

## **DRAFT STATEMENT OF COMMON GROUND WITH CHESHIRE WEST AND CHESTER COUNCIL**

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

Planning Act 2008

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

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**STATEMENT OF COMMON GROUND**

**This Statement of Common Ground has been prepared and agreed by (1) Liverpool Bay  
CCS Limited and (2) Cheshire West and Chester Council**

Signed .....

**[NAME]**

**[POSITION]**

on behalf of Liverpool Bay CCS Limited

Date: **[DATE]**

Signed .....

**[NAME]**

**[POSITION]**

on behalf of Cheshire West and Chester Council

Date: **[DATE]**

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# 1. INTRODUCTION

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## 1.1. PURPOSE OF THIS DOCUMENT

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

## 1.2. THE DCO PROPOSED DEVELOPMENT

- 1.2.1. HyNet (the Project) is an innovative low carbon hydrogen and carbon capture, transport and storage project that will unlock a low carbon economy for the North West of England and North Wales and put the region at the forefront of the UK's drive to Net-Zero. The detail of the project and the DCO Proposed Development can be found in the main DCO documentation. The DCO Proposed Development and this SoCG relate to the onshore CO<sub>2</sub> pipeline element of HyNet only. Other elements of HyNet are subject to separate consenting processes and are not addressed here.
- 1.2.2. The DCO Proposed Development impacts CWCC as a local planning authority (LPA) and in respect of its land interests.
- 1.2.3. The Applicant has identified the following plots in which CWCC holds an interest:  
*10-01, 10-04, 10-04a, 10-06, 10-07, 10-11, 10-12, 10-15, 10-16, 10-17, 11-01, 11-06, 11-14, 12-05, 12-06, 2-04, 2-04a, 2-08, 2-09, 2-13, 3-01, 3-05, 3-13, 3-14, 3-15, 4-03, 4-04, 4-09, 4-10, 4-17, 4-18, 4-19, 5-09, 5-14, 5-20, 5-21, 5-22, 5-23, 5-24, 5-25, 5-26, 6-01, 6-09, 6-14, 6-15, 6-16, 6-17, 6-18, 6-19, 6-21, 6-22, 6-23, 6-24, 6-25, 6-26, 7-01, 7-05, 7-06, 7-07, 7-08, 8-07, 8-08, 8-11, 8-14*
- 1.2.4. A full description of the DCO Proposed Development is detailed in Chapter 3 of the consolidated Environmental Statement (ES) **[REP4-029]**, submitted at Deadline 4. On the 12 July 2023, the ExA accepted the Applicant's Change Request 3, subsequently the description of the development will be updated in

accordance with Change Request 3 Environmental Technical Note [CR3-019], towards the end of the Examination.

### 1.3. **TERMINOLOGY**

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

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## **2. RECORD OF ENGAGEMENT**

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

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

<b>Date</b>	<b>Form of Correspondence</b>	<b>Key Topics Discussed and Key Outcomes</b>
<b>07/04/2021</b>	Joint Local Planning Authority (LPA) meeting between CWCC / Flintshire County Council (FCC) and the Applicant	<p><b>Key Topics and Outcome</b></p> <p>The Applicant gave a presentation on the CO<sub>2</sub> pipeline to introduce CWCC and FCC to the DCO Proposed Development, the project team, the DCO process, and elements of the project that would be subject to a Town and Country Planning Act (TCPA) application.</p> <p><b>Discussions and Outcomes</b></p> <p>The Applicant agreed to share a Schedule of Meetings and a Standing Agenda.</p> <p>LPAs agreed to provide key contacts to the Applicant.</p>
<b>27/04/2021</b>	Joint LPA meeting between CWCC and the Applicant	<p><b>Key Topics</b></p> <p>Discussion with CWCC on resourcing, information requests, programme update and non-statutory consultation.</p> <p><b>Discussions and Outcomes</b></p> <p>Dates of future joint LPA meetings to be arranged.</p>
<b>14/05/2021</b>	Meeting between CWCC transport team and the Applicant	<p><b>Key Topics</b></p> <p>Introduction to the DCO Proposed Development from a traffic and transport perspective.</p> <p><b>Discussions and Outcomes</b></p> <p>Applicant will follow up on survey locations and dates.</p>
<b>26/05/2021</b>	Joint LPA meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>Continued discussion on Freedom of Information (FoI) requests, programme update and changes to key dates, and non-statutory consultation (dates and details).</p> <p><b>Discussions and Outcomes</b></p> <p>CWCC was made aware of proposed dates and details of non-statutory consultation.</p>
<b>27/05/2021</b>	Joint meeting between Cheshire Archaeology, Clwyd Powys Archaeological Trust (CPAT), Historic England, Cadw and the Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Scope and assessment strategy for the cultural heritage assessments for the DCO.</li> <li>• Scope and strategy for geophysical survey.</li> </ul> <p><b>Discussions and Outcomes</b></p> <ul style="list-style-type: none"> <li>• The wider study area for designated assets was requested for Welsh sections of the DCO Proposed Development (3km).</li> <li>• Palaeoenvironmental potential particularly in Gowry river valley. It was confirmed that palaeoenvironmental potential is scoped into the assessment.</li> <li>• It was agreed that it will not be assumed that negative results on the geophysical survey means an absence of archaeological remains.</li> </ul>
<b>30/06/2021</b>	Joint LPA meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>Update regarding non-statutory consultation, and updated GIS shapefile.</p>



Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		<p><b>Discussions and Outcomes</b></p> <p>CWCC confirmed its response to the Environmental Impact Assessment (EIA) Scoping Opinion consultation had been issued to the Planning Inspectorate ('the Inspectorate').</p>
12/07/2021	Meeting between CWCC and the Applicant	<p><b>Key Topics</b></p> <p>Presentation to CWCC officers on approaches to delegation and timescales.</p> <p><b>Discussions and Outcomes</b></p> <p>CWCC to review the action points from the presentation and respond accordingly.</p>
22/07/2021	Joint meeting between CWCC and FCC's ecologists and the Applicant's ecologists	<p><b>Key Topics</b></p> <p>Discussion on the approach to baseline surveys, Biodiversity Net Gain (BNG) and mitigation considerations.</p> <p><b>Discussions and Outcomes</b></p> <p>The scope of the BNG assessment and approach was agreed. In addition, CWCC recommended that any District Level Licences (DLL) discussions should include CWCC as the implementing body.</p>
28/07/2021	Joint LPA meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>Update on non-statutory consultation following its closure, discussion on EIA Scoping Opinion <b>[APP-075]</b> from the Inspectorate and next steps, and SoCG, (including explanation of process and provision of examples).</p> <p><b>Discussions and Outcomes</b></p> <p>Applicant agreed to send feedback report summarising non-statutory consultation to CWCC once drafted.</p> <p>Parties agreed that further meetings would be held with CWCC environmental specialists in relation to follow-up actions from the EIA Scoping Opinion <b>[APP-075]</b>.</p> <p>Applicant explained the SoCG process to CWCC. CWCC explained the likely process for signing off SoCGs within CWCC but agreed to confirm if any executive sign off would be required.</p>
08/09/2021	Joint LPA meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>Continued discussions relating to route options (Options I and G), and updates on Design Freeze 2 and associated environmental meetings.</p> <p><b>Discussions and Outcomes</b></p> <p><b>Applicant</b> to provide update on constructability report exercise in relation to route options.</p> <p>Applicant to feedback any relevant outcomes of Design Freeze 2 to CWCC ahead of next meeting.</p>
15/09/2021	Meeting between CWCC Environmental Protection Officer (EPO) and the Applicant	<p><b>Key Topics</b></p> <p>Meeting with CWCC EPO involving overview of the DCO Proposed Development, discussions relating to noise monitoring, noise data for construction and operation, and proposed assessment methodology.</p> <p><b>Discussions and Outcomes</b></p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		CWCC EPO was made aware of the DCO Proposed Development and welcomed opportunity to provide ongoing input throughout the DCO process. CWCC EPO agreed to the monitoring and assessment methodologies.
29/09/2021	Joint LPA meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>Discussions on the progress of the Statement of Community Consultation (SoCC) and non-statutory consultation report, design update, updates on ground investigations work and a planning and environment update.</p> <p><b>Discussions and Outcomes</b></p> <p>Applicant to circulate the SoCC and non-statutory consultation report when these are drafted.</p> <p>Applicant informed CWCC that further engagement with CWCC officers to inform the Preliminary Environmental Information Report (PEIR) and statutory consultation will be sought.</p> <p>Applicant informed CWCC that geotechnical investigations are starting in early October 2021 and this work will start in Flint and progress west to east from October to December 2021.</p> <p>Applicant informed CWCC that they are monitoring planning applications and are undertaking a review of the Energy National Policy Statement (NPS) which is out for consultation.</p>
02/11/2021	Meeting between CWCC and the Applicant	<p><b>Key Topics</b></p> <p>Discussions on the progress of the SoCC, updates on Design Freeze 2, update on timescales for statutory consultation and a planning and environment update.</p> <p><b>Discussions and Outcomes</b></p> <p>Applicant to circulate the SoCC and EIA methodology for the DCO cumulative assessment note when these have been drafted.</p> <p>Applicant informed CWCC that Design Freeze 2 took place in October 2021 and 'fixed' the consultation red-line boundary for the DCO Proposed Development.</p> <p>Applicant explained that that statutory consultation is now due to start in early February 2022 for a 6-week period.</p> <p>Applicant informed CWCC that work on the PEIR is being progressed for statutory consultation.</p> <p>CWCC informed the Applicant of a recent application where technical report text had been redacted and this had caused suspicion amongst residents. The Applicant noted this and said this will be avoided where possible.</p>
11/11/2021	Meeting between CWCC transport team and the Applicant's transport and environment teams	<p><b>Key Topics</b></p> <p>Discussion on traffic survey locations included in the PEIR.</p> <p><b>Discussions and Outcomes</b></p> <p>Traffic survey locations to be referenced in the PEIR were considered by the Applicant to be appropriate and the collected survey data representative for assessment purposes.</p>
29/11/2021	Meeting between CWCC Planners and the Applicant	<p><b>Key Topics</b></p> <p>Discussion regarding the Mineral Resource Assessment (MRA) and mineral resources within the CWCC boundary.</p> <p><b>Discussions and Outcomes</b></p> <p>CWCC confirmed a MRA was required.</p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
08/12/2021	Joint LPA meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>Discussions on the progress of the SoCC, programme, update on statutory consultation and a planning and environment update.</p> <p><b>Discussions and Outcomes</b></p> <p>Applicant informed CWCC that a meeting on the DCO Proposed Development, consenting strategy and statutory consultation took place with the Inspectorate.</p> <p>Applicant informed CWCC that a meeting has taken place on the approach to aquatic surveys on the River Dee with Natural Resource Wales (NRW) and Natural England.</p>
14/12/2021	Meeting between CWCC and the Applicant's Landscape Specialist	<p><b>Key Topics</b></p> <p>Review of viewpoints for landscape assessment.</p> <p><b>Discussions and Outcomes</b></p> <p>Design to be reviewed to reduce impacts on mature trees.</p> <p>BNG to be discussed further when more information available.</p>
06/01/2022	Meeting between CWCC and the Applicant	<p><b>Key Topics</b></p> <p>Discussion on the DCO Proposed Development with senior representatives of CWCC.</p>
20/01/2022	Meeting between Cheshire and Warrington Local Enterprise Partnership and the Applicant	<p><b>Key Topics</b></p> <p>Presentation on the HyNet project, including the DCO Proposed Development.</p>
26/01/2022	Meeting between CWCC and Applicant's Land and Soils Specialist	<p><b>Key Topics</b></p> <p>Phase 1 Contaminated Land baseline and Ground Investigation discussion.</p> <p><b>Discussions and Outcomes</b></p> <p>CWCC are satisfied with the Phase 1 Contaminated Land baseline conclusions and the proposed additional ground investigation locations.</p>
26/01/2022	Joint meeting between CWCC, Natural England and the Applicant	<p><b>Key Topics</b></p> <p>Great Crested Newt (GCN) District Licensing for England.</p> <p><b>Discussions and Outcomes</b></p> <p>The methodology for the GCN District Licensing for England was discussed and agreed upon.</p>
26/01/2022	Joint LPA meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>Discussions on the progress of the SoCC, programme, and a planning and environment update.</p> <p><b>Discussions and Outcomes</b></p> <p>Applicant informed CWCC that the s42 and s47 consultations will run from 9 February to 22 March 2022.</p> <p>Applicant informed CWCC that a development site south of Stanlow Refinery appears to have expanded further west than was understood to be consented. The Applicant asked CWCC if they were aware of any planning applications to extend this area.</p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		<p>The Applicant informed CWCC that the PEIR is being prepared for Statutory Consultation in February 2022.</p> <p>Applicant informed CWCC that meetings with the LPAs on ground investigations and ecology are due to take place soon.</p>
01/03/22	Joint LPA meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>Discussions on the progress of the Statutory Consultation, programme, and a planning and environment update.</p> <p><b>Discussions and Outcomes</b></p> <p>Applicant informed CWCC of the progress of the Statutory Consultation and the types of responses being received.</p> <p>CWCC informed the Applicant that there does not appear to be a planning application for the site to the south of Stanlow Refinery and an enforcement action is underway.</p> <p>CWCC to send any information from CWCC Officers/Local Members who have been consulted on the Statutory Consultation to the Applicant via the HyNet Hub website.</p>
01/03/2022 14/03/2022 14/04/2022 04/05/2022 11/05/2022 18/05/2022	Email to CWCC (LLFA) from the Applicant	<p><b>Key Topics</b></p> <p>Information request on ordinary watercourses, flood defences, previous flooding records, surface water drainage design criteria, sustainable drainage systems (SuDS) requirements, and other enquiries such as critical drainage area, groundwater flooding, etc.</p> <p><b>Discussions and Outcomes</b></p> <p>On 4 May 2022, CWCC indicated that there might need to be a charge to provide the information – the Applicant has received no further information despite further enquiries.</p>
24/03/2022	Meeting between CWCC transport/planning team and the Applicant	<p><b>Key Topics</b></p> <p>Discussions regarding transport and access.</p> <p><b>Discussions and Outcomes</b></p> <p>Applicant to provide detail of construction traffic routes, access locations, crossing points and diversions.</p>
29/03/2022	Joint LPA meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>Discussions on the progress of the Statutory Consultation, programme, and a planning and environment update.</p> <p><b>Discussions and Outcomes</b></p> <p>Applicant informed CWCC of the response to the Statutory Consultation, which ended on 22 March 2022. The Applicant informed CWCC that they are currently reviewing all consultation responses received and their implications for design.</p> <p>CWCC informed the Applicant that the CWCC's response to the consultation on the scheduled moated site at Elton should be looked at urgently and urged contact with Historic England. The Applicant will action this.</p> <p>The Applicant informed CWCC that the assessment for the DCO Proposed Development Environmental Statement (ES) will begin in April 2022.</p> <p>The Applicant informed CWCC of key meetings which have taken place/will take place with NRW, FCC and others.</p>
27/04/2022	Joint LPA meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>A discussion on proposed targeted consultation, programme and a planning and environment update.</p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		<p><b>Discussions and Outcomes</b></p> <p>Applicant informed CWCC about the proposed targeted consultation and agreed to send more information including on the size of the proposed changes to the design.</p> <p>CWCC were in general support of the targeted consultation approach but will review when further information is sent.</p> <p>CWCC explained that the Ince Above Ground Installation (AGI) is located at the edge of the green belt. CWCC explained that justification would be needed as to why it could not be placed outside of the green belt.</p>
19/05/2022	Meeting between CWCC transport/planning team and the Applicant	<p><b>Key Topics</b></p> <p>Discussions regarding the latest design and construction design / programme.</p> <p>Discussions regarding the Transport Assessment Scope.</p> <p><b>Discussions and Outcomes</b></p> <p>Applicant to share the Transport Assessment Scoping Note with CWCC and CWCC agreed to respond.</p>
25/05/2022	Joint LPA meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>A discussion on proposed targeted consultation, programme and a planning and environment update.</p> <p><b>Discussions and Outcomes</b></p> <p>CWCC agreed to the proposed targeted consultation strategy.</p> <p>CWCC agreed with the precautionary approach to some areas given survey access issues.</p>
22/06/2022	Joint LPA meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>A discussion on the consenting strategy, targeted consultation, programme and a planning and environment update.</p> <p><b>Discussions and Outcomes</b></p> <p>Applicant updated CWCC about the position on the consenting strategy.</p> <p>Applicant informed CWCC about the proposed targeted consultation and agreed to send a shapefile of the design changes.</p>
22/06/2022, 23/06/2022, 27/06/2022	Emails from the Applicant to CWCC	<p><b>Key Topics</b></p> <p>Geophysical survey report provided to CWCC.</p> <p><b>Discussions and Outcomes</b></p> <p>Comments on geophysical report received from CWCC on 23/06/2022, including a list of sites that required further archaeological evaluation. A further 1 geophysical site was provided by the Applicant to CWCC on 27 June 2022.</p>
04/07/2022	Meeting between CWCC and the Applicant	<p><b>Key Topics</b></p> <p>Discussions regarding the DCO Air Quality Assessment and methodology.</p> <p><b>Discussions and Outcomes</b></p> <p>CWCC agreed with the approach.</p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
12/07/2022	Email to CWCC and Canal & River Trust from the Applicant	<p><b>Key Topics</b></p> <p>To provide an update on the Landscape and Visual Impact Assessment (LVIA) due to changes to the design outlined in the PEIR.</p> <p><b>Discussions and Outcomes</b></p> <p>CWCC to review changes to the LVIA assessment. Call scheduled for 18 July 2022 to discuss CWCC's review.</p>
14/07/2022	Meeting between CWCC and the Applicant	<p><b>Key Topics</b></p> <p>Provide an update on survey results and mitigation plans.</p> <p>The approach for late submission of survey data post DCO submission.</p> <p><b>Discussions and Outcomes</b></p> <p>Updates on ecological surveys and the proposal for further surveys post DCO submission, alongside mitigation principles and approach were discussed and agreed upon. The Applicant will provide monthly updates to CWCC regarding the DCO Proposed Development and mitigation, which was welcomed by CWCC. The Applicant will re-engage to discuss BNG.</p>
18/07/2022	Meeting between CWCC and the Applicant	<p><b>Key Topics</b></p> <p>CWCC received an update on the LVIA outlining key changes to:</p> <ul style="list-style-type: none"> <li>- AGI maximum height increase from 4.5m to 5m due to the addition of roof-mounted fan casings;</li> <li>- Lighting columns decrease from 8m to 5m to reduce potential impacts;</li> <li>- Viewpoint plan and proposed photomontage locations; and</li> <li>- Mitigation principles and the assessment assumptions associated with them.</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>CWCC agreed that the increase in height of Kiosks and reduction in lighting column heights would have limited further impacts upon the assessment; CWCC agreed with the proposed viewpoint and photomontage locations. CWCC agreed with the Applicant's approach to mitigation and assessment assumptions associated with them.</p>
19/07/2022	Joint LPA meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>A discussion on proposed targeted consultation, programme and a planning and environment update.</p> <p><b>Discussions and Outcomes</b></p> <p>Applicant informed CWCC of the consultation responses and additional targeted consultation extension.</p> <p>Applicant informed CWCC that there were methodology updates from the PEIR to inform a worst-case scenario approach within the EIA.</p> <p>Applicant explained that a number of control documents would be outlined at submission stage with detailed versions provided post-submission. This would include the Construction Environment Management Plans, multiple location phase/specific management plans, Archaeological Mitigation Strategy/Written Scheme of Investigation, Landscape and Ecology Management Plan (LEMP), Worker Travel Plan, Traffic Management Plan and an Operation and Maintenance Environmental Management Plan. These detailed versions would be provided to the LPAs for approval prior to the commencement of works.</p>
21/07/2022	Joint meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		<p>Discussions regarding the approach to BNG.</p> <p><b>Discussions and Outcomes</b></p> <p>The BNG approach and methodology was discussed. This included the sources of habitat data and a tailored approach to the post development assessment. CWCC noted that the approach was logical and complimented the Applicant on a well thought through approach to the assessment. A discussion was held around offset requirements and the Applicant confirmed that early engagement with landowners is progressing.</p>
03/08/2022	Meeting between CWCC and the Applicant	<p><b>Key Topics</b></p> <p>Discussions regarding CWCC comments on the MRA.</p> <p>Discussions regarding additions for the second draft of the MRA.</p> <p><b>Discussions and Outcomes</b></p> <p>CWCC is satisfied with the Applicant's approach and agrees that the Applicant is providing additional commentary.</p> <p>Due to the upcoming DCO submission, CWCC agreed to raise any further queries in a timely manner upon receipt of the second draft.</p>
17/08/2022	Email from the Applicant to CWCC	<p><b>Key Topics</b></p> <p>The Applicant provided an explanation of the reasoning for scoping out agricultural land from the construction and decommissioning stages of the EIA process.</p> <p><b>Discussions and Outcomes</b></p> <p>Awaiting CWCC's review and request for a follow-up meeting.</p>
18/08/2022	Joint meeting between CWCC, Cadw, FCC, Royal Commission of Ancient and Historical Monuments and the Applicant	<p><b>Key Topics</b></p> <p>Update on status of application and archaeological fieldwork</p> <p><b>Discussions and Outcomes</b></p> <p>Discussions were held about lack of trenching pre-submission and guidance from the Welsh planning guide was provided for further discussion on the pre-determination evaluation process. Impacts on the scheduled moated site at Elton and historic hedgerows were also discussed, along with the geoarchaeological assessment.</p>
06/09/2022	Joint LPA meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>A discussion on proposed targeted consultation, programme and a planning and environment update.</p> <p><b>Discussions and Outcomes</b></p> <p>Applicant informed CWCC of the consultation responses.</p> <p>Applicant explained that a precautionary approach has been applied where land access has been restricted.</p>
06/09/2022	Joint LPA meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>A discussion regarding DCO overview, Draft DCO schedule 1, draft requirements and procedure to discharge requirements, Access and Rights of Way plans, road diversions and Other Consents and Licences.</p> <p><b>Discussions and Outcomes</b></p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		Follow up meeting to be arranged.
19/10/2022	Joint LPA meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>A discussion on programme and a planning and environment update.</p> <p><b>Discussions and Outcomes</b></p> <p>Applicant noted that the Inspectorate requested the raw data of consultation responses, and this has been provided.</p> <p>Discussion on the key LPA inputs expected during the Acceptance and Pre-Examination periods.</p> <p>Applicant explained that it is aiming to secure BNG on priority habitats and would be keen to talk with the LPAs. Applicant also explained that a common position will be created across the DCO Proposed Development to deliver BNG, despite the difference in regimes across England and Wales, this will enable the Applicant to explain this effectively to stakeholders.</p>
02/11/2022	Joint LPA meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>Discussions regarding the powers in the Draft DCO of relevance to the LPAs and how these relate to the DCO Plans.</p> <p><b>Discussions and Outcomes</b></p> <p>The Applicant agreed that it can look at revising the Draft DCO wording for discharging requirements as discussed (further discussion to be held).</p> <p>The Applicant agreed to share the SoCG outlines in November 2022 with LPAs.</p> <p>The Applicant and CWCC agreed that a call ahead of the Preliminary Meeting to discuss the Draft DCO would be useful.</p>
09/11/2022	Meeting between Cheshire Archaeology Planning Advisory Service (CAPAS) and the Applicant	<p><b>Key Topics</b></p> <p>Discussions regarding the cultural heritage sections of the DCO application.</p> <p><b>Discussions and Outcomes</b></p> <p>CWCC stated that the baseline was very thorough and that they were pleased to see the geoarchaeological assessment, and that the township boundaries were included in the mitigation.</p> <p>The Applicant stated that the targeted trenching would be undertaken to enable the results to be submitted during Examination. CWCC was pleased to hear this.</p> <p>CWCC confirmed that 2% trenching of the remaining area post-consent was reasonable and agreed that the purpose was to de-risk archaeology, and CWCC agreed that wholesale watching briefs would not be required.</p> <p>CWCC raised a point on the Draft DCO (Part 1 Section 10) that the final archaeological design would be approved by the LPA. This was not as they expected.</p>
11/11/2022	Meeting between CWCC Climate Change Strategy Manager and the Applicant	<p><b>Key Topics</b></p> <p>Discussions regarding the approach to BNG.</p> <p><b>Discussions and Outcomes</b></p> <p>An introduction to HyNet was given followed by discussions regarding Mersey Forest scheme possibility for BNG.</p>



Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
08/12/2022 – 15/12/2022	Email correspondence with CWCC (CAPAS)	<p><b>Key Topics</b> Archaeological written scheme of investigation (WSI) for the phase 1 trial trenching.</p> <p><b>Discussions and Outcomes</b> Comments were made on the WSI and the text was amended or clarified accordingly. Reissued version was accepted.</p>
08/12/2022	Meeting between CWCC and FCC Ecologists and the Applicant	<p><b>Key Topics</b> Discussion on proposed updated Ecology surveys.</p> <p><b>Discussions and Outcomes</b> The Applicant provided a progress update on ecological surveys conducted post submission and survey requirements for 2023.</p>
14/12/2022	Joint LPA meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b> A discussion on programme and a planning and environment update.</p> <p><b>Discussions and Outcomes</b> Updates were provided to CWCC on the DCO programme and meetings the Applicant is holding with relevant stakeholders.</p>
18/01/2023	Joint LPA meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b> A discussion on programme, and a planning and environment update.</p> <p><b>Discussions and Outcomes</b> The Applicant informed CWCC that ES updates to include additional ecology surveys is currently underway and is being prepared for an ES addendum.</p>
24/01/2023	Meeting between CWCC Green Infrastructure Lead and the Applicant	<p><b>Key Topics</b> Discussions regarding the approach to BNG.</p> <p><b>Discussions and Outcomes</b> An introduction to HyNet was given followed by initial discussions on BNG opportunities within CWCC.</p>
26/01/2023 – 27/01/2023	Email correspondence with CWCC (CAPAS)	<p><b>Key Topics</b> Overarching archaeological written scheme of investigation (OAWSI).</p> <p><b>Discussions and Outcomes</b> Clarification was requested on a few points which was provided and accepted.</p>
15/02/2023	Joint LPA meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b> A discussion on programme and a planning and environment update.</p> <p><b>Discussions and Outcomes</b> The Applicant aims to send the latest ecology surveys to CWCC ASAP.</p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
22/02/2023	Meeting between CWCC (ProW Officer) and the Applicant	<p><b>Key Topics</b></p> <p>Discussion on Picton Lane Bridleway with CWCC ProW officer.</p> <p><b>Discussions and Outcomes</b></p> <p>Applicant queried whether a 4x4 vehicle can be used along bridleway during operation/maintenance stage (landowner request). CWCC not able to grant increased rights along the bridleway – this is a landowner issue. Landowner will also need to be responsible for condition of track (i.e., any clearance or surfacing works).</p>
07/02/2023 – 03/03/2023	Email correspondence with CWCC (CAPAS)	<p><b>Key Topics</b></p> <p>Evaluation trench results and trench signoff for the Phase 1 archaeological trial trenching located within Cheshire (Trenches 1 to 29).</p> <p><b>Discussions and Outcomes</b></p> <p>The results of some of the trenches have been flagged for consideration in the mitigation strategy.</p>
02/03/2023	Meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>A discussion on the draft examination timetable dates in the Inspectorate’s Rule 6 letter.</p> <p><b>Discussions and Outcomes</b></p> <p>The parties discussed potential changes to the timetable. CWCC/FCC noted that w/c 30<sup>th</sup> May is school holidays so changing Hearings dates to this week is not advised.</p>
17/03/2023	Meeting between CWCC Green Infrastructure Lead and the Applicant	<p><b>Key Topics</b></p> <p>Discussions regarding an update to BNG.</p> <p><b>Discussions and Outcomes</b></p> <p>BNG updates were provided to CWCC on metrics and agreement templates.</p>
22/03/2023	Meeting between CWCC/FCC and the Applicant	<p><b>Key Topics</b></p> <p>Meeting to discuss the DCO Proposed Development Change Request.</p> <p><b>Discussions and Outcomes</b></p> <p>The Applicant shared the description of the proposed change, total number, affected documents and environmental impact summary with CWCC.</p>
24/03/2023	Joint LPA meeting between CWCC Emergency Planning (CWCC EP) team and the Applicant	<p><b>Key Topics</b></p> <p>Introductory discussion on HyNet Project, Emergency Planning and HSE engagement to date. Requirements under PSR96 Part III Reg 25 for Emergency plans in case of major accidents and related notification of Local Authorities by UK HSE do not, currently, apply for the DCO Proposed Development.</p> <p><b>Discussions and Outcomes</b></p> <p>The Applicant agreed to share the presentation slides and HSE contact details with CWCC EP team. The Applicant will undertake appropriate engagement with the relevant Local Authority Emergency Response Services to share project information and support the development of emergency response planning requirements.</p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		The CWCC EP team would like to be included in further discussions with HSE. Although HyNet not covered under PSR Regulations, there is the potential to have some sort of arrangement in Cheshire Emergency Response Plan subject to further discussions.
31/03/2023	Meeting between CWCC and the Applicant	<p><b>Key Topics</b></p> <p>Draft SOCG catch up prior to Deadline 1.</p> <p><b>Discussions and Outcomes</b></p> <p>The Applicant and CWCC reviewed the draft in advance of Deadline 1.</p>
05/04/2023	Meeting between CWCC and the Applicant	<p><b>Key Topics</b></p> <p>General Project Updates.</p> <p>Technical Specialist Introduction.</p> <p><b>Discussions and Outcomes</b></p> <p>Kick-off meeting to discuss technical areas of interest which could be used for BNG in England.</p> <p>Overview of process required by the Applicant to support the DCO proposal.</p> <p>Warning that a potential update in metric, might mean that a new priority habitat would be added to the project requirements; Coastal Floodplain and Grazing Marsh. Discussion held on ideas for suitable locations.</p>
19/04/2023	Joint LPA meeting between FCC/CWCC and the Applicant	<p><b>Key Topics</b></p> <p>A discussion on programme and a planning and environment update.</p> <p><b>Discussions and Outcomes</b></p> <p>Applicant informed CWCC that the trial trenching works were undertaken in February 2023. Although the report on the results of the trial trenching is not yet complete, the preliminary results indicate that the archaeological features located during the trenching are unlikely to be of more than low value.</p> <p>CWCC explained that it will provide comments on ecology surveys at Deadline 1A but reserved right to provide an addendum to the Local Impact Report (LIR) on biodiversity.</p>
03/05/2023	Meeting with CWCC and the Applicant	<p><b>Key Topics</b></p> <p>Meeting to discuss CWCC's Local Impact Report comments on the draft DCO wording.</p> <p><b>Discussions and Outcomes</b></p> <p>The Applicant and CWCC discussed the LIR comments and the reasoning behind the relevant DCO Article/Requirement. Following the meeting, further updates were provided to Table 3-12 of this SoCG outlining the latest position.</p>
12/05/2023	Meeting with CWCC and the Applicant	<p><b>Key Topics</b></p> <p>General Project Updates.</p> <p>Details of BNG sites for assessment</p> <p>Update on Applicant's review of CWCC comments on draft BNG agreement</p> <p><b>Discussions and Outcomes</b></p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		<p>Sharing of baseline data on site proposed by CWCC for BNG offsetting.</p> <p>Commitment from the Applicant that their comments on a commercial agreement will be returned in w/c 22 May 22.</p>
18/05/2023	Meeting with CWCC and the Applicant	<p><b>Key Topics</b></p> <p>Further discussions around BNG sites for assessment and the introduction of alternative (plan B) options for offsetting locations</p> <p><b>Discussions and Outcomes</b></p> <p>Sharing of draft metric associated with Wervin offset site to determine suitability to provide offsetting</p>
22/05/2023	Meeting with CWCC and the Applicant	<p><b>Key Topics</b></p> <p>Meeting to discuss CWCC Written Representations submitted at Deadline 2.</p> <p><b>Discussions and Outcomes</b></p> <p>The Applicant and CWCC discussed the extent of surveys and data collection, the use of a precautionary assessment and mitigation prescriptions and principles and impacts to Local Wildlife Sites.</p> <p>CWCC highlighted the survey results information that was required to alleviate concerns regarding the extent of surveys and data collected. The Applicant highlighted that across the entire DCO Proposed Development surveys have been completed on 89% of trees for example, therefore only a small number of trees were assessed on a precautionary basis. Information regarding Frodsham, Helsby and Ince Marshes LWS loss was discussed. CWCC noted that this quantifiable information is very useful. A subsequent meeting was arranged for 13 June 2023.</p>
24/05/2023	Joint LPA meeting between FCC/CWCC and the Applicant	<p><b>Key Topics</b></p> <p>A discussion on programme and a planning and environment update.</p> <p><b>Discussions and Outcomes</b></p> <p>Applicant to review CWCC Written Representations response for Deadline 3 and update SoCG, providing email summary to CWCC to agree for Deadline 4.</p> <p>Discussed the proposed two changes the Applicant is seeking as part of Change Request 2 submitted on 26<sup>th</sup> May 2023. No comments received at the meeting from CWCC.</p>
01/06/2023 – 06/06/2023	Email correspondence with CWCC (CAPAS)	<p><b>Key Topics</b></p> <p>Evaluation final report was issued for comment.</p> <p><b>Discussions and Outcomes</b></p> <p>The results of some of the trenches have been flagged for further work and consideration in the mitigation strategy. The report is considered by CAPAS to be robust and offers a good understanding of the areas evaluated.</p>
12/06/2023	Email correspondence with CWCC and the Applicant	<p><b>Key Topics</b></p> <p>The percentage survey completion table, detailing the extent and coverage of surveys to support the completion of Chapter 9 and its associated appendices (as presented within Appendix A of this SoCG) was issued to CWCC for comment.</p> <p><b>Discussions and Outcomes</b></p> <p>The survey completion table shows a breakdown of the survey coverage within CWCC and the percentage completion for each receptor.</p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
13/06/2023	Meeting with CWCC and the Applicant	<p><b>Key Topics</b></p> <p>Follow up meeting to discuss the survey completion table sent to CWCC.</p> <p><b>Discussions and Outcomes</b></p> <p>The survey completion table was discussed in detail for each receptor, which was well received by CWCC. A brief discussion was held regarding CR1 where CWCC requested clarification on changes to biodiversity information. The Applicant clarified where biodiversity information had been amended.</p>
21/06/2023	Meeting with CWCC / FCC Highways Officers	<p><b>Key Topics</b></p> <p>Discussion on OCTMP and construction traffic routing</p> <p><b>Discussions and Outcomes</b></p> <p>Applicant sent OCTMP link to CWCC officer who still needs to review.</p>
21/06/2023	Joint LPA meeting between CWCC/ FCC and the Applicant	<p><b>Key Topics</b></p> <p>A discussion on programme and a planning and environment update, as well as Change Request 3.</p> <p><b>Discussions and Outcomes</b></p> <p>Applicant shared latest proposals for Change Request 3. Applicant to share latest draft SoCG's for submission at Deadline 5 (4 July).</p>
11/07/2023	Microsoft Teams meeting with NE, CWCC and Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Follow up meeting to discuss progress regarding BNG approach</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>A discussion was held regarding the suitable offset site within Cheshire which has been identified through engagement with CWCC, which has recent UKHab field surveys and condition assessments that has informed a metric and BNG report. The report classes the identified offset site as 'Other swamp', which translates to 'Fen' habitat within the metric. However, the site is identified on the DEFRA MAGIC map as Coastal Floodplain Grazing Marsh (CFGM) habitat. A discussion was held where the Applicant discussed the proposed approach options to a) continue to use this habitat type ('Fen') and enhance from moderate to good condition, or b) amend the baseline habitat given its existing categorisation as CFGM on the DEFRA MAGIC.</p> <p>CWCC confirmed that the ecology report for the site will be reviewed to confirm condition assessment, habitat type and determine areas suitable for enhancement.</p> <p>NE confirmed they were broadly receptive with this approach and request additional justification around the suitability of CFGM habitat within the Order Limits for wader/wintering bird species. NE to provide clarification on the current text relating to CFGM within BM4.0 User Guide.</p>
03/08/2023	Meeting with CWCC and the Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• A discussion on outstanding items within the SoCG</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>Matters on BNG differed given the unavailability of specialists to discuss in detail.</p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		<p>The Applicant and CWCC were unable to resolve discussions regarding validation/verification reporting in the wording of DCO Requirement 9. It was subsequently agreed to not continue discussions and conclude the matter as “not agreed”.</p> <p>Following review of the documents associated with the Change Request 1 and loss of veteran trees, CWCC is now satisfied and content with the Applicants approach to mitigating the impact upon veteran trees.</p> <p>It was agreed to split “Construction Hours” up into two separate matters, one regarding construction hours and the other on the definition of Start Up &amp; Shut Down Activities. Further detail around the definition of trenchless crossings to be added.</p> <p>dDCO under discussion items were reviewed with some suggested amended wording sought by CWCC. The Applicant requested details on PP’s and Street Works from CWCC.</p>

DRAFT

### **3. ISSUES**

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

- Engagement;
- Adequacy of Consultation;
- Planning Policy;
- Benefits of the DCO Proposed Development;
- Cultural Heritage;
- Biodiversity;
- Land and Soils;
- Landscape and Visual;
- Noise and Vibration;
- Traffic and Transport;
- Water Resources and Flood Risk;
- Population and Human Health;
- Cumulative Impacts;
- Issues related to the DCO Proposed Development – draft DCO (including requirements to the Draft DCO);
- Economic Impact;
- Other Consents, Licences and Permits required outside the draft DCO

**Table 3-1 – Engagement**

Ref.	Description of Matter	Current Position	Status
<b>Engagement</b>			
<b>CWCC 3.1.1</b>	Engagement	The Parties agree that engagement has been ongoing in the pre-application period (as set out in the record of engagement) and the Applicant has sought to bring forward a design which has had regard to CWCC's views.  CWCC has been formally consulted on the application as required by the Planning Act 2008 (PA2008).	Agreed

**Table 3-2 – Adequacy of Consultation**

Ref.	Description of Matter	Current Position	Status
<b>CWCC 3.2.1</b>	Adequacy of Consultation	CWCC confirmed in the Adequacy of Consultation response on 6 <sup>th</sup> October 2022, that it is satisfied that consultation has been carried out in accordance with the requirements of paragraphs 42, 47 and 48 of the PA2008.	Agreed

**Table 3-3 – Planning Policy**

Ref.	Description of Matter	Current Position	Status
<b>CWCC 3.3.1</b>	Role of National Policy Statements (NPSs)	The Planning Act 2008 requires the SoS to determine applications having regard to any local impact report prepared by the relevant local planning authority; and matters prescribed in relation to development of the description to which the application relates; and any matters which the SoS thinks are both “important and relevant”.  While NPSs may not have effect in relation to projects determined under section 105, matters incorporated within them are nonetheless likely to constitute important and relevant considerations.	Agreed
<b>CWCC 3.3.2</b>	Local Planning Policy	The important and relevant local planning policy in CWCC is: <ul style="list-style-type: none"> <li>• Cheshire West and Chester Local Plan (Part 1) Strategic Policies (adopted 2015);</li> <li>• Cheshire West and Chester Local Plan (Part 2) Land Allocations and Detailed Policies (adopted 2019)</li> </ul> The Applicant has addressed inconsistencies identified by CWCC within their Local Impact Report, within the updated Planning Statement, Appendix B <b>[REP4-022]</b> submitted at Deadline 1. CWCC acknowledged the inclusion of the identified missing Local Development Plan policies in the revised Planning Statement <b>[REP4-022]</b> in their Deadline 3 Response <b>[REP3-044]</b> .  CWCC local planning policy is a relevant and important consideration pursuant to section 105 of the PA2008. CWCC agrees that the identified policies (included the additional policies outlined above and included in the Planning Statement submitted at Deadline 1) are relevant to the DCO Proposed Development (CWCC do not wish to comment on the compliance or otherwise of the DCO Proposed Development against policy).	Agreed



**Table 3-4 – Benefits of the DCO Proposed Development**

Ref.	Description of Matter	Current Position	Status
<b>CWCC 3.4.1</b>	Wider benefits	The Needs Case for DCO Proposed Development <b>[APP-049]</b> sets out the wider benefits of the DCO Proposed Development in terms of job creation. It also sets out the wider economic, environmental and social benefits of the Project.  CWCC agree that the DCO Proposed Development demonstrates benefits for the climate and climate change.	Agreed

**Table 3-5 – Cultural Heritage**

Ref.	Description of Matter	Current Position	Status
<b>CWCC 3.5.1</b>	Study Area	The study areas adopted by the Applicant in Chapter 8 Cultural Heritage of the ES <b>[REP4-039]</b> assessment are considered by the Applicant to reflect best practice and are proportionate. CWCC considers that the study areas are appropriate.	Agreed
<b>CWCC 3.5.2</b>	Methodology	The methodology in Chapter 8 Cultural Heritage of the ES <b>[REP4-039]</b> assessment reflects best practice and guidance. The methodology is appropriate.	Agreed
<b>CWCC 3.5.3</b>	Baseline data sources	The baseline data sources have been collated using desk-based and field-based techniques, through consultation with stakeholders, and are considered by the Applicant to reflect best practice. The scope, coverage, and timing of the surveys <b>[APP-084 – APP-090]</b> undertaken to inform the baseline conditions and sensitive receptors are in line with best practice and appropriate to inform the assessment of effects reported in the Cultural Heritage assessment <b>[REP4-039]</b> . CWCC considers that the data sources used, and the evaluation undertaken are appropriate and that the baseline assessment is thorough.	Agreed
<b>CWCC 3.5.4</b>	Impact assessment	The impact assessment in Chapter 8 Cultural Heritage of the ES <b>[REP4-039]</b> has been undertaken in line with best practice and guidance. CWCC agrees that the conclusions of the impact assessment are appropriate.	Agreed
<b>CWCC 3.5.5</b>	Mitigation	The mitigation strategy outlined in Chapter 8 Cultural Heritage of the ES <b>[REP4-039]</b> and the Outline Archaeological Written Scheme of Investigation (WSI) <b>[APP-223]</b> is considered by the Applicant to be in line with best practice and proportionate to the effects of the DCO Proposed Development.  CWCC considers the mitigation strategy to be appropriate. The Draft DCO <b>[CR3-008]</b> commits the Applicant to produce a detailed Archaeological WSI based on the Outline Archaeological WSI <b>[APP-223]</b> .  CWCC requested in their response to the PEIR that individual Heritage Impact Assessments be provided to provide a true impact of AGIs and BVSs. Details on impacts resulting from AGIs and BVSs and mitigation measures are outlined in the 2022 ES <b>[REP4-039]</b> . CWCC also raised this in their LIR.  The Applicant provided a detailed response at Deadline 2 on the LIR submission from CWCC, which stated that the Applicant did not see this as necessary. CWCC accepted the Applicant's reasoning and position on this matter in their response submitted at Deadline 3 <b>[REP3-044]</b> .	Agreed
<b>CWCC 3.5.6</b>	Outline Written Scheme of Investigation (WSI)	CWCC has raised that WSI for archaeology does not include a maintenance and watching brief to deal with areas that cannot be trenched or where there are suspicions that the trenching might not have fully defined the archaeological potential.  The Applicant considers that the methodology for maintenance and watching brief included in Section 3.3.1 to 3.3.9 of the Outline Archaeological WSI <b>[APP-223]</b> is proportionate and deliverable. It is proposed that this could be applied for those areas where trial trenching is not possible or in areas of higher archaeological potential.	Agreed

Ref.	Description of Matter	Current Position	Status
		Whilst a watching brief to deal with areas that cannot be trenched etc. this is the preferred position CWCC accepted that the proposed methodology for strip, map and sample outlined in Section 3.3.1 to 3.3.9 of the Outline Archaeological Written Scheme of Investigation (OAWSI) [APP-223] could be applied.	

**Table 3-6 – Biodiversity**

Ref.	Description of Matter	Current Position	Status
<b>CWCC 3.6.1</b>	Mitigation	<p>A cross-border approach to mitigation was discussed during a meeting on 14 July 2022. No major issues were raised by CWCC on this approach but a preference for siting mitigation as close as possible to the impact site should be prioritised and suggested using the CWCC ecological networks and local policy plans as a basis for restoring habitats and providing suitable justification for locations. The Applicant advised that mitigation areas would be within the Order Limits and would seek to tie in with and improve existing green infrastructure.</p> <p>The latest Works Plans show the inclusion of the Environmental Mitigation Areas in the Order Limits [CR3-005].</p>	Agreed
<b>CWCC 3.6.2</b>	Surveys	<p>CWCC has raised an issue in respect of the supporting biodiversity surveys including their strategy / extent (absence of surveys beyond the order boundary for barn owls and badgers), incomplete / missing survey data, as well as discrepancies in the provided survey data. CWCC has requested that this be updated with advanced notice provided to allow for an assessment.</p> <p>The Applicant can confirm that, as per discussions and communication with CWCC during a meeting held on 8th December 2022, further surveys for select receptors have taken place during preparation of the DCO Application. The results of outstanding and further surveys are presented within upcoming submission of Rev B documents. The Applicant recognises the need for CWCC to review the Rev B documents and would welcome any queries or discussions in due course.</p> <p>The Rev B documents were provided to CWCC and submitted to the ExA on 3 March 2023.</p> <p>Following discussions held with CWCC and the Applicant on 22 May 2023 and 13 June 2023, a summary of the percentage completion for each survey type within Cheshire was shared via email with CWCC on 12 June 2023, which provided quantifiable information to help alleviate concerns raised regarding extent of surveys and data collected. This included explanatory detail regarding barn owl and badger survey extent and results. Further information has been provided within [REP3-038].</p> <p>The Applicant has agreed to attach survey completeness as a table to be appended to the SOCG (Appendix A).</p> <p>On review of the confirmation of the percentage of survey field data collected CWCC is satisfied that this 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 species movement or distribution as standard.</p>	Agreed
<b>CWCC 3.6.3</b>	Biodiversity Net Gain (BNG)	<p>The parties are in active discussion to progress a BNG proposal.</p> <p>Further meetings took place regarding the approach to BNG as described in Chapter 2 of this SoCG. This included:</p> <ul style="list-style-type: none"> <li>- Meeting on 11th November 2022 with the CWCC Climate Change Strategy Manager to provide HyNet introduction and discussions regarding Mersey Forest scheme possibility for BNG.</li> <li>- Meeting on 24th January 2023 with the CWCC Green Infrastructure Lead for provide an introduction to the HyNet CO<sub>2</sub> pipeline and initial discussions on BNG opportunities within CWCC.</li> </ul>	Under Discussion

		<p>- Meeting on 17th March 2023 with the CWCC Green Infrastructure Lead regarding a BNG update on metrics and agreement of templates.</p> <p>Further meetings have been held with CWCC as detailed within Chapter 2 of this SoCG regarding BNG offsetting locations, hypothetical scenarios in relation to the current BNG strategy and formal commercial agreements by the Applicant. Discussions are still ongoing and CWCC is awaiting a revised version of the BNG agreement from the Applicant following the meeting between the parties on 21 June 2023.</p>	
<b>CWCC 3.6.4</b>	Local Wildlife Sites (LWS)	<p>CWCC seeks clarification on a matter regarding replacement trees which cannot be planted within 12m either side of the pipeline and how this impacts the mitigation, compensation and enhancement for Local Wildlife Sites (LWS) and overall habitat connectivity, including the provision of any required long-term management, which appears to be absent from any proposed mitigation.</p> <p>The Applicant confirms that the mitigation strategy for LWS is outlined in Outline CEMP <b>[REP6-008]</b> and Chapter 9 – Biodiversity <b>[REP4-041]</b>. Further information on the Applicant’s approach to the LWS and replacement trees has been provided in the Applicant’s Response to Relevant Representations <b>[REP1-042]</b>.</p> <p>Further information was provided to CWCC regarding the area and proportion of LWS loss at Ince AGI, which was well received by CWCC. The Applicant confirmed that the landscape design at Ince AGI, as currently shown within <b>[CR1-008]</b> comprises a habitat mosaic in line with existing habitats such as grassland, hedgerow, scrub planting and enhancements to the ditch system.</p> <p>CWCC accepted the Applicant’s reasoning and position on this matter in their response submitted at Deadline 4 <b>[REP4-227]</b>, and confirmed that no further concerns are raised, and this matter can be resolved.</p>	Agreed

**Table 3-7 – Land and Soils**

Ref.	Description of Matter	Current Position	Status
<b>CWCC 3.7.1</b>	Phase I Report	CWCC confirmed that the Phase 1 Report was satisfactory during a meeting on 26 January 2022.	Agreed
<b>CWCC 3.7.2</b>	Additional Ground Investigation	CWCC is satisfied with the scope and extent of the proposed additional ground investigation, but subject to the inclusion of remediation validation / verification reporting in the OCEMP <b>[REP6-008]</b> for the additional ground investigations. The Applicant has agreed to amend the wording of DCO Requirement 9 to state that a Remediation Verification Report has to be submitted.	Agreed
<b>CWCC 3.7.3</b>	Unidentified Contamination	<p>CWCC requests the inclusion of remediation validation/verification reporting in the wording of DCO Requirement 9. Verification reporting is included in Requirement 9 (4) of the updated dDCO <b>[CR3-008]</b>. CWCC requires verification reporting to be submitted for approval for this to be acceptable.</p> <p>CWCC note this has not been addressed in the most recent revision G of the draft DCO <b>[REP4-007]</b>.</p> <p>The Applicant does not agree that this approval is necessary and has accordingly not made the change sought to the draft DCO.</p>	Not Agreed
<b>CWCC 3.7.4</b>	Mineral Safeguarding	<p>CWCC requests the inclusion of a mineral management /safeguarding plan should form part of the wording of DCO Requirement 11.</p> <p>The Applicant has submitted an Outline Materials Management Plan (OMMP) <b>[REP4-266]</b> at Examination Deadline 4, which includes a section on mineral management.</p>	Under Discussion

		<p>CWCC has reviewed the OMMP and suggests amendments in paragraph 2.3.4 of its response at Deadline 5 <b>[REP5-031]</b></p> <p>The Applicant can confirm that paragraph 2.4.5 of the Outline Materials Management Plan <b>[REP4-266]</b> will be updated and submitted at Deadline 7, The Applicant has agreed to submit an early draft to CWCC prior to this.</p>	
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**Table 3-8 – Landscape and Visual**

Ref.	Description of Matter	Current Position	Status
<b>CWCC 3.8.1</b>	Viewpoint selection	CWCC has provided confirmation that the proposed viewpoint and photomontage locations are acceptable.	Agreed
<b>CWCC 3.8.2</b>	Mitigation	CWCC requested further discussion on mitigation replacements for any trees and hedges within the 12m easement either side of the pipeline that will be lost as a result of the works. This was provided by the Applicant, who advise that hedgerows and certain smaller tree species can be replaced within the easement, as well as larger trees planted as close as possible to the site of loss, outside of the easement. On this basis, CWCC confirm they are satisfied with the mitigation principles proposed by the Applicant.	Agreed
<b>CWCC 3.8.3</b>	Mitigation – loss of veteran trees	<p>CWCC asks that all avenues (micro-siting / trenchless options) are explored before any veteran trees are removed. CWCC identifies the potential loss of up to 6 veteran trees of significant concern. Veteran trees are irreplaceable, and their loss cannot be mitigated against. Any losses should be avoided wherever possible, and all options explored fully before any consideration should be given to their loss.</p> <p>The Applicant submitted a Change Request (1) Notification <b>[AS-060]</b> to the Planning Inspectorate on 27 March 2023 which proposes to amend the Order Limits (Change 4) to reduce the impact of the DCO Proposed Development on veteran trees. The extension of the Order Limits to the north will avoid loss of veteran trees as far as practicable. The Change Request was accepted by the ExA into the examination on 24 April 2023.</p> <p>CWCC confirm that in the view of the ExA's acceptance of CR1 and having reviewed the updated AIA, submitted at DL4 <b>[REP4-118]</b> which states that all veteran trees are to be retained and protected, the Council no longer raises concern in respect the protection of veteran trees.</p>	Agreed

**Table 3-9 – Noise and Vibration**

Ref.	Description of Matter	Current Position	Status
<b>CWCC 3.9.1</b>	Baseline Noise Monitoring	The overall approach to the baseline noise monitoring is agreed.	Agreed
<b>CWCC 3.9.2</b>	Construction Noise and Vibration Assessment	The overall approach to the noise and vibration assessment during the construction and decommission phases is in accordance with BS5228, Parts 1&2 (2009) + A1:2014 is agreed.	Agreed
<b>CWCC 3.9.3</b>	Construction Hours (DCO Requirement 13)	CWCC raised issue with the provisions under DCO Requirement no. 13 (Construction Hours) in respect the exceptions to normal construction hours.	Agreed

		<p>The definition of “emergency” is questioned as is the allowance for works required to mitigate delays as a result of bad weather. Where any uninterruptable works are required (i.e., for trenchless crossings) CWCC are of the view this should only occur where a scheme to mitigate any unacceptable harm has been approved.</p> <p>DCO Requirement 13. Subpara. (4) – provides that “nothing in subpara. (1) preclude oversized deliveries and the undertaking on non-intrusive events”. CWCC advise that they would accept the requirements of over-sized deliveries as these are out of the control of the Applicant, but non-intrusive events as defined by subpara. (5) would need further clarification and tighter links to prevailing noise limits and most importantly the character of the noise, duration, frequency, maximum levels as part of a Scheme to be approved.</p> <p>The Applicant, upon request from CWCC have added the definition of Trenchless Crossings to Requirement 13 (5). This will be added to draft Development Consent Order for Deadline 7. The Applicant has sent CWCC the revised Requirement in advance of this.</p> <p>CWCC is satisfied that, subject to the inclusion of the definition of “trenchless construction techniques which cannot be interrupted” within Requirement 13 of the dDCO, as drafted within email dated 04.08.2023 (below), that no further concern is raised in respect this exemption to the core working hours.</p> <p><i>“trenchless construction techniques which cannot be interrupted” means drilling, tunnelling, boring or similar construction methods used to create an underground route for the pipeline without trenching from the surface, and includes any necessary ancillary activities to that drilling, tunnelling or boring; but does not include operations to prepare for drilling, tunnelling and boring, and specifically does not include works of excavation of pits, or works to remediate the site of pits used for drilling, tunnelling and boring.”</i></p>	(Subject to revised dDCO)
<b>CWCC 3.9.4</b>	Definition of Start Up & Shut Down Activities (DCO Requirement 13(5))	<p>As is outlined in paragraphs 2.3.41-2.3.44 of CWCC’s response to comments on its Written Representation <b>[REP5-031]</b> and further detailed in the Deadline 4 cover letter <b>[REP4-274]</b> CWCC has ongoing concerns regarding the drafting of Requirement 13, and specifically regarding the definition of the exceptions to the hours of construction, paras 13(3)(a) “trenchless construction techniques which cannot be interrupted” and 13(4)(b) “start-up and shut-down activities”. This issue is also raised in paragraph 3.14.6 below.</p> <p>CWCC ask that further consideration of the definition “start up and shut down activities” in Requirement 13(5) of revision G of the draft DCO submitted at DL4 <b>[REP4-007]</b> is made by the Applicant, specifically in regard the inclusion of un-controlled deliveries, unloading, maintenance and general preparation work.</p> <p>The Applicant does not accept that the definition of start up and shut down activities requires further specification and notes that this definition has already been made more specific than that used in comparable projects, including HS2.</p> <p>The Applicant is reviewing the Outline Noise and Vibration Management Plan to resolve this matter and will share any amendments with CWCC for consideration prior to Deadline 7.</p>	Under Discussion
<b>CWCC 3.9.5</b>	Operational Noise Assessment	<p>The overall approach to the noise assessment during the operational phase is in accordance with BS 4142:2014+A1:2019 and was agreed on 15 September 2021.</p>	Agreed
<b>CWCC 3.9.6</b>	Operational Vibration Assessment	<p>The Applicant has scoped out operational vibration assessment from the EIA on the basis that the operation of the new equipment included in the AGIs and Block Valve Stations (BVSs) is not expected to give rise to a significant effect at the nearest sensitive receptor in terms of vibration, this agreed as acceptable between the Parties.</p>	Agreed

**Table 3-10 – Traffic and Transport**

Ref.	Description of Matter	Current Position	Status
<b>CWCC 3.10.1</b>	Definition of Heavy Goods Vehicles (HGV) and Light Goods Vehicles (LGV)	For the purposes of the DCO Proposed Development submission, an HGV is defined as being in excess of 3.5 tonnes and an LGV is a vehicle weighing less than 3.5 tonnes.	Agreed
<b>CWCC 3.10.2</b>	Definition of temporary access	A temporary access location will be designed and constructed to accommodate the most onerous vehicle type and manoeuvres required for construction.	Agreed
<b>CWCC 3.10.3</b>	Suitability of survey data	Traffic surveys undertaken in 2021 were agreed as being acceptable based on guidance in National Highways Advice Note dated 30 <sup>th</sup> July 2021, which established that the effects of the Covid-19 Pandemic and their impact on traffic flows could be mitigated by collecting a 14-day sample. Subsequent data in 2022 has been collected for a 7-day period and is considered by the Applicant to be a representative baseline suitable for assessment purposes.	Agreed
<b>CWCC 3.10.4</b>	Principles of construction traffic routing	Construction traffic routes have been identified as being appropriate due to their accessibility to the Strategic Road Network (SRN), their geometry, capacity and where they limit disruption to human receptors and other road users. Where this is difficult to achieve, suitable mitigation measures have been documented in the Outline Construction Traffic Management Plan <b>[REP3-020]</b> with justification detailed.	Agreed
<b>CWCC 3.10.6</b>	Construction techniques	Trenchless installation techniques to be used where specified in the crossing register to limit the need for closures of roads.	Agreed
<b>CWCC 3.10.7</b>	Scope of assessment	No individual junction assessments are required due to the volumes of traffic in peak periods being within agreed thresholds (less than 30 two-way trips during the peak months (August 2024 Project Peak Month)).	Agreed
<b>CWCC 3.10.8</b>	EIA assessment conclusions	Chapter 17 Traffic and Transport of the ES <b>[REP4-057]</b> and the further detailed assessment included within the Transport Assessment <b>[REP4-167]</b> enable the conclusion to be drawn that the residual traffic and transport effects of the DCO Proposed Development are not significant.	Agreed

**Table 3-11 – Water Resources and Flood Risk**

Ref.	Description of Matter	Current Position	Status
<b>CWCC 3.11.1</b>	Preliminary Environmental Impact Report	Full CWCC response to PEIR provided as part of the s42 statutory consultation in 2022. CWCC comments are noted and have been taken account of in the DCO Proposed Development application.  Table 18.1 in Chapter 18 Water Resources and Flood Risk of the 2022 ES <b>[REP4-059]</b> provides a summary of the consultation undertaken with stakeholders (including CWCC) to inform the water resources and flood risk assessment to date.	Agreed

**Table 3-12 – Population and Human Health**

Ref.	Description of Matter	Current Position	Status
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<b>CWCC 3.12.1</b>	Drainage and waterlogging	CWCC has noted that several footpaths in the borough, including those affected by the proposed works to the south of the M53 (Wervin and Wimbolds Trafford Works nos. 13 -15), are prone to drainage and waterlogging issues.  CWCC comments are noted. The Applicant has considered the impacts of the increase in surface water flood risk in the Outline Surface Water Drainage Strategy [CR3-016, APP-242, CR3-018, APP-244 and APP-245] and in a Flood Risk Assessment (FRA) [REP4-177 and REP4-178].	Agreed
<b>CWCC 3.12.2</b>	Public Rights of Way	The Applicant has discussed the approach to diversions and closures of PRowWs with CWCC who have confirmed their agreement in principle for diversions.  The Applicant submitted the latest Outline Public Rights of Way Management Plan (OPRowWMP) at Deadline 3 [REP3-028] which details the management measures and principles for the PRowWs impacted by the DCO Proposed Development.  CWCC has reviewed the OPRowWMP [REP3-028] and have no further comment to make.	Agreed

**Table 3-13 – Cumulative Impacts**

Ref.	Description of Matter	Current Position	Status
<b>CWCC 3.13.1</b>	Cumulative Impacts	CWCC has requested the Applicant to consider the combined effects with other Nationally Significant Infrastructure Projects (NSIPs) such as the Cadent Hydrogen Pipeline project including its pipeline location and HAGIs, which would have potential for physical overlap especially near to the HPP plan and offshoot to the Protos Site. The Applicant has considered the combined effects with other NSIPs, including the Cadent Hydrogen Pipeline, in Chapter 19 Combined and Cumulative Effects of the ES [REP4-061] and Table 1 of Appendix 19.1 of the 2022 ES [REP4-184].	Agreed

**Table 3-14 – Issues related to the DCO Proposed Development - Draft DCO (including requirements to the draft DCO)**

Ref.	Description of Matter	Current Position	Status
<b>CWCC 3.14.1</b>	Draft DCO Wording (Articles and Requirements)	CWCC provides comments with respect to the proposed wording and appropriateness of its provisions including the principal powers, the content and wording of the suggested requirements and the unrealistic proposed process timescales relating to applications made under the requirements.  These include but are not limited to the following (Applicant comments also provided in the rows below in italics).	
<b>CWCC 3.14.1a</b>	DCO Part 1 Article 2 (Interpretation)	Definition of “Commence”  As outlined in REP3-042 CWCC raised concerns in respect the definition of commence, and in particular the proposed exceptions for the installation of permanent fencing, the diversion and laying of services, and creation of accesses.  Draft DCO (Revision G), submitted at Deadline 4 [REP4-007], has been amended to include exceptions for temporary fencing and access. Whilst CWCC welcomes this change it, however, maintains its concern with the exception remaining in the draft to include “diversion and laying of services”.  The Applicant has responded to this in its Deadline 6 submissions. The Applicant maintains that this inclusion is necessary and appropriate.	Not Agreed

<p><b>CWCC 3.14.1b</b></p>	<p>DCO Part 2 Article 8 (Disapplication of Drainage Legislation)</p>	<p>CWCC in its role as Lead Local Flood Authority (LLFA) has 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>CWCC will provide the Applicant with a draft set of protective provisions for review for the benefit of the drainage authority. For the avoidance of doubt, currently CWCC does not agree to the disapplication of the above legislation.</p> <p>See below paragraph 3.14.12 (Protective Provisions).</p> <p>The application cannot by its nature include details of the drainage as the detailed design has not been undertaken. The Applicant continues to request that CWCC review the outline plans submitted at Deadline 5 as to what information is to be provided in those once detailed design has been undertaken and advise what, if anything, they consider is not included.</p>	<p>Under Discussion</p>
<p><b>CWCC 3.14.2</b></p>	<p>DCO Part 2 - Article 9 (Statutory Nuisance)</p>	<p>Clarification sought in respect of the defence to proceedings and arbitration in respect of statutory nuisance for noise and its interplay with existing statute (DCO Part 2 (Principal Powers) Article 9).</p> <p><i>The Applicant would refer CWCC to the Explanatory Memorandum [REP1-006] which describes that this provision exists solely to extend the statutory nuisance defences created by s158 of the Planning Act 2008 to actions brought by persons other than the local authority. Article 9 entirely relates to those actions brought by “persons aggrieved”, not the local authority- and therefore has no effect on the local authority’s powers or position.</i></p> <p>CWCC notes the above and consider this matter resolved.</p>	<p>Agreed</p>
<p><b>CWCC 3.14.3a</b></p>	<p>DCO Schedule 2: Part 1 – Requirement 3 (Stages)</p>	<p>CWCC request that Requirement 3 is amended to require the project to be undertaken in accordance with the 'Stages' as submitted or amended (and notified to the relevant planning authority).</p> <p>The Applicant has amended Requirement 3 (stages) to include notification to the relevant planning authority. This will be incorporated into the draft Development Consent Order for Deadline 7. A draft of Requirement 3 has been shared with CWCC.</p> <p>CWCC consider the revised drafting of Requirement 3 of as proposed in email dated 04.08.2023 (below) is acceptable and that subject to its inclusion in the next revision of the dDCO is in agreement.</p> <p><i>“3. – (1) (a) The authorised development may not commence until a written scheme setting out all stages of the authorised development and including a plan indicating when each stage will be implemented, has been submitted to each relevant planning authority.</i></p> <p><i>(b) The written scheme submitted under this sub-paragraph may be amended by the undertaker. Where any amended written scheme is submitted under this sub-paragraph, any prior submitted written scheme will be held to be superseded.</i></p> <p><i>(c) Any amended written scheme must be submitted to each relevant planning authority before any amendment may take effect for the purpose of sub-paragraph (4).</i></p> <p><i>(2) The description of each stage in the written scheme to be submitted under sub-paragraph (1) must include the Work No(s) of the works within that stage.</i></p> <p><i>(3) More than one stage may be planned to be undertaken concurrently.</i></p> <p><i>(4) The authorised development must be implemented in accordance with the written scheme submitted under sub-paragraph (1).”</i></p>	<p>Agreed (subject to revised dDCO)</p>



<p><b>CWCC 3.14.3b</b></p>	<p>DCO Schedule 2: Part 1 – Requirement 4 (Scheme Design)</p>	<p>CWCC is concerned that there is a self-approval mechanism for determining whether any changes are material and refers the Applicant to its comments made to ISH2-AP9 <b>[REP4-276]</b>.</p> <p>CWCC would also welcome clarification from the Applicant as to the mechanism for resolving any dispute as to whether the amendments proposed by the Applicant are in ‘general accordance’ with the ‘general arrangements plan’.</p> <p>The Applicant has set out its position in the written submissions and is not proposing any new mechanism on this point.</p>	<p>Not Agreed</p>
<p><b>CWCC 3.14.4</b></p>	<p>DCO Schedule 2: Part 1 – Requirement 5 (CEMP) and Requirement 11 (LEMP)</p>	<p>CWCC advises that the Construction Environmental Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP) provisions under requirements 5 and 11 are considered too vague. More clarification of the inclusions for each are needed, and in particular direct reference for mineral safeguarding, the protection and replacement planting of all significant trees and hedgerows (not just ancient woodland), heritage mitigation as well as clear biodiversity considerations including survey reporting and monitoring strategies.</p> <p><i>The Applicant advises these details are secured in the plans as set out in the outline and do not need to be repeated in the requirement itself. A review mechanism is not required as the CEMP will only apply during construction and each plan to the stage/s it is for.</i></p> <p>The Applicant would also direct CWCC to Table 2-6 of the Applicant’s Comments on Submissions Received at Deadline 3 (document reference: <b>D.7.28</b>) <b>[REP4-263]</b>, in particular the section on the Draft DCO (Requirement 5(2)(a-m) and Requirement 11).</p> <p>CWCC is satisfied in respect the coverage of heritage mitigation and biodiversity considerations under the CEMP and LEMP and that the inclusion of the findings of the Mineral Management Plan can be provided for within the Materials Management Plan as detailed for within the CEMP requirements under Requirement 5. CWCC has reviewed the submitted Outline Materials Management Plan and has made suggestions for consideration of the Applicant in its response at Deadline 5 (paragraph 2.3.4 <b>[REP5-031]</b>).</p> <p>As noted under paragraph CWCC 3.7.4 CWCC understand that the Applicant will confirm that paragraph 2.4.5 of the Outline Materials Management Plan <b>[REP4-266]</b> will be updated and submitted at Deadline 7. The Applicant has agreed to submit an early draft to CWCC prior to this.</p>	<p>Under Discussion</p>
<p><b>CWCC 3.14.5</b></p>	<p>DCO Schedule 2: Part 1 - Requirement 11(2)(d)</p>	<p>CWCC advised that a definition of “existing features” in requirement 11(2) (d) is needed.</p> <p><i>The Applicant advises this is standard DCO wording and no definition is required as it applies to the individual facts and circumstances, i.e. the features identified in the ES and any pre-commencement surveys.</i></p> <p>This definition is accepted by the CWCC, however, CWCC believes that the LEMP should include commitment to updated ecological surveys, reporting to the appropriate bodies and long-term monitoring strategies.</p> <p><i>The Applicant has considered needs for surveys, reporting and monitoring of ecological features (both habitats and protected / notable species) within Section 4.4 of the Outline Landscape and Ecological Management Plan (OLEMP) <b>[APP-229]</b>. Further definition regarding survey, reporting and monitoring requirements will be developed during the detailed design of the DCO Proposed Development and captured within a final LEMP.</i></p> <p>The Applicant would also direct CWCC to Table 2-6 of the Applicant’s Comments on Submissions Received at Deadline 3 (document reference: <b>D.7.28</b>) <b>[REP4-263]</b>, in particular the section on the Draft DCO (Requirement 11).CWCC accept that adequate provision for ecological surveys can be made in the final LEMP</p>	<p>Agreed</p>

<p><b>CWCC 3.14.6</b></p>	<p>DCO Schedule 2: Part 1 - Requirement 13 (Construction Hours (1-5))</p>	<p>The definition of “emergency” and “non-intrusive” within Schedule 2 requirement 13 (Construction Hours) has been raised. CWCC advised the current wording of requirement 13 (3) (c) would appear to allow works outside of the stated construction hours in any eventuality – this is quite open-ended. The proposed exceptions and definitions in relation to the proposed construction working hours are not considered acceptable.</p> <p><i>The Applicant has amended the DCO so that working for what is currently (c) would require approval under a scheme but maintains that allowing 24 hour working for (a), (b) and (d) is necessary and appropriate.</i></p> <p>The Applicant would also direct CWCC to Table 2-6 of the Applicant’s Comments on Submissions Received at Deadline 3 (document reference: <b>D.7.28 [REP4-263]</b>, in particular the section on the draft DCO (Requirement 13).</p> <p>CWCC submitted a cover letter at Deadline 4 <b>[REP4-274]</b> requesting a specified definition for start-up and shut-down activities and the clarification / definition in respect “trenchless construction techniques which cannot be interrupted” and suggests some further amendments/clarifications relating to Requirement 13 and the OCEMP.</p> <p>The Applicant, upon request from CWCC have added the definition of Trenchless Crossings to Requirement 13 (5). This will be added to the draft Development Consent Order for Deadline 7. The Applicant has sent CWCC the revised Requirement in advance of this.</p> <p>CWCC ask that further consideration of the definition “start up and shut down activities” in Requirement 13(5) of revision G of the draft DCO submitted at DL4 [REP4-007] is made by the applicant, specifically in regard the inclusion of un-controlled deliveries, unloading, maintenance and general preparation work.</p> <p>The Applicant does not accept that the definition of start up and shut down activities requires further specification and notes that this definition has already been made more specific than that used in comparable projects, including HS2.</p> <p>The Applicant is reviewing the Outline Noise and Vibration Management Plan to resolve this matter and will share any amendments with CWCC for consideration prior to Deadline 7.</p>	<p>Under Discussion</p>
<p><b>CWCC 3.14.7</b></p>	<p>DCO Schedule 2: Part 1 – Requirement 16 (Restoration of Land)</p>	<p>CWCC advised that Requirement 15 as a whole is not precise or enforceable and does not require the approval of a scheme of restoration and aftercare if required. CWCC request to re-word to require full detail of restoration scheme or remove and combine into Requirement 16. Or include more detail in the soil management plan.</p> <p><i>The Applicant advises this requirement is a reserve power to allow the LPA to require restoration in default or where there is an issue. The primary mechanism for controlling restoration is the land agreements which will include for example schedules of condition before possession is taken, the details of restoration, which will in the main be to the former use. Drainage would be reinstated in its former location. Deterioration in land would be a compensatable issue not a planning one. Aftercare of agricultural land once returned to the landowners’ use is not appropriate or reasonable as it would not only interfere with the land agreements between the landowner and Applicant but would require the Applicant to control land for longer than necessary, to interfere with the landowners use, to take rights for longer than necessary and it is accordingly disproportionate to move from the control of the landowner to the LPA.</i></p> <p>CWCC note the Applicant’s position presented within in Paragraphs 2.21 and 2.23 of the Applicants Written Summaries of Oral submissions made at the Issues specific Hearings -Part 3 <b>[REP4-264]</b>. CWCC, however retains its position on this issue and request that aftercare is included in R16 and also a part of the DEMP approved under R18.</p>	<p>Not Agreed</p>
<p><b>CWCC 3.14.8</b></p>	<p>DCO Schedule 2: Part 1 - Requirement 20 (4) (Amendments)</p>	<p>CWCC advised on the “42 days” notification period - The current wording is not flexible as there is no ability to agree an extension of time if required. Suggestion to use a standard period for decision of 56 days (8 Weeks). Include provision to agree an extension of time i.e. “within such longer period as may be agreed by the undertaker and the host authorities in writing”</p> <p><i>The Applicant is willing to amend the period to 56 days (8 weeks) as requested by CWCC. The Applicant is willing to add the flexibility requested to allow agreement of a different period.</i></p>	<p>Agreed</p>

		<p>CWCC reserves its position until the amendment is made in the next iteration of the draft DCO.</p> <p>The Applicant would also direct CWCC to Table 2-6 of the Applicant's Comments on Submissions Received at Deadline 3 (document reference: <b>D.7.28</b>) [REP4-263], in particular the section on the Draft DCO (Requirement 19).</p> <p>This has been addressed in the updated DCO draft G and it has been confirmed that 56 days is agreeable.</p>	
<b>CWCC 3.14.9</b>	DCO Schedule 2: Part 2 – Article 24 (Further Information)	<p>The proposed 5/21-day notification periods for the request for further information under Article 21 (2-4) is not considered acceptable. Request from CWCC to amend to longer and reasonable time scale, include the provision for allowing an extension of time for an agreement.</p> <p><i>The Applicant would be willing to add the flexibility requested to agree a longer timescale, and will amend 5 days to 10, but will not agree to extend the 21 day period.</i></p> <p>The Applicant would also direct CWCC to Table 2-6 of the Applicant's Comments on Submissions Received at Deadline 3 (document reference: <b>D.7.28</b>) [REP4-263], in particular the section on the Draft DCO (Article 21).</p> <p>CWCC maintains that it does not support the inclusion of controls in respect to the requests for further Information under Requirement 24)(2-4) of draft DCO Rev G [REP4-007]</p> <p>CWCC refers the applicant to its response made under ISH2-AP12 [REP4-276] and paragraph 2.3.52 its comments made in respect submissions at Deadline 5 [REP5-031] where, acknowledging the Applicant's concerns regarding timescales, suggestions are presented to resolve its ongoing concerns regarding the inclusion of this Article. CWAC welcomes further engagement on this matter.</p>	Under Discussion
<b>CWCC 3.14.10</b>	DCO Schedule 12 (Arbitration Rules)	<p>Clarification is sought in relation to Schedule 12 (Arbitration Rules) as the Environmental Protection Act 1990 and Control of Pollution Act 1974 have existing legally defined routes to recourse.</p> <p><i>The Applicant confirms that the arbitration provision relates to disputes under the DCO and does not affect any mechanism under the EPA or COPA.</i></p>	Agreed
<b>CWCC 3.14.12</b>	Protective Provisions	<p>Schedule 10 Part 7 of dDCO CWCC will be providing comments on the draft protective provisions for the benefit of the highway authority but is also awaiting a draft Planning Performance Agreement (PPA) dealing with the practicalities of engagement between the parties which has yet to be provided to CWCC from the Applicant –</p> <p>Article 8 Part 2 of dDCO (Disapplication of Drainage Legislation) – Drainage provision for ordinary watercourses – CWCC wishes to provide the Applicant with a draft set of protective provisions for review for the benefit of the drainage authority as it cannot accept nor agree to the disapplication of the relevant legislation without protective provisions being provided.</p>	Under Discussion
<b>CWCC 3.14.13</b>	Compulsory Purchase	<p>The Parties are still in discussions and CWCC has requested a meeting with the Applicant to discuss the interaction between the land acquisition/ temporary rights needed and the CWCC's position as either landowner and/or highway authority.</p> <p>The parties are still in discussion - a meeting took place on the 28 July between CWCC and WSP there are several points outstanding.</p>	Under Discussion
<b>CWCC 3.14.14</b>	Street Works	<p>The Parties are still in discussion on this point. CWCC is awaiting a PPA to deal with the practicalities of providing notice and communication between the parties. CWCC are to review the draft PPA provided and update relating to street works.</p>	Under Discussion

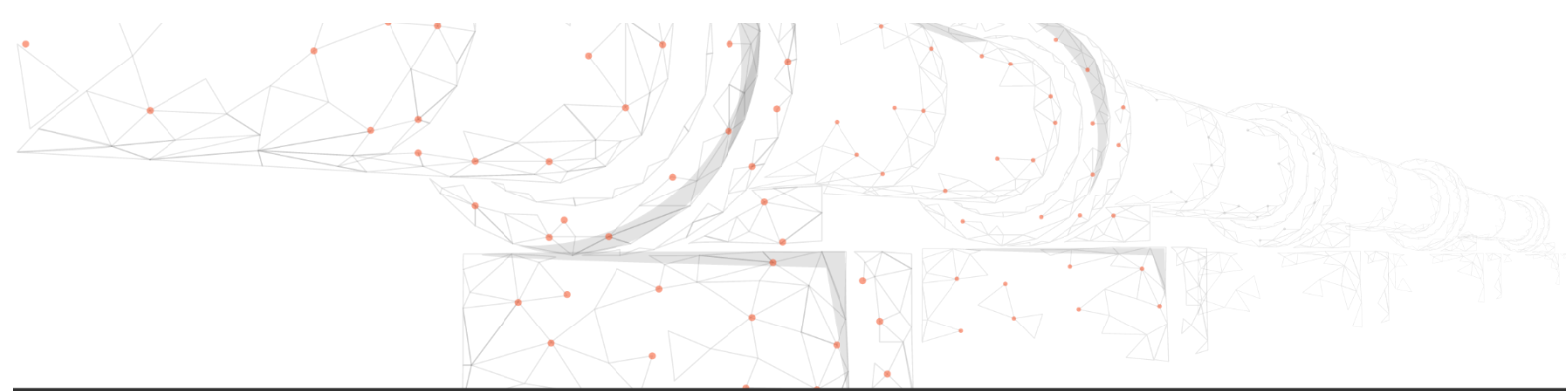
**Table 3-15 – Economic Impact**

Ref.	Description of Matter	Current Position	Status
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<p><b>CWCC</b> <b>3.15.1</b></p>	<p>Economic Impact (Protos)</p>	<p>CWCC identifies that the DCO boundary incorporates a permanent access for Ince AGI (work no.3) through the economic safeguarded site of Ince Park (Protos). Maintaining this access has a direct impact by cutting across a plot and building of the approved Protos Plastics Park (no. 21/04076/FUL). Without resolution of this matter CWCC has concerns regarding the ability to deliver the development and the resulting economic impact on the area.</p> <p>CWCC asked that clear consideration be given of impacts if both DCO projects were to commence together, including working arrangements to be secured in the CEMP.</p> <p>The Applicant acknowledges the response from CWCC and that the Order Limits intersect along the edge of this area and a part of the access falls within the defined Protos boundary (EP6), which is a safeguarded area. A collaborative approach has been shown with developers here to ensure appropriate development is delivered.</p> <p>The Applicant through Change Request 3 <b>[CR3-019]</b> which was accepted on 12 July 2023 has downgraded part of Plot 1-06 from permanent acquisition of rights to temporary possession of land to form a new Plot 1-06d in response to Encirc's concerns regarding access <b>[CR1RR-055, REP3-050, REP4-280]</b>. This downgrade has been welcomed by Encirc. CWCC confirm this resolves issues related to the economic impact and they would only request updates in relation to Peel NRE.</p> <p>A record of engagement has been submitted in the Schedule of Negotiations with Land Interests <b>[REP3-012]</b>. Statements of Common Ground have been submitted at Deadline 3 with adjacent landowners such as Peel <b>[REP3-027]</b>. The Applicant would also direct CWCC to Table 2-6 of the Applicant's Comments on Submissions Received at Deadline 3 (document reference: <b>D.7.28) [REP4-263]</b>, in particular the section on Economic Impacts (LPA reference 2.2).</p> <p>CWCC acknowledges the Applicant's ongoing engagement with Peel and reserves its position on this matter until the parties have come to a resolution.</p>	<p>Under Discussion</p>
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# Appendix A

## **BIODIVERSITY - SURVEY COMPLETION**



**Table 16 - Biodiversity Survey Percentage Completion within Cheshire West and Chester Council**

<b>Survey Type</b>	<b>Percentage Completion with Cheshire West and Chester Council</b>
Phase 1 Habitat Survey	99.9% completed
GCN (22 ponds)	36.36 % ponds not surveyed in total (both not surveyed and precautionary presence) 63.64 % ponds surveyed
Bat Activity Surveys	97.55% Trees complete 98.77% Structures complete
Bats & Hedgerows Statics (87 hedgerows)	82% received full three static deployments 13% received two of three visits 3.4% received one of three visits
Bats & Hedgerows Crossing Points	63.64% excellent hedgerows surveyed (7/11)
Riparian Mammals	84.6% full two surveys (4 of 26 watercourses surveyed once)
Badger Surveys (30m buffer around each sett location)	100% surveyed
Barn Owl Surveys	% of area surveyed within 100m buffer of newbuild infrastructure boundary, and 50m of each feature - 90.79%
Aquatic Surveys (46 Watercourses)	Of 46 watercourses, 41 had a walkover = 89.1% 13 watercourses scoped in for fish, 1 electrofishing survey completed =7.69% 12 fish eDNA surveys complete - 92.3% 10 watercourses scoped in for macroinvertebrates, all 10 surveyed =100% 4 watercourses scoped in for macrophytes, 3 completed = 75%
Aquatic Surveys (23 Ponds)	6 ponds scoped in for PSYM, all 6 surveyed 100% completed