

Appendix 5A

Consultation and Engagement

October 2024

Revision 1

Volume 0001

Document ref. 852552-WSPE-IA-ES-RP-B8-94745

Table 5A.1 Summary of EIA Scoping Opinion responses for biodiversity

Consultee	Consideration	How addressed in this Draft ES
Planning Inspectorate	Paragraph 5.6.16 Midland Meres and Mosses Phase 1 Ramsar The Applicant proposes to scope out effects on this designated site on the basis that there are no ornithological features designated as part of the Ramsar, and there is no hydrological connectivity between the site and the Proposed Development. The Inspectorate considers that effects on this designated site can be scoped out on this basis.	Noted, no action required.
Planning Inspectorate	Paragraph 5.6.16 Dee Estuary Special Protection Area (SPA) and Ramsar The Applicant proposes to scope out effects on these designated sites on the basis that the sites qualifying features are unlikely to forage within the proposed site boundary or a 500m buffer, given the distance from the Proposed Development (c. 13.5 km west) and the lack of hydrological connectivity between the Proposed Development and Ramsar site. The Inspectorate considers that if it can be demonstrated there is no potential effect pathway between the Proposed Development and these designated sites, then the Inspectorate agrees that these can be scoped out.	Potential indirect impacts, including pathways for effects on this designated site and its qualifying features is assessed within this Draft ES (Section 5.10) and supporting HRA Stage 1 Screening report (see Appendix 5P).
Planning Inspectorate	Paragraph 5.6.16 Mersey Narrows and North Wirral Foreshore SPA and Ramsar The Applicant proposes to scope out effects on these designated sites on the basis that the sites qualifying features are unlikely to forage within the proposed site boundary or 500m buffer, given the distance from the Proposed Development (c. 18.2 km northwest) and the lack of hydrological connectivity between the Proposed Development and Ramsar site. The Inspectorate considers that insufficient evidence has been submitted to demonstrate that the Proposed Development will not impact on functionally linked land. The ES should identify the potential for bird species associated with the designated sites to be present and assess any likely significant effects.	Noted. Potential indirect impacts, including pathways for effects on this designated site and its qualifying features are assessed within this Draft ES (see Section 5.10) and the HRA Stage 1 Screening report (Appendix 5P).
Planning Inspectorate	Paragraph 5.6.16 Ribble and Alt Estuaries SPA and Ramsar The Applicant proposes to scope out effects on these designated sites on the basis that the sites qualifying features are unlikely to forage within the proposed site boundary or 500m buffer, given the distance from the Proposed Development (c. 18.5 km northwest) and the lack of hydrological connectivity between the Proposed Development and Ramsar site. The Applicant highlights that the upper limit of pink footed goose (a qualifying feature of the SPA) foraging activity from winter roost sites is 15-20 km with farmland the principal foraging habitat in winter and states that given the amount of grassland habitat within the wider area, impacts on this species are considered negligible. The Inspectorate considers that if it can be demonstrated there is no potential effect pathway between the Proposed Development and these designated sites, then the Inspectorate agrees that these can be scoped out.	Potential indirect impacts, including pathways for effects on this designated site and its qualifying features are assessed within this Draft ES (Section 5.10) . Please also refer to Appendix 5B and Appendix 5P (HRA Stage 1 Screening report for further reasoning).

Consultee	Consideration	How addressed in this Draft ES
Planning Inspectorate	Paragraph 5.6.16 The Applicant proposes to scope breeding bird surveys targeted at non-Schedule 1 species out of the assessment on the basis that any effects upon active nests of breeding birds can be mitigated via the embedded environmental measures listed in Table 5.5 of the Scoping Report (e.g., timing of vegetation clearance works outside the breeding bird season) and where this is not possible, through carrying out preconstruction nest checks and where a nest is found, through implementing measures such as protective buffers and ecological monitoring. Subject to demonstrating that the timing of works will avoid impacts to breeding birds and that this is secured through the DCO or other legal mechanism, the Inspectorate is content that this matter can be scoped out.	Noted. As discussed with the Planning Inspectorate on 20 June 2022, the appropriate mitigation, including timings and methodology for non-Schedule 1 breeding birds are described in the Biodiversity Mitigation Strategy (BMS) which will be secured via the DCO.
Planning Inspectorate	Paragraph 5.6.16 The Applicant proposes to scope out the potential for significant effects on dormice due to the location of the Proposed Development and the lack of suitable connective habitat to the nearest known population. The Inspectorate considers that an assessment of effects on dormice can be scoped out on the basis of the arguments presented. However, should the further studies and surveys proposed to inform the impact assessment identify possible presence of this species, the ES should include an assessment of impacts on dormice.	No evidence to the possible presence of dormice was identified during further studies conducted, therefore no assessment of the effects on dormice has been included within this Draft ES.
Planning Inspectorate	Paragraph 5.6.16 The Applicant proposes to scope out the potential for significant effects on reptiles due to the location of the Proposed Development, the limited footprint located within predominantly sub-optimal agricultural landscape along with the employment of embedded environmental measures included within Table 5.5, which the Applicant states would avoid significant effects on reptiles. In the absence of the detailed routing information, the Inspectorate does not consider there is sufficient information to reasonably conclude that there will be no likely significant effects on reptiles. Accordingly, the ES should include an assessment of these matters, or information demonstrating agreement with the relevant consultation bodies and the absence of likely significant effects.	Noted. An assessment of the potential for significant effects on reptiles is included within this Draft ES (refer to Section 5.10).
Planning Inspectorate	Paragraph 5.6.6 With the exception of species receiving specific legal protection, or those subject to legal control, the Applicant proposes to scope out all ecological features determined to be important at negligible level from the assessment. The Inspectorate remains concerned about the proposal to scope out species of negligible importance and advises that this should only be done with the agreement of relevant stakeholders.	As discussed with the Planning Inspectorate on 20 June 2022, ecological features of negligible importance have been scoped out of this assessment, as they are considered to be sufficiently widespread, unthreatened or will not be significantly affected. This is in line with IEMA, EIA and CIEEM guidance, to provide a proportionate assessment of effects. Justification for doing so in respect of features of negligible importance is provided, where applicable. This is in accordance with CIEEM's Guidelines for Ecological Impact Assessment in the UK and Ireland¹, IEMA proportionate EIA strategy² and the EIA Regulations³. Following the completion of the majority of surveys and review of data gathered during the desk study, a review of ecological features has been undertaken to determine which are taken forward for further assessment following this guidance. Agreement with consultees will be sought should the approach vary from this guidance.

¹ CIEEM (2018, updated 2022). Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, and Coastal. Second Edition v1.2.

² IEMA (2017) Delivering the Proportionate EIA (online) Available at: <https://www.iema.net/resources/reading-room/2017/07/18/delivering-proportionate-eia> (Accessed 16 August 2024).

³ UK Government (2017) The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 No.571. Available from: <https://www.legislation.gov.uk/uksi/2017/571/contents> (Accessed 16 August 2024).

Consultee	Consideration	How addressed in this Draft ES
Planning Inspectorate	Paragraph 5.7.15 The Inspectorate notes that proposals are currently being considered by the Applicant. The assessment of BNG reported in the ES should be based on an appropriate metric that allows clear understanding of how gains and losses have been calculated. The ES should clearly distinguish between mitigation for significant adverse effects on biodiversity from wider enhancement measures.	The statutory metric ⁴ will be used to calculate biodiversity gains and losses and methods used will be included in the Final ES. The Final ES will clearly set out mitigation measures for significant adverse effects on biodiversity and, wider enhancement measures where appropriate. The supporting BNG Strategy will set out the additional habitat creation and enhancement proposed to achieve a net gain.
Planning Inspectorate	Table 5.7 of the Scoping Report identifies potentially significant effects from noise and physical activities leading to disturbance of SPA qualifying features and Site of Special Scientific Interest (SSSI) designated species using functionally linked land. The ES should also consider the impacts that any direct loss of functionally linked land may have on relevant European and nationally designated sites.	Potential impacts on qualifying or notified features of internationally and nationally designated sites respectively, are assessed within this Draft ES (see Section 5.10) and the HRA Stage 1 Screening report (see Appendix 5P, with respect to those internationally designated sites e.g., SPA/SAC/Ramsar site).
Planning Inspectorate	Table 5.9 of the Scoping Report states that winter bird survey methods will involve walking a number of transects, will be undertaken in two key areas within the scoping red line boundary and will focus on detecting qualifying features of the Mersey Estuary SPA using functionally linked land within the Zone of Influence of the designated site. It is unclear how the two key areas have been identified or why these are representative of the effects of the Proposed Development on wintering birds. The baseline survey data contained within the ES should be representative of the full effects of the scheme. The ES should include evidence that the extent, location and methodology of surveys has been agreed with relevant consultation bodies.	The winter bird survey approach was based on the preferred pipeline routes outlined in the HyNet Phase 2 Feasibility Report - North West England Hydrogen Pipeline Network⁵ and the CO₂ and H₂ Pipeline Enabling Works – Wintering Bird Survey Methodology⁶. Survey areas were amended or extended to ensure all Functionally Linked Land (FLL) within 500m potentially impacted by alternative routeing options were suitably covered (FLL was assessed on the basis of the following Natural England commissioned report: "<i>Review and analysis of changes in waterbird use of the Mersey Estuary SPA, Mersey Narrows & North Wirral Foreshore pSPA and Ribble & Alt Estuaries SPA</i> (NECR173)". Wintering bird survey results are summarised in paragraphs 5.5.123 – 5.5.127 of this Draft ES (and detailed within Appendix 5M and Appendix 5O), with potentially significant effects assessed in Section 5.10. It is intended to employ the same survey approach for the Project and inform Natural England of the approach.
Planning Inspectorate	Paragraph 7.6.7 and Table 5.7 The Scoping Report states that direct effects on fish populations such as disturbance from artificial light, noise or vibration, and habitat removal, loss, or damage during construction will be assessed within the ES. The ES should also consider the potential impacts from construction and operational activities on migratory fish transiting the area e.g., to/from the Mersey Estuary.	Noted. This Draft ES considers the potential for significant effects to arise from the potential impacts of construction and operational activities on migratory fish transiting the area.
Canal and River Trust	The Trust agree that ecology should be scoped into the Environmental Statement. The waterways potentially support rich ecology and biodiversity, and the development could have an adverse impact on the ecology of the waterway. As detailed below water quality must be protected during and post works, with consideration given to protecting the wildlife corridors along and to the canal from, water pollution, air pollution and light pollution during construction and during the operation of the development. The potential impacts on the waterway corridor should be fully considered within the environmental statement and should detail appropriate and proportionate mitigation.	The baseline environment with respect to biodiversity related to waterways is described in Section 5.5 of this Draft ES, with potentially significant effects assessed in Section 5.10.

⁴ Natural England (2024). Statutory Biodiversity Metric (online) Available at: <https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides> (Accessed 12th July 2024).

⁵ Saith Limited. (2020). HyNet Phase 2 Feasibility Report – North West England Hydrogen Pipeline Network.

⁶ HyNet (2021) HyNet CO2 and H2 Pipeline Enabling Works – Wintering Bird Survey Methodology (confidential).

Consultee	Consideration	How addressed in this Draft ES
Canal and River Trust	According to our records and based on the broad corridors it does not appear that any of the proposed routes fall within a SSSI or European Protected site that the Trust has responsibility for. It does appear that a number of the routes will fall within areas where our waterways are County Wildlife Site.	Desk study findings are summarised in Section 5.5 of this Draft ES . Figures 5.1 and 5.2 to this Draft ES illustrate designated sites in relation to the Draft Order Limits. The baseline environment is described in Section 5.5 of this Draft ES , with potentially significant effects assessed in Section 5.10 .
Canal and River Trust	The Ecological chapter of the scoping document appears to include all the surveys and impacts reviews and assessments of everything that we would expect to see within this chapter including protected species, protected sites, invasive species, habitats and species of concern, trees & fishery.	Noted, no action required.
Canal and River Trust	With regards to bats, waterway corridors often form dark havens for bats where they can forage and roost without disturbance from light, which should be protected. The existing trees and hedgerows within the corridor of works also play an important role for bat foraging and commuting as well as potentially for bat roosts. Bats would also be particularly sensitive to the lighting that might be provided within the scheme, especially during the construction phase. Regard would also need to be given to nesting birds and other protected species which may be present along the route.	Surveys for bats have been conducted where potential for significant effects on them exists. The baseline environment with respect to bats is described in Section 5.5 of this Draft ES , with potentially significant effects assessed in Section 5.10 .
Canal and River Trust	An assessment of the presence of Invasive non-native species will be required on the finalised route corridors and measures must be in place to ensure there is no spread of them during construction or routine maintenance of the pipeline and associated infrastructure. Any invasive species found along the routes would also need to be considered and treated/remediated/removed accordingly to prevent them spreading.	Surveys for the presence of invasive non-native species have been undertaken as part of the habitat assessments. The baseline environment is described in Section 5.5 of this Draft ES , with potentially significant effects assessed in Section 5.10 .
Canal and River Trust	In terms of mitigation and biodiversity net gain there may be potential to consider compensatory planting along our waterways on Trust land in the vicinity of the crossings.	Noted. To be considered within the Final ES and BNG Strategy if necessary.
Cheshire East Council	Botanical/Habitat Surveys UKHAB surveys should be undertaken of all habitats potentially affected by the route. It is suggested that this in addition to or instead of the proposed Phase One Habitat Surveys. All habitats affected by the route or subject to enhancements as means of providing compensation as part of the scheme should be subject to a condition assessment in accordance with the Natural England Version 3 biodiversity metric methodology. The results of the UKHAB and Conditions assessment would inform the assessment of the schemes likelihood of delivering a Biodiversity Net gain.	Surveys have been undertaken within the Draft Order Limits using the UK Habitat classification system. All habitats within the survey area will be subject to a condition assessment and this information will be used to inform BNG calculations (using the statutory metric). The baseline environment is described in Section 5.5 of this Draft ES , with potentially significant effects assessed in Section 5.10 .
Cheshire East Council	Desk Study As part of the data gathering exercise undertaken to inform the desk study Cheshire and Wirral Ornithology Society should be contacted for bird data and Cheshire Wildlife Trust for Local Wildlife Site data.	Noted. Bird data has been provided by the British Trust for Ornithology (BTO), Cheshire and Wirral Ornithological Society (CAWOS), Mid-Cheshire Barn Owl Conservation Group (MCBOCG), and Raptor Study Groups – Cheshire/Wirral and South Manchester (RSG) to inform the baseline and assessment process within the Draft ES . It is detailed within Appendix 5N and forms part of the baseline in Section 5.5 of this Draft ES , with potentially significant effects assessed in Section 5.10 .
Cheshire East Council	Assessment of County Importance Receptors Cheshire and Wirral LWS selection criteria must be used to identify habitats and species assemblages of County Importance.	Noted. Local Wildlife Site Selection Criteria for the Cheshire region (November 2012) ⁷ . selection criteria has been considered to identify habitats of County Importance.

⁷ Local Wildlife Site Selection Criteria for the Cheshire region (November 2012) Available online at: <https://www.cheshirewildlifetrust.org.uk/sites/default/files/2018-06/Cheshire%20LWS%20selection%20criteria.pdf> (Accessed 25th September 2024)

Consultee	Consideration	How addressed in this Draft ES
Cheshire East Council	Breeding Birds No surveys for non-schedule 1 bird species are currently proposed. This is only acceptable if no habitats considered likely to support important bird assemblages are likely to be affected by proposed route. If there is a loss of habitat with significant potential to support important assemblages of breeding birds (such as woodland, wetland, scrub etc.) then detailed bird surveys should be included within the scope of the EIA process.	See PINS response to Paragraph 5.6.16 above. Where potential remains for a potentially significant effect to arise, this will be assessed in the Final ES.
Cheshire East Council	Biodiversity Net Gain In order to assess the overall loss/gains of biodiversity an assessment undertaken in accordance with the Defra Biodiversity ‘Metric’ version 3 must be undertaken and incorporated into the ES. If additional habitat creation measures are required to ensure the site achieves a net gain for biodiversity consideration should be given to the creation of additional ponds and species rich grassland. Offsite habitat creation may be required if an appropriate level of habitat creation cannot be delivered on site.	The BNG metric has been updated and thus we will be using the statutory metric to calculate gains and losses, and methods used will be summarised within the Final ES. The Final ES will clearly set out mitigation measures for significant adverse effects on biodiversity and wider enhancement measures where appropriate. The supporting BNG Strategy will set out the additional habitat creation and enhancement proposed to achieve a net gain. Creation of additional ponds and species rich grassland will be considered to achieve BNG. Offsite habitat creation will also be considered.
Cheshire West and Chester Borough Council	Midlands Meres and Mosses Phase 1 Ramsar: Due to the potential for dust/air pollution associated with the development, and without any further information on the impacts, owing to its proximity it is advised that Midlands Meres and Mosses should be scoped into any assessment. It is also noted that cormorant, gadwall, pochard and shoveler occur at levels of national importance at this site. Due to relatively short distance between the development and Ramsar, it is recommended that consideration is given to the effects of the development upon these populations e.g., noise during construction.	Refer to the earlier PINS response regarding Midland Meres and Mosses Phase 1 Ramsar. As detailed in the site citations ⁸ , Midlands Meres and Mosses Phase 1 Ramsar Site does not support nationally important numbers of cormorant, gadwall, pochard and shoveler but Midlands Meres and Mosses Phase 2 Ramsar Site does support nationally important numbers of shoveler, cormorant, bittern and water rail. The Phase 1 and 2 Ramsar Sites are both scoped out of the assessment (see Appendix 5B and HRA Stage 1 Screening report Appendix 5P for further reasoning).
Cheshire West and Chester Borough Council	Dee Estuary SPA and Ramsar: It is agreed that due to the distance of the works and the lack of hydrological connection, it is not expected that the development will adversely affect habitats or species/populations for which the Dee Estuary Ramsar and SPA is designated. Natural England’s Functionally Linked Land map of land supporting the Dee Estuary have been referenced.	See earlier PINS response.
Cheshire West and Chester Borough Council	Mersey Narrows and North Wirral Foreshore SPA and Ramsar: Whilst these sites fall outside of Cheshire West and Chester, areas of proposed works fall within Functionally Linked Land adjacent to the Mersey Estuary in CWaC. The Mersey Estuary is also directly linked these sites. For these to be scoped out of any assessment further justification would be required.	See earlier PINS response.
Cheshire West and Chester Borough Council	Non-schedule 1 nesting birds: Where only vegetation is to be cleared and no structures/buildings are to be demolished, best practice measures are sufficient.	Noted; no response required.

⁸ JNCC (2008). Information Sheet on Ramsar Wetlands. (online) Available at: Phase 1: <https://jncc.gov.uk/jncc-assets/RIS/UK11043.pdf>andPhase 2: <https://jncc.gov.uk/jncc-assets/RIS/UK11080.pdf>(Accessed August 2022)

Consultee	Consideration	How addressed in this Draft ES
Cheshire West and Chester Borough Council	Dormouse: It is agreed that it is reasonably unlikely that dormouse would be present in the development area.	Noted, no response required.
Cheshire West and Chester Borough Council	Reptiles: Scoping out of reptiles is accepted provided best practice measures are in place e.g., sensitive clearance of work areas.	Noted, no response required.
Cheshire West and Chester Borough Council	It is advised that the assessment should specifically refer to trees, woodlands, traditional orchards and hedgerows including reference to any Tree Preservation Orders (TPOs), within the baseline, scope and evaluation.	Surveys of woodlands, traditional orchards and hedgerows have been undertaken. An assessment of the potential for significant effects is included within Section 5.10 of this Draft ES and appropriate mitigation described, where required. TPOs are not scoped in as important features for biodiversity in their own right and are assessed in Chapter 8: Landscape and Visual . The baseline environment is described in Section 5.5 of this Draft ES , with potentially significant effects assessed in Section 5.10 .
Cheshire West and Chester Borough Council	It is noted that the pipeline route falls within the area covered by the Mersey Forest, which should also be taken into account.	Noted. Impacts on Mersey Forest will be assessed within this Draft ES where there is the potential for significant effects to arise on biodiversity features. The baseline environment is described in Section 5.5 of this Draft ES , with potentially significant effects assessed in Section 5.10 .
Cheshire West and Chester Borough Council	The scoping report should also include reference to the ecological network for Cheshire West and Chester (CWaC), as set out in the Local Plan and referred to in policy DM 44. This identifies core areas, wildlife corridors and stepping stones, restoration areas and buffer zones – all of which are included within the potential pipeline area.	The Draft ES assesses the likely impacts of the development on habitats identified as having biodiversity value including ecological networks. The statutory metric will be used to calculate biodiversity losses and gains. Networks such as the ecological network for CWaC have been considered in terms of strategic significance with respect to habitat loss/gain within the metric. The baseline environment is described in Section 5.5 of this Draft ES , with potentially significant effects assessed in Section 5.10 .
Cheshire West and Chester Borough Council	The ecology chapter should specifically refer to trees, woodlands, traditional orchards and hedgerows within the baseline, scope and evaluation. The pipeline route falls within the area covered by the Mersey Forest, which should also be taken into account and policy DM 45 identifies that development affecting woodland should support the aims of the Mersey Forest Plan where relevant. The scope could also refer to trees with Tree Preservation Orders. The scoping report should include reference to the ecological network for Cheshire West and Chester (CWaC), as set out in the Local Plan and referred to in policy DM 44. This identifies core areas, wildlife corridors and stepping stones, restoration areas and buffer zones – all of which are included within the potential pipeline area. The location of the pipeline within these different sections of the ecological network will influence biodiversity net gain calculations using the DEFRA metric.	See above responses.
Environment Agency	We generally concur with the contents of this chapter, however the impacts from construction vibration to migratory fish species during the migratory season should be considered if it cannot be avoided, especially where the pipeline will cross the Mersey. These comments are also applicable to Chapter 10. Noise and Vibration .	Noted. The impacts of construction vibration on migratory fish species are considered within this Draft ES where potential for significant effects is identified. The baseline environment is described in Section 5.5 of this Draft ES , with potentially significant effects assessed in Section 5.10 .

Consultee	Consideration	How addressed in this Draft ES
Marine Management Organisation	The MMO notes that the scoping report sufficiently identifies all the potential impacts of the project on ecological receptors.	Noted, no further response required.
Marine Management Organisation	The MMO is satisfied that there is a wide suite of embedded mitigation and management measures outlined which, in combination, will make a notable impact to the potential ecological impacts of the project.	Noted, no further response required.
Marine Management Organisation	It is evident that while the project may interact with a wide range of ecological receptors, these are principally terrestrial and the aquatic receptors that might be affected are generally freshwater. There is unlikely to be a significant effect of the project on marine benthic ecology features. The only pathway for marine ecology impacts is via potential impacts to the Mersey Estuary Special Protection Area (SPA) which lies circa 205m to the west at its closest point to the scoping red line boundary of the project. A Habitats Regulations Assessment (HRA) screening report will be prepared to address whether the project may potentially impact such National Site Network sites.	Noted, no further response required.
Marine Management Organisation	The MMO notes that although the information on fish ecology within the scoping report is somewhat high-level, the ecology assessment will consider potential impacts on freshwater receptors (including fish) and will use available desk-based resources and field survey data to support the assessment. In addition, relevant published evidence and technical engagement with specialist consultees (i.e., Environment Agency, Natural Resources Wales, Natural England) will be undertaken. The Guidelines for Preliminary Ecological Appraisal (CIEEM, 2017) and Guidelines for Ecological Impact Assessment in the UK and Ireland (CIEEM, 2019) will be considered when determining measures to avoid, minimise or reduce negative impacts on ecological receptors. The MMO anticipate that these will provide a generally comprehensive description of the baseline environment.	Noted, no further response required.
Marine Management Organisation	The Mersey Estuary is a triple designated area covering a SPA, a Site of Special Scientific Interest (SSSI) and a Ramsar site. The following fish species have been identified as species of conservation importance that occur within a number of watercourses that cross the scoping red line boundary; Atlantic salmon (<i>Salmo salar</i>), brown trout (<i>Salmo trutta morpha fario</i>), sea trout (<i>Salmo trutta morpha trutta</i>), river lamprey (<i>Lampetra fluviatilis</i>), brook lamprey (<i>Lampetra planeri</i>), bullhead (<i>Cottus gobio</i>) and European eel (<i>Anguilla angulla</i>) all of which are Species of Principal Importance (SPI) and most of which have suffered population declines.	An impact assessment on fish species of conservation importance that are likely to occur within the Draft Order Limits has been undertaken within the Draft ES . The baseline environment is described in Section 5.5 of the Draft ES , with potentially significant effects assessed in Section 5.10 .
Marine Management Organisation	Impacts which have potential to affect ecological receptors have been identified as follows; habitat loss or degradation, fragmentation of habitats, increase in noise and vibration, increased light levels, changes in ground water levels resulting in habitat change, and introduction of non-native species. Table 5.7 presents a high-level summary of the environmental impacts and the resulting potential effects on ecology which recognises that there is potential for aquatic and fish habitats to be affected during the construction and operational phases of the project. Although this section is somewhat brief, the MMO agree that at this stage, given the extent of works within the marine environment is not fully known, the potential impacts on fish receptors identified by the Applicant are appropriate. The MMO recognises that direct effects on fish populations such as disturbance from artificial light and noise or vibration, and habitat removal/ loss/damage during construction will be further assessed in the EIA, which we agree is appropriate.	Noted, no further response required.

Consultee	Consideration	How addressed in this Draft ES
Marine Management Organisation	The MMO advises that migratory fish species should be included in the assessment and the various conservation statuses of these species should also be considered. Potential impacts from construction and operational activities should be adequately assessed in relation to migratory fish transiting the area e.g., to/from the Mersey Estuary.	Likely impacts on migratory fish species have been assessed within this Draft ES . The baseline environment is described in Section 5.5 of this Draft ES , with potentially significant effects assessed in Section 5.10 .
Marine Management Organisation	At this stage the information presented on fish receptors is high-level, and although the MMO agree that the data sources and evidence proposed by the Applicant are appropriate, additional relevant research and data sources that could be used to inform the desk-based assessment on fish ecology include: The Environmental Agency Transitional and Coastal Waters (TraC) data base is a recommended source from which data on fish species in the Mersey can be acquired. Cefas spawning maps (Coull <i>et al.</i>, 1998 and Ellis <i>et al.</i>, 2012) present a synthesis of the English Near West Coast Beam trawl surveys (BTS) and English Celtic and Irish Sea groundfish surveys (GFS) that may provide useful information for the EIA, especially as the west coast is an important spawning and nursery ground for species such as thornback ray, cod, whiting, sole, plaice, sand eel and herring. According to Coull <i>et al.</i> (1998) and Ellis <i>et al.</i> (2012), nursery and spawning grounds for several marine fish may extend into the Mersey Estuary. The Fish Atlas of the Celtic Sea, North Sea and Baltic Sea (Heessen <i>et al.</i>, 2015) provides an overview of 40 years of information collected from internationally coordinated and national surveys and presents data and information on the recent distribution and biology of demersal and small pelagic fish in these ecoregions. It may provide the Applicant with a useful resource of information on fish receptors in the wider Mersey estuary.	The additional sources noted by the MMO have been used to identify potential fish species present within the Draft Order Limits and have been used to inform the desk study within this Draft ES . The baseline environment is described in Section 5.5 of this Draft ES , with potentially significant effects assessed in Section 5.10 .
Marine Management Organisation	Potts and Swaby (1993) contains a summary of fish in the Mersey Estuary from a range of published and unpublished literature. Also, Langston et al. (2006) produced a characterisation of the Mersey Estuary Special Protection Area, which contains information about fish present in the Mersey Estuary.	The additional sources noted by the MMO have been used to identify potential fish species present within the Draft Order Limits and has been used to inform the desk study within this Draft ES .
Marine Management Organisation	The MMO note that a watercourse survey (including fish surveys if deemed necessary), will be undertaken to map/record fish characterisation. It is anticipated that larger waterbodies will be avoided, and surveys of these waterbodies are not currently planned. Given the existing data sources available the MMO agree that site-specific fish surveys might not be necessary. However, if fisheries surveys are not undertaken, the MMO recommend that the limitations of the data sources used (e.g., gear selectivity and the timing of surveys) are acknowledged within the ES.	Noted, no further response required.
Marine Management Organisation	The MMO are satisfied that a number of embedded/good practice environmental mitigation measures are proposed to reduce the likelihood of potential impacts on ecology receptors. However, no mitigation measures have been proposed in the context of fish. Given that detailed information on the project is not yet available, it is not possible to determine what mitigation measures (if any) would be appropriate or warranted for the project. The MMO would expect appropriate mitigation measures (if required) to be discussed / adopted for the project once a detailed assessment has been undertaken during the EIA.	Following review of the detailed project design and completion of targeted fish surveys, an assessment of any potential effects is included within this Draft ES , and any appropriate mitigation determined. The baseline environment is described in Section 5.5 of this Draft ES , with potentially significant effects assessed in Section 5.10 .
Natural England	The potential impact of the proposal upon sites and features of nature conservation interest and opportunities for nature recovery and biodiversity net gain should be included in the assessment.	Impacts on designated sites and features of nature conservation interest have been assessed within this Draft ES . The baseline environment is described in Section 5.5 of this Draft ES , with potentially significant effects assessed in Section 5.10 . Opportunities for nature recovery and BNG (as described above) will be included within the Final ES assessment and in the BNG Strategy.

Consultee	Consideration	How addressed in this Draft ES
Natural England	Ecological Impact Assessment (EclA) is the process of identifying, quantifying, and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal. Guidelines have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM).	Noted, no response required. We will be undertaking the assessment in line with the CIEEM guidelines ¹ .
Natural England	Designated nature conservation sites - International and European sites The development site may impact on the following European/ internationally designated nature conservation site(s): Mersey Estuary Special Protection Area (SPA) and Ramsar.	Noted. Potential indirect impacts, including pathways for effects on this designated site and its qualifying features have been assessed within this Draft ES . The baseline environment is described in Section 5.5 of this Draft ES , with potentially significant effects assessed in Section 5.10 and the HRA Stage 1 Screening report (Appendix 5P). We agree on the sites cited in respect of impacts.
Natural England	The ES should thoroughly assess the potential for the proposal to affect nationally and internationally designated sites of nature conservation importance, including marine sites where relevant. European sites (Special Areas of Conservation (SAC) and Special Protection Areas (SPA) fall within the scope of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'). In addition paragraph 181 of the National Planning Policy Framework (NPPF) requires that potential SPAs, possible SAC, listed or proposed Ramsar sites, and any site identified or required as compensatory measures for adverse effects on habitat (European) sites, potential SPAs, possible SACs and listed or proposed Ramsar sites have the same protection as classified sites (NB. sites falling within the scope of regulation 8 of the Conservation of Habitats and Species Regulations 2017 are defined as 'habitats sites' in the NPPF). Under Regulation 63 of the Habitats Regulations, an appropriate assessment must be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site. The consideration of likely significant effects should include any functionally linked land outside the designated site. These areas may provide important habitat for mobile species populations that are qualifying features of the site, for example birds and bats. This can also include areas which have a critical function to a habitat feature within a designated site, for example by being linked hydrologically or geomorphologically.	An updated HRA Stage 1 Screening report is provided at Appendix 5P . The Stage 2 Appropriate Assessment will not be finalised in time to be included in the Draft ES but will be included with the Final ES. Potential impacts on designated sites or qualifying features are assessed within this Draft ES .
Natural England	It should be noted that the proposed development may impact habitats functionally linked to the Mersey Estuary SPA/Ramsar. It is advised a comprehensive desk-based study and bird surveys are undertaken to identify and map the locations of functionally linked habitats likely to be affected by the proposed development. It is advised that the direct loss of functionally linked habitats and/or potential offsite impacts are considered in assessing what, if any, potential impacts the proposal may have on European sites. We note paragraph 5.4.6 refers to the information sources included in the desk-based study, we advise local bird clubs are also contacted, for example the Cheshire and Wirral Ornithological Society (CAWOS).	A desk-based study has been undertaken as part of the assessment and wintering bird surveys focussing on FLL have been undertaken in winter 2021/22. Waterbird surveys have also been carried out in 2024. Any potential impacts on designated sites are assessed within this Draft ES and HRA Stage 1 Screening report (Appendix 5P). Bird data has been requested from the BTO, CAWOS, MCBOCG and RSG in order to inform the baseline (and desk-based study) and assessment process within this Draft ES . The baseline environment is described in Section 5.5 of this Draft ES , with potentially significant effects assessed in Section 5.10 .
Natural England	This should also take into account any agreed strategic mitigation solution that may be being developed or implemented in the area to address recreational disturbance, nutrients, or other impacts.	Noted, opportunities for agreed strategic mitigation solution will be explored as part of the Stage 2 Appropriate Assessment which will be included in the Final ES.

Consultee	Consideration	How addressed in this Draft ES
Natural England	Designated nature conservation sites – Nationally designated sites The development site may impact on the following Site of Special Scientific Interest: - Mersey Estuary; - Woolston Eyes; - Hatton’s Hey Wood, Whittle’s Corner and Bank Rough; - Brookheys Covert; - Pettypool Brook Valley; - Plumley Lime Beds; - Tabley Mere; - Witton Lime Beds; - Warburton’s Wood & Well Wood; and - Beechmill Wood & Pasture.	Noted, no response required. These sites have been considered where appropriate in this Draft ES. The baseline environment is described in Section 5.5 of this Draft ES, with potentially significant effects on sites assessed in Section 5.10.
Natural England	The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within the SSSI and identify appropriate mitigation measures to avoid, minimise or reduce any adverse significant effects. The consideration of likely significant effects should include any functionally linked land outside the designated site. These areas may provide important habitat for mobile species populations that are interest features of the SSSI, for example birds and bats. This can also include areas which have a critical function to a habitat feature within a site, for example by being linked hydrologically or geomorphologically.	Both direct and indirect effects of the Project on any identified SSSIs are assessed within this Draft ES. Consideration is also given to qualifying features that have the potential to use functionally linked land within the Zone of Influence (Zol) of the designated sites. The baseline environment is described in Section 5.5 of this Draft ES, with potentially significant effects on sites assessed in Section 5.10.
Natural England	Regionally and Locally Important Sites The ES should consider any impacts upon local wildlife and geological sites, including local nature reserves. Local Sites are identified by the local wildlife trust, geoconservation group or another local group and protected under the NPPF (paragraph 174 and 175). The ES should set out proposals for mitigation of any impacts and if appropriate, compensation measures and opportunities for enhancement and improving connectivity with wider ecological networks. Contact the relevant local body for further information.	Local site information has been obtained from the relevant local record centres/wildlife trust. Where there is potential for significant effects to arise, the impacts of the Project are assessed within this Draft ES and appropriate mitigation, compensation and enhancement measures presented. The baseline environment is described in Section 5.5 of this Draft ES, with potentially significant effects on sites assessed in Section 5.10.
Natural England	The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law. Records of protected species should be obtained from appropriate local biological record centres, nature conservation organisations and local groups. Consideration should be given to the wider context of the site, for example in terms of habitat linkages and protected species populations in the wider area.	This Draft ES assesses the impact of the Project on protected species likely to be present within the Draft Order Limits, where significant effects could result. Protected species records have been obtained from the relevant local record centres, wildlife trusts and local groups. Consideration to the wider context of the site i.e., habitat linkages and protected species populations in the wider area has also been given. The baseline environment is described in Section 5.5 of this Draft ES, with potentially significant effects on sites assessed in Section 5.10.

Consultee	Consideration	How addressed in this Draft ES
Natural England	The area likely to be affected by the development should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and, where necessary, licensed, consultants.	Noted. Surveys have all been conducted in line with best practice guidance by competent ecologists.
Natural England	Natural England has adopted standing advice for protected species, which includes guidance on survey and mitigation measures. A separate protected species licence from Natural England or Defra may also be required.	Noted. The standing advice note for each relevant species likely affected has been employed as required unless otherwise stated. No response required.
Natural England	District Level Licensing for Great Crested Newts District Level Licensing (DLL) is a type of strategic mitigation licence for great crested newts (GCN) granted in certain areas at a local authority or wider scale. A DLL scheme for GCN may be in place at the location of the development site. If a DLL scheme is in place, developers can make a financial contribution to strategic, off-site habitat compensation instead of applying for a separate licence or carrying out individual detailed surveys. By demonstrating that DLL will be used, impacts on GCN can be scoped out of detailed assessment in the Environmental Statement.	Noted. Natural England’s DLL unit has been consulted and will be employed for the Project for all areas with the exception of St Helens (currently not taking part in the scheme).
Natural England	Consideration should be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. Sites can be checked against the (draft) national Open Mosaic Habitat (OMH) inventory published by Natural England and freely available to download. Further information is also available here.	The OMH inventory was reviewed for the PEIR and is assessed within this Draft ES . The baseline environment is described in Section 5.5 of this Draft ES , with potentially significant effects on sites assessed in Section 5.10 .
Natural England	An appropriate level habitat survey should be carried out on the site, to identify any important habitats present. In addition, ornithological, botanical, and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present.	Habitat surveys, including UK Habitat Classification (UKHab) and National Vegetation Classification (NVC) surveys have been undertaken within the Draft Order Limits. Protected species surveys, including invertebrate and ornithological surveys have been undertaken where potentially significant effects could arise. The baseline environment is described in Section 5.5 of this Draft ES , with potentially significant effects on sites assessed in Section 5.10 .
Natural England	The Environmental Statement should include details of: - Any historical data for the site affected by the proposal (e.g., from previous surveys); - Additional surveys carried out as part of this proposal; - The habitats and species present; - The status of these habitats and species (e.g., whether priority species or habitat); - The direct and indirect effects of the development upon those habitats and species; - Full details of any mitigation or compensation measures; and - Opportunities for biodiversity net gain or other environmental enhancement.	Noted, this information is included within this Draft ES .

Consultee	Consideration	How addressed in this Draft ES
Natural England	Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. The wood pasture and parkland inventory sets out information on wood pasture and parkland.	The Ancient Woodland Inventory and wood pasture and parkland inventory have been reviewed and impacts have been assessed within this Draft ES . The baseline environment is described in Section 5.5 of this Draft ES , with potentially significant effects assessed in Section 5.10 .
Natural England	The ES should assess the impacts of the proposal on the ancient woodland and any ancient and veteran trees, and the scope to avoid and mitigate for adverse impacts. It should also consider opportunities for enhancement.	The Ancient Woodland Inventory and wood pasture and parkland inventory have been reviewed and any impacts are assessed within this Draft ES , supported by the Arboricultural Impact Assessment. The baseline environment is described in Section 5.5 of this Draft ES , with potentially significant effects assessed in Section 5.10 .
Natural England	The ES should use an appropriate biodiversity metric such as Biodiversity Metric 3.0 together with ecological advice to calculate the change in biodiversity resulting from proposed development and demonstrate how proposals can achieve a net gain. The metric should be used to: - Assess or audit the biodiversity unit value of land within the application area. - Calculate the losses and gains in biodiversity unit value resulting from proposed development. - Demonstrate that the required percentage biodiversity net gain will be achieved.	Noted. The statutory metric will be used to calculate biodiversity gains/losses and the methods used will be included within the Final ES. The Final ES will clearly set out mitigation measures for significant adverse effects on biodiversity and wider enhancement measures where appropriate. The supporting BNG Strategy will set out the additional habitat creation and enhancement proposed to achieve a net gain.
Natural England	Biodiversity Net Gain outcomes can be achieved on site, off-site or through a combination of both. On-site provision should be considered first. Delivery should create or enhance habitats of equal or higher value. When delivering net gain, opportunities should be sought to link delivery to relevant plans or strategies e.g., Green Infrastructure Strategies or Local Nature Recovery Strategies	Habitat creation and enhancement will be addressed within the Final ES and BNG Strategy to achieve BNG taking into account the mitigation hierarchy. Opportunities to link delivery to relevant local plans and strategies will be sought where possible.
Natural England	Opportunities for wider environmental gains should also be considered.	Opportunities for wider environmental gains will be considered when identifying suitable areas for habitat creation and enhancement.
Natural England	The ES should consider the contribution the development could make to relevant local environmental initiatives and priorities to enhance the environmental quality of the development and deliver wider environmental gains. This should include considering proposals set out in relevant local strategies or supplementary planning documents including landscape strategies, green infrastructure strategies, tree and woodland strategies, biodiversity strategies or biodiversity opportunity areas.	The Final ES and the BNG Strategy will consider the contribution that the Project could make to relevant local environmental initiatives to achieve BNG.
St Helens Borough Council	The scoping report states that the ecology assessment will consider the potentially significant effects on terrestrial and freshwater ecological receptors, as well as ornithological receptors, that may arise from the construction and operation of the Project. This approach is accepted.	Noted, no response required.
St Helens Borough Council	MEAS advise that the scope of the desk study undertaken to date is acceptable. The scoping report states that a full desk study will be completed as part of the ES and will detail non-statutory site information (e.g., Local Wildlife Sites) and records of legally protected species requested from record, Greater Manchester Record Centre and Merseyside Biobank. They advise that in addition the respective County Bird Recorders for North Merseyside and Cheshire should be contacted for non-breeding bird records. Non-breeding bird surveys were also undertaken in support of the Halton Local Plan and may be of use for the assessment (these can be found at https://www3.halton.gov.uk/Pages/planning/policyguidance /eip.aspx).	Noted, no response required.

Consultee	Consideration	How addressed in this Draft ES
St Helens Borough Council	Habitat Regulations Assessment (HRA) The EIA scoping report states that a HRA Screening Report will be prepared to determine whether the Project will have LSEs on any European sites. The HRA will include the Mersey Estuary SPA and Ramsar Site. The report further states that LSEs are expected to be screened out within the HRA Screening Report, however some may remain. In this instance, sufficient information will be provided to allow the relevant competent authority to determine whether there will be a resulting adverse effect on the integrity of European sites. This approach is accepted.	Noted, no response required.
St Helens Borough Council	Ecological Network The EIA scoping report does not reference the Liverpool City Region Ecological Network. The LCR ecological network includes Nature Improvement Areas (NIAs) and Priority Habitats. The ES should address how impacts on the Ecological Network will be avoided or minimised. Further information can be found here - http://lcreconet.uk/ .	Noted. Data in relation to the LCR Ecological Network has been obtained from Merseyside Biobank. Impacts of the Project on the ecological network are assessed within this Draft ES . Opportunities for BNG that such a strategic network may provide will be detailed within the Final ES and the BNG Strategy.
St Helens Borough Council	Assessment Methodology The EIA scoping report states that the ecology assessment methodology will be aligned with the standard industry guidance provided by CIEEM. For each scoped-in ecological feature, effects both during construction and operation will be assessed against the predicted future baseline conditions (equivalent to the current baseline which will be confirmed following completion of extended Phase 1 habitat survey and protected species surveys) for that ecological feature. Throughout the assessment process, findings about potentially significant effects will be used to inform the definition of requirements for additional baseline data collection and the identification of embedded environmental measures to avoid or reduce adverse effects or to deliver enhancements. Measures to comply with relevant policies and legislation will also be included. The results of the assessment will reflect the final Project design (i.e., incorporating the embedded environmental measures). This approach is accepted.	Noted, no response required.
St Helens Borough Council	Significance of effects will be based on the extent, magnitude, duration, frequency, timing, and reversibility. Significance will be assessed from negligible to High. This approach is accepted	Noted, no response required.
St Helens Borough Council	The following ecological features have been scoped out of further assessment: - Dee Estuary SPA and Ramsar site – this is accepted; - Mersey Narrows and North Wirral Foreshore SPA and Ramsar site is -this is accepted; and - Ribble and Alt Estuaries SPA and Ramsar site – this accepted.	Noted, no response required.
St Helens Borough Council	Non-Schedule 1 nesting birds – breeding bird surveys targeted at non-Schedule 1 species have been scoped out of the assessment as it is considered that any effects upon active nests of breeding birds can be mitigated by best practice embedded environmental measures – this is accepted	Noted, no response required.
St Helens Borough Council	Reptiles – the potential for significant effects on reptiles has been scoped out of the assessment in view of the geographical location of the Project, the limited project footprint located within predominantly sub-optimal agricultural landscape and the employment of embedded environmental measures – this is not accepted, until the final route and specific habitats that will be impacted by the proposals are known I do not believe reptiles should be scoped out of the assessment	See above for response.

Consultee	Consideration	How addressed in this Draft ES
St Helens Borough Council	Wintering Bird Surveys Scope of Proposed Ecological Surveys The EIA scoping report states that the following surveys will commence in 2022 to inform the assessment of potentially significant effects on ecological features: - Extended phase one habitat survey. - Badger survey. - Great crested newt surveys of ponds with suitability for GCN. - Bat surveys of mature trees that will be impacted by the proposals. - Otter and water vole surveys of affected watercourses. - Invertebrate surveys, where the extended phase one survey identifies habitats with potential to support important assemblages or species. - Schedule 1 breeding bird surveys. - Hedgerow Regulation assessment surveys. - NVC surveys, where the extended phase one survey identified valuable habitats. - Watercourse surveys. The above survey scope is accepted; however, I would advise that reptile surveys should also be included if high quality habitat for these species is identified during the extended phase one survey.	Habitat surveys have been completed within the Draft Order Limits. Protected species surveys have also been undertaken if potential significant effects are identified as a result of the Project. The baseline environment is described in Section 5.5 of this Draft ES, with potentially significant effects on sites assessed in Section 5.10.
St Helens Borough Council	MEAS advise that the following additional embedded mitigation measures/revisions are required: - Inclusion of avoidance of disturbance to functionally linked land of qualifying bird species of the Mersey Estuary SPA/Ramsar during the non-breeding bird season (September to March inclusive) as an embedded mitigation measure. - The breeding bird season should be defined as March to August (not mid-March to July as stated in the EIA scoping report). - Timing restrictions and precautionary measures in respect of breeding birds should also consider the potential for ground nesting farmland bird species such as lapwing (<i>Vanellus vanellus</i>).	Any impacts on qualifying bird species of Mersey Estuary SPA/Ramsar Site are assessed in the HRA Stage 1 Screening Report(see Appendix 5O). The breeding bird season will be amended to March to August. Mitigation in respect of breeding birds will be included where appropriate.

Consultee	Consideration	How addressed in this Draft ES
St Helens Borough Council	Additional Mitigation The EIA scoping report states that mitigation will be devised to avoid any significant impacts associated with the construction and operation of the proposed development on ecological features. This approach is accepted. I advise that the mitigation hierarchy should be adopted – Avoid, Mitigate, Compensate: - Avoidance is the key first stage and designs must show that they have avoided important features possible. In this instance higher value habitat features that should where possible be avoided include the woodland areas to the south of the site, the existing hedgerows, and the Bridgwater Canal corridor to the west. - Mitigation is measures taken to reduce the duration, intensity and or extent of impacts that cannot be completely avoided, for example through revised site layouts or timing of works. - Compensation is measures taken to compensate for any ‘residual impacts’ that cannot be avoided or minimised. This may include enhancing existing ecological features of the site or new habitat creation, Compensation will only be appropriate where there are clearly no alternatives.	The mitigation hierarchy has been followed throughout the design and assessment process and important features have been avoided where possible. Where there is potential for significant effects to arise, the impacts of the Project are assessed within this Draft ES and appropriate mitigation, compensation and enhancement measures presented. The baseline environment is described in Section 5.5 of this Draft ES, with potentially significant effects assessed in Section 5.10.
St Helens Borough Council	Biodiversity Net Gain (BNG) There is reference to further work being carried out but no details within this document. This will be fundamentally important with any applications submitted. If before November 2023, when the Environment Bill comes into force applicants will still need to provide completed DEFRA Biodiversity Net Gain metrics (Version 3) and show how there will be no Net loss of biodiversity because of this development proposal. Thus, should include amendment of proposals to reduce net losses. After November 2022 then applicants will need to fully comply with the Environment Bill legislation (including demonstrating 10% Biodiversity Net gain). In both cases schemes must be demonstrate how the design is minimising losses. Off-site mitigation can be considered but only as a matter of last resort and evidence is provided that there are no other options for onsite mitigation. Off-site mitigation details would also be required as part of any mitigation/compensation.	The statutory metric will be used to calculate biodiversity gains and losses and the methods used will be included within the Final ES. The Final ES will clearly set out mitigation measures for significant adverse effects on biodiversity and wider enhancement measures where appropriate. The supporting BNG Strategy will set out the additional habitat creation and enhancement proposed to achieve a net gain. BNG is set to become a requirement for DCOs from November 2025, however, the Applicant is committed to providing BNG on this Project, prior to the mandatory condition being in place.
Trafford Council	The nearest sensitive area is Brookheys Covert Site of Special Scientific Interest (SSSI) approximately 250m east of the scoping boundary. Dunham Park SSSI is approximately 1 km southeast of the scoping boundary.	Where there is potential for significant effects to arise, the impacts of the Project are assessed within this Draft ES and appropriate mitigation, compensation and enhancement measures presented. The baseline environment is described in Section 5.5 of this Draft ES, with potentially significant effects assessed in Section 5.10.
Trafford Council	There are two Special Areas of Conservation (SAC) (Rixton Clay Pits and Manchester Mosses) to the west of the site, both outside the Trafford boundary and approximately 2.8 km and 3.1 km from the scoping boundary respectively. Rixton Clay Pits is also a SSSI and Holcroft Moss and Risley Moss SSSI’s are part of the Manchester Mosses SAC.	Where there is potential for significant effects to arise, the impacts of the Project are assessed within this Draft ES and appropriate mitigation, compensation and enhancement measures presented. The baseline environment is described in Section 5.5 of this Draft ES, with potentially significant effects assessed in Section 5.10. and the HRA Stage 1 Screening Report (see Appendix 50).

Consultee	Consideration	How addressed in this Draft ES
Trafford Council	Sites of Biological Importance (SBI's) are not individually identified in the Scoping Report. The following SBI's within Trafford are within the scoping boundary: - Moss Wood SBI. - Sinderland Green Wood SBI. - Broad oak Wood SBI. - Partington Nature Reserve SBI.	Where there is potential for significant effects to arise, the impacts of the Project are assessed within the Draft ES and appropriate mitigation, compensation and enhancement measures presented. The baseline environment is described in Section 5.5 of this Draft ES, with potentially significant effects assessed in Section 5.10. Based on the Draft Order Limits, all SBI's within Trafford are now situated outside the Draft Order Limits.
Trafford Council	The following SBI's are adjacent to or in close proximity to the scoping boundary: - Brookheys Covert SBI. - Fox Covert and Meadows SBI.	The impact of the Project on SBIs and the potential for significant effects to arise has been assessed within this Draft ES and appropriate mitigation, compensation and enhancement measures presented. The baseline environment is described in Section 5.5 of this Draft ES, with potentially significant effects on sites assessed in Section 5.10. Brookheys Covert SBI is 0.78km and Fox Covert and Meadows SBI is 0.80km from the Draft Order Limits.
Trafford Council	The scoping boundary extends through three Wildlife Corridors and at least seven Sites of Importance for Nature Conservation designated on the Local Plan Policies Map.	The impact of the Project and the potential for significant effects to arise is assessed within this Draft ES and appropriate mitigation, compensation and enhancement measures presented. Based on the Draft Order Limits, there are three wildlife corridors and two Sites of Importance for Nature Conservation within the Draft Order Limits. The baseline environment is described in Section 5.5 of this Draft ES, with potentially significant effects on sites assessed in Section 5.10.
Trafford Council	I note that an extended Phase 1 habitat survey and protected species surveys will be undertaken, including surveys for great crested newt, bats, otter and water vole, badger, invertebrate, Schedule 1 breeding birds and winter birds.	Noted, no further action required.
Trafford Council	Construction of the pipeline is likely to result in the loss of trees, hedgerows, vegetation and other habitats, which may include statutory and non-statutory nature conservation sites or priority habitats. The route should seek to avoid such features and habitats wherever possible and where this is unavoidable, the ES and DCO will need to set out proposed mitigation to replace or compensate for the loss of these features. In line with the NPPF the expectation would be to avoid significant harm to biodiversity resulting from the development and if significant harm cannot be avoided it should be adequately mitigated, or, as a last resort, compensated for.	The mitigation hierarchy has been followed through the design and assessment process, and important features avoided where possible. Where there is potential for significant effects to arise, the impacts of the Project are assessed within this Draft ES and appropriate mitigation, compensation and enhancement measures presented. The baseline environment is described in Section 5.5 of this Draft ES, with potentially significant effects on features assessed in Section 5.10.
Trafford Council	The proposed development would be expected to deliver biodiversity net gain (BNG), as sought by the NPPF and as a requirement of the Environment Act 2021 (with the statutory requirement for 10% BNG anticipated to be in place by the time the DCO is submitted).	The statutory biodiversity metric will be used to calculate biodiversity gains and losses as a result of the Project. Methods used will be summarised within the Final ES. The Final ES will clearly set out mitigation measures for significant adverse effects on biodiversity and wider enhancement measures where appropriate. The supporting BNG Strategy will set out the additional habitat creation and enhancement proposed to achieve a net gain. BNG for NSIP projects is not yet statutory. It is set to become a requirement for DCOs from November 2025, however, the Applicant is committed to providing BNG on the Project prior to the mandatory condition being in place.

Consultee	Consideration	How addressed in this Draft ES
Trafford Council	No comments have been received from the Greater Manchester Ecology Unit at the time of preparing this response. In the event a response is subsequently received which raises any issues relevant to the scope and level of detail of the information to be provided in the ES we will forward these comments.	Noted, no further action required.
Trafford Council	Natural England will need to be consulted on the Scoping Opinion and on the application for a DCO.	Natural England is a prescribed consultee.
Warrington Borough Council	The Scoping Report confirms that comprehensive surveys and assessments of the effects of the proposed development on the natural environment will be undertaken. It is confirmed that these surveys and assessments will be undertaken in accordance with established professional practice and will involve the consultation of appropriate sources of information (including the Cheshire biological records centre).	Noted, no response required.
Warrington Borough Council	In broad agreement with the scope of ecological surveys and assessments described in the report, and would not consider that any of the surveys and assessments described are unnecessary, but it is recommended that the following additional issues need to be considered further in any resulting Environmental Statement: • If new traffic routes need to be created to facilitate access to the pipeline route and works compounds, or if existing roads need to be widened or otherwise improved to accommodate large-scale traffic movements, the ecological impacts of these measures will need to be fully assessed in the ES. • the applicant has correctly identified the need for a Habitats Regulations Assessment of the project to be carried out. It is agreed that the Mersey Estuary SPA should be in the proposed HRA, and would also agree that there will be a need to assess parts of the route for their potential to act as functionally linked to the SPA. It is also recommended that air pollution effects arising from the operation of construction traffic and of large-scale generators on construction sites should also be Screened in to the HRA as a potential impact of the scheme on designated sites.	Where there is potential for significant effects to arise, the impacts of the Project are assessed within this Draft ES and appropriate mitigation, compensation and enhancement measures presented. The baseline environment is described in Section 5.5 of this Draft ES , with potentially significant effects on features assessed in Section 5.10 . Potential indirect impacts, including pathways for effects on this designated site and its qualifying features are assessed within this Draft ES (Section 5.10) and the HRA Stage 1 Screening report (Appendix 5P). The Stage 2 Appropriate Assessment will be appended to the Final ES.
Warrington Borough Council	Great Crested Newts - the District Level Licensing Scheme for great crested newts is now in operation in Warrington. Entering into this Scheme would potentially remove the need for surveying for great crested newts along the length of the pipeline routes, and for providing mitigation for great crested newts along the route. Early engagement with Natural England, who administer the DLL Scheme nationally, is encouraged in this matter.	Natural England’s DLL unit has been consulted and will be employed for the Project for all areas except for St Helens (currently not taking part in the scheme).
Warrington Borough Council	Biodiversity Net Gain - There is little discussion in the Scoping report of the need for the project to provide a Net Gain in biodiversity, in accord with the provisions of the NPPF and of the new Environment Act. The applicant is encouraged to engage with the biodiversity net gain agenda at an early stage of project development, so that provision for habitat creation, repair and enhancement can be built into project development from the start of the design process. Any gains must be meaningful and should contribute to the creation of a Local Nature Recovery Strategy wherever possible.	The statutory metric will be used to calculate biodiversity gains and losses and methods used will be summarised within the Final ES. The Final ES will clearly set out mitigation measures for significant adverse effects on biodiversity and wider enhancement measures where appropriate. The supporting BNG Strategy will set out the additional habitat creation and enhancement proposed to achieve a net gain, taking into account strategic opportunities (such as the LNR Strategy).

Consultee	Consideration	How addressed in this Draft ES
Warrington Borough Council	The Scoping report states that “Where practical, sensitive sites will be avoided by the temporary construction compounds and permanent Project elements” [GMEU’s italics]. Harmful impacts on sensitive and designated sites should be avoided as a matter of course, and if impacts are considered to be absolutely unavoidable, comprehensive justification for these decisions will need to be provided, together with full details of mitigation and compensation for any harm which is caused.	The mitigation hierarchy has been followed through the design and assessment process, and important features have been avoided where possible. Where there is potential for significant effects to arise, the impacts of the Project are assessed within this Draft ES and appropriate mitigation, compensation and enhancement measures presented. The baseline environment is described in Section 5.5 of this Draft ES , with potentially significant effects on sites assessed in Section 5.10 .
Warrington Borough Council	Before a comprehensive Environmental Statement is submitted for appraisal, as much certainly as possible needs to be provided concerning the ecological impacts of the scheme, so that compensation, mitigation and net gain measures can be fully and properly assessed.	Habitat and protected species surveys have been undertaken. The mitigation hierarchy has been followed through the design and assessment process and seeks to avoid all important features. Where there is potential for significant effects to arise, the impacts of the Project are assessed within this Draft ES and appropriate mitigation, compensation and enhancement measures presented. The baseline environment is described in Section 5.5 of this Draft ES , with potentially significant effects assessed in Section 5.10 .
Warrington Borough Council	Warrington Borough Council also holds records of all of the Local Wildlife Sites within the Warrington area, and these should be included within the maps as constraints.	Local site information has been obtained from the relevant local record centres/wildlife trust. Where there is potential for significant effects to arise, the impacts of the Project are assessed within this Draft ES and appropriate mitigation, compensation and enhancement measures presented. The baseline environment is described in Section 5.5 of this Draft ES , with potentially significant effects on sites assessed in Section 5.10 .
Warrington Borough Council	A number of the Local Wildlife Sites within the Warrington area are considered to have a greater than local value and the value placed on them within the assessments needs to be increased.	Local site information has been obtained from the relevant local record centres/wildlife trust. Where there is potential for significant effects to arise, the impacts of the Project are assessed within this Draft ES and appropriate mitigation, compensation and enhancement measures presented. The baseline environment is described in Section 5.5 of this Draft ES , with potentially significant effects on sites assessed in Section 5.10 .
Warrington Borough Council	It is requested that adequate mitigation is provided for any trees or hedgerows proposed to be removed and ratio for replacement should be included within the Environmental Statement.	Surveys of woodlands, traditional orchards and hedgerows have been undertaken. An assessment of the potential for significant effects is included in this Draft ES and appropriate mitigation determined. The baseline environment is described in Section 5.5 of this Draft ES , with potentially significant effects assessed in Section 5.10 .. Further assessment of trees is within Chapter 8: Landscape and Visual .
Warrington Borough Council	If new traffic routes need to be created to facilitate access to the pipeline route and works compounds, or if existing roads need to be widened or otherwise improved to accommodate large-scale traffic movements, the ecological impacts of these measures will need to be fully Assessed in the ES.	Where there is potential for significant effects to arise, the impacts of the Project are assessed within this Draft ES and appropriate mitigation, compensation and enhancement measures presented. The baseline environment is described in Section 5.5 of this Draft ES , with potentially significant effects on features assessed in Section 5.10 .
Warrington Borough Council	The applicant has correctly identified the need for a Habitats Regulations Assessment of the project to be carried out. I would agree with the inclusion of the Mersey Estuary SPA in the proposed HRA and would also agree that there will be a need to assess parts of the route for their potential to act as functionally linked to the SPA. I would also recommend that air pollution effects arising from the operation of construction traffic and of largescale generators on construction sites should also be Screened into the HRA as a potential impact of the scheme on designated sites.	Noted. An updated HRA Stage 1 Screening report is provided at Appendix 5P . The Stage 2 Appropriate Assessment will be included in the Final ES. Potential impacts on designated sites or qualifying features are assessed within this Draft ES .

Consultee	Consideration	How addressed in this Draft ES
Warrington Borough Council	I would point out to the applicants that the District Level Licensing Scheme for great crested newts is now in operation in Warrington. Entering into this Scheme would potentially remove the need for surveying for great crested newts along the length of the pipeline routes, and for providing mitigation for great crested newts along the route. Early engagement with Natural England, who administer the DLL Scheme nationally, is encouraged in this matter.	Natural England’s DLL unit has been consulted and will be employed for the Project for all areas except for St Helens (currently not taking part in the scheme).
Warrington Borough Council	There is little discussion in the Scoping Report of the need for the project to provide a Net Gain in biodiversity, in accord with the provisions of the NPPF and of the new Environment Act. I would encourage the applicants to engage with the biodiversity net gain agenda at an early stage of project development, so that provision for habitat creation, repair and enhancement can be built into project development from the start of the design process. Any gains must be meaningful and should contribute to the creation of a Local Nature Recovery Strategy wherever possible.	The statutory metric will be used to calculate biodiversity gains and losses and methods used are summarised within this Draft ES . The Final ES will clearly set out mitigation measures for significant adverse effects on biodiversity and wider enhancement measures where appropriate. The supporting BNG Strategy will set out the additional habitat creation and enhancement proposed to achieve a net gain. BNG is set to become a requirement for NSIPs from November 2025. However, the Applicant is committed to including BNG on the Project prior to that mandatory position being in place.
Warrington Borough Council	The Scoping Report states that “Where practical, sensitive sites will be avoided by the temporary construction compounds and permanent Project elements” [my italics]. Harmful impacts on sensitive and designated sites should be avoided as a matter of course, and if impacts are considered to be absolutely unavoidable, comprehensive justification for these decisions will need to be provided, together with full details of mitigation and compensation for any harm which is caused.	The mitigation hierarchy has been followed through the design and assessment process, and important features have been avoided where possible. Where there is potential for significant effects to arise, the impacts of the Project are assessed within this Draft ES and appropriate mitigation, compensation and enhancement measures presented. The baseline environment is described in Section 5.5 of this Draft ES , with potentially significant effects on sites assessed in Section 5.10 .
Warrington Borough Council	It is noted that the project is at an early design stage, that final routes have not yet been decided, and that main contractors for the scheme may not yet have been appointed. This means that there is considerable uncertainty at this stage as to the final impacts of the scheme. I would remind the applicants that before a comprehensive Environmental Statement is submitted for appraisal, as much certainty as possible needs to be provided concerning the ecological impacts of the scheme, so that compensation, mitigation and net gain measures can be fully and properly assessed.	The mitigation hierarchy has been followed through the design and assessment process and seeks to avoid all important features. Where there is potential for significant effects to arise, the impacts of the Project are assessed within this Draft ES and appropriate mitigation, compensation and enhancement measures presented. The baseline environment is described in Section 5.5 of this Draft ES , with potentially significant effects on features assessed in Section 5.10 .

Table 5A.2 Summary of Section 42 Consultation Responses

Please note that individual reference numbers have been attributed to each row (shown in the last column) to enable cross referencing and to avoid duplication of responses.

Consultee	Consideration	How Addressed in this Draft ES	Row Reference No.
Altrincham and Sale West	I am writing on behalf of a number of local residents who have approached me with concerns over the potential impact and disruption the project may bring to local wildlife and infrastructure.	Surveys to identify the presence of protected or notable habitats and species are on-going and existing results are presented within the Draft ES Section 5.5 . The baseline data and assessment will be completed in the Final ES. These surveys focus on all aspects of the Project including areas of both permanent and temporary land take. The mitigation hierarchy (avoid, mitigate, compensate) is being followed throughout the design and assessment process and seeks to avoid all important biodiversity features where possible. An assessment of the identified impacts and any further mitigation and compensation requirements is included in this Draft ES Section 5.10 and will be revised for the Final ES. Any habitat temporarily impacted will be reinstated after works are finished and will be available to wildlife in the long term.	001
Altrincham and Sale West	In addition, there are also concerns regarding the erection of temporary construction and storage areas and what effect this will have on local wildlife, especially due to the amount of land that may be used for the project in its current iteration.	See response 001 with regards to ongoing surveys and the assessment included in this Draft ES . The Project is following the mitigation hierarchy (avoid, mitigate, compensate) throughout the design and assessment process and seeks to avoid all important biodiversity features where possible. Sensitive working methods will be employed throughout the construction phase and micro-siting during construction will allow for important habitat features to be retained where possible.	002
Altrincham and Sale West	A number of wild birds, in addition to native mammals and nocturnal creatures, such as owls and bats, have nesting sites in the area and action must be taken to minimise any effect on their habitat.	See response 001 with regards to ongoing surveys and the assessment included in this Draft ES . The Project is following the mitigation hierarchy (avoid, mitigate, compensate) throughout the design and assessment process and seeks to avoid all important biodiversity features where possible. Sensitive working methods will be employed throughout the construction phase and micro-siting during construction will allow for important habitat features to be retained where possible.	003
Canal and Rivers Trust	Biodiversity (chapter 5) The Biodiversity section sets out that the project will seek to deliver Biodiversity Net Gain. The works would clearly disturb habitats along the route. The chapter sets out a complete set of further survey works that have been scoped in for further assessment which will be required along the route in terms of establishing the presence of protected species and set out the required mitigation. We will review and comment further on these in relation to our waterway corridor once we have received a copy of these assessments. There may be an opportunity to put forward areas of our waterway for Biodiversity Net Gain {subject to the necessary criteria/thresholds being met} along our network including establishing and maintaining hedgerows; establishing reed fringes; control of non-native invasive species and establishing native planting in its place. We look forward to reviewing the proposed mitigation in relation to our waterway corridors in due course.	Noted. The Applicant welcomes the suggestion to consider potential opportunities for BNG delivery on Canal and River Trust land holdings and this will be followed up. An assessment of the identified impacts and any further mitigation and compensation requirements is included in this Draft ES Section 5.10 and will be revised for the Final ES.	004

Consultee	Consideration	How Addressed in this Draft ES	Row Reference No.
Cheshire East Borough Council	Biodiversity The Council note that 45% of the land within the preliminary order limits has not yet been subject to ecological survey. The PEIR is therefore relatively generic in nature with further assessment being required once field work is complete which makes it difficult to provide comprehensive feedback at this stage.	Surveys to identify the presence of protected or notable habitats and species are on-going and existing results are presented within the Draft ES Section 5.5. These surveys focus on all aspects of the Project, including areas of both permanent and temporary land take. The mitigation hierarchy (avoid, mitigate, compensate) is being followed throughout the design and assessment process and seeks to avoid all important biodiversity features where possible. An assessment of the identified impacts and any further mitigation and compensation requirements is included in this Draft ES Section 5.10 and will be revised for the Final ES. Stakeholder engagement will continue and there will be opportunity for feedback after the Draft ES and Final ES are completed.	005
Cheshire East Borough Council	Biodiversity The PEIR anticipates that the majority of impacts on biodiversity would be addressed through the implementation of “embedded environmental measures” (Listed in Table 5.13). The majority of these measures, whilst intended to be integrated into the project, require the delivery of proactive measures to be incorporated into the scheme. For example, one of the embedded measures is “maintaining habitat connectivity”. This measure can only be achieved if the scheme is specifically designed to ensure that impacts on connectivity are avoided which may require compounds and above ground compounds to be located appropriately and for crossings of any water courses or other habitats to be delivered in a manner that prevents any fragmentation of existing habitats. The subsequent ES will therefore need to demonstrate how the embedded measures have been incorporated into the scheme to address specific impacts on biodiversity receptors. Solely listing these measures in the ES would be insufficient to address impacts potentially arising from the scheme.	Embedded environmental measures pertaining to Biodiversity which will be incorporated within the scheme are set out in the Draft ES Section 5.6, and the assessment demonstrates how the relevant measures address the impacts on individual ecological features. The mechanism for securing embedded environmental measures through DCO is also identified in the Draft ES.	006
Cheshire West and Chester Borough Council	Chapter 5: Biodiversity The Councils Ecologist raises concerns that the PEIR is not at this stage able to give any robust conclusions about the preliminary impacts of the project and elements have been missed for consideration, including, cumulative impacts, assessment methodology and designations. They advise further survey work and assessment as outlined below. The detailed advice of the Councils Ecologist is provided in Appendix B.	The findings presented in the PEIR were based on a preliminary assessment and reflected the stage in the design process of the Project and understanding of baseline conditions at that time. Surveys to identify the presence of protected or notable habitats and species are currently on going and existing results are presented within the Draft ES Section 5.5. These surveys focus on all aspects of the Project, including areas of both permanent and temporary land take. The mitigation hierarchy (avoid, mitigate, compensate) is being followed throughout the design and assessment process and seeks to avoid all important biodiversity features where possible. An assessment of the identified impacts and any further mitigation and compensation requirements is included in this Draft ES Section 5.10 and will be revised for the Final ES. A detailed Cumulative Effects Assessment (CEA) will be included within each of the environmental topic chapters of the Final ES.	007

Consultee	Consideration	How Addressed in this Draft ES	Row Reference No.
Cheshire West and Chester Borough Council	Surveys The Councils Ecologist notes that due to the limited surveys undertaken to date it is not considered possible to robustly assess impact on species or habitats. Concern is raised in relation to the number of surveys still needed for the targeted submission of the DCO in 2023. In addition to this it is not clear if consideration of all indirect effects has been made as there is the potential for future baseline to change as a result of incomplete surveys	The Project timescales have been revised which allowed additional time to undertake surveys to identify the presence of protected or notable habitats and species (currently still on-going). An assessment of the identified impacts based on the updated survey baseline and any further mitigation and compensation requirements is included in the Draft ES Section 5.10 and will be revised for the Final ES.	008
Cheshire West and Chester Borough Council	Scope of Assessments The Councils Ecologist notes that parts of the assessments in relation to impacts upon a number of identified statutory sites (SSSIs and RAMSARs) have been scoped out of the assessments. This appears to be against the advice of the Scoping Opinion and consultee advice. Further justification is needed for this.	The scoping assessment (including justification) has been updated based on the latest design and this is included in the Draft ES Appendix 5B . The HRA Stage 1 assessment has also been updated and this is included in the Draft ES Appendix 5P . These assessments will be revised for the Final ES to reflect any changes in the design and Order Limits.	009
Cheshire West and Chester Borough Council	Section 5.11 Preliminary Assessment of Biodiversity Effects – With the above identified lack of surveys it is asked how the conclusions of ‘Not Significant’ effects on site habitats and species can be made on the basis of the requirement for further specific mitigation from surveys. It is not therefore clear how the conclusions on level of importance (local, county, regional) have been made.	The findings presented in the PEIR were based on a preliminary assessment and reflected the stage in the design process of the Project and understanding of baseline conditions at that time as well as taking into account the embedded environmental measures. The Project timescales have been revised which allowed additional time to undertake surveys to identify the presence of protected or notable habitats and species (currently still on-going). Existing survey results are presented in the baseline information within the Draft ES Section 5.5 . The mitigation hierarchy (avoid, mitigate, compensate) is being followed throughout the design and assessment process and seeks to avoid all important biodiversity features where possible. The assessment methodology applied in this Draft ES is set out in Section 5.9 and the assessment of the identified impacts and any further mitigation and compensation requirements is included in this Draft ES Section 5.10 and will be revised for the Final ES.	010
Cheshire West and Chester Borough Council	Project Options It is recommended that any impacts on sites, habitats and species are considered together, and the impacts of each option be considered as a whole project. In the absence of further survey details the Councils Ecologist identifies a preference to the following route and HAGI options (please note a more detailed response on the above route options is given in Appendix B) • WP2 • WP3 • RSH1 • RSp2 • CHH2 • NSp1 • SP2	The options included at the PEIR stage have been refined and the current design informed this Draft ES . The design has changed significantly in some sections therefore locations RSp2, NSp1 and SP2 were removed from the scope. Locations WP3 and CHH2 have been selected and taken forward in the current design, whilst locations RSH1 and WP2 were not selected and are therefore no longer part of the Draft Order Limits. The assessment will be revised for the Final ES.	011
Cheshire West and Chester Borough Council	Biodiversity Chapter 5, para 5.6.15 – Natural England and the Environment Agency should be consulted specifically in relation to water body searches (if they haven’t already), in order to identify potential ponds / ditches for newts.	The Project will apply for a District Level Licensing (DLL) for Great Crested Newts (GCN). Natural England’s DLL unit has been consulted and it has been confirmed that with the exception of St Helens (currently not taking part in the scheme) the DLL is applicable to the Project. The number of ponds affected by the Project will therefore be assessed by Natural England. For the St Helens area we have identified a total of 33 ponds and 24 ditches within the 250m buffer zone from the Draft Order Limits. Please see Section 5.5 of the Draft ES for further details.	012

Consultee	Consideration	How Addressed in this Draft ES	Row Reference No.
Cheshire West and Chester Borough Council	Biodiversity Chapter 5, table 5.13 – under points 5 and 6 this should take account of ecological networks, including the Cheshire West and Chester ecological network and its components, as identified on the Local Plan policies map in order to ensure that habitat connectivity is maintained.	Noted. Table 5.13 from the PEIR related to embedded environmental measures, which are updated and set out in Section 5.6 of the Draft ES . Embedded environmental measures set out in this Draft ES Section 5.6 , namely measures 5 – Sensitive Vegetation removal and 6 – Maintaining habitat connectivity are aimed at reducing fragmentation. Where fragmentation effects on sensitive ecological features are unavoidable, these have been assessed in Section 5.10 of the Draft ES and will be revised for the Final ES. Any fragmentation effects would be temporary and of short duration and mitigation where relevant is included within Section 5.10 of the Draft ES .	013
Cheshire West and Chester Borough Council	Biodiversity Chapter 5, para 5.10.16 – a Biodiversity Net Gain of at least 10% is required in line with the future Environment Bill. This should be delivered and could also be referred to within the PEIR.	The latest statutory biodiversity metric will be used to calculate gains and losses of area, linear, and river habitat types and the methods used will be summarised within supporting BNG Strategy that will accompany the application. BNG for NSIP projects is set to become a statutory requirement from November 2025, however, the Applicant is committed to including BNG on the Project prior to the mandatory condition being in place. The scale of the Project wide net gain will be confirmed at the application stage.	014
Cheshire West and Chester Borough Council	Biodiversity Chapter 5, para 5.13.2 - when considering Biodiversity Net Gain enhancements, the Councils Biodiversity Net Gain Interim guidance note proposes specific enhancement measures that are useful for the borough. The guidance note is available at: Biodiversity net gain requirements - Details - Keystone (cheshirewestandchester.gov.uk)	Noted. We welcome reference to the guidance note which will be taken into account.	015
Cheshire West and Chester Borough Council	Surveys It is understood that habitat and species surveys are still being carried out along the project route and will be completed in 2023. It is noted however, that the applicant does have power to enter land for ecology at this stage of the process, and some surveys have been carried out in October 2020, so it is not clear why surveys are still at an early stage. The stated further survey PEIR is a statement of findings and assessments so far. It is s are to inform more for project design detail, rather than to fill gaps in information and will be covered in the subsequent ES. However, it is unlikely that there is enough information on which to base robust conclusions at this stage the first Phases One Habitat survey is only 55% complete and the majority of targeted surveys have not begun. Worst case scenario has been assumed for some scenarios, which is not ideal. There is a concern that the target of DCO submission in March 2023 is not achievable, as information from all surveys will not have been concluded, as detailed below. Aerial photography has been used to identify areas of interest at a high level, but this is obviously no substitute for surveys on the ground.	See responses 008 and 010.	016

Consultee	Consideration	How Addressed in this Draft ES	Row Reference No.
Cheshire West and Chester Borough Council	Surveys The PEIR has considered direct effects on ecology due to habitat loss and disturbance and it is not clear if indirect effects have been considered. It is noted the air quality section does mention ecology impacts, however, the noise and vibration section does not. Negative effects on some ecological features have already been identified	The scope of assessment is set out in Section 5.7 of the Draft ES and presents the potential effects (both direct and indirect) on sensitive ecological features which are included within the assessment in Section 5.10 . Consideration is given to indirect impacts such as air quality changes and increase noise and vibration.	017
Cheshire West and Chester Borough Council	Survey Progress The Extended Phase One Habitat survey for the whole route is 55% complete, having been started in April 2022, with surveys ongoing until October 2022. Hedgerow Regulations assessments, Ancient and Veteran tree assessments, NVC Surveys, Watercourse surveys, Bat roosting surveys, Reptile surveys and Invertebrate surveys have not been undertaken to date. This is a significant concern, as if any further detailed surveys from this survey need to be carried out in the next survey season for most species (May-August), this will not be in time for the ES, nor DCO submission in March 2023. Some Bat activity surveys are scheduled for April 2023, Otter and Water vole surveys April-June 2023 and aquatic surveys until March 2023.	See responses 008 and 010.	018
Cheshire West and Chester Borough Council	Survey Progress Connectivity between foraging and com muting habitats for species should also be assessed. It is noted this element is not included for species such as Badger, Otter, Water voles breeding birds such as Barn owl, and this should be the case, especially for a project of this scale and type. The Ecological Network should be used to support assessment on this.	Embedded environmental measures set out in this Draft ES Section 5.6 , namely measures 5 – Sensitive Vegetation removal and 6 – Maintaining habitat connectivity are aimed at reducing fragmentation. Where fragmentation effects on sensitive ecological features are unavoidable, these have been assessed in Section 5.10 of the Draft ES and will be revised for the Final ES. Any fragmentation effects would be temporary and of short duration and mitigation where relevant is included within Section 5.10 of the Draft ES .	019
Cheshire West and Chester Borough Council	Survey Progress Surveys so far have recorded Wintering birds associated with the Mersey Estuary SPA, RAMSAR, SSSI, Otters, Badgers, Water voles, Brown hare as well as potentially breeding bids such as Barn owl, Marsh harrier, Cettis warbler, Kingfisher, Merlin, Peregrine have been noted in surveys so far. Results are not yet available. Suitable habitats for other species have been recorded across the POL area and study area. Plants such as Black poplar, early marsh orchid, bluebell etc have also been recorded.	See response 007 with regard to updated baseline survey information and assessment presented in the Draft ES .	020
Cheshire West and Chester Borough Council	Future Baseline It is stated that the future baseline is unlikely to significantly alter to an extent that it would affect the outcome of the any assessment within the PEIR, due to the main land use across the project area being arable. However, the value and importance of the areas of different habitats are likely to alter when they are subject to field survey, and the species surveys across the study area are only just over half complete, so may be found within the areas that have not been considered yet ecological value of some areas . species , increasing the This understanding is essential for a project of such scale, over time, area and that could have severance impacts. Construction phasing impacts have not been assessed, in terms of cumulative and temporal impacts and reinstatement or	See response 007 with regard to updated baseline survey information and assessment presented in the Draft ES . See response 075 with regard to the future baseline.	021

Consultee	Consideration	How Addressed in this Draft ES	Row Reference No.
	compensatory habitat creation. stage. Due to lack of surveys and elements of assessment, it is not possible to robustly assess impact on species or habitats at this Scoping for Biodiversity at this stage		
Cheshire West and Chester Borough Council	Scoping for Biodiversity (Table 5.4 of PEIR and Appendix 5A) It is noted distances from the POL have been used as the main basis on which to scope out designated sites. With those less than 0.5km from the site, this is not a reasonable approach, as indirect pathways, such as hydrological or aerial, may connect the site to the project and result in impacts. This should be reviewed.	Statutory and non-statutory designated sites within the Study Area (2km of the Draft Order Limits, extended to 10km for statutory sites of bat interest, and 20km for statutory sites of ornithological interest) are identified within the baseline information in Section 5.5 of the Draft ES . Of the sites which occur in the Study Area, sites were scoped into the assessment (see Section 5.10) where they contain features (habitats and/or species) which are within the zone of influence of potential impacts of the Project (e.g. land take, increase noise etc.) which they may be sensitive to. Potential impacts of the Project, and associated zones of influence, are set out in Section 5.7 , and consider direct and indirect pathways (including changes in air quality and hydrology).	022
Cheshire West and Chester Borough Council	Scoping for Biodiversity (Table 5.4 of PEIR and Appendix 5A) It is noted the Mersey Narrows and North Wirral Foreshore SPA and Ramsar Site, Midlands Meres and Mosses Phase 2 Ramsar Site and Midlands Meres and Mosses Phase 1 Ramsar Site have been scoped out of the assessment. CWAC recommended these sites be scoped in at the Scoping stage, or further justification for scoping out should be provided. Only the RAMSAR parts of the designations are noted, not SPA or SAC. Air quality and deposition on these habitats/features have not been considered. It is noted that changes in hydrology and air quality are scoped out at this stage, for potential impacts on all ecological features. An example is that the pipeline runs through Frodsham Marsh LWS and coastal floodplain habitats, which are adjacent and hydrologically connected to the Mersey Estuary RAMSAR/SPA/SSI and is likely to form functionally linked land.	See response 009.	023
Cheshire West and Chester Borough Council	Scoping for Biodiversity (Table 5.4 of PEIR and Appendix 5A) It is not agreed that Hatton’s Hey Wood, Whittles Corner and Bank Rough SSSI and Pettypool Brook Valley SSSI can be scoped out, due to proximity. There is no evidence that pathways of impact to other designated sites that have been scoped out, has been assessed	See response 009 and 022.	024
Cheshire West and Chester Borough Council	Scoping for Biodiversity (Table 5.4 of PEIR and Appendix 5A) It is noted that the Inspectorate advises (ref para 5.6.6) they remain concerned about the proposal to scope out species of negligible importance. This is agreed, especially when considering cumulative effects and general ecological impacts. It is not agreed that nonpriority habitats such as planation woodland and marshy grassland should be scoped out of further assessment. These are valuable habitats when considered individually, cumulatively and provide habitats for protected species, as well as acting as stepping stones for species and linking habitats to those of a designated nature. It is also difficult to see how breeding birds such as groundnesting/farmland birds which are sensitive to disturbance can be avoided by the works, as some are susceptible to disturbance over wider areas, and therefore these should be scoped into assessment	The scope of ecological features (designated sites, habitats and species) and potential impacts of the Project that are included in the assessment are updated in Section 5.7 of the Draft ES , with the assessment presented in Section 5.10 . The updated scoping and assessment were informed by on-going surveys, including protected species surveys, and existing survey results are presented in the baseline information in Section 5.5 .	025

Consultee	Consideration	How Addressed in this Draft ES	Row Reference No.
Cheshire West and Chester Borough Council	Scoping for Biodiversity (Table 5.4 of PEIR and Appendix 5A) It is noted the Ecological Network is noted for inclusion within the Biodiversity net gain metric (ref page 31), but it should also be used as a tool for avoiding impacts in strategic areas, assessing fragmentation effects and also for locating any off site mitigation habitats. Although maintaining habitat connectivity is stated as an embedded mitigation measure, this should be linked with survey results to form a holistic view	Noted. See response 007 with respect to updated baseline survey information and assessment presented in the Draft ES . Embedded environmental measures set out in this Draft ES Section 5.6 , namely measures 5 – Sensitive Vegetation removal and 6 – Maintaining habitat connectivity are aimed at reducing fragmentation. Where fragmentation effects on sensitive ecological features are unavoidable, these have been assessed in Section 5.10 of the Draft ES and will be revised for the Final ES. Any fragmentation effects would be temporary and of short duration and mitigation where relevant is included within Section 5.10 of the Draft ES .	026
Cheshire West and Chester Borough Council	Scoping for Biodiversity (Table 5.4 of PEIR and Appendix 5A) It should be further justified why some elements have been scoped out, against consultee advice.	See response 025.	027
Cheshire West and Chester Borough Council	Section 5.11 Preliminary Assessment of Biodiversity Effects Functionally linked land is referenced and a map of the locations of such should be produced, using Natural England mapping and that which has been discovered through surveys on the ground.	Functionally linked land maps have been produced by Natural England and are publicly available to view within the accompanying report "Identification of Functionally Linked Land (FLL) supporting Special Protection Areas (SPAs) waterbirds in the North West of England" Report reference: NECR361 (available from https://publications.naturalengland.org.uk/publication/6303434392469504). Page 14 of the PDF report illustrates the FLL for the Mersey Estuary. This information is also provided in the Chapter 5: Biodiversity of the Draft ES , Appendix 5P – Figure 5P.3 with reference to the Draft Order Limits.	028
Cheshire West and Chester Borough Council	Section 5.11 Preliminary Assessment of Biodiversity Effects The survey results documented in the PEIR so far have not been assessed in detail, as there is limited information and the surveys are at a in the PEIR that the status of some n early stage . I t is stated features is to be determined by ongoing surveys. In many paragraphs in it is stated that “ Without further information interest features it is not possible to discount that works could also result in the damage, destruction or obstruction or other effects on , or that could be disturbed .” Further specific mitigation from surveys is cited as the solution to this, in terms of sites, habitats and species, and it is concluded that most negative effects/changes would be Not Significant. This cannot be the case, with survey information not available to robustly make that conclusion at this stage. Also reference to fauna being mobile is made; this is not a reason on which to base a conclusion of no impacts. Similar assertions have been made for habitats, and again, this is not supported. For an irreplaceable habitat such as Ancient Woodland, embedded mitigation cannot be classified as a way to robustly avoid impact and compensation is not possible. Therefore, the conclusions of Not Significant is not supported. Species surveys have not yet been completed, so it is not certain how conclusions on level of importance (local, county, regional) have been made.	See response 007.	029

Consultee	Consideration	How Addressed in this Draft ES	Row Reference No.
Cheshire West and Chester Borough Council	West Corridor Pipeline WP1 and WP2: ed with minimal The PEIR states that both options are of similar lengths and are both within the Frodsham Marsh LWS, so no there is no difference in imp acts. The pipeline at this point runs through a large area of peat. It is understood this is dealt with in a different section of the PEIR and a Peat Mitigation Plan is proposed. Without survey results, the most favoured option would be WP2, as this is nearest the railway line, behind the Hoverforce buildings and set back against existing urban development, likely to be already disturbed ground. Either option will cross/bisect ditches at this point and a mitigation and restoration plan will be required. Mitigation should include peat restoration measures.	Design evolution is set out in Appendix 2A . Option WP1 has been selected as the preferred option and taken forward for the Draft ES. Chapter 13: Agriculture and Soil Resources considers the presence of peat within the Draft Order Limits. The route of the pipeline has taken into account a number of different constraints, including existing infrastructure, notably in this area an overhead transmission line and electricity pylons which run adjacent to the M56. To minimise constructability and longer-term operational risk, a route closer to the M56 is considered unviable. Areas of FLL here will be avoided through seasonal working restrictions.	030
Cheshire West and Chester Borough Council	West Corridor Pipeline WP3 and WP4: These options are not considered in the PEIR. Without survey results, WP4 has an extra trenchless crossing compound required, so WP3 is the favoured option.	Design evolution is set out in Appendix 2A . Option WP3 has been selected as the preferred option and taken forward for the Draft ES .	031
Cheshire West and Chester Borough Council	Rocksavage HAGI: RSH1 is located in Frodsham Marshes LWS and an area of peat, RSH2 and RSH3 are located in East Clifton Tip LWS. RSH3 results in the loss of deciduous woodland and priority habitat open mosaic habitats on previously developed land. RSH2 and RSH3 are located in higher value bat commuting and foraging habitat, suitable reptile habitat and notable plant species habitat and would result in permanent loss of such habitats. RSH3 in addition may result in the loss of trees with Bat roosting potential. Fragmentation impacts are not taken into account, but it is assessed that these will be more significant at RSH2 and RSH3, due to the LWS on which they are proposed being small in area, with numerous valuable habitats. Impact/change is assessed in the PEIR as moderate and significant for RSH2 and RSH3, low and Not Significant for RSH1 (due to the fact that the Frodsham LWS is of a large scale and only a small proportion is affected). It is agreed that, without any surveys results, RSH1 is the more favourable option.	Design evolution is set out in Appendix 2A . A revised option for RSH3 has been selected as the preferred option and taken forward for the Draft ES , which avoids areas of sensitive grassland and wetland habitat cited as interest features within East Clifton Tip LWS. See response 007 with respect to updated baseline survey information and assessment presented in the Draft ES .	032
Cheshire West and Chester Borough Council	Runcorn/Rocksavage Spur Route: RSp2 is a trenchless crossing but requires a compound in the Frodsham Marshes LWS. RSp1 crosses lowland calcareous grassland, areas of notable plant species and suitable reptile habitat, and requires two trenchless crossings as opposed to one for RSP2 and a section of cut trench. It is concluded that as only a small landtake is needed, the impact/change is very/low and Not Significant for RSp2 and very/low and Not Significant for RSp1. It is not understood how this conclusion is reached for bat foraging and commuting habitats, when they will be lost due to the trenchless crossing compounds. Additionally, lowland calcareous grasslands are rare in Cheshire and this has not been taken into consideration. Again, fragmentation does not seem to have been taken into account here. On balance, notwithstanding survey results, RSp2 looks to be the more favourable option at this stage.	Design evolution is set out in Appendix 2A . See response 007 with respect to updated baseline survey information and assessment presented in the Draft ES . Detailed botanical surveys are on-going, but no areas of lowland calcareous grassland have been identified within the Project footprint to date. The baseline and assessment will be updated in the Final ES once surveys are complete and will consider lowland calcareous grassland if it is identified to be present.	035

Consultee	Consideration	How Addressed in this Draft ES	Row Reference No.
Cheshire West and Chester Borough Council	Central Hub HAGI: These options are not considered in the PEIR. Both options are within arable land, but CHH1 looks to remove a hedgerow line and is closer to a pond. Therefore, without any survey results, CHH2 is the more favourable option.	Design evolution is set out in Appendix 2A . Option CHH2 has been selected as the preferred option and taken forward for the Draft ES . See response 007 with respect to updated baseline survey information and assessment presented in the Draft ES .	037
Cheshire West and Chester Borough Council	Northwich spur: NSp2 crosses a narrow area of good quality semi improved grassland and looks to be a longer route of pipeline, coming closer to the Anderton lime Bed LWS. NSp1 crosses through a woodland, but on an existing path. Fragmentation is not considered here and is significant on narrow areas of habitat. It is stated that the spur would result in a very small area of habitat loss at the edge of each habitat parcel. It is not stated what is meant by “habitat parcel”. Cumulative impact is not considered. Therefore, the conclusion in the PEIR is not supported. Without survey results, NSp1 looks to be the more favourable option.	The Northwich Spur has now been removed from the Project.	038
Cheshire West and Chester Borough Council	South Corridor: As well as trenchless LWS crossings for SP1 and SP2, SP3 involves an open cut crossing, SP4 involves two open cut crossings in LWS, across woodland habitats. It is not understood how a conclusion of low and Not Significant is reached for SP3 and SP4. Options SP3 and SP4 also cross narrow tracts of mature woodland where open cut crossings would result in temporary land take and fragmentation of a small amount of bat commuting, foraging and potentially roosting habitat. SP1 has five trenchless crossing compounds, whereas SP2 has three. Therefore, without survey results, SP2 is the more favourable option	Project and design evolution is set out in Appendix 2A . The Applicants preferred route differs from those presented in the PEIR. For the Draft ES , a new route has been selected which follows SP2 along the edge of Sandiway golf course but then crosses east, to cross the River Weaver in a similar location to SP1. From here, it runs parallel to SP1 but slightly further east, until it joins the route of SP1 to the west Moulton. Areas of woodland and the Weaver Valley/Newbridge Pool LWS will be avoided in this area using trenchless crossing techniques. See response 007 with respect to updated baseline survey information and assessment presented in the Draft ES , which includes updated information and assessment regarding bats, woodland and LWSs.	041
Cheshire West and Chester Borough Council	Conclusion: The PEIR does not give robust conclusions about the preliminary impacts of the project and elements have been missed for consideration, including, cumulative impacts, assessment methodology and designations. Further assessment is required at this stage, as detailed above. Although there is no biodiversity mitigation or enhancement to consider at this stage, it is expected that enhancement in habitat and species populations will be achieved as a result of the project and long term management and monitoring plans are secured, for the lifetime of the project and beyond. Full information should become available at the ES stage.	See response 007.	042
Cheshire West and Chester Borough Council	Habitat Regulations Assessment As detailed above, some designations have not been included in the assessment, e.g. West Midlands Mosses SAC. The HRA requires amending to take into account these designations and their qualifying features. Functionally linked land maps should be provided to aid assessment of the HRA. It is expected that Natural England will comment on the HRA in detail.	See responses 009.	044

Consultee	Consideration	How Addressed in this Draft ES	Row Reference No.
Cheshire Wildlife Trust	Assessment of the Biodiversity Baseline We are concerned that the application for DCO is due to be submitted in March 2023 given the significant lack of survey data that is presented in the PEIR. As highlighted in Table 5.9 only 55% of the site had been subject to Phase 1 / UK Habitat Classification survey at the time of writing. Very little detail is provided in regard to the proportion of Phase 2 surveys (i.e., targeted surveys of protected/notable habitats and species) that have been carried out to date. While we acknowledge the proportion of Phase 1 / UK Habitat survey is likely to have increased since the PEIR was written, we are apprehensive that a large proportion of the application site may need to be surveyed outside the optimal window for habitat surveys if the March 2023 submission deadline is to be met. This could significantly affect the validity of some assessments (e.g. BNG) and will also have a knock on effect on the ability of the project to effectively scope and undertake any required Phase 2 surveys (e.g. NVC) where necessary before the submission deadline. Phase 2 surveys are subject to even greater seasonal and timing constraints than Phase 1 surveys and often require multiple visits across the survey season. We are extremely disappointed that the statutory consultation has been brought forward at this time as consultees have not been presented with sufficient evidence to make an informed decision on route options. It is difficult to conceive how all the necessary biodiversity surveys (Phase 1 and 2) will be scoped, undertaken and assessed in time for them to influence any meaningful changes in the design of the scheme and be included in the proposed DCO submission. We believe the statement in Paragraph 5.5.4 “Should any issues with access or data remain at the point of submission in March 2023, limited surveys may need to be completed following the submission of the DCO” potentially underestimates the likelihood of this happening. We advise the applicant provides an update of the proportion of the application site that has been subject to Phase 1/UK Habitat Survey and the proportion of the scoped Phase 2 surveys that have been undertaken to date. Depending on the outcome of these figures it may be advisable to delay to the proposed DCO submission date of March 2023 in order survey and assess a more accurate baseline across the application site. Providing sufficient preparatory time has been allowed, a lack of land access or difficulty accessing land to undertake biodiversity surveys should not be a limitation given the provisions for right of access to survey in the Planning Act 20081, therefore we believe a delay to DCO submission in order to establish a robust baseline should be prioritised over the assessment of a ‘worst case scenario’ in the ES (as per Paragraph 5.1.7).	See responses 008 and 010. Surveys have been fed iteratively into the design of the Project, and design evolution is set out in Appendix 2A.	046
Cheshire Wildlife Trust	Ornithological Surveys and Moore Nature Reserve LWS We are also alarmed at the level of proposed works within and adjacent to Moore Nature Reserve LWS and in particular the likely significant effects on Habitats of Principal Importance and birds within the site. Moore is designated for its woodland, acid grassland and wetland habitats that support significant assemblages of protected and notable bird species, which are also a qualifying feature of the LWS.	Design evolution is set out in Appendix 2A. Following statutory consultation the route options at Moore Nature Reserve have been revised which has resulted in the removal of HAGI option HWH1 (within the LWS) in favour of option HWH2 (outside/adjacent to the LWS) or HWH8 (south of the Manchester Ship Canal; new option since PEIR), which reduces land take and fragmentation within Moore Nature Reserve LWS. At statutory consultation two options were shown for the pipeline to cross from the ship canal to the River Mersey and beyond. Of these two options, the westerly one which would have affected a greater portion of the nature reserve has	054

Consultee	Consideration	How Addressed in this Draft ES	Row Reference No.
		been removed whilst the eastern option has been reduced in width and realigned. The intention, subject to micro-siting is that the pipeline would skirt the northern boundary of the nature reserve taking advantage of existing tracks where possible. See response 007 with regards to ongoing surveys and information that is presented within the Draft ES. Detailed botanical surveys are being undertaken at this location to map the extent of important habitats. The results of UKHab surveys are included in the baseline information in Section 5.6, while detailed botanical surveys are on-going and will be updated in the Final ES. The Draft ES includes an impact assessment for Moore Nature Reserve LWS in Section 5.10. Embedded environmental measures (see Section 5.6), including 3. Minimise land take and micro-site, 5. Sensitive vegetation removal (including measures to protect nesting birds), 6. Maintaining habitat connectivity, and 8. Protection of retained habitats will minimise impacts on the LWS and its interest features.	
Cheshire Wildlife Trust	Ornithological Surveys and Moore Nature Reserve LWS As per Paragraph 5.8.22, surveys undertaken by the applicant have already identified important non-sch1 birds on Moore Nature Reserve LWS including lesser spotted woodpecker and willow tit, both species that have potentially been breeding on site since at least 2011. Historic bird surveys undertaken in 2011 and supplied to CWT recorded 109 different species across the LWS at various times throughout the year, including WACA Schedule 1 (incl. marsh harrier, kingfisher and others), red list (incl. curlew, cuckoo, willow tit, lesser spotted woodpecker and others) amber list (incl. snipe, grey wagtail and others) and Mersey Estuary SPA / Ramsar qualifying species (incl. teal, shelduck and pintail). In the context of the Cheshire and Wirral LWS Selection Criteria2, this is an extremely important site for birds across Cheshire as a region and not just the borough of Warrington. As well as being subject to land take, the site is largely free from disturbance and so even ‘indirect’ effects such as disturbance during construction are likely to have a significant adverse effect on the site and the important bird assemblages that utilise it. The ornithological value of this site highlights the significance of our concerns raised during the first consultation, that in our opinion the applicant’s intention to scope out non-Sch1 breeding birds from any assessment in the ES is highly inappropriate. This issue is not unique to Moore, given a number of other locally designated sites and Habitats of Principal Importance are due to be impacted, but this site is representative of one of the worst examples of where potential adverse impacts to non-sch-1 birds will not be considered as a result of the assessment methodology.	See response 054 with regard to updated route options at Moore Nature Reserve LWS, information included in the Draft ES, and measures to minimise impacts on the sites interest features. Breeding season surveys for non-Schedule 1 breeding birds were scoped out on the basis that direct effects on breeding birds can be mitigated through embedded environmental measures such as timing of vegetation clearance and/or pre-construction checks for nesting birds and appropriate buffers around active nests where necessary. With regard to impacts such as habitat loss, engagement with relevant landowners and stakeholders will be undertaken during the design of mitigation and compensation for LWSs. The requirement for any compensation of habitat loss, degradation, fragmentation or other effects on faunal/ornithological interest features would be identified in line with the EclA mitigation hierarchy and would be included in the Final ES. Surveys carried out in both 2022 and 2024 were focused on breeding Schedule 1 species (see Appendix 5L and 5N) but other notable breeding bird species were also recorded. These surveys covered areas such as Moore Nature Reserve LWS, where notable species records in 2024 were limited to tufted duck breeding on the lake (which will be screened from the Draft Order Limits) and a single grasshopper warbler territory. There were no records of willow tit or lesser spotted woodpecker during either the 2022 or 2024 breeding seasons. It is widely known that these two species are more visible early in spring. Waterbird surveys carried out in early 2022 and 2024 so covered the period these species are more likely to be detected (see Appendix 5L and 5O) and although surveys focused on recording waterbirds, records of other notable species were kept. These species were recorded on one occasion in 2022 but were not observed during early 2024.	056

Consultee	Consideration	How Addressed in this Draft ES	Row Reference No.
		Additionally, as discussed with PINS on 20 June 2022, the appropriate mitigation, including timings and methodology for non-Schedule 1 breeding birds are described in the Outline Biodiversity Mitigation Strategy (BMS) and will be secured via the DCO. Therefore it is still considered that there would be no potentially significant effects on non-Schedule 1 breeding birds.	
Cheshire Wildlife Trust	Consideration of Invertebrates in the Overall Baseline We disagree with the statement in paragraph 5.6.40 that significant assemblages of SPI and other conservation notable invertebrate species are unlikely to occur within the Preliminary Order Limits (POL). Given the nature of a number of LWS (including sites designated specifically for their invertebrate interest such as Frodsham Field Studies Centre and Disused Railway Line South of Warrington Road) and Habitats of Principal Importance (including areas of open mosaic habitats on previously developed land, predominantly identified as HPI due to their invertebrate interest) already identified within the POL, CWT advise there is a reasonable likelihood that significant assemblages of SPI and other conservation notable invertebrate species will be present in and adjacent to the POL. Paragraph 5.6.40 goes on to state this will be confirmed during Phase 1 surveys, however given our previously discussed concerns about the survey effort, CWT are concerned that the final assessment of invertebrates in the ES may be absent, incomplete, inappropriate or invalid. This again highlights the importance of ensuring the full site is accessed for survey at an appropriate time of year. This conclusion does not seem to align with the approach to the PEIR as set out in Paragraph 5.1.10 , i.e., given the evidence available it does not assume a worst case scenario.	See response 007. Information on the scoping and results of terrestrial invertebrate surveys are presented in Appendix 5J: Terrestrial Invertebrate Survey Report . The assessment of effects on SPI and other conservation notable terrestrial invertebrates and LWSs is presented in Section 5.10 of the Drat ES.	060
Cheshire Wildlife Trust	Consideration of SPI and other protected/conservation-notable plant species in the Overall Baseline We disagree with the statement in Paragraph 5.6.42 that SPI and other protected/conservation-notable plant species are unlikely to occur within the Preliminary Order Limits (POL). Given the nature of a number of LWS (including sites designated specifically for their vascular plant interest) and Habitats of Principal Importance already identified within the POL, CWT advise there is a reasonable likelihood that SPI and other protected/conservation-notable plant species will be present in and adjacent to the POL. Paragraph 5.6.42 goes on to state this will be confirmed during Phase 1 surveys, however given our previously discussed concerns about the survey effort, CWT are concerned that the final assessment of SPI and other protected/conservation-notable plant species in the ES may be absent, incomplete, inappropriate or invalid. This again highlights the importance of ensuring the full site is accessed for survey at an appropriate time of year. This conclusion does not seem to align with the approach to the PEIR as set out in Paragraph 5.1.10 , i.e., given the evidence available it does not assume a worst case scenario.	See response 007. Detailed botanical surveys are on-going and the final results and completed assessment will be present within the Final ES. Updated habitat survey information is included in the baseline information in Section 5.5 of the Draft ES , with updated assessment in Section 5.10 , which includes preliminary assessment for SPI and other protected/conservation notable plant species.	063

Consultee	Consideration	How Addressed in this Draft ES	Row Reference No.
Cheshire Wildlife Trust	Preliminary Assessment of Biodiversity Effects CWT disagree with the conclusions set out in Para’s 5.11.22 to 5.11.36 of the PEIR that determine that there will be no significant negative effects on non-statutory designated biodiversity sites located within the POL. Given the lack of survey data available to review and our previous comments on issues with further planned Phase 1 and Phase 2 surveys, in addition to the scale of works proposed (including examples discussed in and around Moore Nature Reserve LWS, Frodsham Ince and Helsby Marshes, Frodsham Field Studies Centre LWS, Clifton Tip LWS), in our opinion the PEIR has been unable to rule out the potential for significant adverse residual effects on non-statutory designated biodiversity sites within the POL. We also disagree with the conclusions set out in Para’s 5.11.65 to 5.11.224 of the PEIR that determine that there will be no significant negative effects on woodlands, hedgerows, standing/running water, other HPI/ non-PI habitats and species.	See response 007 with respect to updated baseline survey data and assessment that is presented in the Draft ES , which includes updated assessment of potential effects on LWSs. On-going baseline data collection has been fed iteratively into the Project design, which has sought to avoid or minimise impacts on LWSs and other sensitive habitats and species where possible. Design evolution is set out in Appendix 2A .	066
Cheshire Wildlife Trust	Preliminary Assessment of Biodiversity Effects We disagree with the approach taken throughout this section which assumes that any impacts to ecological features (to be identified during surveys) will be mitigable and that adequate compensation can be provided. This is not precautionary, and the provision of mitigation and compensation should not be assumed to be possible in all scenarios, particularly not a worst case scenario approach, as set out in Para 5.1.10 .	The PEIR assessment was based on the preliminary baseline information that was available at the time and therefore it presented preliminary conclusions that took into account all applicable embedded environmental measures that were incorporated into the Project at the time. See response 007 with regards to updated baseline information, assessment and mitigation that is presented in the Draft ES .	069
Cheshire Wildlife Trust	Preliminary Assessment of Biodiversity Effects We are also concerned that there has been no assessment of the degradation habitats within nonstatutory designated biodiversity sites located within <0.5km of the Preliminary Order Limits as a result of fragmentation / severance or pollution. Paras 5.11.48 to 5.11.53 seemingly only deal with impacts to “faunal interests” and not habitat function, connectivity or condition, all of which can be degraded significantly as a result of ‘indirect’ impacts such as fragmentation/severance and pollution.	The scoping of sites included within the assessment is set out in Appendix 5B: Scoping of assessment summary. Embedded environmental measures set out in this Draft ES Section 5.6 will protect habitat features of LWSs located outside of the Draft Order Limits, namely measures 2 - Standard best practice, 3 – Minimise land take and micro-site, 5 – Sensitive Vegetation removal, 6 – Maintaining habitat connectivity and 11 – Sensitive access and enabling works which are aimed at reducing habitat loss, degradation and fragmentation. Retained habitat close to construction activities would be further protected by measures such as 8 – Protection of retained habitats, 12 – Protection of watercourses, and 4 – Construction Environmental Management Plan which will include pollution prevention measures and emergency actions. With regards to fragmentation of connective habitats outside LWSs, notably hedgerows connecting to the wider landscape, the LWSs close to the Project are situated in predominantly agricultural landscape where similar connecting habitats remain unaffected in the locality. Any indirect fragmentation effects would be localised, temporary and of short duration. In addition, embedded environmental measures set out above will include working measures including temporarily infilling gaps in hedgerows where this is required.	070

Consultee	Consideration	How Addressed in this Draft ES	Row Reference No.
Cheshire Wildlife Trust	General Comments In Table 5.4 Cheshire East Council requested that the Cheshire and Wirral LWS selection criteria must be used to identify habitats and species assemblages of County Importance. However, this document is not listed in Table 5.8 as a data source that was used to inform the biodiversity assessment.	Noted. Now added in Table 5.6 of the Draft ES . Local Wildlife Site Selection Criteria for the Cheshire Region (https://www.cheshirewildlifetrust.org.uk/sites/default/files/2018-06/Cheshire%20LWS%20selection%20criteria.pdf) has been considered to identify habitats of county importance.	073
Cheshire Wildlife Trust	General Comments In Table 5.9 all Phase 2 surveys appear to be informed by the Phase 1 / UK Habitat surveys only. We advise that the information gathered during the desk study also be used to inform Phase 2 surveys, particularly where designated sites and records of protected or notable species have been identified within or adjacent to the POL.	The scoping of baseline surveys was informed initially by a review of desk study information, refined with preliminary field survey information such as the UKHab survey, and expanded where relevant based on the emerging results of detailed surveys. The data gathering methodology is set out in Section 5.4 of the Draft ES , with existing baseline information provided in Section 5.6 which includes desk study information gathered for relevant ecological features.	074
Cheshire Wildlife Trust	General Comments We disagree with the imagined future baseline of the application site set out in Para 5.6.43 to 5.6.46 . Given that the project lifetime is 40 years starting from 2027/28 it is reasonably likely to assume that nature and climate focused national policies and strategies (e.g. 30 by 30) will have started to have an influence across the POL. The concept of Nature Recovery is already widely used and accepted across the region and with new strategic plans such as Local Nature Recovery Strategies and delivery mechanisms targeted at agriculture such as Biodiversity Net Gain and Environmental Land Management Schemes now mandated in the Environment Act, it is more likely that the future biodiversity baseline across the POL will in fact improve. Given this project is also aimed at facilitating net-zero, any consideration of the future baseline should also factor in the now unavoidable two degree temperature rise predicted by leading climate scientists and the IPCC.	Noted. The feedback has been taken into account and the assessment reviewed in light of this. We agreed the projected positive changes due to the policies and strategies outlined, however, while potential future biodiversity improvements may occur within the agricultural landscape where the project is predominantly based, such improvements are envisaged to be relatively localised in relation to the extent and scale of the Project. In addition, considering the negative impacts of climate change on biodiversity, overall, it is our view that the future baseline condition will remain unchanged overall.	075
Cheshire Wildlife Trust	General Comments We welcome the inclusion of Biodiversity Net Gain (BNG) in the table of relevant generic biodiversity embedded environmental measures (Table 5.13), however we advise that the applicant commit to achieving a minimum 10% net gain across the project as a whole. Where impacts to LWS cannot be avoided, we advise suitable compensation is calculated using the Defra metric, but that a 20% net gain is targeted in these locations instead of the project wide commitment to 10%.	Noted. See response 014 with regards to BNG approach. The mitigation hierarchy (avoid, mitigate, compensate) is being followed throughout the design and assessment process and seeks to avoid all important biodiversity features where possible. We will consider the recommendation to quantify the habitat loss within LWS using the BNG metric and the scale of the compensation required will be set out in the Final ES. The Applicant will engage with relevant stakeholders and landowners to discuss options for mitigation and compensation for potential effects on LWSs.	076
Cheshire Wildlife Trust	General Comments We welcome the inclusion of measures to maintain habitat connectivity in the table of relevant generic biodiversity embedded environmental measures (Table 5.13), however we advise that the applicant also considers the opportunity for the creation of an accompanying linear nature recovery network vision that could be associated with the pipeline route.	Noted. See response 014 with regards to BNG approach. Th Applicant is currently in early stage discussion with several stakeholders to identify opportunities where the Project could contribute. The Final ES will include any contribution that the Project could make to relevant local environmental initiatives that are discussed and agreed beforehand.	079

Consultee	Consideration	How Addressed in this Draft ES	Row Reference No.
Cheshire Wildlife Trust	General Comments We welcome the inclusion of measures to protect ancient and veteran trees in the table of relevant generic biodiversity embedded environmental measures (Table 5.13), however we advise that the applicant also include measures set out in Natural England and Forestry Commission ‘standing advice’ for ancient woodland, ancient trees and veteran trees.	Surveys to identify the presence of ancient, veteran, and notable trees have been undertaken and are presented in Appendix 8C: Arboricultural Impact Assessment . Ancient woodland will be avoided by the project and protected by a 25m stand-off distance from working areas. Assessment of effects on trees is presented in Appendix 8C , and assessment with respect to biodiversity is presented in Chapter 5: Biodiversity , which identify mitigation for any effects on trees and hedgerows. The mitigation hierarchy (avoid, mitigate, compensate) will be followed in all cases for woodlands, trees and hedgerows and suitable root protection areas around retained trees will be implemented and monitored by a suitably qualified arboriculturist, in line with BS5837:2012 and Natural England and the Forestry Commission's guidance for ancient woodland, ancient trees, and veteran trees (2022). Plans for reinstatement of affected woodland, trees and hedgerows are set out in the Outline LEMP provided with the Draft ES .	081
Cheshire Wildlife Trust	General Comments We welcome the inclusion of measures to reinstate habitats in the table of relevant generic biodiversity embedded environmental measures (Table 5.13), however we advise that the applicant also enhance habitats wherever possible rather than just reinstate them. Habitat reinstatements must also be appropriate, representing bespoke complex semi-natural habitats informed by the BNG habitat trading rules (i.e., like for like or better) and not just predominantly comprise of generic plantation woodland or non-native wildflower seed mix planting. This is particularly important given that some LWS designated for rare/declining habitats are unavoidable in the current layout (e.g., Acton Bridge Meadows LWS).	See response 076 with regards to the BNG approach. We can confirm that habitat enhancements and reinstatements will be considered as part of the Project where appropriate.	083
Cheshire Wildlife Trust	General Comments CWT query the application of the EcIA methodology to Great Crested Newts in Table 5.17 summary of features scoped out of the biodiversity assessment. Effects to GCN (excluding across St Helens) are proposed to be mitigated and compensated for by utilising the Natural England District Level Licensing (DLL) Scheme. This does not mean they should be scoped out of the biodiversity assessment as is currently proposed in the PEIR. In line with good practice, GCN must be taken through the impact assessment stages of the EIA, where mitigation and compensation via entry into the DLL scheme will address the impacts. Without GCN being taken through the assessment stage of EIA (i.e., being scoped out) there would be significant residual adverse effects to an ecological feature of international importance as a large number of ponds that are reasonably likely to support breeding GCN will be lost without mitigation or compensation.	Natural England guidance on district level licencing (DLL) states that "if a developer uses DLL, they do not need to include a detailed assessment of great crested newts in the Environmental Impact Assessment". During the DLL assessment process Natural England assess the effect of the Project on great crested newts in the area and determines the requirement for compensation for the impact through provision of new or improved ponds for great crested newts. For areas excluding St Helens, GCN are consider in the scoping within Appendix 5B of the Draft ES which sets out that the Applicant will obtain an impact assessment and conservation payment certificate (IACPC) from Natural England to support the DCO submission, and details of the impact assessment and level of compensation required and agreed under DLL will be presented in the Final ES consistent with the content of the IACPC. For St Helens, where DLL is unavailable, GCN are fully considered in the baseline and assessment within the Draft ES.	085
Cheshire Wildlife Trust	General Comments We welcome the commitment in Para 5.11.25 that BNG will be provided as separate enhancement only. As highlighted above we do however advise that where LWS cannot be avoided, suitable compensation is calculated using the Defra metric and amounts to a 20% net gain in biodiversity.	See response 076.	087

Consultee	Consideration	How Addressed in this Draft ES	Row Reference No.
Cheshire Wildlife Trust	Project Options As discussed, there is insufficient evidence to make an informed judgement on how any of the proposed route, spur or HAGI options presented in the consultation at this stage might best avoid biodiversity. We are therefore extremely disappointed that the statutory consultation has been brought forward at this time. However, where we were able, we have provided some advisory comments below. Due to lack of up to date habitat and species survey data these comments are provided predominantly in regard to designated sites.	See response 007. Previous statutory consultation was informed by information that was available about the Project at the time (including the PEIR and the Design Evolution Report). Further statutory consultation is being undertaken before DCO submission to reflect evolution of the Project design (providing a more mature design with less optionality), and updated baseline information and assessment.	088
Cheshire Wildlife Trust	WP1 - WP2 It is not possible to make a robust judgement on which option is favourable without detailed survey information. However, WP2 is located further away from FLL identified at Frodsham Sludge Lagoon and WP2 is closer to the M56 and therefore in an area potentially already subject to a considerable level of disturbance.	Noted. Design evolution is set out in Appendix 2A . Option WP1 has been selected as the preferred option and taken forward for the Draft ES . The route of the pipeline has taken into account a number of different constraints, including existing infrastructure, notably in this area an overhead transmission line and electricity pylons which run adjacent to the M56. To minimise constructability and longer-term operational risk, a route closer to the M56 is considered unviable. Additionally seasonal working restrictions are proposed where works are proposed in proximity to FLL.	089
Cheshire Wildlife Trust	RSH1 - RSH3 It is not possible to make a robust judgement on which option is favourable without detailed survey information. While we understand and acknowledge the approach described in the PEIR based on the proportion (area) of each LWS impacted, this approach could easily undermine a more significant impact to an important ecological feature that has yet to be identified (due to a lack of survey), e.g., the fragmentation of a significant water vole population in Frodsham, Helsby and Ince Marshes LWS.	See response 032.	092
Cheshire Wildlife Trust	NP1 - NP5 In the absence of detailed habitat and species survey data we would favour the options that do not impact on LWS (i.e., NP1 and NP3). However, as discussed, this approach could undermine a more significant impact to an important ecological feature that has yet to be identified.	Design evolution is set out in Appendix 2A . Of options NP1-3, option NP3 has been selected as the preferred option and taken forward for the Draft ES , which avoids the LWS. See response 007 with regards to updated baseline information, assessment and mitigation that is presented in the Draft ES .	093
Cheshire Wildlife Trust	NP1 - NP5 We have significant concerns with NP4 and NP5 as they are likely to result in substantial damage to multiple LWS and in particular Moore Nature Reserve. Again, it is not possible to make a judgement for which option is favourable based on the current evidence. At this stage we may prefer the option that impacts a smaller area of the LWS, however again that may undermine a more significant impact to an important ecological feature that has yet to be identified.	Design evolution is set out in Appendix 2A . Following statutory consultation, the route options north west of Moore Nature Reserve have been replaced by a new option to facilitate a crossing of the River Mersey which avoids Fiddlers Ferry and development sites associated with it (at the request of Warrington Borough Council). Of options NP4 and NP5, option NP5 has been realigned and selected as the preferred option and taken forward for the Draft ES . This has resulted in the removal of HAGI option HWH1 in favour of options HWH2 or HWH8 (new option since PEIR), which in combination with the removal of NP4, and reduces land take and fragmentation within Moore Nature Reserve LWS.	094

Consultee	Consideration	How Addressed in this Draft ES	Row Reference No.
Cheshire Wildlife Trust	NP1 - NP5 We also strongly disagree with the conclusion in this section that NP4 and NP5 will result in no significant impacts on an ecological features of County importance. There is no survey data to support this statement and as discussed, a key designated feature in the area (non-sch1 ornithology of Moore Nature Reserve LWS) is not even due to be considered in the ES.	See response 094 with respect to route selection. See response 007 with regards to ongoing surveys and information that is presented within the Draft ES , and response 056 with respect to ornithological surveys at Moore Nature Reserve LWS. The Draft ES includes an impact assessment for Moore Nature Reserve LWS in Section 5.10 .	096
Cheshire Wildlife Trust	NP1 - NP5 NP4 and NP5 are highly likely to result in significant fragmentation and severance of Moore Nature Reserve LWS. We are concerned that these options are being consulted on given the lack of detailed information available e.g. which habitats or species will be impacted by which route. Without this information we have no indication of the significance or temporal scale of this effect i.e., how long it might take for habitats and species to recover/reconnect.	See response 096.	097
Cheshire Wildlife Trust	HWH1 - HWH2 It is not possible to make a robust judgement on which option is favourable without detailed survey information.	See response 094.	099
Cheshire Wildlife Trust	HWH1 - HWH2 In the absence of detailed habitat and species survey data we would favour the option that does not result in permanent land take from Moore Nature Reserve LWS. However, as discussed, this approach could undermine a more significant impact to an important ecological feature that has yet to be identified.	See response 094 with respect to revision of options which reduced land take within Moore Nature Reserve LWS.	100
Cheshire Wildlife Trust	HWH1 - HWH2 This is particularly important in this area as the proposed route options that stem from these HAGI locations lock the route design in one direction or another. Therefore, they should not be assessed alone (i.e., HWH2 may be outside of the LWS but NP5 may result in more land take in Moore Nature Reserve and beyond than HWH1 and NP4).	See response 094 with respect to design evolution which reduces land take within Moore Nature Reserve LWS. The assessment of the route options has taken into account the potential combined effects of the different elements of the pipeline in this location.	101
Cheshire Wildlife Trust	HWH1 - HWH2 We also strongly disagree with the conclusion in this section that HWH1 and HWH2 will result in no significant impacts on an ecological features of County importance. There is no survey data to support this statement and as discussed, a key designated feature in the area (nonsch1 ornithology of Moore Nature Reserve LWS) is not even due to be considered in the ES.	See response 094 with respect to design evolution and updated baseline information and assessment included within the Draft ES .	102
Cheshire Wildlife Trust	SP1 - SP4 It is not possible to make a robust judgement on which option is favourable without detailed survey information.	See response 041. Design evolution is set out in Appendix 2A . Of options SP1-4, a new option has been selected to avoid ecological features including woodland and LWSs.	103

Consultee	Consideration	How Addressed in this Draft ES	Row Reference No.
Cheshire Wildlife Trust	SP1 - SP4 In the absence of detailed habitat and species survey data we would favour the option that results in one trenchless crossing of an LWS (SP2), where other options cross multiple LWS and also ancient woodland. However, this is dependent on the project demonstrating that the trenchless crossing technique will have no residual effects on the LWS. As discussed, this approach could undermine a more significant impact to an important ecological feature that has yet to be identified.	See response 041. Design evolution is set out in Appendix 2A . Of options SP1-4, a new option has been selected to avoid ecological features including woodland and LWSs.	104
Cheshire Wildlife Trust	SP1 - SP4 We would strongly object to SP3 and SP4 due to the impacts and effects associated with open cut crossings of Rookery Wood and Pool LWS and Bradford Mill Wood and Marsh LWS. We strongly disagree with the conclusion in this section that land take/land use change and fragmentation of habitat would be low and not significant for SP3 and SP4 on an ecological feature of County importance for the respective LWS sites.	Route options SP3 and SP4 have not been taken forward and therefore there will be no impact on the habitats/species present at those locations. Design evolution is set out in Appendix 2A .	105
Cheshire Wildlife Trust	SP1 - SP4 We would also strongly object to SP1 and SP3 due to the impacts and effects associated with crossing ancient woodland when there are other options that avoid these features (SP2) available. This is particularly prudent if the proposals for trenchless crossing of ancient woodlands are determined to be unfeasible or unviable.	The Applicant does not propose to take forward either option. Design evolution is set out in Appendix 2A .	107
Cheshire Wildlife Trust	SP1 - SP4 We strongly disagree with the conclusion in this section that the negative effect of SP3 is expected to be not significant as the potential for open trench crossing through ancient woodland has not yet been ruled out.	Route option SP3 has not been taken forward and therefore there will be no impact on the habitats/species present at that location. Design evolution is set out in Appendix 2A .	109
Cheshire Wildlife Trust	RSp1 - RSp2 It is not possible to make a robust judgement on which option is favourable without detailed survey information as there is likely to be substantial damage to Frodsham Field Studies Centre LWS.	See response 007 with regards to updated baseline survey information and assessment included in the Draft ES . Assessment for Frodsham Field Studies Centre LWS is presented in Section 5.10 . Design evolution is set out in Appendix 2A . Following further engineering and environmental work, the Draft Order Limits in the area of the River Weaver and Weaver Navigation crossings have been refined since those presented at Statutory Consultation. Whilst the route of option RSp1 is being progressed for crossing the River Weaver, neither option RSp1 or RSp2 are now being progressed for crossing the Weaver Navigation, with a new option to the southeast of the M56 and southwest of the Ashville Industrial Estate now being taken forward. This will reduce land take within Frodsham Field Studies Centre LWS.	110
Cheshire Wildlife Trust	RSp1 - RSp2 Our previous comments about the requirement for a full HRA are relevant in this location.	See response 110 with respect to design evolution. An HRA Screening report (Appendix 5P) will accompany the Draft ES . This report is based on ornithological survey data from 2021/22 and 2024 and has determined that Stage 2 – Appropriate Assessment is required.	112

Consultee	Consideration	How Addressed in this Draft ES	Row Reference No.
Cheshire Wildlife Trust	RSp1 - RSp2 We also strongly disagree with the conclusion in this section that the magnitude of change due land take/land use change and fragmentation of habitat would be low to moderate and Not Significant for RSp1 and very low and Not Significant for RSp2 on an ecological feature of County importance for this LWS. There is no survey data to support this statement and as discussed, a key designated feature in the area (invertebrate assemblage within Frodsham Field Studies Centre LWS) is prematurely dismissed in this PEIR.	See response 110.	113
Cheshire Wildlife Trust	RSp1 - RSp2 Both options are highly likely to result in significant fragmentation and severance of Frodsham Field Studies Centre LWS. We are concerned that these options are being consulted on given the lack of detailed information available e.g. which habitats or species will be impacted by which route. Without this information we have no indication of the significance or temporal scale of this effect i.e., how long it might take for habitats and species to recover/reconnect.	See response 110.	114
Cheshire Wildlife Trust	WSp1 – WSp2 It is not possible to make a robust judgement on which option is favourable without detailed survey information.	See response 007 with regards to updated baseline survey information and assessment included in the Draft ES . Option WSp1 has been selected for inclusion in the Draft ES . Design evolution is set out in Appendix 2A .	115
Cheshire Wildlife Trust	WSp1 – WSp2 In the absence of detailed habitat and species survey data we would favour the option that does not impact the LWS (W S p 2) . However, this is dependent on the project demonstrating that the trenchless crossing technique will have no residual effects on the LWS. As discussed, this approach could undermine a more significant impact to an important ecological feature that has yet to be identified.	See response 007 with regards to updated baseline survey information and assessment included in the Draft ES . Option WSp1 has been selected for inclusion in the Draft ES . Design evolution is set out in Appendix 2A . Trenchless crossing techniques would be used at this location, therefore, there would be no land take within Walton Locks LWS. Updated assessment of impacts on the LWS are assessed in Section 5.10 of the Draft ES .	116
Cheshire Wildlife Trust	A full HRA should be undertaken to support the project as, in our opinion, the evidence presented in the scoping report is insufficient to scope out effects on the integrity of the Mersey Estuary SPA and Ramsar	See response 112.	117
Cheshire Wildlife Trust	The decision to scope out a full HRA appears to have been made on the outcomes of a single year of wintering bird surveys (detailed in Appendix 5C) which is not in line with good practice	See response 112.	118
Cheshire Wildlife Trust	There also appears to be significant gaps in transect data and results, in particular around the Fiddlers Ferry lagoons	Wintering waterbird surveys targeted at Functionally Linked Land did not include Fiddlers Ferry lagoons, as they lie >500m from the Draft Order Limits and beyond the Zol for indirect disturbance effects, and therefore were not surveyed.	119
Cheshire Wildlife Trust	We advise that route and HAGI options around Frodsham, the Weaver bend, Moore Nature Reserve and Fiddlers Ferry should only be decided following a full HRA informed by multiple consecutive years of wintering bird surveys	See response 112. Design evolution is set out in Appendix 2A .	120

Consultee	Consideration	How Addressed in this Draft ES	Row Reference No.
Cheshire Wildlife Trust	We advise the design is amended to exclude all LWS, whether that be by re-routing the pipeline or via sensitive construction techniques such as trenchless crossing.	The Project design has been sited to minimise impacts on the environment as far as possible and has been refined since the PEIR stage. Design evolution is set out in Appendix 2A . Each LWS within the Draft Order Limits has been considered to avoid or minimise land take and other impacts where possible. Considering the linear nature of the development, which is required to link key locations, it has not been possible to avoid LWSs in all instances due to their scale and distribution. Trenchless crossing techniques have been considered where practicable, but these need to be considered on balance as the land take associated with trenchless crossing compounds, and the nature and duration of works can have additional environmental/ecological considerations. Updated assessment on the impacts on LWSs and associated mitigation is presented in Section 5.10 of the Draft ES . Engagement with relevant landowners and stakeholders will be undertaken during the design of mitigation and compensation for LWSs.	122
Cheshire Wildlife Trust	We also advise that all potential HAGI sites within LWS are relocated.	See response 122. The design of the Project has been revised since the PEIR stage and the Rocksavage HAGI is the only HAGI remaining within an LWS (East Clifton Tip LWS). Due to the requirements for the pipeline route and connections in this general location, other environmental and engineering constraints and the extent of LWS land in the area, it has not been possible to avoid the LWS at this location.	123
Dunham Massey Parish Council	Dunham Massey and adjoining areas comprise valuable agricultural land which will be negatively impacted by the construction of the pipeline. The scale of the pipeline construction and the timescale involved will result in land that is currently used for agriculture being unusable during the time of the construction which could run for several years. This will jeopardise the viability of local farming and other businesses. It will also threaten the habitat of local wildlife.	The assessment of impacts on the agricultural environment are presented in Chapter 13: Agriculture and Soil Resources of the Draft ES , and the assessment of impacts on relevant species and habitats is presented in Chapter 5: Biodiversity .	124
Dunham Massey Parish Council	The pipeline risks impacting on the delivery of Green Challenge Fund projects in Dunham Massey and the development of new habitats for wildlife in the area	See response 007 with regards to updated baseline information, assessment and mitigation that is presented in the Draft ES . Any habitat temporarily impacted will be reinstated after works are finished and will be available to wildlife in the long term. Habitat reinstatement and creation measures are set out in the Outline LEMP .	125
Environment Agency	Paragraph 5.11.98 (page 179) Paragraph 5.11.98 states ‘watercourse crossing methods vary depending on the size of watercourse, with HDD used to cross main rivers and canals, microtunnel used to cross some canals and main rivers, avoiding loss or fragmentation of main watercourses’. As in our comments above, under paragraph 2.4.4 of Chapter 2, ‘open cut’ construction method has been proposed for certain watercourse crossings, including ‘main rivers’. It will be integral to understand the details of proposed construction methods for the pipeline where over-pumping to facilitate open cut crossings would require a screen on the intake to reduce the risk to elvers and other fish species, where this is likely to block regularly with debris.	The Applicant is currently in consultation with the Environment Agency and this will include discussing methods for protecting ecology, including fish, eels and the riparian corridor at open cut crossings. Embedded environmental measures in Section 5.6 of the Draft ES have been updated to include further measures to protect watercourses, including during open cut crossing works.	126

Consultee	Consideration	How Addressed in this Draft ES	Row Reference No.
Environment Agency	Paragraphs 5.11.164 & 5.11.165 (page 192) We note additional survey work will be undertaken to determine the impacts from construction vibration on migratory fish species. The consideration of construction vibration on migratory fish species is also applicable to Chapter 10 'Noise and Vibration'.	Noted. See response 001 with regards to ongoing surveys and the assessment included in this Draft ES .	127
Environment Agency	Paragraph 5.13.2 (page 215) We acknowledge that further additional baseline / survey work will be undertaken at a later date which will be used to identify and calculate Biodiversity Net Gain (including River Condition Assessments and ecological surveys).	See response 001 with regards to ongoing surveys and the assessment included in this Draft ES , and 014 with respect to BNG.	128
Environment Agency	Of particular concern is the current intention to utilise the 'open cut' construction method to cross the River Bollin (RVX-03-00-00-005) which is designated 'main river'. This is mainly because 'open cut' crossings could adversely affect legally protected species, such as water voles (<i>Arvicola amphibius</i>), and create a temporary barrier to migratory fish species. It will also need to be demonstrated that the construction method will not prevent the waterbody from attaining 'Good Status' or 'Potential' in future in line with the WFD.	The River Bollin crossing design has been reviewed and is now a trenchless crossing to reduce environmental impacts. See Chapter 7: Water Environment with regards to WFD assessment.	129
Environment Agency	Paragraph 2.4.4 (page 15) Paragraph 2.4.4 states that 'the pipeline will be constructed predominantly using open cut techniques; where open cut is not practicable trenchless crossing techniques will be used at key locations including motorways and major highways, rail, rivers (typically those classed as main rivers, but some may be ordinary watercourses) and canals'. Appendix 2A includes a schedule for crossing types and proposed construction method (open cut or trenchless) which is further illustrated in Figure 2.18. We note from the Crossing Schedule that 'open cut' method of construction is currently proposed for some watercourse crossings including designated 'main rivers'. The preferred method of installation, which would also be more compliant to the Water Framework Directive (WFD), would be to ensure all watercourse crossings are undertaken by horizontal directional drilling (HDD) underneath a watercourse channel to minimise potential environmental impact. Of particular concern is the current intention to utilise the 'open cut' construction method to cross the River Bollin (RVX-03-00-00-005) which is designated 'main river'. This is mainly because 'open cut' crossings could adversely affect legally protected species, such as water voles (<i>Arvicola amphibius</i>), and create a temporary barrier to migratory fish species. It will also need to be demonstrated that the construction method will not prevent the waterbody from attaining 'Good Status' or 'Potential' in future in line with the WFD. Therefore, we will need to see full details of the pipeline construction methods and a full assessment of the environmental impacts on the water environment and biodiversity within the forthcoming Environmental Statement for the watercourse crossings. This is with particular regards to determining whether the 'open cut' construction method is suitable in place of trenchless techniques and	See response 126 with respect to open cut crossings, and response 129 with respect to the River Bollin. Updated assessment for biodiversity is presented in Section 5.10, with associated embedded environmental measures in Section 5.6. Updated assessment for the water environment is presented within Chapter 7: Water Environment of the Draft ES with associated embedded environmental measures in Section 7.6.	131

Consultee	Consideration	How Addressed in this Draft ES	Row Reference No.
	where this approach may be deemed acceptable, appropriate mitigation measures are in place. Further to the above, crossing designated ‘main rivers’ will need to be agreed upfront with the Environment Agency due to the requirement to obtain an Environmental Permit to ensure inappropriate damage is avoided and flood risk is not increased (please see further advice under ‘Environmental Regulation and Permitting Requirements’ below). We note this is recognised in Chapter 7 (‘Water Environment’) of the report and we would encourage early discussions on the Crossing Schedule at the earliest opportunity.		
Environment Agency	Paragraph 5.11.98 states ‘watercourse crossing methods vary depending on the size of watercourse, with HDD used to cross main rivers and canals, microtunnel used to cross some canals and main rivers, avoiding loss or fragmentation of main watercourses’. As in our comments above, under paragraph 2.4.4 of Chapter 2, ‘open cut’ construction method has been proposed for certain watercourse crossings, including ‘main rivers’. It will be integral to understand the details of proposed construction methods for the pipeline where over-pumping to facilitate open cut crossings would require a screen on the intake to reduce the risk to elvers and other fish species, where this is likely to block regularly with debris.	See response 126. With respect to mitigation for open cut crossing works.	132
Environment Agency	Paragraph 2.5.24 (page 38) Paragraph 2.5.24 recognises the likely activities required during site preparation including temporary site drainage, sediment management and temporary watercourse crossings. We would advise that the volume and rates of discharge for drainage will need to be controlled to remove the risk of harming the ecology, increasing water levels, or impacting water quality.	The Applicant is currently in consultation with the Environment Agency. Embedded environmental measures in Section 5.6 of the Draft ES have been updated and include that a Drainage and Water Management Plan (DWMP) will be developed for all construction activities to support the CEMP. Additional embedded environmental measures to protect the water environment are included in Section 7.6 of Chapter 8: Water Environment .	133
Environment Agency	Paragraph 6.1.19 (Page C31) Paragraph 6.1.19 states ‘it is assumed for the purposes of preliminary assessment that all non-reportable water bodies are currently and will be at Good Ecological Status’. The assumption that non reportable water bodies are at Good Ecological Status will ensure that these water bodies are protected and is the preferred approach from the Environment Agency. If this assumption is not practicable for a specific activity in a specific water body, this can be reviewed on a case by case basis	Agreed - the assumption that non reportable water bodies are at Good Ecological Status will ensure that these water bodies are protected and is the preferred approach from the Environment Agency.	134
Forestry England	We hope the potential impacts to the onsite habitats and protected species are being considered.	From the original comment, this is in relation to the Forestry England Upper Moss Side site. See response 007 with regards to ongoing surveys and information that is presented within the Draft ES .	135
Forestry England	There are also otter records for the site.	From the original comment, this is in relation to the Forestry England Upper Moss Side site. We welcome the additional information that otter were recorded at Upper Moss Side. See response 007 with regards to ongoing surveys and information that is presented within the Draft ES , which includes baseline information and assessment of impacts on otters.	136

Consultee	Consideration	How Addressed in this Draft ES	Row Reference No.
Forestry England	our district ecologist's main concern is that the proposed pipeline route and preliminary order limit crosses areas of priority saltmarsh habitat and ponds within Forestry England's boundary at Upper Moss Side.	From the original comment, this is in relation to the Forestry England Upper Moss Side site. Design evolution is set out in Appendix 2A . Following statutory consultation, the route options from the Manchester Ship Canal to the River Mersey crossing and beyond have been realigned, removing HAGI option HWH1 and pipeline route option NP4. This has resulted in the Project avoiding the majority of the Upper Moss Side site and all areas of saltmarsh habitat and ponds being unaffected. Less than 0.5ha of land at the northeast corner of Upper Moss Side remain within the pipeline Limits of Deviation.	137
Friends of Carrington Moss	Figure 5.3 (p5) does not show Carrington/Warburton Mosses	Figure 5.3 of the PEIR (equivalent to Figure 5.3 of the Draft ES) showed records of Habitats of Principal Importance (HPI) as obtained from the local record centres. This database is not exhaustive and therefore only HPI previously recorded and added to the dataset are shown on that figure. Carrington Moss and Warburton Moss are shown on Figure 13.2 of the Draft ES as areas of deep peaty soil.	138
Friends of Carrington Moss	Tree/hedge/vegetation removal	Surveys and assessment of impacts on ancient, veteran, and notable trees are presented in Appendix 8C: Arboricultural Impact Assessment . Surveys and assessment of impacts on hedgerows and other habitats are presented Chapter 5: Biodiversity . Embedded environmental measures to protect trees, hedgerows and other habitats are presented within Appendix 8c and Chapter 5 . Ancient woodland will be avoided by the project and protected by a 25m stand-off distance from working areas. For to the habitats, the mitigation hierarchy (avoid, mitigate, compensate) will be followed. Suitable root protection areas around retained trees will be implemented and monitored by a suitably qualified arboriculturist, in line with BS5837:2012 and Natural England and the Forestry Commission's guidance for ancient woodland, ancient trees, and veteran trees (2022). Plans for reinstatement of trees, hedgerow and other habitats are set out in the Outline LEMP provided with the Draft ES .	140
JNCC	This development proposal is not located within the offshore area,	We can confirm that no element of the HyNet North West Hydrogen pipeline project is proposed to be located within an offshore area and will therefore not impact any sensitive marine and coastal receptors.	141
JNCC	does not have any potential offshore nature conservation issues	See response 141.	142
Members of the public	We assume that hedgerows etc will be reinstated after the pipe is laid.	Pipeline construction activities would be temporary and habitats will be reinstated progressively as works are completed along sections of the pipeline corridors. Measures for habitat reinstatement, including hedgerows, are set out in the Outline LEMP . Habitats would predominantly be reinstated on a like-for-like basis, with the exception of a 5m wide restricted planting zone above the pipelines where a low-growing sward (or shallow-rooted shrubs at hedgerow crossings) would be reinstated for safety and maintenance purposes irrespective of the previous habitat type.	143

Consultee	Consideration	How Addressed in this Draft ES	Row Reference No.
Members of the public	The area around Frodsham marshes is a haven for many species of birds and small wildlife and should be protected, some of the land around the marsh has already been lost due to the wind turbines and to have further infrastructure would cause problems for both the wildlife and the area’s natural beauty.	See response 007 with respect to updated baseline survey data and assessment that is presented in the Draft ES , which includes updated assessment of potential impacts on Frodsham, Helsby and Ince Marshes LWSs. On-going baseline data collection has been fed iteratively into the Project design, which has sought to avoid or minimise impacts on LWSs and other sensitive habitats and species where possible. Design evolution is set out in Appendix 2A . A detailed cumulative effects assessment (CEA) will be included within each of the environmental topic chapters of the Final ES, which will consider the in-combination effects of the Project with other relevant developments.	144
Members of the public	The area around the marshes is a haven for many species of birds and small wildlife and should be protected, some of the land around the marsh has already been lost due to the wind turbines and to have further infrastructure would cause problems for both the wildlife and the areaa natural beauty.	See response 144.	145
Members of the public	We would want the hedging to be kept intact / protected / reinstated / conserved. United Utilities previously undertook works on Millington Lane and used the corner of the field by the junction of Millington Lane and Hodge lane as a works / storage facility taking out part of the hedge near the junction to gain access which they subsequently successfully reinstated with the same hedgerow / fencing with minimal disruption to our fields or to traffic.	See response 140 and 143 with respect to habitat/hedgerow reinstatement. Hedgerow reinstatement, as set out in the Outline LEMP , which includes the possible temporary translocation of hedgerows.	146
Members of the public	2. Passing through areas of ancient woodland	See response 140 with respect to ancient woodland. The Project will avoid all direct impacts on ancient woodland. Only one area of ancient woodland is partially situated within the order limits (Heys Wood) and at this location trenchless crossing will be used to avoid any loss of ancient woodland.	147
Members of the public	Impact on wildlife in the area	See response 007 with regards to updated baseline survey information, assessment and protective mitigation presented within the Draft ES for biodiversity.	148
Members of the public	The whole area is of extreme beauty for wildlife and nature and will be spoilt no matter how careful the work is.	See response 007 with regards to updated baseline survey information, assessment and protective mitigation presented within the Draft ES for biodiversity.	149
Members of the public	I am concerned for biodiversity and wildlife,	See response 007 with regards to updated baseline survey information, assessment and protective mitigation presented within the Draft ES for biodiversity.	150
Members of the public	How many trees / woodlands will be ruined if this goes ahead?	See response 081 with regards to assessment of potential impacts on trees and proposed mitigation.	151
Members of the public	Irreversible Damage to trees / woodlands and animals losing homes	See response 007 with regards to updated baseline survey information, assessment and protective mitigation presented within the Draft ES for biodiversity, and response 081 with regards to additional assessment of potential impacts on trees and proposed mitigation.	152
Members of the public	Absolutely devastating to the countryside and wildlife	See response 007 with regards to updated baseline survey information and assessment presented within the Draft ES for biodiversity. See response 014 with regards to the Applicant’s commitment to providing Biodiversity Net Gain.	153

Consultee	Consideration	How Addressed in this Draft ES	Row Reference No.
Members of the public	Please don't despoil this lovely area of High Legh. Of course, it doesn't matter to you, but it is one of the few areas remaining where we regularly see barn owls, skylarks, hares, badgers and foxes to name but a few.	See response 007 with regards to updated baseline survey information, assessment and protective mitigation presented within the Draft ES for biodiversity. The Project around the High Legh area will mainly consist of the pipeline which will be installed below ground and will not be visible during operation. Construction activities will be temporary and habitats will be reinstated after works are finished and will be available to wildlife in the long term. One Block Valve is located in this area and landscaping proposals are currently being developed to reduce the visual impact of this above ground feature.	154
Members of the public	What happens to all the wildlife you are also destroying. Is it progress at any cost?	See response 007 with regards to updated baseline survey information and assessment presented within the Draft ES for biodiversity. See response 014 with regards to the Applicant's commitment to providing Biodiversity Net Gain.	155
Members of the public	We have buzzards, kestrels, stoats, frogs, and even deer who visit the land, so we would worry that they could be affected.	See response 007 with regards to updated baseline survey information, assessment and protective mitigation presented within the Draft ES for biodiversity.	156
Members of the public	There are foxes, badgers and an array of other wildlife living in the field and I am concerned that insufficient thought has been given to the impact on the wildlife here.	See response 007 with regards to updated baseline survey information, assessment and protective mitigation presented within the Draft ES for biodiversity.	157
Members of the public	However, in the execution of the scheme there is a wide range of outcomes where the local environment could either be severely damaged	See response 007 with regards to updated baseline survey information, assessment and protective mitigation presented within the Draft ES for biodiversity.	158
Members of the public	The trees in the field concerned are home to bats.	See response 007 with regards to updated baseline survey information, assessment and protective mitigation presented within the Draft ES for biodiversity, which includes surveys and assessment for roosting bats.	159
Members of the public	These are ancient oak trees and would appear to be vulnerable to being removed to lay the pipeline.	See response 081 with regards to protection of ancient and veteran trees.	160
Members of the public	53.214262682178, 2.5151824951172 The land next to the Weaver Valley Park and surrounding land adjacent to Shaws Lane is ecologically fragile with a number of protected species including great crested newts and bats and several SBIs.	See response 007 with regards to updated baseline survey information, assessment and protective mitigation presented within the Draft ES for biodiversity, which includes assessment of impacts on designated sites and protected species such as bats and great crested newts. As set out in the Chapter 5: Biodiversity the Project will join the District Level Licence scheme provided by Natural England for great crested newts through which suitable mitigation and compensation measures will be designed and implemented. The desk study in Section 5.5 of the Draft ES has identified all SBIs present within the relevant zone of influence of the Project. Appendix 5B: Scoping of assessment summary identifies those sites which could potentially be affected by the Project and which are included in the assessment presented in Section 5.10 of the Draft ES .	161
Members of the public	I am also concerned the pipeline could have an impact on some veteran trees due to the close proximity to the tree roots.	See response 081 with regards to protection of ancient and veteran trees, which includes root protection measures.	163
Members of the public	Not to mention the impact on the local wildlife, we have a badger set on our piece of land, as well as bats roosting in the ivy on the trees along our fence line/boundary.	See response 007 with regards to updated baseline survey information, assessment and protective mitigation presented within the Draft ES for biodiversity, which includes surveys and assessment for roosting bats and badgers.	164

Consultee	Consideration	How Addressed in this Draft ES	Row Reference No.
Members of the public	Has your project considered the impact on the local wildlife?	See response 007 with regards to updated baseline survey information, assessment and protective mitigation presented within the Draft ES for biodiversity.	166
Members of the public	All my free time outside of my job is spent at this paddock with my horses, and I also take great pleasure and receive much benefit from the wildlife in this location, including the badger set located under a cabinet close to your proposed route and also the bats that roost in the ivy in the trees along the boundary of the paddock where you are proposing to enter our land.	See response 007 with regards to updated baseline survey information, assessment and protective mitigation presented within the Draft ES for biodiversity, which includes surveys and assessment for roosting bats and badgers.	167
Members of the public	The proposed Staging Post construction/size/ length of use does not appear to be clearly specified but will clearly have an impact on the local wildlife.	See Chapter 2: The Project for details of the Project infrastructure and activities at the construction, operational and decommissioning stages. See response 007 with regards to ongoing surveys and information that is presented within the Draft ES . Any habitat temporarily impacted will be reinstated after works are finished and will be available to wildlife in the long term.	168
Members of the public	and wildlife as a result of an increase in noise and pollution	See response 007 with regards to updated assessment within the Draft ES , which includes consideration of potential impacts from pollution and increased noise. The impacts from works including increased noise, dust and other forms of pollution will be controlled through the application of good practice measures that will be included in the Outline CEMP . In the Final ES, the Outline CEMP will be supported by a suite of linked and supporting documents including but not limited to Construction Noise Management Plan, Dust Management Plan and Outline Biodiversity Mitigation Strategy.	169
Members of the public	especially along the river Weaver and its environs.	See response 007 with regards to updated baseline survey information, assessment and protective mitigation presented within the Draft ES for biodiversity. All pipeline crossings of the River Weaver will use trenchless crossing techniques, therefore there will be no direct impacts on the River Weaver. Works within its vicinity (i.e. temporary crossing compounds) will be temporary, and embedded environmental measures set out in Section 5.6 of the Draft ES , including 8 – Protection of retained habitats, 12 – Protection of watercourses, and 4 – Construction Environmental Management Plan will protect the river habitat and associated biodiversity during construction activities.	170
Members of the public	A commitment to replanting should trees or vegetation be removed in the construction process to support habitats and environmental aesthetics for wellbeing.	See response 140 and 143 with respect to reinstatement of trees and other habitat that will take place, as set out in the Outline LEMP . The Project is seeking to reduce the amount of trees and important habitats that will be removed and where removal is unavoidable these will be replaced in situ where possible. Where in-situ reinstatement is not possible habitat creation opportunities will be sought at the Project wide level.	171
Members of the public	Wildlife is massively on the decline and so I strongly believe that we should do all that we can to protect all green land where possible.	Due to the nature of major pipeline projects, a rural location is normally required as it is not possible to locate large, high pressure pipelines through urban areas. For this project, due to the location of the connections points (hydrogen production, hydrogen storage and hydrogen users) the rural land needed for the route has to pass through Green Belt land. Due to this, some of the above ground infrastructure required must also be located within the Green Belt. The underground pipeline temporary construction works are not a Green Belt consideration, as the land will be	172

Consultee	Consideration	How Addressed in this Draft ES	Row Reference No.
		restored to open countryside following the construction activities. However, for the permanent HAGIs and Block Valves in above ground development, the impact on the Green Belt has been assessed and is a consideration in their proposed locations. Each option considers the impact on the Green Belt purposes, as well as other issues related to open countryside locations such as visual impact and effects on wildlife. These assessments also take into account the cumulative effect of other development proposals where relevant. These assessments are detailed within the Draft ES and will include any proposed landscape mitigation, notably the habitat reinstatement and creation measures set out in the Outline LEMP (which include features such as screen planting around above ground infrastructure).	
National Trust	In addition to being one of the North West' s principal cultural heritage assets, the Dunham estate provides valuable recreational space for residents of the densely populated urban parts of Greater Manchester. It also contains areas of ecological interest. The network of hedgerows, mixed arable and stock farming, presence of scattered ponds/wetlands sustains a healthy population of species including an important community of lowland farm birds. Work is currently being carried out across the estate to make improvements for both people and nature linking with both the Trust's Core Purpose and our strategy. A number of these projects are funded through the Government's Green Challenge Fund and include extensive tree planting and the restoration of species rich wetland and habitat. New green spaces for people to enjoy nature will also be created in partnership with the local community.	We welcome this information and see response 001 in relation to surveys undertaken to identify protected species present and the information included in the Draft ES . Any habitat temporarily impacted will be reinstated after works are finished and will be available to wildlife in the long term. Habitat reinstatement and creation measures are set out in the Outline LEMP .	173
National Trust	We are concerned that the HyNet pipeline will significantly impact upon the delivery of these projects, particularly on land within and adjacent to the preliminary order Farm limits at Henshall . An extensive area of land has recently been subject to habitat creation, including the development of wetland scrapes and planted with trees in order to capture carbon and increase diversity in habitats in the locale. It is our understanding that the proposed pipeline would involve the clearance of a large tract of these habitats and the maintenance of an easement thereafter, precluding any potential replanting over the route of the pipeline in the future. Other projects on the wider estate potentially impacted by the proposed pipeline include the Riverlands Project, a national initiative to ensure that rivers and their catchments are clean, healthy and rich in wildlife. The River Bollin is one of the areas selected to take part with works around Dunham focussing on tackling nonnative species, securing sustainable farming practices and improving access along the river corridor. Further north along Sinderland Brook the Trust have been working on natural flood management and the establishment of a blue green infrastructure corridor.	Draft ES Section 5.6 sets out the embedded environmental measures that will be implemented to reduce the impacts of the Projects on ecological features wherever possible. This includes measures such as: 3 – Minimise land take and micro-site, 6 – Maintaining habitat connectivity, 8 – Protection of retained habitats (essential mitigation), 9 – Management of invasive species, 10 – Habitat reinstatement and 12 – Protection of watercourses which would be all applicable to ensure that the mitigation hierarchy is followed (avoid, mitigate, compensate). Any habitat temporarily impacted will be reinstated after works are finished and will be available to wildlife in the long term. Habitat reinstatement and creation measures are set out in the Outline LEMP .	175

Consultee	Consideration	How Addressed in this Draft ES	Row Reference No.
Natural England	Chapter 5 Biodiversity Designated sites We note that Pettypool Brook Valley SSSI has been scoped out from further assessment (Table 5.17), however the Preliminary Order Limits are very close to the SSSI boundary (0.18km). This site comprises Cheshire’s most extensive and diverse valley mire system, with wet woodland and fen all on peat and also includes spring fed wetlands. These habitats make the site susceptible to changes in ground water flow and chemistry. We therefore advise this site is taken forward in the assessment and impacts considered in the ES.	The initial assessment and scoping exercise was undertaken based upon the Preliminary Order Limits. Following a review of the latest iteration of the Draft Order Limits and UKHab survey data for the area within close proximity to Pettypool Brook Valley SSSI, the scoping has been reviewed with input from the water team to ensure all potential impacts (including hydrological changes) are being considered. Appendix 5B Table 5B.1 includes the scoping and assessment summary where Pettypool Brook Valley SSSI is scoped into the assessment based on its distance to the Project. The Draft ES sets out a number of embedded environmental measures in Section 5.6 and it also considers all the environmental changes that could result from the Project in Section 5.7. Section 5.7.16 sets out the environmental changes that are scoped out of the assessment (such as changes in hydrology and pollution events) for all ecological features when considering the embedded environmental measures. It is considered that these measures would be effective in negating the risk to ecological features. Appendix 5B Table 5B.2 sets out all potential environmental change and provides justification for scoping out Pettypool Brook Valley SSSI from further assessment.	177
Natural England	Chapter 5 Biodiversity Designated sites We note that the assessment of the Mersey Estuary SPA, Ramsar and SSSI has considered areas of functionally linked habitats outside of the designated site and this is welcomed. However in paragraph 5.11.14 it is stated that Ince Marshes (a key area for SPA birds) lies within 500m of an established access route which is proposed to be used during the construction of the project. This area is also highlighted within Figure 5.1 Key species activity areas (Appendix 5C), we advise that due to the proximity of the access route to functionally linked habitat that further consideration is required regarding the potential for additional disturbance from the increased use of the access route during construction.	The Stage 1 HRA has been reviewed (see Draft ES Appendix 5P) and the assessment updated to take into account additional baseline survey data that has been collected, potential air quality changes from construction traffic, as well as the revised Project design. Likely Significant Effects have been identified and as a result the assessment will progress to Stage 2 Appropriate Assessment which will be included in the Final ES.	178
Natural England	Chapter 5 Biodiversity Designated sites We note that a Baseline Ornithology Report for Winter 2021/22 which considers SPA birds has been provided within Appendix C however we advise that all detailed wintering bird reports are included within the ES and this should include the mapping of bird numbers and locations.	All survey results collected up to and including June 2024 (with supporting maps) are included in the Draft ES Appendices 5L - 5O. This includes Schedule 1 breeding bird reports from 2022 and 2024 and non-breeding waterbird survey reports 2021/2022 and Jan-June 2024.	179
Natural England	Natural England would welcome further discussion on how the different elements of this project will interact in terms overall effects and the timing of each element from the HyNet NW project to ensure that any cumulative effects are fully considered.	A detailed cumulative effects assessment (CEA) will be included within each of the environmental topic chapters of the Final ES and also within the in-combination section of the Stage 2 Appropriate Assessment (which will accompany the Final ES), and where appropriate will take account of other developments in addition to those considered in the preliminary assessment.	180

Consultee	Consideration	How Addressed in this Draft ES	Row Reference No.
Natural England	Chapter 5 Biodiversity Survey work We understand that further surveys are to be carried out during 2022/23 and therefore full baseline information is not yet available. Based on the surveys carried out so far and our understanding of the results to date we are satisfied with the details presented within this chapter at this stage. We would expect to comment further once detailed survey reports are available.	Noted and see response 179.	182
Natural England	Chapter 5 Biodiversity Habitats Regulations Assessment (HRA) Natural England notes that the project has been screened the to check for the likelihood of significant effects. The assessment concludes that likelihood of significant effects arising from the proposal can be ruled out both alone or in combination. On the basis of information provided, Natural England advises that there is currently not enough information to rule out the likelihood of significant effects. Uncertainties remain relating to effects that may become significant when considered in combination with other plans or projects. Natural England advises that additional information as detailed below should be included within the assessment, this would then provide an opportunity to repeat your screening to assess the likelihood of significant effects of the project as submitted (i.e. with all new information provided as part of the proposal) but excluding, at this stage, any measures specifically intended to avoid harmful effects on a European sites. As noted above we advise further consideration of the impacts of increased use of the access route in close proximity to Ince Marshes, as there is potential for increased disturbance levels to SPA birds using the area.	See response 178.	183
Natural England	We advise further consideration of the Manchester Mosses SAC and Rostherne Mere Ramsar within the assessment due to potential impacts of air quality. It is noted that the use of construction vehicles and generator sets has been included within the High Level Screening Table of Environmental Changes and Potential Effects of the Project (Table 3.3) however Manchester Page 3 of 6 Mosses SAC and Rostherne Mere Ramsar have not been considered here.	See response 178.	186
Natural England	The HRA must also consider any in combination effects with other plans and projects. This could include plans or projects from neighbouring Local Planning Authorities and those in the marine environment. Plans or projects comprise the following a) The incomplete or non-implemented parts of plans or projects that have already commenced b) Plans or projects given consent or given effect but not yet started c) Plans or projects currently subject to an application for consent or proposed to be given effect d) Projects that are the subject of an outstanding appeal e) Ongoing plans or projects that are the subject of regular review f) Any draft plans being prepared by any public body g) Any proposed plans or projects published for consultation prior to the application.	See responses 178 and 180.	187

Consultee	Consideration	How Addressed in this Draft ES	Row Reference No.
NFU	Biodiversity Net Gain – It is stated within the PIER, that the project would seek to deliver a net gain in biodiversity above the current baseline. The NFU would like further information regarding the areas included within the calculations for biodiversity net gain and the percentage of net gain that is being aimed for. The NFU understands that areas may be required for habitat mitigation to make sure that there is no net loss of habitat, and it would like to understand how this will work with achieving the net biodiversity net gain. The NFU would also not want to see any additional areas of land being compulsory purchased for this purpose.	See response 014.	189
Peak District National Park Authority	The potential temporary increase in Nitrogen Oxide emissions as a result of increased vehicle movements on any biodiversity interests protected by European designation (i.e. SAC/SPA designated sites) within the National Park should be considered alone and in combination with other projects in your Habitat Regulations Assessment.	Noted, see responses 178 and 180.	191
The Wildlife Trust for Lancashire, Manchester and North Merseyside	It seems to us that there is a Nature Recovery Network opportunity that could be incorporated into Cadents proposed HyNet development, given that health & safety and maintenance access considerations would make built development above a hydrogen pipeline something to be avoided. We would like to open discussions with Cadent on this at a mutually convenient time.	Cadent welcome this opportunity which will be explored. The Final ES will include any enhancement that the Project will implement.	192
Trafford Council	The loss of hedgerows along the proposed pipeline route is of great concern. The route of the proposed pipeline also passes through three wildlife corridors and a site of importance of nature conservation. The impact on hedgerows from an ecological and visual landscape character perspective needs to be given due consideration. The loss of hedgerows should be limited and replanting details provided to repair the hedgerows following the construction. Following further survey work it is considered necessary that a strategy is put forward to identify the harm to hedgerows and habitats they support and the mitigation proposal set out to address the harm	See response 143 in relation to habitat reinstatement, including hedgerows, with details set out in the Outline LEMP .	193
United Utilities	Water Mains and Public Sewers Our Standard Conditions document includes details of trees and shrubbery suitable for planting in the vicinity of our assets. Deep rooted shrubs and trees should not be planted near to our apparatus.	Noted. See response 143 in relation to habitat reinstatement and restricted planting zone above the pipelines which will be implemented for the Project. The presence of existing assets will also be taken into account.	194
United Utilities	Ecological Mitigation and Biodiversity Net Gain We wish to emphasise that ecological mitigation and the delivery of areas for biodiversity net gain should not be located on top of our apparatus. This is because we require unrestricted access for maintenance, repair and replacement to discharge our statutory duties.	Noted. See response 143 in relation to habitat reinstatement and restricted planting zone above the pipelines which will be implemented for the Project. The presence of existing assets will also be taken into account.	195

Consultee	Consideration	How Addressed in this Draft ES	Row Reference No.
Warburton Parish Council	Environmental impact We note that the pipeline route selected will have many negative impacts on the local environment, most seriously the damage to Warburton Moss which is a significant contributor to carbon capture, but also to our diverse wildlife habitat.	See response 007 with regards to ongoing surveys and information that is presented within the Draft ES . The mitigation hierarchy is being followed through the design and assessment process and seeks to avoid all important biodiversity features. Additionally, identified areas of potential deep peat, have been surveyed and impacts on peat is addressed in the Draft ES under Chapter 13 Agriculture . A separate peat assessment, and Peat Management Plan will be prepared to accompany the Final ES.	196
Warrington Borough Council	> For impacts on notable species, currently the PEIR repeats the phrase ‘Embedded environmental measures and species-specific measures would render effects to a level which would not affect the feature’s Favourable Conservation Status’ for all notable species, but there is no primary survey information available to confirm this blanket statement. Given the extent of the proposed pipeline routes, I would find it surprising if the scheme were not found to have substantive impacts on, at least, badgers, bats and great crested newts (and other amphibians). The presence of significant populations of notable species should be a factor in the design of the scheme, in order to avoid impacts wherever possible. > The PEIR states that ‘where practicable, sensitive sites including SSSIs, LWSs, ancient woodland would be avoided when micro-siting the proposed working areas’. SSSIs, LWSs and ancient woodland should be avoided as a matter of course, and not just ‘where practicable’.	We can confirm that no SSSIs or areas of ancient woodland will be directly impacted by the Project, and all sites and ancient woodland located close to the Project will be protected by embedded environmental measures (see Section 5.6 of the Draft ES) including 7 – Protection of ancient/veteran trees, and 8 – Protection of retained habitats. See response 007 with regards to updated baseline survey information, assessment and protective mitigation presented within the Draft ES for biodiversity. Section 5.10 of the Draft ES discusses the assessment and proposed mitigation for potential impacts on relevant ecological features (sites, habitats and species). The embedded environmental measures set out in Section 5.6 have been embedded into the Project design and will be secured through DCO requirements, and the design has been informed by the results of on-going baseline surveys (see Section 5.5). These include reasonable avoidance measures and working methods to minimise impacts. In certain circumstances, licensable mitigation will be sought for potential impacts on key protected species (including badgers and bats), and further information will be provided in the Final ES. See response 085 with regards to mitigation for great crested newts using Natural England’s District Level Licencing. See response 122 with regards to minimising impacts on LWSs.	198
Warrington Borough Council	The PEIR states that ‘BNG uplift above the baseline situation would be sought through the design process for the Project’, but there are no details provided about how and where the BNG uplift would be delivered. No details of the application of a Biodiversity Metric to measure losses/gains is available. It is therefore impossible at this stage to gauge whether the scheme will be able to deliver BNG.	See response 014 with regard to BNG, which confirms that the latest statutory biodiversity metric will be used to measure losses/gains. The Applicant is currently in early-stage discussion with several stakeholders to identify opportunities where the Project could contribute to delivering BNG.	200
Warrington Borough Council	Specifically regarding great crested newts, I note the intention of the applicant to apply the District Level Licensing (DLL) scheme to all elements of the development proposal. I would point out that, for Warrington, DLL is at an early stage of development and there are as yet comparatively few new ponds available for the developer to purchase as part of the DLL process. If the development will lead to impacts on high numbers of ponds I would recommend early engagement with Natural England to ensure an adequate supply of new ponds within the Borough.	DLL will be utilised to mitigate effects on great crested newts I areas where DLL is available. The Applicant is in discussion with Natural England's DLL team and are in the process of refining the DLL impact assessment based on the current Project design. The Project will join the DLL scheme for all areas with the exception of St Helens where currently the scheme is not operating. See response 085 for further information regarding the use of DLL for the Project.	201

Consultee	Consideration	How Addressed in this Draft ES	Row Reference No.
Warrington Borough Council	On viewing the plans the red line boundary contains numerous established agricultural hedgerows and hedgerow trees which are prominent within the rural landscape. The site also contains trees subject to Tree Preservation Order's (TPO's) which are of local landscape importance and the site also abuts ancient and semi-ancient woodland, some of which are subject to active TPO's, particularly within the Walton (south Warrington) area. The rooting areas of these woodlands will most likely cross onto the site and will need safe guarding through the scheme. There will also be impacts to trees within the public realm including prominent roadside trees and tree lined avenues. I would have concerns over the immediate impacts to the loss of rural hedgerows, mature hedgerow trees and the loss of historic boundaries of potential 'important' hedgerows under the hedgerow regulations. The loss of prominent trees and impacts to mature woodlands would also bring concern. The limitations given to replanting near the installations would also bring concern in that direct mitigation to losses will be difficult to achieve within the immediate effected locations. Given the lack of complete detail I cannot fully support the scheme and I would recommend that a tree survey and arboriculture impact assessment in accordance with BS 5837:2012 be provided at the earliest stage.	See response 014 with regard to arboricultural surveys, Arboricultural Impact Assessment, and other assessment and mitigation which include ancient woodland, veteran/ancient trees, and other woodland, trees and hedgerows (including 'important' hedgerows). Arboricultural surveys and mitigation proposals accord with BS5837:2012. Habitat reinstatement and creation proposals are presented within the Outline LEMP. The design principles set out in the document seek to maximise the amount of new tree planting that would be delivered at or as close to the same location as possible from trees which are lost. Habitat in areas of temporary habitat loss will predominantly be reinstated like-for-like, with the exceptions of a 5m wide restricted planting zone above pipelines where a short sward and shallow rooted species are required for maintenance purposes. Specifications for reinstatement of woodland, tree and hedgerow replanting are set out in Section 4 of the Outline LEMP. Where mitigation for the removal of trees will be delivered via 'ex-situ' planting (planting of replacement trees in other locations), this would be delivered according to the hierarchy set out in Section 4.4.5 of the Outline LEMP which prioritises replanting as close to original locations. Landscape proposals for above ground installations (e.g. HAGIs) have included additional tree and shrub planting where possible, and proposals are set out in Section 2 of the Outline LEMP.	202
Warrington Borough Council	For impacts on notable species, currently the PEIR repeats the phrase 'Embedded environmental measures and species-specific measures would render effects to a level which would not affect the feature's Favourable Conservation Status' for all notable species, but there is no primary survey information available to confirm this blanket statement. Given the extent of the proposed pipeline routes, it would be surprising if the scheme were not found to have substantive impacts on, at least, badgers, bats and great crested newts (GCN) (and other amphibians). The presence of significant populations of notable species should be a factor in the design of the scheme, in order to avoid impacts wherever possible.	See responses 010 and 161 with regards to ongoing surveys (including bats and GCN) and information that is presented within the Draft ES. Badger surveys are ongoing and the findings of the survey are used to influence design where possible in line with the mitigation hierarchy. Given that design is still being developed, the Final ES will include an updated assessment based on the latest Project design.	211
Warrington Borough Council	The PEIR states that 'where practicable, sensitive sites including Site of Special Scientific Interest (SSSIs), Local Wildlife Site (LWSs), ancient woodland would be avoided when micro-siting the proposed working areas'. SSSIs, LWSs and ancient woodland should be avoided as a matter of course, and not just 'where practicable'.	See response 081 and 147 regarding ancient woodland which will be avoided by the Project. We can also confirm that the Project will avoid direct impact on all SSSIs and the scheme design has been changed to avoid several LWSs which were included in the Preliminary Order Limit at the PEIR stage. Where impacts to LWSs cannot be avoided the impacts are set out in the Draft ES. The detailed design will seek to employ suitable construction methods to reduce impacts as much as possible and suitable mitigation and compensation measures will be included in the Final ES.	212

Consultee	Consideration	How Addressed in this Draft ES	Row Reference No.
Warrington Borough Council	The PEIR states that ‘BNG (Biodiversity Net Gain) uplift above the baseline situation would be sought through the design process for the Project’, but there are no details provided about how and where the BNG uplift would be delivered. No details of the application of a Biodiversity Metric to measure losses/gains is available. It is therefore impossible at this stage to gauge whether the scheme will be able to deliver BNG and where it would be delivered.	See response 014 in relation to BNG for the Project and confirming that further details will be set out in the BNG Strategy that will accompany the Final ES.	213
Warrington Borough Council	Specifically regarding great crested newts, it is noted that it is the intention of the applicant to apply the District Level Licensing (DLL) scheme to all elements of the development proposal. It needs to be pointed out that, for Warrington, DLL is at an early stage of development and there are as yet comparatively few new ponds available for the developer to purchase as part of the DLL process. If the development will lead to impacts on high numbers of ponds it is recommended that there should be early engagement with Natural England to ensure an adequate supply of new ponds within the Borough but this does not appear to have happened yet.	See response 201 in relation to application for Natural England DLL scheme for the Project.	214
Warrington Borough Council	Further details are required in relation to the lighting proposed during the construction process and the impact on protected species.	See response 007 with respect to updated assessment presented in the Draft ES. Embedded environmental measures set out in Section 5.6 of the Draft ES include 13 –Sensitive lighting design, which includes that lighting design will be informed by the joint guidance provided by the Bat Conservation Trust and Institution of Lighting Professionals. An Outline Lighting Strategy is provided with the Draft ES which contains details of how impacts to protected or notable species will be reduced/controlled during the construction and operational stages of the Project.	215
Warrington Borough Council	Further details are required in relation to the lighting for the above ground installations and protected species and how the proposed fencing creates habitat fragmentation.	See response 215 with respect to lighting. See response 007 with respect to updated assessment presented in the Draft ES , where fragmentation effects are considered in Section 5.10 where relevant.	216
Warrington Borough Council	There is concern over the loss of existing biodiversity and landscape features in Arpley Meadows which is proposed to be a Country Park and again on the existing biodiversity of Gatewarth Nature Reserve and the loss of the lime trees on Chester Road Lime tree Avenue and insufficient details are provided including the distance from the pipeline where mitigation planting is allowed.	See response 007 with regards to ongoing surveys and information that is presented in the Draft ES. No above ground works are proposed at Arpley Meadows (located at SJ592867) and access will be provided by existing access routes and all habitats affected will be reinstated once construction is complete. We can confirm that the Project will avoid all direct impacts on Gatewarth LWS and Nature Reserve (situated at grid reference SJ571869). Impacts on trees are considered in Appendix 8C: Arboricultural Impact Assessment. We can confirm that the Chester Road /A56 crossing will be trenchless and therefore all trees planted along the length of this road will not be directly affected by the Project. Information about mitigation planting is presented in the Outline LEMP provided with the Draft ES.	218

Consultee	Consideration	How Addressed in this Draft ES	Row Reference No.
Warrington Borough Council	Depending on the location of the proposed BNG, DLL for the GCN and the number of trees lost through the scheme it is likely that contributions will be required in respect of these along with Green Belt compensation measures.	The mitigation hierarchy (avoid, mitigate, compensate) is being followed throughout the design and assessment process and seeks to avoid all important biodiversity features where possible. Updated assessment and mitigation proposals are presented in Section 5.10 of the Draft ES, which will be completed in the Final ES. The Project will use DLL to mitigate effects on GCN where this is available, as set out in Section 5.6 of the Draft ES. BNG for NSIP projects is set to become a statutory requirement from November 2025, however, the Applicant is committed to including BNG on the Project prior to the mandatory condition being in place. The scale of the Project wide net gain will be confirmed at the application stage. Work is ongoing to provide a pipeline route that would avoid the planned developments at Warrington Waterfront and Fiddlers Ferry, so that there would not be a need for additional Green Belt releases or compensation.	222
Warrington Borough Council	Currently insufficient information has been provided to allow an assessment of the proposal and to ensure that adequate protection is provided to protected species and biodiversity net gain occurs.	See response 007 with regards to ongoing surveys and how this is presented within the Draft ES. BNG for NSIP projects is set to become a statutory requirement from November 2025, however, the Applicant is committed to including BNG on the Project prior to the mandatory condition being in place. The scale of the Project wide net gain will be confirmed at the application stage.	224
Warrington Borough Council	The submitted Preliminary Environmental Information Report (PEIR) has limited information in a number areas and therefore it has been impossible to fully assess the impacts of the proposal. There are no details of primary ecological surveys and assessments, no trees surveys or arboricultural reports and recommendations within a number of the chapters that more surveys and work needs to be undertaken. There are also only very generic proposals for mitigating and compensating for potential ecological harm. It is therefore difficult to provide detailed comments or appraisals concerning the impacts of the scheme on habitats and species.	See response 007 with regards to ongoing surveys and how this is presented within the Draft ES. Impacts on trees are considered in Appendix 8C: Arboricultural Impact Assessment.	226
Warrington Borough Council	> For impacts on notable species, currently the PEIR repeats the phrase 'Embedded environmental measures and species-specific measures would render effects to a level which would not affect the feature's Favourable Conservation Status' for all notable species, but there is no primary survey information available to confirm this blanket statement. Given the extent of the proposed pipeline routes, I would find it surprising if the scheme were not found to have substantive impacts on, at least, badgers, bats and great crested newts (and other amphibians). The presence of significant populations of notable species should be a factor in the design of the scheme, in order to avoid impacts wherever possible.	The updated assessment in the Draft ES is informed by updated baseline data collection for species. Updated baseline data is presented in Section 5.5, with updated assessment species presented in Section 5.10 which identifies required mitigation.	227

Consultee	Consideration	How Addressed in this Draft ES	Row Reference No.
Warrington Borough Council	> For impacts on notable species, currently the PEIR repeats the phrase ‘Embedded environmental measures and species-specific measures would render effects to a level which would not affect the feature’s Favourable Conservation Status’ for all notable species, but there is no primary survey information available to confirm this blanket statement. Given the extent of the proposed pipeline routes, I would find it surprising if the scheme were not found to have substantive impacts on, at least, badgers, bats and great crested newts (and other amphibians). The presence of significant populations of notable species should be a factor in the design of the scheme, in order to avoid impacts wherever possible. > The PEIR states that ‘where practicable, sensitive sites including SSSIs, LWSs, ancient woodland would be avoided when micro-siting the proposed working areas’. SSSIs, LWSs and ancient woodland should be avoided as a matter of course, and not just ‘where practicable’.	No SSSI's or areas on ancient woodland will be directly impacted as a result of the proposed development. See response 081 for information on assessment of effects on woodland and trees. The updated assessment in the Draft ES is informed by updated baseline data collection for species and habitats (including those occurring within Local Wildlife Sites where relevant). Updated baseline data is presented in Section 5.5, with updated assessment on designated sites, habitats and species presented in Section 5.10.	228
Woodland Trust	Impacts to Ancient Woodland and Woodland Trust sites The proposed pipeline has the potential to cause significant adverse impacts to ancient woodland from potential direct loss to facilitate construction of the pipeline, or through indirect impact if construction works occur within close proximity to these habitats. Equally, we hold similar concerns for Woodland Trust owned woodlands which fall within the Preliminary Order Limits boundary.	See response 081	233
Woodland Trust	Impacts to Ancient Woodland and Woodland Trust sites. We are specifically concerned about the following potential impacts to the ancient woodlands and Woodland Trust owned sites along the route: Potential direct loss of ancient woodland and potential land take within Woodland Trust sites to facilitate the proposed pipeline. We understand that trenchless crossings are proposed within ancient woodland areas. Permanent fragmentation due to the removal of adjacent semi-natural habitats, such as small wooded areas, hedgerows, individual trees and wetland habitats if continued access to the pipeline once constructed is required. Root damage to woodland boundary trees during installation of the pipeline.	See response 081 for information on assessment of effects on woodland and trees; avoidance, protection and mitigation measures; and reinstatement and of effected trees, woodland and associated habitats such as hedgerows. The effect of fragmentation on habitats and associated species is assessed on Chapter 5: Biodiversity , see Section 5.10 .	235
Woodland Trust	Impacts to Ancient Woodland and Woodland Trust sites. We are specifically concerned about the following potential impacts to the ancient woodlands and Woodland Trust owned sites along the route: Noise and dust pollution impact to woodlands within close proximity of the pipeline installation area.	See response 081 for information on ancient woodlands and ancient and veteran trees. The impacts from works including increased noise, dust and other forms of water and airborne pollution will be controlled through the application of good practice measures that will be included in the Outline CEMP. In the Final ES, the Outline CEMP will be supported by a suite of linked and supporting documents including but not limited to Construction Noise Management Plan, Dust Management Plan and Outline Biodiversity Mitigation Strategy.	237

Consultee	Consideration	How Addressed in this Draft ES	Row Reference No.
Woodland Trust	Natural England and Forestry Commission have identified impacts of development on ancient woodland and veteran trees within their standing advice (please see Annex 2 at the foot of this document for the full range of impacts outlined). This guidance should be considered Government’s position with regards to development impacting ancient woodland, although Natural England and Forestry Commission should be consulted for specific comment on this proposal.	Noted. See response 081 for information on ancient woodlands and ancient and veteran trees. All ancient woodland and veteran trees will be retained and protected with appropriate root protection areas.	238
Woodland Trust	Impacts to Veteran Trees: We have identified a number of veteran trees within the proposed pipeline corridor that are recorded on the Ancient Tree Inventory ² . The specific trees in question are outlined within the appended table at the bottom of the document. It is essential that no veteran trees are lost as part of the proposals. The loss of any such trees can have a significant impact on local wildlife, particularly those which depend on the habitat provided by veteran trees. Any loss of veteran trees can also be highly deleterious where there is a wider population of veteran trees within close proximity, which may harbour rare and important species.	See response 081 for information on ancient woodlands and ancient and veteran trees. All ancient woodland and veteran trees will be retained and protected with appropriate root protection areas.	239
Woodland Trust	Mitigation for ancient woodland: Detrimental edge effects have been shown to penetrate woodland causing changes in ancient woodland characteristics that extend up to three times the canopy height in from the forest edges. As such, it is necessary for mitigation to be considered to alleviate such impacts. Natural England and Forestry Commission have also produced guidance on mitigation measures to alleviate impacts to ancient woods and trees within their standing advice (please see Annex 2 at the foot of the document).	See response 081 for information on ancient woodlands and ancient and veteran trees. The impacts from works including increased noise, dust and other forms of water and airborne pollution will be controlled through the application of good practice measures that will be included in the Outline CEMP . In the Final ES, the Outline CEMP will be supported by a suite of linked and supporting documents including but not limited to Construction Noise Management Plan, Dust Management Plan and Outline Biodiversity Mitigation Strategy.	242
Woodland Trust	Mitigation for ancient woodland: Additional mitigation approaches are also outlined in our Planners’ Manual ³ ; these measures would help ensure that the development meets policy requirement and guidance and include: • Non-invasive root investigation for ancient trees and protection beyond the limit of the usual investigative tools. • Retaining and enhancing natural habitats around ancient woodland to improve connectivity with the surrounding landscape. • Measures to control noise, dust and other forms of water and airborne pollution.	See response 242.	243

Consultee	Consideration	How Addressed in this Draft ES	Row Reference No.
Woodland Trust	Buffer zones Buffering ancient woodland can be an ideal mitigation measure as buffer zones can be used to establish distance between the development and habitat, which helps to alleviate harmful impacts while also creating new areas of habitat around the ancient woodland. This development should ensure that buffer zones of at least 30 metres are provided to all areas of ancient woodland and to Woodland Trust owned sites to prevent adverse impacts such as pollution and disturbance and ensure avoidance of root damage. Natural England and Forestry Commission’s standing advice states that “the proposal should have a buffer zone of at least 15 metres from the boundary of the woodland to avoid root damage (known as the root protection area). Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone. For example, the effect of air pollution from development that results in a significant increase in traffic.” Further information on buffer zones is outlined in the annex below.	See response 081. All ground works will be restricted to areas in excess of 25m from the edge of Ancient Woodland.	244
Woodland Trust	Mitigation for Veteran Trees Trees are susceptible to change caused by construction/development activity. As outlined in ‘BS5837:2012 - Trees in relation to design, demolition and construction’ (the British Standard for ensuring development works in harmony with trees), construction work often exerts pressures on existing trees, as do changes in their immediate environment following construction of any new infrastructure. Root systems, stems and canopies, all need allowance for future movement and growth, and should be taken into account in all proposed works on the scheme through the incorporation of the measures outlined in the British Standard. While BS5837 guidelines state that trees should have a root protection area (RPA) of 12 times the stem diameter (capped at 15m), this guidance does recognise that veteran trees need particular care to ensure adequate space is allowed for their long-term retention. It is imperative that Natural England and Forestry Commission’s standing advice on root protection areas for veteran trees is taken into account as the proposals progress. This advice states: “For ancient or veteran trees (including those on the woodland boundary), the buffer zone should be at least 15 times larger than the diameter of the tree. The buffer zone should be 5 metres from the edge of the tree’s canopy if that area is larger than 15 times the tree’s diameter. This will create a minimum root protection area. Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone.”	See response 081. All ground works will be restricted to areas in excess of 25m from the edge of Ancient Woodland.	245

Consultee	Consideration	How Addressed in this Draft ES	Row Reference No.
Woodland Trust	Conclusion Ancient woods and trees are irreplaceable habitats, once lost they are gone forever. Any proposals which may result in the loss or deterioration of ancient woods and trees must consider all possible measures to ensure avoidance of adverse impact.	See response 081.	246
Woodland Trust	See Annex 2 for advice, effects and Mitigation	Noted. See response 081 with regards to surveys, assessment and mitigation for woodland and trees included in the Draft ES .	248
Woodland Trust	Impact to ancient woodland, veteran trees and Woodland Trust owned sites. The Woodland Trust submitted a response in March 2022 to the previous consultation outlining our concerns for this scheme on the grounds of potential detrimental impact and/or loss of numerous ancient woodlands, veteran trees and Woodland Trust sites, which were located either within or adjacent to the proposed pipeline corridors. We have reviewed the refined pipeline route and we note that a significant number of ancient woods, trees and Woodland Trust sites are no longer affected by the proposals. However, we wish to outline our continued concerns for a number of woods and trees which are likely still affected, and re-iterate the concerns raised at the previous stage of consultation. Please see the appended table at the bottom of the document (Annex 1) for the woods and trees in question.	Noted. See response 081 with regards to surveys, assessment and mitigation for woodland and trees included in the Draft ES , which includes ancient woodland and veteran/ancient trees.	249

HyNet North West Hydrogen Pipeline

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