

HyNet Carbon Dioxide Pipeline

Network Rail's Written Representations for the Preliminary Meeting

Monday 20th March 2023

We are instructed by Network Rail Infrastructure Limited ("Network Rail") in relation to the application made by Liverpool Bay CCS Ltd ("the Promoter") for an Order granting development consent for the HyNet Carbon Dioxide Pipeline ("the Application"). This is Network Rail's written submission for the Preliminary Meeting.

1. Network Rail's Statutory Responsibilities

- 1.1. Network Rail is the statutory undertaker responsible for maintaining and operating the country's railway infrastructure and associated estate. Network Rail owns and operates Great Britain's railway network and has statutory and regulatory obligations in respect of it.
- 1.2. Network Rail aims to protect and enhance the railway infrastructure and therefore any proposed development on, over or under the railway network or which is adjacent to and interfaces with the railway network or potentially affects Network Rail's land interest will be carefully considered.
- 1.3. The proposal for the pipeline works are on, adjacent to and interfaces with the railway network and therefore will require certain protections for the benefit of the railway. Network Rail's requirements are set out later in this representation.

2. Network Rail's Representations for the Preliminary Meeting

- 2.1. Network Rail wish to make the following points in relation to Agenda Item 3. Network Rail's principal issues with the Application relate to:-
 - 2.1.1. the proposed operation of powers contained in the draft DCO authorising the Promoter to construct, operate and maintain works on, across, under, above or adjacent to Network Rail's operational railway which may impede Network Rail's ability to ensure the safe, efficient and economical operation of the railway network;
 - 2.1.2. the proposed operation of powers contained in the draft DCO authorising the Promoter to compulsorily acquire land, to compulsorily acquire rights in or over land, extinguish rights in land or take temporary possession of land which forms part of Network Rail's operational railway land and which Network Rail relies upon for the carrying out of its statutory undertaking; and
 - 2.1.3. whilst Network Rail are grateful for the inclusion of protective provisions on the face of the Order, the current set of protective provisions for the protection of Network Rail and Network Rail's operational railway and associated railway infrastructure require amending in order for Network Rail to be able to withdraw its objection.
- 2.2. As a result of the issues set out in paragraph 2.1, Network Rail's principle requests relate to:
 - 2.2.1. a requirement for the draft Order to include Network Rail's standard form of its Protective Provisions for the protection of Network Rail and its operational railway and associated railway infrastructure and to manage the interface between the proposed development and Network Rail's operational land;
 - 2.2.2. a requirement for the draft Order to include Network Rail's standard form of its Protective Provisions for the protection of Network Rail in relation to the operation of powers contained in the draft Order authorising the Promoter to compulsorily acquire land, to compulsorily acquire rights in or over land, extinguish rights in land or take temporary possession of land which forms part of Network Rail's operational railway land; and

- 2.2.3. a requirement for the Promoter to continue to engage with Network Rail for the purposes of entering into such agreements as are required by Network Rail to manage and regulate the construction, operation and maintenance of works affecting the operational railway and the use of operational railway land for such purposes.
- 2.3. Network Rail wish to make the following procedural points in relation to Agenda Item 5. Network Rail requests the following going forward in respect of the Examination of this Application:
- 2.3.1. To be kept fully informed of the progress of the examination so that it can engage where relevant to its infrastructure and operational railway land;
 - 2.3.2. To be given adequate time to respond and prepare representations where necessary;
 - 2.3.3. To be given reasonable time to prepare and respond to questions received from the Examining Authority;
 - 2.3.4. To be given reasonable time to prepare for and be heard at future hearings in the examination timetable if it is considered necessary for Network Rail to attend any future hearings (i.e. if the progress made between the Promoter and Network Rail on concluding the Framework Agreement stalls for any reason); and
 - 2.3.5. Network Rail requests that the Promoter continues to promote the Application in accordance with the assurance given and engage and negotiate to conclude a Framework Agreement as soon as practicable.
- 2.4. Network Rail reserves the right to attend future hearings and, in particular, Issue Specific Hearings and Compulsory Acquisition Hearings currently scheduled for w/c 5th June 2023 and w/c 7th August 2023 (if required).

Eversheds Sutherland (International) LLP
On behalf of Network Rail Infrastructure Limited
6 March 2023