



**Canal &
River Trust**

Making life better by water

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) Submission for Deadline One, (Unique Reference: HYCO-EIA071).

Further to your Rule 8 letter and following the publication of the Examining Authority’s (ExA’s) first written questions, please find attached:

- The Trust’s response to the ExA’s written questions and requests for information (ExQ1) (Appendix A)
- Written Representations of the Canal & River Trust, including summary (Appendix B)
- The Trust’s preferred Protective Provisions shared with the Applicant on 13/01/2023 (Appendix C)

In addition, below, is an update on the Trust’s latest position in relation to the examination, with headings to identify the various elements in relation to Deadline One (DL1), including update on the Trust’s draft Statement of Common Ground (SOCG) with the applicant; on proposed Protective Provisions for the benefit of the Trust, and on progress made on negotiating an agreement in terms of the acquisition and/or use of Trust owned land.

Trust’s Role as an Interested Party

The Trust responded on 13th January 2023 to register and comment as an Interested Party for the Examination relating to the HyNet Carbon Dioxide Pipeline Project and made Relevant Representations. The Trust’s Written Representations (Appendix B) elaborate on concerns raised at that stage in more detail, including a summary of outstanding matters. The Written Representations also provide comments on the Additional Submissions from the applicant, which have been accepted by the ExA.

Statement of Common Ground

The Trust is in the process of negotiating a draft SOCG with the applicant. The applicant shared a first draft of the SoCG with the Trust on 6th February 2023. The Trust responded to this document, with a number of suggested edits, on 3rd March 2023. No further drafts have been exchanged. The Trust are keen to work with the applicant towards the early resolution of issues which remain outstanding. We understand that the applicant is due to send the latest version of the draft SOCG with their Deadline One response.

Confirmation of wish to Speak at Issue Specific Hearing.

Canal & River Trust

Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire DE13 7DN

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The Trust intends, at this stage, to make representations at an Open Floor Hearing in relation to the draft Development Consent Order (ISH2), including the wording of the Protective Provisions for the Trust to be provided within the draft DCO. This includes the works being carried out in accordance with the Trust's Code of Practice in relation to where the works interface with the Shropshire Union Canal.

The Trust is seeking to discuss and reach agreement on these matters with the applicant, prior to the hearing dates. Should agreement be made, the Trust would likely be able to withdraw our intention to speak at the Hearing and save examination time.

The Trust do not intend to speak at the Hearing on Environmental Matters (ISH1), unless the ExA considers it necessary for the Trust to attend to aid the Examination.

Confirmation of wish to speak at the Compulsory Acquisition Hearing

The Trust intends, at this stage, to speak at the Compulsory Acquisition Hearing.

We would wish to make representations in respect of plots 8-03 and 9-06 as shown on land plans [APP-008] (sheets 8 and 9) As set out in our Relevant Representation and in our Written Representation (Appendix B to this letter), the Trust is concerned that the applicant is seeking the permanent appropriation of rights and ownership over Trust land, without any further detail being provided as to what rights are being sought. We note that this approach is in conflict with the "*Guidance on Compulsory Purchase Process and the Crichel Down Rules*" published by the Department of Levelling Up, Housing & Communities. We are also seeking to agree terms with the applicant in relation to the use of Trust owned land where the Trust's requirements can be accommodated.

The Trust is seeking to discuss these matters with the applicant further prior to the hearing dates. Should we reach agreement with the applicant, the Trust would likely be able to withdraw our intention to speak at the Hearing and save examination time.

Open Floor Hearing(s)

The Trust notes that the ExA may choose to hold Open Floor Hearings about topics that may need to be explored orally. The Trust should be available to attend these, should the ExA consider it necessary.

Protective Provisions for the Trust

The draft DCO, as submitted, did not contain any specific protective provisions for the Trust as a statutory undertaker. To aid the Examination we provided the applicant with a set of protective provisions which would resolve and satisfy our principal concerns. The protective provisions have been adapted from the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022 (made 7 December 2022), being the most recent NSIP to be examined and which contains provisions relevant to Trust land and assets. The Trust reserves the ability to add to and amend the draft protective provisions as part of the examination process as may be required.

Since providing the applicant a copy of these suggested protective provisions on 13th January 2023, no comment has been received in response. To avoid further delay and cost to the Trust, it would be useful to have the applicants' comments on the Trust's suggested protective provisions. We look forward to receiving the applicants' response to our Relevant Representation, as required as part of the ExA Questions, including comments on our protective provisions. Getting these protective provisions for the Trust agreed would go a long way to address our concerns/objection and save Examination time.

The Trust will update the ExA on the progress made in relation to the SoCG, protective provisions and other matters at each relevant deadline.

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

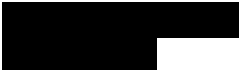
Yours sincerely,

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Appendix A – Trust’s response to the ExA Questions

Appendix B – Written Representations of the Canal & River Trust, including summary

Appendix C – Trust’s preferred Protective Provisions shared with the applicant on 13/01/2023

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