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## Development Management

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our reference:	your reference:	please ask for:	date:
<b>20034010</b>	<b>EN070007</b>	Ben Greenwood	5 September 2023

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

Dear Mr Butler

## **LIVERPOOL BAY CCS LIMITED'S - HYNET CARBON DIOXIDE PIPELINE PROJECT SUBMISSION OF CHESHIRE WEST AND CHESTER COUNCIL FOR EXAMINATION DEADLINE 7 (5 September 2023)**

In response to your (Rule 8) letter dated 27 March 2023 [reference PD-012] and subsequent (Rules 8(3) and 13) letter dated 18 July 2023 [reference PD-026] setting out the Examination timetable, I am writing on behalf of Cheshire West and Chester Council with the responses for Deadline 7.

The Council's submissions for Deadline 7 comprise this letter and the following emailed to the Case officer on the 5 September 2023:

- Cheshire West and Chester Council's response to Examining Authorities third round of questions and requests for information (ExQ3) issued on the 15 August 2023.
- ExAQ3 – EIA Screening Opinion Matrix - 22/04248/SCR
- ExAQ3 – EIA Screening Opinion - 22/04248/SCR
- Deadline 7 representation with Appendix 1 and 2 (separate documents)

## **Encirc**

The Council can confirm that application 22/03693/FUL for the 'erection of an automated warehouse (Use Class B2/B8), ancillary office space, an automated link between the automated warehouse and existing facility, a driver welfare building, HGV marshalling yard, security building and other associated works' is awaiting determination. The Council's planning committee resolved to grant planning permission subject to the completion of the s106 Agreement on 17 August 2023.

## **Draft DCO Requirement 13 – Construction Hours**

The Council's representations including its latest responses, in its covering letter at Deadline 4 and at Deadlines 5 and 6, raise concern in respect of the inclusion of exceptions to construction hours for start-up and shut-down and trenchless crossing operations set out in Requirement 13(4) of the draft Development Consent Order (DCO).

The applicant has provided the Council with updated wording to Requirement 13 of the draft DCO inserting the below definition of "trenchless crossing operations":

*"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."*

The Applicant has also provided wording to be included in an updated ONVMP including for Noise and Vibration Assessment Criteria to address controls to start-up and shut-down operations.

Subject to the above revisions to the dDCO and ONVMP the Council would have no outstanding concerns regarding the exceptions to core construction hours under Requirement 13 of the Draft DCO.

## **Drainage**

The Council and the Applicant have agreed protective provisions for the benefit of the drainage authority. The Council has been advised by the Applicant that these will be included in the revised draft DCO to be submitted at Deadline 7.

## **Biodiversity Net Gain (BNG)**

The Council has provided comments on the draft BNG Agreement to the Applicant and is awaiting confirmation from the Applicant that the payments provided for in that agreement are now agreed.

## **Highways / Street works (Protective Provisions)**

The Council has provided a separate representation at Deadline 7 on highways matters and protective provisions.

## **Traffic Management**

The Council has provided comments on the Applicant's Outline Construction Traffic Management Plan (OCTMP) and understands that further detail on timings and routing will be provided at Deadline 7.

## **Planning Performance Agreement (PPA) for discharge of requirements**

This is being reviewed in light of the Council's revised position on the application of the New Roads and Street Works Act 1991.

## **Compulsory Purchase**

The Council received updated Heads of Terms from the Applicant on 23 August 2023 and received responses to queries on 30 August 2023. The Council will continue to progress negotiations with the Applicant.

Yours faithfully

Ben Greenwood

*Senior Planning Officer*