habitat type across the landscape). The footprint of the AGI will result in the permanent loss of approximately 0.39ha which represents 0.03% of the overall LWS landscape cover. The DCO Proposed Development will predominantly result in short term, temporary and localised impacts across the Order Limits, as such habitat reinstatement post construction alongside any requirements for mitigation and compensation are appropriate and proportionate to the impacts of the DCO Proposed Development. Efforts to reduce impacts have already been considered and embedded within the design, for example the implementation of trenchless crossing techniques at Shropshire Union Canal. However, further efforts to reduce impacts across the Order Limits, including LWS, as much as practical will be	This further quantitative and qualitative information is welcomed and clearly shows that the impact on the LWS subject to permanent loss is minimal and located on the least valuable, most easily reproduced habitat. It is also noted that reinstated and created habitats, including those within LWSs, will be subject to management and monitoring for a minimum of 5 years post construction (10 years for woodland) until the habitat fulfils its function and that a review will be undertaken towards the end of the initial maintenance period whereupon management prescription will be agreed for longer term management where appropriate. There are no further concerns at this stage and the Council reserves the right to comment and make representations on any further documents submitted on this issue.	The Applicant notes that CWCC reserves its position on this matter and has no further comments.	Further to the Applicant's response at in Table 2.7 of the Applicant's response on the Local Impact Report at Deadline 4 [REP4-263] the Council has no further comments to make and consider this matter to be resolved.

Reference	Written Representation submitted at Deadline 1A	Applicant's Response at Deadline 3	Council's Response at Deadline 4	Applicant's Response at Deadline 5	Council's Response at Deadline 6
		<p>sought through the development of the detailed design in line with mitigation principles and prescriptions (as presented within the OCEMP [REP2-021]). The Applicant recognises that the LWS have additional interests beyond habitats (see descriptions contained within Table 9.6 of Chapter 9 Biodiversity of the ES [AS-025]), supporting for example birds and water vole, and, a range of protected species surveys have been completed as required to assess the potential for habitats within and beyond the Order Limits, inclusive of LWS sites, to support such species. The mitigation measures and principles devised, will safeguard protected and/or notable species during construction, recognising results arising from pre-commencement surveys.</p> <p>Where temporary impacts occur, it is proposed that habitats will be reinstated post construction, either through management and planting or through natural regeneration (only where this is considered appropriate). All reinstated and created habitats, including those within LWSs will be subject to management and monitoring for a minimum of 5 years post construction (10 years for woodland) until the habitat fulfils its function, at which point it will be returned to the landowner.</p> <p>Additionally, Paragraph 6.1.2 of the OLEMP [APP-229] states that a review will be undertaken towards the end of the initial maintenance period whereupon management prescription will be agreed for longer term management where appropriate.</p>			

Reference	Written Representation submitted at Deadline 1A	Applicant's Response at Deadline 3	Council's Response at Deadline 4	Applicant's Response at Deadline 5	Council's Response at Deadline 6
		<p>As discussed within the response in row 2.17 above, it is not appropriate to conflate mitigation planting with BNG, being separate and distinct concepts. The detailed LEMP will set out objectives for ecological and landscape elements and provide detailed prescriptions in respect of management of habitats and targets to ensure appropriate condition is achieved. Where permanent impacts to habitats are anticipated associated within the Ince AGI, baseline habitats, whilst captured within the bounds of the Frodsham, Helsby and Ince Marshes LWS, will be mitigated and compensated for through a landscape plan. Baseline habitat within the field to accommodate the AGI comprises improved grassland. The landscape plan associated with the AGI will provide additional habitats including scrub, riparian planting, species rich grassland, hedgerows, and an ephemeral detention pond (see Sheet 3 of BVS and AGI Landscape Layout Plans [CR1-009]), providing additional benefits to birds and water vole. The remainder of the field beyond the landscape design will be retained as its current habitat type.</p>			
2.20	<p>LWS are referred to in table 9.11 [AS-025] when considering the Likely Significant Effects during construction, but no further analysis other than "temporary" impacts during construction; no detail of the sensitivity, replaceability, quality of the habitat and percentage impact on each LWS as a whole, has been made.</p>	<p>The Applicant can confirm that this is an omission within the document which will be rectified within a future iteration of Chapter 9 Biodiversity of the ES prior to the end of Examination. Habitats have been subject to survey across the Order Limits as presented within Appendix 9.1 Habitats and Designated Sites [CR1-054]. The Applicant has sought to reduce and avoid impacts upon habitats and receptors as much as possible. This has included utilising</p>	<p>This is accepted, along with the information in the applicant's response at 2.19 above. There are no further issues and the Council reserves the right to comment and make further representations any further documents submitted into the Examination.</p>	<p>The Applicant notes that CWCC reserves its position on this matter and has no further comments.</p>	<p>The Council considers this matter to be resolved.</p>

Reference	Witten Representation submitted at Deadline 1A	Applicant's Response at Deadline 3	Council's Response at Deadline 4	Applicant's Response at Deadline 5	Council's Response at Deadline 6
		habitats that are of reduced ecological value wherever possible (comparative to habitats of increased ecological value, e.g. opting for impacts to farmland over impacts to woodland). Further opportunities to reduce and avoid impacts will continue through the development of the detailed design (see response in row 2.19 above).			
<i>Protected Species Considerations – Bats</i>					
2.23	Within ES paragraph 9.5.39 [AS-025] the Council note that certain roost types have been assumed in trees and buildings that have potential. Further detail is required to explain the logic of this, in terms of which buildings were assumed to have roosts and why certain roost types and sizes were assumed. The updated surveys have been completed in this respect, however, the above general comments still stand, with additional queries, as below.	The Applicant refers CWCC to the 'Bats – Roosting' row within Table 9.8 Summary of Species Survey Results within Chapter 9 Biodiversity of the ES [AS-025], which details the precautionary approach to assumed roost presence within the five buildings and 31 trees. To paraphrase, the results of the Preliminary Bat Roost Assessment have been taken into consideration alongside the known roosts recorded across the Order Limits. Acknowledging these aspects, inferences can be made as to the likelihood of a similar mix of species and roosts being present in the buildings/trees unable to be surveyed.	A meeting was held on 22/05/23 between the Council and the Applicant, in which the Applicant gave further information, including that 89% of tree surveys are completed for Bats in Cheshire. This gives the Council assurances that any precautionary approaches used where survey data was unable to be collected, is based on sound information. The Council looks forward to receiving further detailed information to be submitted by the Applicant into the Examination at Deadline 4/5 and it reserve the right to comment and make representations once it has reviewed the documentation.	The Applicant is not intending to submit any further information other than that submitted at Deadline 4 on this matter (see Table 2.6 of the Applicant's Response to Submissions Received at Deadline 3 [REP4-263]).	See response at paragraph 2.2 above. The Council considers this matter to be resolved.
<i>Protected Species Considerations – Bat Foraging/Commuting</i>					
2.27	Updated ES Chapter 9 [AS-025] states that "Surveys have been completed on 32 of the 45 'Excellent' hedgerows, 10 of which met the existing Defra thresholds". However, paragraph 4.1.3 of Appendix 9.4 (Bats and Hedgerows Assessment) [AS-031] states "Modified DEFRA Local Scale surveys are due to be conducted for the 45 'Excellent'	The Applicant recognises the ambiguity in the wording of the opening sentence of paragraph 4.1.3 within Appendix 9.4 [AS-031] (superseded by [CR1-064]) and will seek to amend this in a future iteration of the appendix. The remainder of the text remains accurate and are not conflicting. The Applicant has completed the required two surveys in line with the stated methodology (see	The Council has concerns as it is not quite clear as to the proportion of surveys left to complete. A meeting was held on 22/05/23 between the Council and the Applicant, in which the Applicant committed to providing survey progress information. The Council reserves the right to comment and make representations when this	The Applicant is not intending to submit any further information other than that submitted at Deadline 4 on this matter (see Table 2.6 of the Applicant's Response to Submissions Received at Deadline 3 [REP4-263]).	See response at paragraph 2.2 above. The Council considers this matter to be resolved.

Reference	Witten Representation submitted at Deadline 1A	Applicant's Response at Deadline 3	Council's Response at Deadline 4	Applicant's Response at Deadline 5	Council's Response at Deadline 6
	<p>hedgerows. To date, 32 'Excellent' hedgerows have been subject to two initial surveys, 10 of which met the relevant thresholds and require a further four survey visits prior to construction. The initial two surveys for the remaining 13 'Excellent' hedgerows will be completed prior to construction along with any further surveys required for hedgerows which meet the threshold, in addition to the remaining surveys required for the 10 hedgerows to date which have met the threshold." These seem to be conflicting statements, again highlighting that not all surveys have been completed and therefore raising doubt on the robustness of conclusions of level of impacts.</p>	<p>Section 2.5 of Appendix 9.4 [CR1-064]) for 32 of the excellent hedgerows, with 10 of these 32 triggering the threshold requirements for a further four surveys in line with the methods in Section 3.2.</p> <p>The 13 excellent hedgerows that to date have not been subject to the two initial surveys (to determine whether thresholds are triggered) will be completed in advance of construction and in response to the detailed design of the DCO Proposed Development (which may consequently reduce the number of hedgerows requiring survey). These pre-commencement surveys are not required to inform the impact assessment owing to the use of the precautionary approach to the assessment (and as a consequence the application of mitigation accordingly for their categorisation).</p> <p>The volume of data recorded through static detector deployment alone provides a sufficient level of confidence with which to consider bat activity along hedgerows, hence the inclusion of these hedgerows under the 'Excellent' category. The undertaking of crossing point surveys seeks to substantiate the levels of activity recorded during static detector deployment, or otherwise. However, in the absence of crossing point survey data, the application of the mitigation principles presented within the OCEMP [REP2-021] (see items D-BD-031 and D-BD-032) at the excellent hedgerow category would be applied and is therefore</p>	<p>information is provided and/ or submitted into the Examination.</p>		

Reference	Witten Representation submitted at Deadline1A	Applicant's Response at Deadline 3	Council's Response at Deadline 4	Applicant's Response at Deadline 5	Council's Response at Deadline 6
		considered by the Applicant to be robust.			
2.28	As with the watercourse data, there is no indication of the percentage coverage of the total hedgerows impacted that the surveys have covered so far. It is stated that "the 10 hedgerows which have met the existing Defra thresholds, plus the remaining 13 Excellent hedgerows which were unable to be surveyed are currently precautionarily assessed Important FCRs." This is seen as a reasonable approach, although seems again to conflict with the numbers quoted in the Appendix 9.4 report. An updated survey progress table, as presented in the last meeting with the Applicant, showing the percentage, lengths and numbers of hedgerows surveyed, would be useful to clarify the information, as well as a timetable for further, or updated surveys.	The Applicant has arranged a meeting with CWCC and will seek to provide the information CWCC is requesting during and following that meeting. Details of the meeting and outcomes will be captured within an updated SoCG [REP2-027] . The Applicant can confirm that a future programme of surveys is yet to be developed but will be progressed in response to the detailed design of the DCO Proposed Development with surveys to be completed (as required) in advance of construction commencement per mitigation items detailed within the OCEMP [REP2-021] (see items D-BD-001, D-BD-005, D-BD-006).	A meeting held on 22/05/23 between the Council and the Applicant committed to providing survey progress information. The Council reserves the right to comment and make representations when the information is provided and/or submitted into the Examination	The Applicant is not intending to submit any further information other than that submitted at Deadline 4 on this matter (see Table 2.6 of the Applicant's Response to Submissions Received at Deadline 3 [REP4-263]).	See response at paragraph 2.2 above. The Council considers this matter to be resolved.
<i>Protected Species Considerations – Riparian Mammals</i>					
2.30	With specific references to the revised ES chapter 9 [AS-26] and supported by Appendix 9.6 Riparian Mammal Surveys [AS-039-042] : It is stated that presence of Otter/Water vole has been assumed in some watercourses, due to access restrictions for second survey. There is no basis for assumed presence on some watercourses and not others and this should be clarified.	As presented within Table 2 – Summary of Otter and Water Vole Survey Results and Section 4 - Summary of Appendix 9.6 Riparian Mammal Survey Report [CR1-072] , where second surveys have not been possible due to access restrictions, but suitable habitat was identified during the first survey visit (to warrant a second survey visit), these have been assessed precautionarily as suitable to support otter and/or water vole. Where watercourses have been scoped initially (as absent of supporting habitat) or a watercourse has been subject to two surveys with no evidence of	A meeting held on 22/05/23 between the Council and the Applicant gave information on the watercourses that have not been accessed for survey and that information was taken from connected watercourses that were accessible for survey, to inform this approach. The Applicant committed to providing survey progress information. The Council reserves the right to comment and make representations when the information is provided and/or submitted into the Examination.	The Applicant is not intending to submit any further information other than that submitted at Deadline 4 on this matter (see Table 2.6 of the Applicant's Response to Submissions Received at Deadline 3 [REP4-263]).	See response at paragraph 2.2 above. The Council considers this matter to be resolved.

Reference	Witten Representation submitted at Deadline1A	Applicant's Response at Deadline 3	Council's Response at Deadline 4	Applicant's Response at Deadline 5	Council's Response at Deadline 6
		otter/water vole present these species have been assessed as likely absent on the basis of initial habitat assessment or the riparian mammal survey results.			
2.31	The Council ask that an updated survey progress table, as presented in the last biodiversity meeting between the Applicant and the Council, showing the percentage, lengths and numbers of watercourses surveyed, and the lengths to be surveyed to complete to accepted survey standards would be useful to clarify the information, as well as a timetable for further, or updated surveys.	The Applicant can confirm that surveys to support the DCO Application and through examination have been completed and no further surveys are anticipated during the examination period. Where surveys have not been able to be completed, due to access constraints or other restrictions, these will be completed as pre-commencement (pre-construction) surveys in response to the detailed design (which may result in some surveys no longer being required). A survey suite will be developed upon confirmation of the detailed design as captured by items D-BD-005 and D-BD-006 of the OCEMP [REP2-021] to update baseline survey results (where required) and provide data for any areas not previously able to be accessed. The results of these surveys will determine what mitigation measures/principles need applied and/or any needs for protected species licensing to facilitate construction. The Applicant proposes to discuss this point further with CWCC through the SoCG and will capture discussions with revisions to the SoCG with CWCC [REP2-027] .	This approach is accepted and during the meeting held between the Council and the Applicant on 22/05/23, the Applicant committed to providing survey progress information. The Council reserves the right to comment and make representations when the information is provided and/or submitted into the Examination.	The Applicant is not intending to submit any further information other than that submitted at Deadline 4 on this matter (see Table 2.6 of the Applicant's Response to Submissions Received at Deadline 3 [REP4-263]).	See response at paragraph 2.2 above. The Council considers this matter to be resolved.
<i>Fish</i>					
2.40	The Council note that the logic for survey locations and types is not clear and it is requested that this be clarified by the Applicant.	The Applicant refers CWCC to its response to row 2.12.8 and 2.57.27 within the Applicant's Response to the Relevant Representations [REP1-042] , which provide further information	This approach for fish survey strategy is accepted by the Council. During the meeting held between the Council and the Applicant on 22/05/23, the Applicant	The Applicant is not intending to submit any further information other than that submitted at Deadline 4 on this matter (see Table 2.6 of the Applicant's Response to Submissions	See response at paragraph 2.2 above The Council considers this matter to be resolved.

Reference	Written Representation submitted at Deadline1A	Applicant's Response at Deadline 3	Council's Response at Deadline 4	Applicant's Response at Deadline 5	Council's Response at Deadline 6
		<p>for the justification of fish survey locations and approaches. The Applicant has completed aquatic habitat scoping assessments along as much of the watercourses that was physically accessible present within the Order Limits. As per Section 2.2 Habitat Scoping Assessments of Appendix 9.9 Aquatic Ecology (Watercourses) [CR1-080] and illustrated within Figure 9.9.1, aquatic habitat scoping assessments were conducted on watercourses across the Order Limits to identify the need for detailed aquatic surveys on the basis of habitats present and the potential for protected and/or notable species receptors. Figure 9.9.1 details the locations all watercourses subject to Habitat Scoping Assessment and subsequently where each further survey type was completed. As detailed within paragraph 2.7.1 of Appendix 9.9 Aquatic Ecology (Watercourses) [CR1-080], Canal Ditch was not subject to habitat scoping assessment due to a lack of access, however, this was addressed through an assessment of aerial imagery. The need for further surveys (e.g. eDNA, electric fishing, macroinvertebrates) was assessed in light of the habitat scoping results, per Section 2.2 Habitat Scoping Assessments, with further surveys subsequently undertaken utilising appropriate methods in light of access or health and safety considerations.</p>	<p>committed to providing survey progress information. the Council reserves the right to comment and make further representations when the information is provided and/ or submitted into the Examination.</p>	<p>Received at Deadline 3 [REP4-263]).</p>	

Table 1.3: Cheshire West and Chester's response to Table 2.3 [REP5-015] - Applicant's Comments on the Council's – Deadline 4 Submission - Response to Action Points from the Hearings held week of 5th June 2023 [REP4-276]

Number	Party	Action	Deadline	The Council's Response at Deadline 4	Applicant's Response at Deadline 5	The Council's Response at Deadline 6
ISH1-AP4	Natural Resources Wales (NRW)/ Environment Agency (EA)/ FCC/ CWCC	Highlight any outstanding technical points concerning: 1. Derogation issues raised by NRW; 2. Suitability of riparian enhancement for additional areas raised by all parties; and 3. Any flood risk management details not addressed at the Hearing. All Interested Parties (IP) listed.	DL4	The Council would welcome engagement at the earliest possible stage relating to riparian enhancement and watercourse enhancement.	Riparian enhancements have been proposed where opportunities have been identified within the constraints of the DCO Proposed Development. In addition, given the lack of operational impacts of the DCO Proposed Development, the proposed riparian planting and reinstatement will provide enhancements along the pipeline corridor. The Applicant will seek to engage with CWCC, to explain the rationale for the proposed riparian planting to seek their view on the proposals.	The Council can confirm that it is satisfied with this approach.
ISH2-AP3	Applicant/ CWCC	In regard to Article 10 (Street Works) to update the ExA as to whether there is any need for a pre-consultation stage to be inserted into the DCO in regard to submissions under this Article or whether it can be adequately dealt with outside of the DCO to the satisfaction of the Applicant, CWCC and relevant IPs? Response in writing at DL4.	DL4	The Council does not consider that there is any need for a pre-consultation stage to be inserted into the dDCO and that any pre-consultation can be secured through a private agreement between the parties in the form of a Planning Performance Agreement (PPA) for work required in advance of formal submission under the relevant Requirement. The Council and the Applicant are in discussions and the Council is awaiting a draft PPA from the Applicant and will update the ExA as to progress.	The Applicant confirms that this work is ongoing.	The Council is still awaiting receipt of a draft Planning Performance Agreement (PPA) from the Applicant and reserves its position until this has been received and reviewed.
ISH2-AP4	Applicant/ FCC	Article 11(3) concerning restoration and being satisfied in regard to any streets that has been temporarily altered under this article. FCC advised under the Street Works Act it would have a two-year period where FCC could notify the applicant or the person who has conducted the work of a defect and they would have to remediate it. FCC advised it has been in discussion with the Applicant over revising the provisions in Article 11(3) with a view to ensuring a 24-month period is specified. FCC and Applicant to keep the ExA advised of its	DL4	The Applicant has confirmed in writing to the Council and Flintshire County Council that it will be providing a 24 month defect period in the protective provisions appended to the dDCO at Part 4 of Schedule 10. The Council welcomes this position and reserves its position to make further comments and representations once the next iteration of the dDCO has been submitted into the Examination.	The Applicant has no further comments on this matter at this time.	See previous comment. The Council will confirm once the next iteration draft DCO has been submitted to into the Examination.

Number	Party	Action	Deadline	The Council's Response at Deadline 4	Applicant's Response at Deadline 5	The Councils Response at Deadline 6
		progress with negotiations in this regard starting at DL4.				
ISH2-AP5	CWCC	The ExA noted CWCCs DL1 submission [REP1061], as well as the Applicant's response [REP2-044] at Para 2.2.25, and asked CWCC in its role as Lead Local Flood Authority whether, in the light of the Applicant's response, it was still seeking additional information and if so what information it was seeking and why? CWCC to respond by DL4.	DL4	<p>The Council in its role as Lead Local Flood Authority (LLFA) continues to have concerns regarding the level of detail included in the application particularly in relation to the disapplication of section 23 of the Land Drainage Act 1991 in relation to ordinary watercourses.</p> <p>The Applicant has suggested that Requirement 8 provides the necessary comfort for the LLFA to approve any interference with an ordinary watercourse however, Requirement 8 only deals with the drainage design for the hardstanding associated with the construction of the Project rather than specifically with alterations to an ordinary watercourse. There are several significant ordinary watercourse crossings affected by the Project that are within areas of associated surface water flood risk.</p> <p>There is insufficient information within the Flood Risk Assessment, surface water drainage strategy (Requirement 8) or the OCEMP to fully understand and assess the impacts that the pipeline and associated works would have on the ordinary watercourse for both permanent and temporary works.</p> <p>The Council has requested a meeting to discuss the detail needed, however, the Applicant has confirmed that it will not have any further detail until the detailed design stage.</p>	<p>The Applicant has submitted an Outline Surface Water Management and Monitoring Plan (OSWMMP) (Document reference: D.7.43) at Deadline 5, which provides recommendations and guidance to the Construction Contractor on the requirements and measures to manage surface water quality, volumetric control, discharge locations and flood risk from temporary works such as construction compounds.</p> <p>The OSWMMP will provide preliminary guidance for working near watercourses and the management of flood risk during the construction phases.</p> <p>The Applicant notes that the outline sub-plans for the outline CEMP were only submitted and made available for review by the Council at Deadline 5 so there has not yet been an opportunity for the Council to advise if they are now satisfied.</p>	<p>The Council has reviewed the Outline Surface Water Management and Monitoring Plan (OSWMMP) (Document reference: D.7.43) [REP5-021].</p> <p>The Council notes that the OSWMMP lacks the specific engineering detail needed to be able to adequately assess whether the temporary works on the ordinary watercourses will have an impact on localised flood risk and that the proposed management includes the need for further consents from the LLFA. 'Appendix 10' of the OSWMMP states that "<i>Consents will be sought from the LLFAs for works affecting ordinary watercourses</i>" (D-WR-033). This only highlights the need for provisions under section 23 of the Land Drainage Act 1991 in relation to ordinary watercourses.</p> <p>The Council would highlight that its primary concerns in respect surface water drainage relate to the temporary works within the ordinary watercourses themselves, rather than new connections to ordinary watercourses associated with the construction compounds.</p> <p>Whilst the Council would support the measures as set out in the OSWMMP to manage surface water quality, volumetric control, discharge locations and flood risk from temporary works, considering the lack of specific detail the Council is not currently in a position to be able to support the disapplication of section 23 of the Land Drainage Act 1991 in relation to ordinary watercourses.</p>

Number	Party	Action	Deadline	The Council's Response at Deadline 4	Applicant's Response at Deadline 5	The Councils Response at Deadline 6
				As a result of this lack of detail, the LLFA would either need protective provisions for the protection of the LLFA or for the disapplication of section 23 of the Land Drainage Act 1991 to be removed from Article 8(c) of the dDCO.		The Council would therefore reiterate that due to a lack of detail, 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.
ISH2-AP9	CWCC/ FCC	The ExA asked both CWCC and FCC to comment on the observations made by them concerning R4 containing an element of 'self-approval'. CWCC and FCC both asked to come back to the ExA in writing on this matter, as their appeared to be a discrepancy in the wording of the response provided. CWCC and FCC to clarify their position re R4, in writing, at DL4.	DL4	<p>The Council has concerns regarding the wording of Article 4 in that the Applicant decides whether or not any amendments to the authorised development are in 'general accordance' with the 'general' arrangement plans and therefore there is almost a self-approval mechanism here. There is no independent approval mechanism if there is a departure and whether or not that departure 'would give rise to any materially new or materially different environmental effects from those assessed in the environmental statement'.</p> <p>The Council would welcome clarification from the Applicant as to the mechanism for resolving any dispute as to whether or not the amendments proposed by the Applicant are in 'general accordance' with the 'general arrangements plan'. There does not appear to be any ability to refer the matter to the Secretary of State or otherwise.</p>	<p>The Applicant notes that this is entirely standard wording in DCOs where an element of flexibility to produce the detailed design is required.</p> <p>The general arrangement plans are, at this stage, indicative pending detailed design. The details of the above ground elements will be submitted to the relevant LPA for approval under the requirements. The Applicant considers that 'general accordance' with the plans for the underground elements is a judgement it is best placed to make as engineering and safety considerations will drive that design which will not have, for example, operational visual impacts.</p>	<p>Please see our previous comment which has not been addressed by the Applicant.</p> <p>"The Council would welcome clarification from the Applicant as to the mechanism for resolving any dispute as to whether or not the amendments proposed by the Applicant are in 'general accordance' with the 'general arrangements plan'. There does not appear to be any ability to refer the matter to the Secretary of State or otherwise"</p>
ISH2-AP12	Applicant/ CWCC/ FCC	To review Rs 21 (Applications made under this R) and 24 (Further Information) with regard to cross referenced Rs and timescales, as previous revisions have crossreferenced different Rs and caused some confusion. Applicant/ CWCC/ FCC to review and revert back to the ExA at DL4.	DL4	As raised in paragraph 2.3.48 of the Council's response to comments made by the Applicant at Deadline3 [REP3-042] the Council accepts the revised timescale of 56 days for the approval of details submitted under the Requirements and the	The Applicant's further submissions on this point are set out in the Statement of Common Ground with Natural England [REP4-246], part 3, paragraph 2.29.	The Council notes this matter remains unresolved.

Number	Party	Action	Deadline	The Council's Response at Deadline 4	Applicant's Response at Deadline 5	The Councils Response at Deadline 6
				<p>inclusion of ability to approve such longer period as agreed between the Applicant and the relevant authority. The Council accepts that this is now reflected in revision E of the dDCO submitted at Deadline [REP3-005], in Requirement 22(1) and Requirement 22(1)(c) respectively.</p> <p>The Council, however, does not support the inclusion of controls in respect to the requests for Further Information, including the need for and short timescales for requesting information under Requirement 24) of the dDCO [REP3-005].</p> <p>This issue was further raised by the Council during the ISH2 hearing and the Applicant responded highlighting that the wording of Requirement 22(1) would allow a further 56 days once that further information is supplied by the Applicant.</p> <p>The Council appreciates the Applicant's position and the need for timely decisions to be made on applications made by the Applicant to the Council under the requirements of the dDCO. The Council suggests a simpler approach would be to delete Requirements 22(1)(a and b) and 24(2-4) and subsequent rewording of the remaining sub sections of the Requirements, thereby requiring approvals and or decisions within 56 days or such extended period as may be agreed in writing between the Applicant and the relevant authority. The Council suggests that this approach would provide</p>		

Number	Party	Action	Deadline	The Council's Response at Deadline 4	Applicant's Response at Deadline 5	The Councils Response at Deadline 6
				the same if not more certainty for both parties without the need for, what the Council considers to be unnecessary and overly restrictive controls over the request for further information.		
ISH2-AP13	Applicant/ CWCC/ FCC	With regard to any agreements securing BNG, please could the Applicant and the IPs listed give the ExA a clear explanation as to what has been/ is being agreed between the Applicant and IPs. Additionally, could the Applicant and relevant IPs explain: how such an agreement(s) is to be secured, including what is required; how it relates back to the DCO; and whether or not there is an intention to enter a copy of the completed agreement(s) into the examination as evidence. In the event a copy is not intended to be entered into the Examination, please advise how the Applicant and relevant IPs intend to demonstrate to the ExA an agreement in this regard has been completed between the Applicant and relevant IPs to the satisfaction of all relevant IPs?	DL4	The Applicant and the Council are in the process of negotiating a financial contribution to be paid by the Applicant for creation and enhancement of habitat on the Council's land (outside of the Order Limits). The specific details of the land identified to deliver the habit is included in the Applicant's REP3-022 Liverpool Bay CCS Limited Deadline 3 Submission - D.6.5.12 Biodiversity Net Gain Assessment.	The Applicant has submitted an updated a BNG Update Strategy (Rev C) at Deadline 5 which sets out continued progress in securing suitable agreements and offset site locations. The Applicant is continuing to engage with CWCC and will seek to update the BNG Update Strategy, as required, for future deadlines.	Biodiversity Net Gain Strategy Update was submitted at Deadline 5 [REP5-013]. On review, the Council note that the management provisions, paragraph 2.1.4, it is stated for woodland that " <i>this will be managed by CWCC for 30 years.</i> " The Council notes that discussions regarding periods of management are ongoing, and the Council is awaiting a revised draft BNG agreement from the Applicant at Deadline 6 to include the most up-to-date position.

Table 1.4: Cheshire West and Chester Council's response to the Applicants Responses to the Examining Authorities Second Written Questions (EX2) [REP5-025]

Reference	Question to	Question	Applicants Response at Deadline 5	The Councils Response at Deadline 6
Q2.4.1	Surveys Applicant/ CWCC/ FCC/ Natural England (NE)/ Natural Resources Wales (NRW)/ IPs	The absence of ecological surveys beyond the order boundary limits for barn owls and badgers are referred to by CWCC in their detailed correspondence received at Deadline 2 and it has highlighted concerns of incomplete surveys in respect of Bats and Barn Owls. As such CWCC consider the assessments of importance levels and value/ sensitivity of receptors are taken to be as being based on incomplete data sets. In addition, it notes the need for clarifications in respect of surveys of other identified receptors. The ExA would ask:		

Reference	Question to	Question	Applicants Response at Deadline 5	The Councils Response at Deadline 6
		iii. What are the specific reasons for any further surveys/ data being a necessary requirement of the Applicant?	The Applicant has further engaged with CWCC through both written responses to queries at Deadline 3 (within the Applicant's Response to Chester West and Chester Council's Written Representation Addendum (Biodiversity) [REP3-038]) and meetings as captured within the Statement of Common Ground with CWCC [REP2-027], and as submitted at Deadline 5, to clarify the extent of surveys completed, within and beyond the Order Limits for receptors. It is the Applicant's understanding that following this further information CWCC is content with the approach to survey, assessment and development of mitigation.	This position is agreed, please see the Councils response for both Deadline 4 and 6 within paragraph 2.2 of Table 1.2 above.
		iv. What recommended distances (relative to the DCO area) for species specific ecological survey or additional data would need to be factored, bearing in mind any local or national best practice or professional expertise available to the Council? Provide clear reference to the source or ecological expertise involved.	<p>Given the broadly short term, temporary, and localised impacts of the DCO Proposed Development, the Applicant has applied a proportionate approach to survey effort. As a minimum, the Applicant has undertaken a suite of surveys for both habitats and fauna within the entirety of the Order Limits (less refused land access in discrete locations for certain secondary surveys). Whilst recognising that the final working corridor to facilitate construction will require a smaller footprint located within the Order Limits, surveys for select receptors have been undertaken beyond the Order Limits, with results presented within the respective appendices supporting Chapter 9 Biodiversity [REP4-041]. All surveys have been completed in cognisance of relevant best practice guidelines for respective receptors.</p> <p>The Applicant has further engaged with CWCC through both written responses to queries at Deadline 3 (within the Applicant's Response to Chester West and Chester Council's Written Representation Addendum (Biodiversity) [REP3-038]) and meetings as captured within the Statement of Common Ground with CWCC [REP2-027], and as submitted at Deadline 5, to clarify the extent of surveys completed, within and beyond the Order Limits for receptors. It is the Applicant's understanding that following this further information CWCC is content with the approach and extent of surveys and assessments completed and development of mitigation.</p>	This position is agreed, please see the Councils response for both Deadline 4 and 6 within paragraph 2.2 of Table 1.2 above.
Q2.4.3	Survey data Applicant	The response to the CWCC [REP-042] infers that data has been collected beyond order limits, but it is not clear where this is and seems to refer to the previously larger draft DCO Order Limits at pre-application stage rather than a measured survey strategy relating to species ranges and standard survey distances considered for relevant species. The Applicant is requested to provide clarification and/ or make provision for further ecological information to be submitted on this matter. Secondly, features potentially impacted outside the DCO boundary are referred to as constituting indirect impacts. But 'indirect' impacts may not be the correct term applicable. Can the	Where considered required and proportionate, survey data has been recorded beyond the Order Limits for some receptors, such as badger, barn owl and riparian mammals, and is presented where available within Chapter 9 Biodiversity of the ES [REP4-041] and its associated appendices. Only where considered proportionate to the impacts of the DCO Proposed Development and consideration of potential impact pathways upon individual receptors have surveys beyond the Order Limits been undertaken. Appropriate survey buffers were considered and implemented for each relevant receptor (as presented within Table 9.3 of Chapter 9 Biodiversity [REP4-041]), following consideration of potential direct and indirect impacts and effects upon each receptor within and beyond the Order Limits during construction of the DCO Proposed Development. As a minimum the entirety of the Order Limits was subject to survey (unless due to restricted land access). Survey guidelines and best practice for individual receptors have been consulted, considered, and referenced throughout Chapter 9 and its associated appendices; where deviations from guidance have occurred, these have been explained. The Applicant can confirm that all surveys to support the DCO Application and through examination have been completed and no further ecological surveys	This position is agreed, please see the Councils response for both Deadline 4 and 6 within paragraph 2.2 of Table 1.2 above.

Reference	Question to	Question	Applicants Response at Deadline 5	The Councils Response at Deadline 6
		<p>Applicant clarify which features outside the DCO boundary are properly accounted for and indicate the minimum distance thresholds, the technical expertise and ecological guidance it is basing its rationale and conclusions on?</p>	<p>are to be undertaken or further information submitted. Direct impacts to receptors, whilst avoided where possible, will be restricted to within the Order Limits alone and further reduced upon confirmation of the detailed design of the DCO Proposed Development and implementation of a (worst-case) 32m construction working corridor. As such, the assessment of baseline survey data accrued within the Order Limits represents a very much worst-case scenario that will be reduced through implementation of a smaller construction working corridor, thereby reducing the potential extents of direct and indirect effects. The Applicant has additionally applied a principle of 'assumed presence' of receptors beyond the Order Limits (in the absence of detailed design), both during the consideration of impacts and effects as well as the development of mitigation principles and measures. The Applicant believes that extent and coverage of surveys and the mitigation measures and principles derived thereafter are robust and appropriate for the predominantly short term, temporary, and localised impacts and effects of the DCO Proposed Development. Disturbance thresholds vary between individual receptors, variance within individual receptors (e.g. differing types of badger sett or bat roost), and in response to differing stimuli. For example, item D-BD-040 (within the OCEMP [REP4-237] under Requirement 5 of the dDCO [REP4-008]) in relation to barn owl, details minimum protection zones that should be considered in response to differing disturbance stimuli. Disturbance thresholds also vary between receptors (i.e. not all receptors are susceptible to disturbance/impacts to the same degree/level). Therefore, technical expertise and knowledge of individual receptor lifecycles along with consideration of construction techniques, methods, and proposed timing of works has been considered when recommending appropriate buffers and the development of mitigation measures and principles. This has also taken into account best practice guidelines, where available. It should also be noted that the consideration of mitigation measures to ameliorate potential indirect effects will be further assessed during construction by the appointed Ecological Clerk of Works (ECoW) (or appointed ecologist), to ensure receptors are safeguarded in line with the mitigation measures and principles detailed within the OCEMP [REP4-237] under Requirement 5 of the dDCO [REP4-008] Mitigation measures and principles have been devised which aim to protect and retain existing sensitive receptors where possible, such as bat roosts (item D- BD-024 and D-BD-025). Further measures have been secured to minimise indirect impacts and effects through implementing management plans for noise, vibration, and dust (D-NV-001, D-BD-057, D-AQ-004), and lighting recommendations to reduce disturbance on nocturnal and crepuscular fauna (DBD-015) as captured within the OCEMP [REP4-237] under Requirement 5 of the dDCO [REP4-008]</p> <p>The Applicant has engaged further with CWCC in advance of Deadline 5 and believes that CWCC are now satisfied with the Applicant's approach to survey effort and extent, as well as the proposed mitigation measures and principles, following requested clarifications (as captured within the SoCG [REP2-027], and as submitted at Deadline 5, and evidenced within CWCC's responses within [REP4-277]).</p>	

Reference	Question to	Question	Applicants Response at Deadline 5	The Councils Response at Deadline 6
Q2.4.4	Survey/ mitigation Applicant/ CWCC/ FCC/ NE/ NRW/ IPs	The Applicant indicates updated surveys will take place at detailed design stage and mitigation is sufficient to safeguard or otherwise mitigate identified receptors within the Order Limits and beyond. But how is it clear mitigation would be effective without full survey information being available to first inform this? Do IPs find the Applicant's position appropriate?	<p>The Applicant has sought to obtain baseline survey data, as a minimum, across the Order Limits but has also completed surveys beyond the Order Limits, where proportionate to do so. These results have informed the Environmental Statement (ES) and the development of mitigation principles and mitigation measures to safeguard and mitigate receptors as required, based on a reasonable worst-case scenario. The Applicant has 'assumed presence' of receptors beyond the Order Limits during the development of mitigation principles and measures and developed these in a manner that will ensure that any receptors beyond the Order Limits would also be adequately safeguarded.</p> <p>The Applicant's approach to mitigation is such that whilst specific in some respects, measures have been 'generalised', acknowledging the absence of a fixed design, whilst still providing sufficient prescription to ensure receptors are safeguarded and/or mitigated during construction. The Applicant has provisioned, via items D-BD-001, D-BD-005 and D-BD-006 of the OCEMP [REP4-237] under Requirement 5 of the dDCO [REP4-008], the completion of pre-construction surveys to update baseline results, as required, and in response to the detailed design of the DCO Proposed Development, including completion of surveys encompassing a relevant zone of influence. These will provide necessary updated baseline data to inform, for example, protected species license applications and where mitigation measures, as currently provided for within the OCEMP [REP4-237], will be required. As the mitigation principles and measures provisioned within the OCEMP [REP4-237] are based on a reasonable worst case and that of 'assumed presence', they are considered robust and expected to be effective and applicable regardless of the outcome of pre-construction surveys.</p>	This position is agreed, please see the Councils response for both Deadline 4 and 6 within paragraph 2.2 of Table 1.2 above.
Q2.19.1	Local Government Act 1972, s.111 Applicant/ FCC/ CWCC	Does the Applicant/ FCC/ CWCC/ IPs anticipate utilising mechanisms available under s.111 of the Local Government Act 1972 within the DCO? (i.e., to secure off-site provision, or any other requirement applicable?)	The Applicant has proposed this as a potentially suitable underpinning power for agreements for securing BNG/BNB provision and maintenance only. However, the determination of suitability will be made by the Councils.	The Council considers the use of the general contracting power contained in section 111 of the Local Government Act 1972 to be an appropriate mechanism to secure BNG provision. The Council awaits a revised draft BNG agreement from the Applicant.

Table 1.5: Cheshire West and Chester's response to the Applicants comments within Change Request 1 Report [REP5-024]

Reference	The Councils Representation [CR1RR-003]	The Applicants Response at Deadline 5	The Councils Response at Deadline 6
Change Number 4: Extension of the Order Limits of Work No. 23 and addition of Plot no 9-14a, 9-16a, 9-16b, 9-18a, 9-18b and 9-19a, to the north to reduce the impact on veteran trees near Backford Brook (Applicant Reference: PS04)			
CR-14b	CR1-063] Liverpool Bay CCS Limited Additional Submission - D.6.3.9.3 Environmental Statement - Appendix 9.3 Bat Activity Survey (Tracked Changes) - The increase in the Order Limit for Change number 4 (near to T169 on Fig 9.3.2	The Applicant can confirm that an updated Appendix 9.3 and Figure 9.3.2 have been prepared and submitted at Deadline 4 as part of the consolidated	The report, [REP4-096] / [AS-077] - D.6.3.9.3 Environmental Statement Appendix 9.3 Bat Activity Survey

Reference	The Councils Representation [CR1RR-003]	The Applicants Response at Deadline 5	The Councils Response at Deadline 6
	Sheet 2 of 9), which includes further trees and hedgerows, does not seem to have been mapped within this report and there is no indication that the trees in this extended area have been surveyed for Bat roosts. The Council requires further tree and hedgerow survey data / mapping to be provided in the Bat Activity Survey.	ES incorporating Change Request 1 and Change Request 2 [REP4-096]. This includes results of surveys of those trees that fall within the Order Limits extension associated with Change Request 1, in particular around Backford Brook.	(Tracked Change), now includes two extra trees of moderate bat roosting potential and dusk/dawn have been carried out on these trees, with no roosts recorded.
CR-14c	[CR1-067] Liverpool Bay CCS Limited Additional Submission - D.6.3.9.4 Environmental Statement - Appendix 9.4 Bats and Hedgerows Assessment (Tracked Changes) (Part 1) - Change number 4 has been included for transect surveys, but not for trees, as above (Fig 9.3.3 Sheet 2 of 6). The Council requires that further tree survey data to be provided within the Bats and Hedgerows Assessment	The Order Limits have been amended within the figures of the Appendix 9.4 - Bats and Hedgerows Assessment [CR1- 066]. There is no hedgerow present in proximity to PS04 Backford Brook and therefore the figures are correct as presented. Trees present within this area have been captured within an updated Appendix 9.3 Bat Activity Survey, as Deadline 4 as part of the consolidated ES incorporating Change Request 1 and Change Request 2 [REP4-096].	This is accepted by the Council as is confirmed by the Applicant comments at Deadline 5, the areas are not included in the figures as there are no hedgerows present at these locations.
CR-14d	[CR1-071] Liverpool Bay CCS Limited Additional Submission - D.6.3.9.5 Environmental Statement - Appendix 9.5 Badger Survey Report (Confidential) (Tracked Changes) - The figures for Change number 4 are not included in the report. The Council requires the missing Badger figures are provided / incorporated to be into the Badger Survey Report.	The Applicant can confirm that the figures remain accurate. The figures as presented, illustrate the locations of evidence or activity of badger. No evidence of badger activity or evidence was recorded within or beyond the location of PS04 Backford Brook.	This is accepted by the Council as is confirmed by the Applicant comments at Deadline 5, the areas are not included in the figures as no Badger activity was found at these locations.
CR-14f	CR1-077] Liverpool Bay CCS Limited Additional Submission - D.6.3.9.7 Environmental Statement - Appendix 9.7 Barn Owl Survey Report (Confidential) (Tracked Changes) - The figures for Change number 4 are not included in the report. The Council requires the missing Barn Owl figures to be provided in the Barn Owl Survey Report.	The Applicant can confirm that the figures remain accurate. The figures as presented, illustrate the locations of features with potential to support barn owl (including any evidence of activity or presence). No features with potential to support roosting barn owl were recorded within or beyond the location of PS04 Backford Brook.	This is accepted by the Council as is confirmed by the Applicant comments at Deadline 5, the areas are not included in the figures as no Barn owl activity was found at these locations.
Change Number 11: Clarification of construction methodology to allow non-road mobile machinery to cross features at the surface of trenchless crossings (Applicant Reference PS15)			
CR-14h	The Council is not clear as to the need for this change and the Council would welcome clarification from the Applicant.	NRMM such as tracked excavators are mobile but not road legal. By enabling tracked machinery to cross minor roads perpendicularly, using temporary and rapidly deployable surface protection measures and temporary traffic restrictions (i.e. used tyres and Stop/Go boards), the Applicant can significantly reduce low-loader traffic along local roads pulling into and out of fields. This is standard pipelining practice and was omitted from the original submission in error.	The Council has no further comment to make on this matter.