

**Responses to Examining Authority's Questions required for Deadline 1  
submitted by National Highways Limited**

**Planning Inspectorate Reference Number: EN070007**

**Application by Liverpool Bay CCS Limited for an Order Granting Development  
Consent for the HyNet Carbon Dioxide Pipeline Project**

**1.6.10**

*Statutory Undertakers*

*The ExA would ask all Statutory Undertakers to:*

- a) provide copies of their preferred wording or, if they have previously provided wording to the Applicant, explain why the wording in the current version of the draft DCO should not be used;*
- b) where relevant, advise what site-specific circumstances, in regard to Protective Provisions, have not been taken into account; and*
- c) provide confirmation that the parties are willing to enter into a side agreement, or has commenced preparation of such a side agreement, or already entered into such a side agreement to the satisfaction of the relevant parties.*

a) Please find attached to National Highways' Written Representation at Appendix 1 a copy of the protective provisions required by National Highways. These have been sent to the Applicant and at the date of writing are with them for review. Please see National Highways' Written Representation for further detail of the protective provisions requested.

b) National Highways is in discussion with the Applicant regarding the protective provisions required by National Highways and these are with the applicant for review. Discussions are ongoing on some aspects, in particular, with regard to 'NH 3.4.1' of the SoCG for which further provision may need to be made and National Highways reserves its right to request such further provision if required.

c) National Highways confirms that there is no side agreement in place and as such there is currently no protection afforded to National Highways on the strategic road network.

**1.19.14**

*Applicant and the relevant Highway Authorities*

*Article 2 (Interpretation) – Definition of 'Highway authority' – This definition is noted, but the ExA would ask whether or not NHs and/ or The Welsh Government should be included in this definition.*

National Highways are the Highway Authority for England's motorways and certain major A-roads known as the strategic road network (SRN). National Highways were established under the Infrastructure Act 2015, and appointed and licensed as a strategic highways company by the Secretary of State for Transport on 1 April 2015.

The definition of a Highway Authority within the DCO is recorded as:

“highway authority” means in any given provision of this Order (including the requirements), the local highway authority for the area to which the provision relates;.

This definition does not make it clear that National Highways are the appropriate Highway Authority for both the M56 and M53 motorways where the pipeline is proposed, as opposed to the local highway authority (Cheshire West & Chester).

National Highways suggests that the definition be amended to refer to a “highway authority” having the same meaning as in the 1980 Act which would bring it in line with other DCOs.

Questions 1.17.1, 1.17.2, 1.17.3, 1.17.4 and 1.17.5 have also been flagged as questions for National Highways/the relevant highway authority as appropriate. Having reviewed, National Highways does not believe they are relevant to the strategic road network and does not have any further comments on these.

Should it assist the Examining Authority, National Highways will respond to any further written questions that the panel wishes to ask and is willing to attend an appropriate hearing to detail the impacts of the DCO to National Highways.

17 April 2023

National Highways