



National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

Your Ref EN070007

Our Ref HYCO-EIA071

Thursday 6th April 2023

hynetco2pipeline@planninginspectorate.gov.uk

Dear Sirs

Proposal: Application by Liverpool Bay CCS Limited for an Order Granting Development Consent for the HyNet Carbon Dioxide Pipeline Project ("the Application")

Canal & River Trust (the Trust) Response to questions raised by the Examining Authority (Unique Reference: HYCO-EIA071).

Thank you for your consultation on the publication of the Examining Authority's (ExA) first written questions. Please find below the Canal & River Trust (the Trusts) response to the questions relevant to us.

Q1.6.3 (i) In relation to any inaccuracies on the Land Plans [APP-008], the change request document [D.7.5], sets out under change 14, that a reduction of the order limits at Work No.18 to remove a section of the Shropshire Union Canal is proposed. However, the Land Plans (Rev B) [APP-008] and Work Plans (Rev B) [APP-010] in relation to Work No.18 still show the same order limits (red line) and work limits as originally submitted (including the length of canal that is meant to have been removed).

(ii) In addition to the BoR, Statement of Reasons and the Land Plans, the Trust has reviewed the Applicant's updated draft DCO (Document No. D.3.1 Rev B, March 2023) [AS-017], and accompanying Schedule of Changes (Document No. D.3.3 Rev A, March 2023). In particular the Trust notes the addition of Article 34 sub-paragraphs (1)(f) – (h). For the benefit of the ExA and the Applicant, the Trust notes that the new sub-paragraph (1)(f) appears to duplicate the existing sub-paragraph (1)(e), and is not necessary. The addition of the new sub-paragraphs (g) and (h) add to the risk / prospect of the Applicant's apparatus and / or mitigation works remaining on or under land forming part of the Trust's statutory undertaking beyond the Applicant's period of temporary possession. This reinforces the needs for any power for the Applicant to enter and take temporary possession of Trust land to be exercised only with the prior consent of the Trust and agreement as to terms. The Trust's position as to the compulsory acquisition of Trust land or rights is set out in full in the Trust's rule 10(1) written representations.

Q1.6.8 (i) The Trust consider that there is not a compelling case in the public interest for compulsory purchase powers to be acquired in the manner sought by the Applicant. Such powers are intended to be used as a matter of last resort and the Applicant has failed to use reasonable efforts to voluntarily acquire the land and rights they require from the Trust.

(ii) Notwithstanding the correction being made as identified Q1.6.3 above, then the Trust still queries the extent of the area of land the applicant is seeking in relation to our land for a single pipeline crossing of the canal. We consider acquiring a right over a narrower section of subsoil at least 3.5m below the bed level of the canal would be sufficient for the pipeline.

Canal & River Trust

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Appendix A – Canal & River Trust response to the ExA First Written Questions

Q1.6.10 a) The Trust provided a copy of our preferred wording for protective provisions to the Applicant with our Relevant Representation on 13th January 2023. At present there is no wording contained within the draft DCO in relation to content of the protective provisions for the Trust. For ease of reference, we have included the version of protective provisions that we previously shared at Appendix C to our Deadline One response.

b) In the absence of any protective provision for the Trust within the draft DCO, no site-specific circumstances have been taken in account by the Applicant at this stage.

c) In principle, the Trust would be willing to enter into a side agreement to address our concerns, however given the absence of any protective provision within the draft DCO for the Trust, (albeit the amended draft DCO now includes the potential for these to be included), our preference would be to have an agreed version of protective provisions for the Trust included within the final DCO. The Trust have not received any comments on our preferred protective provisions, despite providing these to the applicant on 13th January 2023.

Q1.6.12 (i) The Trust has a statutory duty under the Trust Agreement with the Secretary of State for Environment, Food and Rural Affairs (28 June 2012) to operate and manage the waterways and towpaths for public use and enjoyment. Additionally, the Trust has a duty under S105 Transport Act 1968 to maintain commercial and cruising waterways in a suitable condition for use by the public. At present the Trust is only aware that Plot 8-03 subsoil is required for the pipe and that plot 9-06 is temporarily required for construction access/working. The exact details will become more apparent when the full rights that the applicant is trying to acquire over our land are known and how these may impact our statutory undertaking.

(ii) In terms of any areas of potential concern, if the applicant is only seeking rights over sub-soil (at least 3.5m below the bed level of the canal) of Plot 8-03, then the impact on our statutory undertaking would be limited. Concern would likely only be in relation to potentially restricting future maintenance of the canal and if there were to be a requirement to carry repairs which might be required, for example piling or anything that might interfere with the pipe. However, it is understood that the pipeline would be a considerable depth under the canal. We would not want the presence of the pipeline under the canal to restrict in anyway our operation, ongoing management and maintenance of the canal.

Q1.6.13 During pre-application discussions/consultation on the route optioneering, a number of matters and concerns were discussed with the applicant, but the specific points at Q1.6.12 (ii) have not been specifically raised or discussed directly with the applicant. Since the submission of the Application the Trust have had no further direct discussions with the applicant.

Q1.6.23 In terms of potential impediment to the development that have not been properly addressed affecting the Trust's undertaking, then as set out within our written representation, clarification in relation to potential surface water drainage to the canal and watercourses culverted under the canal is required. The ExA is respectfully directed to section 5 of our written representation (Trust Deadline One – Appendix B).

Q1.17.1 In relation to traffic management concerns and construction traffic routing, as set out in our Relevant Representation [RR-008] and Deadline One Appendix B, our concerns relate specifically to the construction traffic being routed to avoid the canal bridge crossing of the Shropshire Union Canal. The details set out that access to the Chorlton Lane Compound via the canal crossing Pretty Bridge (Bridge 134 Caughall) over the canal has been discounted due to the bridge having a 3.5T weight limit. We welcome that Figure 17-4 Construction Traffic Route Sheet 2 of 8 shows that both construction routes CC CTR2 and CC CTR3 would be directed to avoid crossing the canal in this location to access the construction compounds. Subject to the final CTMP [APP-224] including this then the Trust would have no concerns with the routing of construction traffic.

Please do not hesitate to contact me with any queries you may have in relation to the above matters.

Yours sincerely,

Canal & River Trust

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Appendix A – Canal & River Trust response to the ExA First Written Questions

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