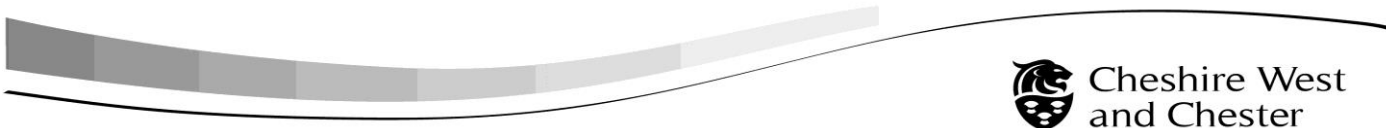




**CHESHIRE WEST AND CHESTER COUNCIL**

**Cheshire West and Chester Council's response to the  
Examining Authority's third round of written questions and requests for information (ExQ3) issued on 15 August 2023**

**Submitted at Deadline 7 – 5 September 2023**



This document represents a table of responses to the Examining Authority's third round of written questions and requests for information ("ExQ3"), in respect of Liverpool Bay CCS Limited ("the Applicant's") application for development consent for the Hynet Carbon Dioxide Pipeline DCO ("the Project"). Cheshire West and Chester Council's ("the Council") comments for Deadline 7 are entered in the right-hand column and relate to the matters addressed to CWCC directly.

EXQ3	Question to:	Question	The Councils Response
<b>2. Assessment of Alternatives</b>			
Q3.2.1	<p>Information – alternatives/ ancient woodland &amp; New Bridge Farm Applicant            FCC            Cheshire West and Chester Council (CWCC)            NRW            Woodland Trust            IPs</p>	<ul style="list-style-type: none"> <li>For the avoidance of direct impacts upon an existing slurry tank at New Bridge Farm referred to in DL4 submissions notes that two options of the Stanlow AGI to Flint AGI Pipeline indicative alignment have been considered separately. Both require the same extension of the Newbuild Infrastructure Boundary to the North-West and West, towards the Ancient Woodland south of Holywell Road. The two proposed design options being:               <ul style="list-style-type: none"> <li>PS02a – Removal of the slurry tank at New Bridge Farm and the pipeline would be constructed outside of the 15m Ancient Woodland buffer within the indicative alignment of the Stanlow AGI to Flint AGI Pipeline.</li> <li>PS02b – Retention of the slurry tank at New Bridge Farm in its current location with the pipeline being constructed further North-West and West than the indicative alignment of the Stanlow AGI to Flint AGI Pipeline. It would remain outside of the Ancient Woodland itself, but work would be required within 15m of the Ancient Woodland.</li> </ul> </li> </ul> <p><b>Applicant</b></p> <ul style="list-style-type: none"> <li>Having regard to proposed option PS02b, explain what specific work would be needed within the Ancient Woodland 15m buffer.</li> <li>How far would such work intrude into the buffer?</li> <li>Would any mitigation be utilised to offset any anticipated intrusion? And is the potential impact accurately reflected in updated tree impact information supporting the application? If so, please signpost that.</li> </ul>	<p>This matter relates to land in Flintshire. The Council has no comment.</p>

EXQ3	Question to:	Question	The Councils Response
		<ul style="list-style-type: none"> <li>• What is the Applicant's present position on its most favoured option?</li> <li>• Is the Applicant's favoured position expected to be subject to further change?</li> </ul> <p><b>IPs</b></p> <ul style="list-style-type: none"> <li>• Please make whatever comments you consider necessary.</li> </ul>	
Q3.2.2	<p>Information – alternatives/ veteran trees &amp; Backford Brook Applicant FCC CWCC NRW Woodland Trust IPs</p>	<ul style="list-style-type: none"> <li>• Having regard to the alternatives possible to reduce impacts on veteran trees at Backford Brook referred to in the Applicant's responses to DL4.</li> <li>• The ExA notes:-</li> <li>• Option 1 crosses Backford Brook and the nearby veteran trees via a trenchless crossing. This would require a minimum of 75 metres trenchless crossing length to avoid the veteran trees and 120 metres to avoid all trees and maintain a safe distance from the nearby existing buried utilities. To reduce construction and maintenance risks, trenchless crossings should be minimised in quantity and length, as such they should only be used where no practical alternative engineering solution exists.</li> <li>• Option 2 extends the Newbuild Infrastructure Boundary to the North which would increase the pipeline corridor width to reduce impacts on veteran trees west of Backford Brook. Further tree surveys of this area were undertaken in January 2023 and the indicative alignment of the Stanlow AGI to Flint AGI Pipeline has been realigned to aid the avoidance of the removal of veteran trees at this location, subject to detailed design. This option avoids four</li> </ul>	The Council has no comment.

EXQ3	Question to:	Question	The Councils Response
		<p>veteran trees in comparison to Revision A of the ES and is considered the Applicant's preferred option presently.</p> <ul style="list-style-type: none"> <li>• Can the Applicant further explain its reasons for its preferred Option relative to veteran tree protection and minimising loss or damage.</li> <li>• Which Option would be least harmful to trees? Would Option 1 result in less harm to veteran trees than Option 2? Explain how.</li> <li>• Is Option 1 now a fall-back position for the Applicant? If so, explain why.</li> <li>• What is the current position of the Applicant for being able to successfully implement Options 1 or 2 given the Environmental Impact Assessment (EIA) is ultimately intended to find the least harmful environmental outcome?</li> </ul> <p><b>IPs</b></p> <ul style="list-style-type: none"> <li>• Please make whatever comments you consider necessary.</li> </ul>	
<b>5. Climate Change</b>			
Q3.5.1	Information – future soil management Applicant FCC CWCC IPs	<ul style="list-style-type: none"> <li>• Further clarify how the development would successfully mitigate against the probable shrinking and cracking of soils within the DCO application area during operation of the scheme?</li> <li>• What are the known consequences of inadequate mitigation? For example, would existing soil carbon sequestration be significantly reduced in affected land areas?</li> <li>• Would any new hedgerow reinforcement currently anticipated boost soil carbon sequestration through the strengthening of existing microbial/ fungal networks? If so, what are the optimal locations for new or reinforced hedgerows relative to the DCO scheme?</li> </ul>	The Council has no comment.

EXQ3	Question to:	Question	The Councils Response
<b>6. Compulsory Acquisition</b>			
Q3.6.2	Information – National Highways	<ul style="list-style-type: none"> <li>Please provide a full and considered response to the ‘Applicants comments on submissions made at Deadline 5 - Appendix A’ [REP6-035].</li> </ul>	The Council is providing a separate representation on this issue at Deadline 7.
<b>7. Cultural Heritage</b>			
Q3.7.1	Clarification. Cadw, Historic England, CWCC, FCC and Clwyd Powys Archaeological Trust	<ul style="list-style-type: none"> <li>In the light of the Applicant’s Archaeological Evaluation Report [REP4-267], can IP’s confirm that they are satisfied with the Applicant’s proposed mitigations, as set out in table 5.1 of that document?</li> </ul>	<p>The Council can confirm that it is satisfied with the Applicant’s proposed mitigation contained within table 5.1 of the Archaeological Evaluation Report [REP4-267].</p> <p>The Council notes that further trail trenching is also proposed in parts of the easement where earlier geophysical survey did not reveal features (apparently blank areas) or where access has yet to be secured. This may reveal more archaeology requiring further investigations similar to those outlined in Table 5.1.</p> <p>The Council also notes (although this is already acknowledged in documentation prepared by the applicant’s agents) that there will</p>

EXQ3	Question to:	Question	The Councils Response
			need to be a phase of reporting and, possibly, publication following the completion of the fieldwork.
<b>10. Flood Risk</b>			
Q3.10.1	Water Resources NRW Environment Agency (EA) FCC CWCC Welsh Government IPs	<ul style="list-style-type: none"> <li>The Applicant's WFD Assessment (Appendix 18.3, Volume III) (updated at DL4) has screened for both the potential construction and operational impacts of the DCO Proposed Development upon WFD water bodies for main rivers, canals, ordinary watercourses, transitional waterbodies, and objectives from the North-West and Dee River Basin Management Plans (RBMP) and groundwater resources.</li> <li>This includes identifying likely risks to biodiversity, the biological, physio-chemical and hydro-morphological quality of WFD water bodies (including River Dee, River Gowy, Stanney Mill Brook, Shropshire Union Canal, Finchetts Gutter, Sandycroft Drain, Wepre Brook), nearby ordinary watercourses and groundwater quality, and the likely ability of good-practice methods to manage risks associated with pollutants typically experienced during the construction and operational phase.</li> <li>Are there any shortcomings in the Applicant's WFD Assessment remaining? If so, explain/ clarify what those specific shortcomings are.</li> <li>Outline any remaining areas of disagreement with the conclusions of the Applicant's WFD Assessment giving your full/ specific reasons as to why disagreement remains.</li> </ul>	<p>The Council has no comments to make regarding WFD biodiversity matters.</p> <p>The Council as Lead Local Flood Authority advise that it is not aware of any shortcomings in the Applicants WFD assessment at this stage. The WFD Assessment identifies that the majority of the potential impacts arising from the development would be during the Construction Stage. The Council advises that it would be in a better position to comment, in conjunction with the Environment Agency, once in receipt of confirmed detailed plans for each watercourse crossing submitted as part of the application to discharge of requirements under the draft DCO</p>

EXQ3	Question to:	Question	The Councils Response
Q3.10.2	Water Resources NRW EA FCC CWCC Welsh Government IPs	<ul style="list-style-type: none"> <li>In your overall view would the Applicant's development proposal meet the requirements of the WFD with its preferred crossing method? If not, is the alternative crossing proposed by the Applicant considered to be feasible in terms of meeting the requirements of the WFD? If not, please state why not.</li> <li>If one or both crossing methods be considered not to be compliant, please comment as to how the Applicant would be able to make the scheme WFD compliant.</li> </ul>	The Council as Lead Local Flood Authority advise it will be in a better position to comment once in receipt of confirmed detailed plans for each watercourse crossing. Any discussion on mitigatory measures for each crossing can only take place following submission of detailed crossing designs. Such discussions will need to be in conjunction with the Environment Agency.
<b>20. Other</b>			
Q3.20.3	Information Applicant/ CWCC/ Rostons Ltd	<ul style="list-style-type: none"> <li>REP5-045 (Rostons Ltd) refer to the following submissions to CWCC: 22/04248 (EIA Screening); and 23/01234 (Pre-App). Please could the IPs listed provide an update in relation to these submissions, including their current status, as well as providing copies of relevant letters, documents and/ or decisions issued in regard to these submissions by CWCC. If it is not possible to supply these items, please explain why.</li> </ul>	The Council attach its EIA Screening Opinion for application no. 22/04248/SCR placed on the planning register on the 18 August 2023. The Council has no further information to provide to the ExA.