



Small copper by Matt Berry



Cheshire

People taking action for wildlife

Cheshire Wildlife Trust

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**FAO HyNet North West Project Team
Liverpool Bay CCS Ltd**

09 July 2021

To whom it may concern,

Re: HyNet North West Carbon Dioxide Pipeline Initial Consultation

The Cheshire Wildlife Trust (CWT) is the leading conservation charity in the Cheshire area, focussing on all aspects of wildlife. In our response to the initial consultation for the HyNet North West Carbon Dioxide Pipeline we seek to represent the views of our 13,000+ local members, particularly those who live in Cheshire West and Chester (CWaC) and on the Wirral.

General Comments

Biodiversity Net Gain (BNG)

This project should result in a *measurable* net-gain for biodiversity as set out in the National Planning Policy Framework (2019) and the 25 Year Environment Plan (2018). Following a recent government statement responding to the findings of the Dasgupta Review, the government committed to a 'nature positive future' and announced that all new nationally significant infrastructure projects in England will be required to secure a measurable biodiversity net-gain through an amendment to the forthcoming Environment Bill.

This will require all impacts to biodiversity to be measured, in order to deliver a quantitative net-gain for biodiversity. The only available mechanism to measure gains and losses in biodiversity is through the use of an approved biodiversity metric, such as the newly released DEFRA 3.0 Biodiversity Metric.

NSIP projects do not need planning permission and the NPPF does not contain specific policies for NSIPs. However, matters that the decision maker considers 'important and relevant' when making decisions on NSIP applications (which is equivalent to a material consideration, such as nature conservation, in the Town and Country Planning Act) may include the NPPF itself. Securing measurable net-gains for biodiversity is mandated within the NPPF and could be considered important and relevant to the decision maker. The specific NPPF policies relating to measurable biodiversity net-gain are set out below:

- 170 d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 174 b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

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- 175 d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Habitat Regulations Assessment (HRA)

We welcome the commitment from the project to team to prepare a HRA due to the proximity of the application site to a number of internationally designated sites for nature conservation. All plans and projects which are not directly connected with, or necessary for, the conservation management of a European designated site, require consideration of whether the plan or project is likely to have significant effects on that site.

When preparing applications for NSIPs under the Planning Act 2008 (as amended), applicants should consider the potential effects of the application on protected habitats. If an NSIP, when taken alone or with existing and known future projects, is likely to affect a European site and/or a European Marine site, the Applicant must provide a report with the application showing the site(s) that may be affected together with sufficient information to enable the competent authority to make an appropriate assessment, if required. This is particularly relevant for the HyNet North West project as a phased development with known future elements. The HRA submitted with this DCO application must therefore give consideration to the effects of future stages of the wider HyNet project, such as the planned hydrogen plant, planned future pipelines and the construction and operation of the wider network.

The submitted HRA should also include an assessment of whether or not any land within the application site is deemed to be 'functionally linked' to an internationally designated site for nature conservation. The term 'functional linkage' refers to the role or 'function' that land or sea beyond the boundary of a European site might fulfil in terms of supporting the populations for which the site was designated or classified. Such an area of land or sea is therefore 'linked' to the site in question because it provides a (potentially important) role in maintaining or restoring a protected population at favourable conservation status.

Environmental Impact Assessment (EIA) Scoping Report – Climate

We are disappointed that greenhouse gas (GHG) emissions associated with land use, land use change and forestry (A5) throughout the construction of the project has been scoped out of further assessment in the EIA Scoping Report. As stated in the EIA scoping report, the Proposed Development could potentially pass through a range of habitats of conservation importance that also act as GHG sinks and represent significant semi-natural carbon stores, including but not limited to; woodland, lowland fen and reedbeds, floodplain and grazing marsh and coastal saltmarsh. In addition, significant areas of 'deep peat' as identified in the Natural England NE257 'England's Peatlands' report and spatial dataset are due to be impacted by the proposed scheme. This is particularly relevant to the Connection from Stanlow to Ince which is located on a large deposit of deep peat and also Option G which "will involve more construction work within a floodplain than Option I". Therefore, CWT disagrees with the justification in the EIA scoping report that "due to the type and quantity of biomass, emissions from the disposal of biomass are not expected to be large", and recommends that potential impacts as a result of GHG emissions associated with the Land

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use, land use change and forestry (A5) throughout the construction of the project are **scoped in** for further assessment.

England Pipeline

Any development proposals associated with the HyNet North West Carbon Dioxide Pipeline should ensure statutory and non-statutory designated sites for nature conservation, high distinctiveness or priority habitats and wildlife corridors or core areas for wildlife are avoided (including but not limited to those highlighted in the CWaC Ecological Network). Any development adjacent these sites, habitats or areas should incorporate substantial mitigation to lessen impacts on wildlife while seeking to enhance their overall condition to achieve a net-gain for biodiversity. This can be achieved by prioritising a scheme design that retains and enhances important semi-natural habitats and key features for biodiversity, while also improving the permeability and function of the development site for wildlife by creating new resources within, and creating new connections to the wider landscape.

Connection from Stanlow to Ince

Both routes will potentially result in significant impacts to:

- Sites
 - o Frodsham, Helsby and Ince Marshes LWS.
- Habitats
 - o A large area of Coastal Floodplain and Grazing Marsh (CFGM);
 - o Numerous watercourses, ditches and ponds, and;
 - o Deciduous priority woodland.
- Peatlands
 - o A large area of deep peat associated with Frodsham, Helsby and Ince Marshes.

Both connection options will result in similar impacts to important ecological receptors in the vicinity of the proposed routes and therefore at this initial stage (in the absence of suitable avoidance and mitigation measures) **we do not support either of the proposed options**. Our preferred route for the connection from Stanlow to Ince would not impact on the Frodsham, Helsby and Ince Marshes LWS or the CFGM and deep peat reserves associated with this site. Our preferred connection route would follow the existing access road from the Stanlow Site at Oil Sites Road to the Protos site, thereby only impacting the tarmac sealed surface of negligible ecological value. This option would minimise impacts on the priority habitats and deep peat associated with Frodsham, Helsby and Ince Marshes LWS.

Main Route (Stanlow to M53)

This route will potentially result in significant impacts to:

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- Sites
 - o Gowy Meadows and Ditches Local Wildlife Site (LWS), and;
 - o Manor Lodge Potential Local Wildlife Site (pLWS).
- Habitats
 - o Lowland Meadow;
 - o Numerous watercourses (including the River Gowy), ditches and ponds, and;
 - o Deciduous priority woodland.
- Peatlands
 - o A large area of deep peat associated with Gowy Meadows.

This section of the proposed route will also result in impacts to important ecological receptors and therefore at this initial stage (in the absence of suitable avoidance and mitigation measures) **we do not support this section** of the HyNet pipeline route. Our preferred route for this section would not impact on the Gowy Meadows and Ditches LWS or the CFGM associated with this site. Our preferred route for this section would avoid Gowy Meadows by passing south of the LWS via Gowy Landfill, to the North of (and avoiding impacts to) Gowy Woodland Park. This option would minimise impacts on the priority habitats associated with Gowy Meadows and Ditches LWS. We would also like to highlight that it is unlikely that impacts to the deep peat reserves can be avoided unless the route passes through the landfill site in which the deep peat has potentially already been extracted.

Main Route (Option G & I)

Option G will potentially result in significant impacts to:

- Sites
 - o Lea by Backford Railway Cutting LWS;
 - o Saughall Bank LWS;
 - o Shropshire Union Canal (Main Line) LWS;
 - o Shropshire Union Canal (Little Stanley to Waverton) LWS;
 - o Collinge Wood and Meadow LWS (immediately adjacent), and;
 - o Wood West of Crabwell Manor LWS (immediately adjacent).
- Habitats
 - o Numerous watercourses (including the River Dee), ditches and ponds, and;
 - o Deciduous priority woodland.

Option I will potentially result in significant impacts to:

- Sites
 - o Shropshire Union Canal (Main Line) LWS
 - o Old River Dee Escarpment LWS, and;

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- Lea Manor Farm pLWS.
- Habitats
 - Numerous watercourses (including the River Gowy), ditches and ponds;
 - Traditional orchard, and;
 - Deciduous priority woodland.

Both route options will result in similar impacts to important ecological receptors in the vicinity of the proposed routes, however Option I will potentially only impact three LWS as opposed to Option G which will potentially impact six LWS. Although we still have significant concerns with the potential impacts (in the absence of suitable avoidance and mitigation measures), at this initial stage **we would support Option I over option G as a starting point for the preferred route**. However, we recommend that (if feasible) Option I is subject to a small diversion to reduce these impacts further. We suggest Option I is diverted to the south-east between the Old River Dee Escarpment LWS and Saughall Bank LWS to avoid impacting on either of these sites. If not possible we would expect construction techniques similar to those proposed in order to avoid impacts to the Shropshire Union Canal LWS (e.g. horizontal drilling) are also used in this location to avoid impacts to the Old River Dee Escarpment LWS.

Wales Pipeline

CWT does not hold any additional relevant datasets for the pipeline sections located in Wales. Therefore, our comments on this section pertain to the information within the EIA Scoping Report Environmental Constraints Plan Appendix (submitted to the Planning Inspectorate) only.

River Dee Crossing

Both routes will potentially result in significant impacts to:

- Sites
 - River Dee SSSI, and;
 - River Dee and Bala Lake SAC.

Both crossing options will result in similar impacts to the River Dee, an internationally important ecological receptor, and therefore at this initial stage (in the absence of suitable avoidance and mitigation measures) **we do not support either of the proposed options**. Any construction works and operational infrastructure in the vicinity of this important site must not impact on the features for which it is designated.

Main Route (River Dee to Connah's Quay)

This route will potentially result in significant impacts to:

- Habitats

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- Ancient Woodland (Leadbrook Wood), and;
- Numerous watercourses, ditches and ponds.

This section of the proposed route will result in impacts to important ecological receptors, most significantly irreplaceable ancient woodland, and therefore at this initial stage (in the absence of suitable avoidance and mitigation measures) **we do not support this section** of the HyNet pipeline route. Our preferred route for this section would not impact on the ancient woodland associated with Leadbrook Wood. Ancient woodland is considered to be an irreplaceable habitat (as defined in the NPPF) and therefore, in order to achieve BNG, must be avoided. Our preferred route for this section would avoid Leadbrook Wood by passing west of the woodland rather than intersecting the western spur as shown on the submitted plans.

Connah's Quay Connection

Connection Option 1 will potentially result in significant impacts to:

- Sites
 - Flint Mountain SSSI.

Connection Option 1 will impact on Flint Mountain SSSI, a nationally important ecological receptor, and therefore **we object to the selection of this route option in the strongest possible terms**. Although we still have concerns with the potential impacts (in the absence of suitable avoidance and mitigation measures), at this initial stage we would support Option 2 or 3 over Option 1 as starting points for the preferred connection at Connah's Quay.

We trust you will find these comments helpful.

Yours sincerely,

Ross Harding