

## **DRAFT STATEMENT OF COMMONALITY FOR STATEMENTS OF COMMON GROUND**

### **HyNet Carbon Dioxide Pipeline**

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010 - Rule 8(1)(c)

Document Reference Number D.7.2

Applicant: Liverpool Bay CCS Limited

Inspectorate Reference: EN070007

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PUBLIC

# QUALITY CONTROL

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# 1. INTRODUCTION

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## 1.1. PURPOSE OF THIS DOCUMENT

- 1.1.1. This Statement of Commonality has been prepared in order to provide the Examining Authority (ExA) with the current position on Statements of Common Ground (SoCG) between Liverpool Bay CCS Limited (“the Applicant”) and relevant statutory consultees, statutory undertakers and interested parties (“other parties”) in relation to the proposed HyNet Carbon Dioxide Pipeline (the “DCO Proposed Development”).
- 1.1.2. The Rule 6 Letter dated 20 February 2023 requires the submission of SoCGs requested by the ExA and a Statement of Commonality for SoCGs at Deadline 1 with further updates at each subsequent deadlines (Deadline 2, 3, 4, 5 and 6) up to the submission of finalised SoCGs at Deadline 7 on 5 September 2023.
- 1.1.3. This document provides a current position on the commonality on specific points between SoCGs at Examination Deadline 1 (17 April 2023).

## 1.2. STRUCTURE OF THIS DOCUMENT

- 1.2.1. The remainder of this document is structured as follows:
- Section 1 sets out the purpose of the document.
  - Section 2 provides an up to date list of SoCGs.
  - Section 3 sets out the current position of the SoCGs.
  - Section 4 sets out the commonality between SoCGs and a summary of the current position.

## 2. LIST OF STATEMENTS OF COMMON GROUND

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### 2.1. LIST OF SoCGs

- 2.1.1. In accordance with the guidance published by the Department for Communities and Local Government<sup>1</sup> (DCLG), the Applicant has prepared SoCGs with a number of statutory consultees, statutory undertakers and interested parties during the preparation of the DCO and during the Examination stage.
- 2.1.2. The SoCGs identify matters on which parties agree and document the position of each party where agreement has not been reached.
- 2.1.3. **Table 2-1** provides a list of SoCGs that are in place, along with identifying other bodies where a SoCG was requested but which were not considered necessary.

**Table 2-1: List of SoCGs at Deadline 1**

Document Reference	SoCG Party	Position
D.7.2.1	Flintshire County Council (FCC)	SoCG under discussion
D.7.2.2	Cheshire West and Chester Council (CWCC)	SoCG under discussion
D.7.2.3	Natural England	SoCG under discussion
D.7.2.4	Natural Resources Wales	SoCG under discussion
D.7.2.5	Environment Agency	SoCG under discussion
D.7.2.6	Historic England	SoCG under discussion
D.7.2.7	CADW	SoCG under discussion
D.7.2.8	Peel NRE Limited	SoCG under discussion
D.7.2.9	National Highways	SoCG under discussion

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<sup>1</sup> Department for Communities and Local Government. Planning Act 2008: Guidance for the examination of applications for development consent. London: Department for Communities and Local Government, 2015

<b>D.7.2.10</b>	Welsh Government	SoCG under discussion
<b>D.7.2.11</b>	Canal & River Trust	SoCG under discussion
<b>D.7.2.12</b>	Cadent Gas	SoCG under discussion
<b>D.7.2.13</b>	Essar Oil (UK) Limited	SoCG under discussion
<b>D.7.2.14</b>	Welsh Water	SoCG under discussion but not submitted at Deadline 1
<b>D.7.2.15</b>	British Pipeline Agency	SoCG under discussion
<b>D.7.2.16</b>	National Grid Electricity Transmission	SoCG under discussion
<b>D.7.2.17</b>	United Utilities	SoCG under discussion
<b>D.7.2.18</b>	Exolum Pipeline Systems	SoCG under discussion but not submitted at Deadline 1
<b>D.7.2.19</b>	National Gas Transmission	SoCG under discussion
<b>D.7.2.20</b>	Scottish Power Energy Networks (SPEN)	SoCG under discussion but not submitted at Deadline 1
<b>D.7.2.21</b>	Lane End Development Ltd	SoCG under discussion but not submitted at Deadline 1
<b>D.7.2.22</b>	Enso Energy (land at Picton)	SoCG under discussion but not submitted at Deadline 1
<b>D.7.2.23</b>	Wales & West Utilities	SoCG under discussion but not submitted at Deadline 1
<b>D.7.2.24</b>	Shell	SoCG under discussion but not submitted at Deadline 1

<b>D.7.2.25</b>	Anesco (Land at Thornton Le Moors)	SoCG under discussion but not submitted at Deadline 1
<b>D.7.2.26</b>	Network Rail (England and Wales)	SoCG under discussion
<b>D.7.2.27</b>	2 Sisters Food Group (Amber Real Estate)	SoCG under discussion
<b>D.7.2.28</b>	Vertex Hydrogen Limited	SoCG under discussion but not submitted at Deadline 1
<b>D.7.2.29</b>	CF Fertilisers UK Limited	SoCG under discussion
<b>D.7.2.30</b>	Health and Safety Executive	SoCG under discussion but not submitted at Deadline 1
<b>D.7.2.31</b>	Maritime and Coastguard Agency	SoCG not considered necessary by the stakeholder
<b>D.7.2.32</b>	Royal Mail Group Limited	SoCG under discussion but not submitted at Deadline 1
<b>D.7.2.33</b>	The Coal Authority	SoCG not considered necessary by the stakeholder
<b>D.7.2.34</b>	The Woodland Trust	SoCG under discussion but not submitted at Deadline 1
<b>D.7.2.35</b>	UK Health Security Agency	SoCG not considered necessary by the stakeholder
<b>D.7.2.36</b>	Encirc	SoCG under discussion but not submitted at Deadline 1





### 3. SUMMARY OF CURRENT POSITION

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- 3.1.1. This section provides the current position of each SoCG. Where further progress has been made with a SoCG party, the updated version of the SoCG (as at Deadline 1 on 17 April 2023) has been submitted alongside this document.
- 3.1.2. **Table 3.1** provides a high level position and where necessary includes further detail to aid understanding of the ExA. In summary, the high level positions for each SoCG are as follows:
- SoCG in draft – The SoCG is drafted on behalf of the Applicant; it has been shared with the other party and comments are in progress.
  - SOCG in discussion – The SoCG is drafted on behalf of the Applicant, but has not been shared with the other party This is because the stakeholder has either not engaged, or has not yet identified a suitable person to progress or complete the SoCG, or was not clear on their requirement for an SoCG or input required to the SoCG at this stage. In all cases, the Applicant will continue to seek and progress dialogue to confirm and establish requirements.
  - Final Signed SoCG all matters agreed – The final SoCG has been signed by both parties and all matters are agreed.
  - Final Signed SoCG with matters outstanding – The final SoCG has been signed by both parties, and there remain matters outstanding that the Applicant and the other party agree will not be resolved during Examination.

**Table 3-1: Status of SoCGs at Deadline 1 (5 September 2023)**

<b>Document Reference</b>	<b>SoCG Party</b>	<b>Position at Deadline 1 (17 April 2023)</b>	<b>Position at Deadline 2 (2 May 2023)</b>	<b>Position at Deadline 3 (16 May 2023)</b>	<b>Position at Deadline 4 (20 June 2023)</b>	<b>Position at Deadline 5 (4 July 2023)</b>	<b>Position at Deadline 6 (11 July 2023)</b>	<b>Position at Deadline 7 (5 September 2023)</b>
<b>D.7.2.1</b>	Flintshire County Council	Draft SoCG to be submitted at Deadline 1						
<b>D.7.2.2</b>	Cheshire West and Chester Council	Draft SoCG to be submitted at Deadline 1						
<b>D.7.2.3</b>	Natural England	Draft SoCG to be submitted at Deadline 1						
<b>D.7.2.4</b>	Natural Resources Wales	Draft SoCG to be submitted at Deadline 1						
<b>D.7.2.5</b>	Environment Agency	Draft SoCG to be submitted at Deadline 1						
<b>D.7.2.6</b>	Historic England	Draft SoCG to be submitted at Deadline 1						
<b>D.7.2.7</b>	Cadw	Draft SoCG to be submitted at Deadline 1						
<b>D.7.2.8</b>	Peel NRE Limited	Draft SoCG to be submitted at Deadline 1						
<b>D.7.2.9</b>	National Highways	Draft SoCG to be submitted at Deadline 1						
<b>D.7.2.10</b>	Welsh Government	Draft SoCG to be submitted at Deadline 1						
<b>D.7.2.11</b>	Canal & River Trust	Draft SoCG to be submitted at Deadline 1						
<b>D.7.2.12</b>	Cadent Gas	Draft SoCG to be submitted at Deadline 1						
<b>D.7.2.13</b>	Essar Oil (UK) Limited	Draft SoCG to be submitted at Deadline 1						
<b>D.7.2.14</b>	Welsh Water	Draft SoCG in discussion – not submitted at Deadline 1						
<b>D.7.2.15</b>	British Pipeline Agency	Draft SoCG to be submitted at Deadline 1						
<b>D.7.2.16</b>	National Grid Electricity Transmission	Draft SoCG to be submitted at Deadline 1						

Document Reference	SoCG Party	Position at Deadline 1 (17 April 2023)	Position at Deadline 2 (2 May 2023)	Position at Deadline 3 (16 May 2023)	Position at Deadline 4 (20 June 2023)	Position at Deadline 5 (4 July 2023)	Position at Deadline 6 (11 July 2023)	Position at Deadline 7 (5 September 2023)
D.7.2.17	United Utilities	Draft SoCG to be submitted at Deadline 1						
D.7.2.18	Exolum Pipeline Systems	Draft SoCG in discussion – not submitted at Deadline 1						
D.7.2.19	National Gas Transmission	Draft SoCG to be submitted at Deadline 1						
D.7.2.20	Scottish Power Energy Networks (SPEN)	Draft SoCG in discussion – not submitted at Deadline 1						
D.7.2.21	Lane End Development Ltd	Draft SoCG in discussion – not submitted at Deadline 1						
D.7.2.22	Enso Energy (land at Picton)	Draft SoCG in discussion – not submitted at Deadline 1						
D.7.2.23	Wales & West Utilities	Draft SoCG in discussion – not submitted at Deadline 1						
D.7.2.24	Shell	Draft SoCG in discussion – not submitted at Deadline 1						
D.7.2.25	Anesco (Land at Thornton Le Moors)	Draft SoCG in discussion – not submitted at Deadline 1						
D.7.2.26	Network Rail (England and Wales)	Draft SoCG to be submitted at Deadline 1						
D.7.2.27	2 Sisters Food Group / Amber Real Estate	Draft SoCG to be submitted at Deadline 1						
D.7.2.28	Vertex Hydrogen Limited	Draft SoCG in discussion – not submitted at Deadline 1						
D.7.2.29	CF Fertilisers UK LTD	Draft SoCG to be submitted at Deadline 1						
D.7.2.30	Health and Safety Executive	Draft SoCG in discussion – not submitted at Deadline 1						
D.7.2.31	Maritime and Coastguard Agency	Maritime and Coastguard Agency has confirmed that a SoCG with the Applicant is not considered necessary (See confirmation in Appendix A to this document).						
D.7.2.32	Royal Mail Group Limited	Draft SoCG in discussion – not submitted at Deadline 1						
D.7.2.33	The Coal Authority	The Coal Authority has confirmed that a SoCG with the Applicant is not considered necessary (see confirmation in Appendix A to this document).						

Document Reference	SoCG Party	Position at Deadline 1 (17 April 2023)	Position at Deadline 2 (2 May 2023)	Position at Deadline 3 (16 May 2023)	Position at Deadline 4 (20 June 2023)	Position at Deadline 5 (4 July 2023)	Position at Deadline 6 (11 July 2023)	Position at Deadline 7 (5 September 2023)
D.7.2.34	The Woodland Trust	Draft SoCG in discussion – not submitted at Deadline 1						
D.7.2.35	UK Health Security Agency	The UK Health Security Agency has confirmed that a SoCG with the Applicant is not considered necessary (see confirmation in Appendix A to this document).						
D.7.2.36	Encirc	Draft SoCG in discussion – not submitted at Deadline 1						

## 4. COMMONALITY

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### 4.1. SUMMARY

- 4.1.1. This section of the document provides a summary of principal issues covered in the SoCGs and demonstrates where there is commonality in the topics or matters being discussed with the various parties.
- 4.1.2. The summary in **Table 4-1** has been produced following a request from the ExA within the Rule 6 Letter dated 20 February 2023 and relates to those SoCGs being progressed, as summarised in Section 3.
- 4.1.3. The table presents topics covered within the various SoCGs (✓) and shows how these are relevant to each party and a position for each topic as follows:

	Matter agreed
	Matter subject to further discussion
	Matter not agreed

- 4.1.4. Where a matter is not relevant to a party, it is not included within the SoCG and therefore not covered in **Table 4-1** and shown as a blank.





# APPENDIX A: CONFIRMATION ON NO SOCG'S REQUIRED

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The Coal  
Authority



INVESTOR IN PEOPLE



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**THE HYNET CARBON DIOXIDE PIPELINE DEVELOPMENT CONSENT ORDER  
Planning Inspectorate Reference Number: EN070007  
NOTICE OF ACCEPTANCE OF AN APPLICATION  
FOR A DEVELOPMENT CONSENT ORDER BY THE PLANNING  
INSPECTORATE (ON BEHALF OF THE SECRETARY OF STATE FOR  
BUSINESS ENERGY AND INDUSTRIAL STRATEGY)**

**Under Section 56 of the Planning Act 2008, Regulation 8 of the Infrastructure  
Planning (Applications: Prescribed Forms and Procedure) Regulations 2009  
and Regulation 16 of the Infrastructure Planning (Environmental Impact  
Assessment) Regulations 2017**

Dear Sir / Madam

The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

Further to the notification received 09 December 2022 from Liverpool Bay CCS Ltd seeking the views of the Coal Authority on the above, I have reviewed Drawing No. HYNET-WSP-VES-XX-DR-GI-0757 Revision 1 (Pipeline Location Plan: Ince to Talacre. I can confirm that parts of the project site fall within the Development High Risk Area as defined by the Coal Authority. Within the specific parts of the site (detailed below), there are recorded coal mining features present at surface and shallow depth which should be considered as part of future development on the site. These features pose a potential risk to surface stability and public safety.

The application is accompanied by Coal Mining Risk Assessment (CMRA) (D.6.3.11.2, revision A (Environmental Statement – Volume III) prepared for the project by WSP UK

Limited. The Report has been informed by an extensive range of source of historical, geological and coal mining information.

Having carried out a review of the available information, the Report informs that only some sections of the pipeline corridor are affected by former coal mining activity. The report notes that in some cases there are recorded shafts or adits present near the pipeline corridor. We hold treatment details for some of these features but for others there are no records available of what treatment, if any, has taken place. The Coal Authority is of the opinion that development over, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with our adopted policy:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries> We are pleased to note that the report author informs that the pipeline corridor has, where possible, been adjusted to avoid known shafts/adits.

The following sections of the current route of the pipeline lie within the Development High Risk Area and the recorded coal mining features present are as follows:

**SHEET 16 and 17 of 37** - WORKS PLAN REGULATION 5(2)(i) APPLICATION DOCUMENT REFERENCE D.2.4. Specific area: Works No. 35 and 36 [Identified as Area 1 – Mancot Lane to Lower Ashton Hall Lane section 4.1.1 of the CMRA]

Our records indicate there are two mine entries (CA shaft ref: 331367-058 and 331367-059); probable shallow coal mining; thick coal seams that may have been worked at shallow depth. The site is also within the boundary of a site from which coal has been removed by surface mining (opencast) methods. In addition, the Coal Authority has in the past been called upon to deal with a surface hazard within the site boundary. The CMRA submitted concurs with our records.

**SHEET 18 of 37** - WORKS PLAN REGULATION 5(2)(i) APPLICATION DOCUMENT REFERENCE D.2.4 Specific area: Works No. 41, 41D and 42 [Identified as Area 2 – Old Aston Hill road to Northop Hall Section 4.1.2 of the CMRA]

Our records indicate the presence of four recorded mine entries (three on-site mine entries: CA ref: 329367-062, 328366-179; and 328366-223 and one off-site mine entry: CA shaft ref: 329367-268. In addition, probable shallow coal mining intersects part of Work No. 41 area (land to the south of Holywell Road / junction of access road to 'Bellsfield'); and a coal seam of workable thickness is noted to outcrop at or close to the south western corner (area of Work No. 42) which may have been worked at shallow depths. The CMRA submitted concurs with our records, however we note that the report author states that it is unlikely that unrecorded shallow coal mining has taken place beneath the site.

**SHEET 19 of 37** - WORKS PLAN REGULATION 5(2)(i) APPLICATION DOCUMENT REFERENCE D.2.4 Specific area: Works No. 57K, 43B, 43A and 57J [Identified as Alltami Brook: Section 5.0 of the CMRA]

Our records indicate that there are six mine entries (three on-site mine adits CA ref: 327367-053, 327367-048 and 327367-049) and three off-site adits CA ref: 327366-235, 327366-235 and 327367-234); recorded shallow coal mining; and a coal seam of workable thickness outcrops at or close to the site that may also have been worked at shallow depths. These mining features are present within the area to the west and east of Pinfold Lane and north of Magazine Lane, Ewloe.

The CMRA identifies the two mine adits and comments that a geophysics survey was carried out to confirm the presence of these features. The report author states that no indication of the mine adits were found, although a potential void was located in the north eastern corner of the field. However it is noted that due to sight constraints, a full survey was not completed.

**SHEET 36 and 37 of 37** - WORKS PLAN REGULATION 5(2)(i) APPLICATION DOCUMENT REFERENCE D.2.4 Specific area: Existing Pipeline[Identified as Point of Ayr Section 4.2 of the CMRA]

Our records indicate that the zone of influence of a recorded mine entry (CA shaft ref: 311382-011) extends into the red line boundary and the site lies within an area of probable shallow coal mine workings.

The CMRA states that the site does not lie within an area of probable historic unrecorded shallow coal mining however there are two recorded mine entries within the site. The Report makes reference to Coal Mining Report ref: 51002948750001, however I have not been able to find this specific Report in Appendix B. Nevertheless, it is acknowledged that this part of the project is the existing pipeline, which is to be decommissioned and then commissioned with a new plant (temporary storage compound). It therefore appears that no changes or new development is being proposed in this area.

After reviewing the specific areas of pipeline affected by former coal mining activity, we are pleased to note that recommendations have been made by the report authors for the pipeline routing to avoid these areas where possible. In the event that the pipeline cannot avoid the areas, recommendations have been made within the report that intrusive ground investigations will be required in order to confirm the ground conditions present and inform any remedial measures required to mitigate the risk posed to the pipeline and associated infrastructure.

Where recorded mine entries are present, recommendations have been made for these will need to be cordoned off and careful excavation around these areas performed, if necessary, for the pipeline installations. It is noted that the report author states that the zone of the potential shafts should be determined from the Coal Authority's reports. We consider it would be prudent however for the report authors, or other technically competent persons, to carry out a positional review of all recorded mine entries in order that the best plot positions of these features can inform the cordoned off areas, amended route or the extent of any intrusive ground investigations.

We welcome the comments made that unrecorded mining features could be present and therefore vigilance should be maintained during site preparation and groundworks within the identified areas.

The intrusive site investigations should be designed and undertaken by competent persons to ensure that these are appropriate to assess the ground conditions on the site to establish the coal-mining legacy present and the risks it may pose to the development and inform any mitigation measures that may be necessary.

Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property.

Based on the information submitted, the Coal Authority considers that the applicant has identified the coal mining risks associated with the project site and set out appropriate measures to mitigate the risk that these may have to the development.

It is recommended that the measures proposed (Section 6.5) within the submitted Coal Mining Risk Assessment (CMRA) (D.6.3.11.2, revision A (Environmental Statement – Volume III) prepared by WSP UK Limited to address the risks posed to the development by past coal mining activity are included as requirements of any Order granted for the project.

I hope that this is helpful, however please do not hesitate to contact me if you required any further assistance with this matter.

Yours faithfully

D Roberts

**Deb Roberts** M.Sc. MRTPI

**Planning & Development Manager**

**Date: 11 January 2023**

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.



Maritime &  
Coastguard  
Agency

Helen Croxson  
**Maritime and Coastguard Agency**  
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Callam Pearce  
Infrastructure Planning and Engagement  
WSP

[www.gov.uk/mca](http://www.gov.uk/mca)

17 March 2023

Dear Callam,

### **HyNet Carbon Dioxide Pipeline Development Consent Order**

Thank you for your time during our meeting on 16<sup>th</sup> March 2023 where you provided a useful overview of the HyNet Northwest project and its various components.

As stated in our relevant representation, the MCA has an interest in the works associated with the marine environment, and the potential impact on the safety of navigation, access to ports, harbours and marinas and any impact on our search and rescue obligations. The MCA would expect any works in the marine environment to be subject to the appropriate licensing and planning consents before carrying out any marine licensable works.

We note that this DCO proposed development relates to the onshore CO2 pipeline element of HyNet only and that the other elements of HyNet are subject to separate consenting processes. As part of this application, works will be undertaken in close proximity to the River Gowy, the Shropshire and Union Canal and the River Dee. However, there are no works being undertaken within the watercourse which will impact vessels and other marine users in any way. A marine licence will be obtained for the HDD / micro tunnelling under the River Dee, and the MCA will be formally consulted by the Marine Management Organisation to consider any impact on vessels and other marine users.

Therefore, on this occasion, I can confirm that the MCA is content our remit will be suitably addressed through the marine licensing regime and that there is no need to progress with a Statement of Common Ground for this DCO for the HyNet project.

Yours sincerely,

[Redacted signature]

Helen Croxson  
Marine Licensing and Space Launch lead  
UK Technical Services Navigation

Dent, Harry

---

From: Adrienne Dunne [REDACTED]@ukhsa.gov.uk>  
Sent: 04 April 2023 16:19  
To: David Walker; Laver, Julia; Corless, Natalie  
Cc: Nsipconsultations; Chemicals.london; Netherton, Andrew; Pearce, Callam  
Subject: RE: HyNet CO2 Pipeline Requirement for SoCG <> UKHSA

Hi David, Natalie and Julia,  
Thank you for your time this morning to discuss the requirement for a SoCG for the Hynet CO2 pipeline project. Based on our discussions, UKHSA and OHID intend to provide a letter providing context around our Rol response and proposing that a SOCG between us is not required.  
I am proposing to address the letter to David but if this should be someone else please let me know.  
Kind regards  
Adrienne



**Adrienne Dunne**  
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