

DRAFT STATEMENT OF COMMON GROUND WITH PEEL NRE LIMITED

HyNet Carbon Dioxide Pipeline DCO

Planning Act 2008

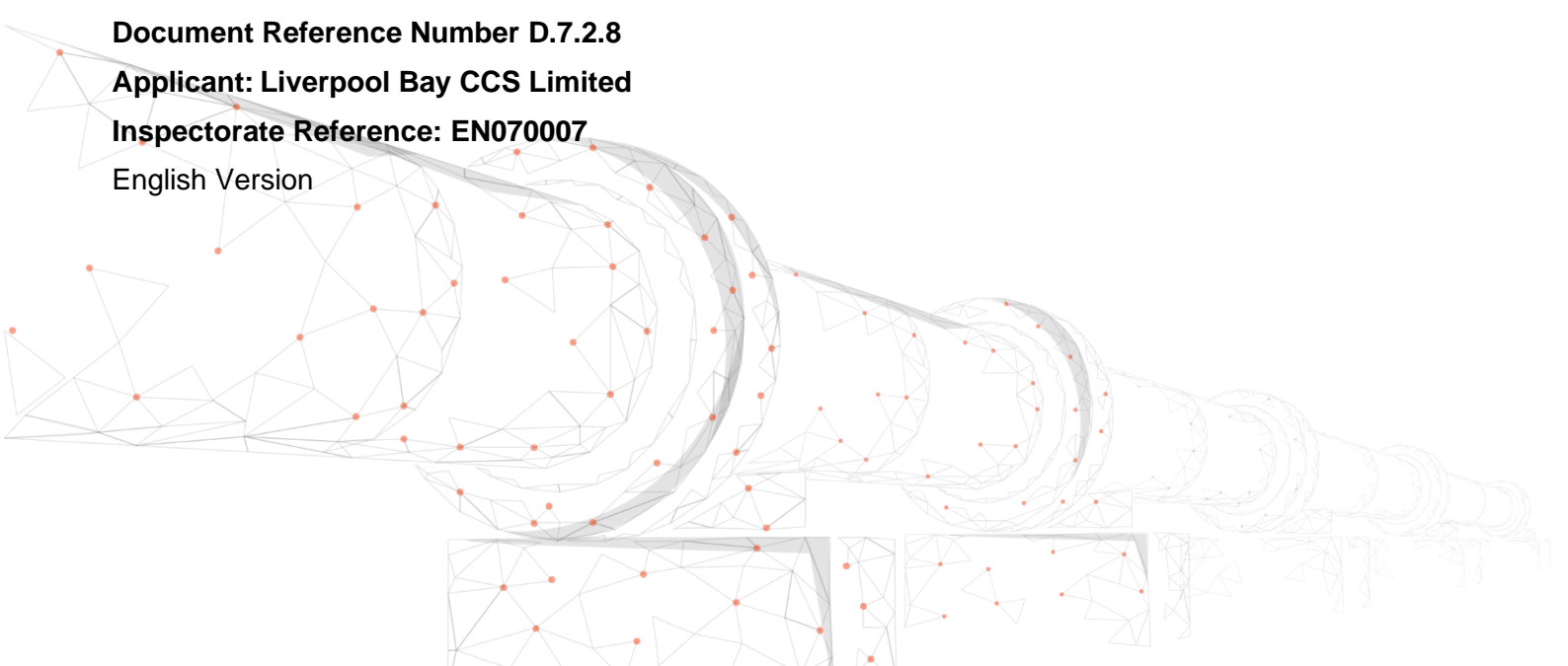
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1. INTRODUCTION

1.1. PURPOSE OF THIS DOCUMENT

- 1.1.1 This draft Statement of Common Ground (SoCG) has been prepared by Liverpool Bay CCS Limited (the Applicant) and Peel NRE Limited (Peel).
- 1.1.2 For the purpose of this draft SoCG, the Applicant and Peel will jointly be referred to as the 'Parties'
- 1.1.3 The purpose of this draft SoCG is to set out the agreement that has been reached between the Parties in respect of a number of matters related to the Development Consent Order (DCO) Proposed Development. It also lists any points on which discussions are ongoing. SoCGs are an established means in the DCO planning process of allowing all Parties to identify and focus on specific issues that may need to be addressed during the examination.
- 1.1.4 **Chapter 2** of this draft SoCG records the consultation undertaken with Peel by the Applicant. **Chapter 3** of this draft SoCG sets out the areas of agreement in relation to the above matters, and any areas of ongoing discussion between the Parties.

1.2. THE DCO PROPOSED DEVELOPMENT

- 1.2.1 HyNet (the Project) is an innovative low carbon hydrogen and carbon capture, transport and storage project that will unlock a low carbon economy for the North West of England and North Wales and put the region at the forefront of the UK's drive to Net-Zero. The details of the project and the DCO Proposed Development which forms part of the wider HyNet ambition, can be found in the main DCO documentation.
- 1.2.2 The DCO Proposed Development impacts Peel primarily as a land owner and property developer of the Phase 4 Development, Protos Site, Grinsome Road, Chester CH2 4RB.
- 1.2.3 The Applicant has identified the following plots in which Peel hold an interest:
- Peel L&P Environmental Protos Limited: 1-01
 - Peel L&P Gas and Oil (Investments) Limited: 1-04, 1-05, 1-08, 1-09, 1-10, 1-11, 1-12, 1-13, 1-14, 1-15, 1-16, 1-17, 1-18
 - Peel NRE Limited: 1-01, 1-03, 1-04, 1-05, 1-06, 1-08, 1-09, 1-10, 1-11, 1-12, 1-13, 1-14, 1-15, 1-16, 1-17, 1-18, 1-19
- 1.2.4 The DCO would authorise the construction and operation of the Ince Above Ground Installation (AGI) (Work No. 1) within Peel's Protos Phase 4 development. With reference to the Works Plan [**APP-010, Sheet 1**], this AGI will be installed in the area labelled as Work No.1, with its access secured within the

areas labelled Work Nos.2 and 3. The CO₂ pipeline will run south from the Ince AGI as Work No. 4.

The Applicant is seeking powers of compulsory acquisition over land where Peel holds an interest as follows:

- a) Peel freehold land: 1-01, 1-04, 1-05, 1-08, 1-09, 1-10, 1-11, 1-12, 1-13, 1-14, 1-15, 1-16, 1-17, 1-18, 1-19
 - i) CA all interests in plots 1-09, 1-10, 1-14
 - ii) CA freehold of subsurface interests and rights/restrictive covenants in plots 1-11, 1-12, 1-13, 1-15, 1-18, 1-19
 - iii) CA of rights/imposition of restrictive covenants in plots 1-01, 1-04
- b) Other land in which Peel holds an interest but is not the freehold owner: 1-02, 1-03, 1-06
 - i) CA all interests in plots: N/A
 - ii) CA freehold of subsurface interests and rights/restrictive covenants in plots: N/A
 - iii) CA of rights/imposition of restrictive covenants in plots 1-02, 1-03, 1-06

The Applicant will require the creation of rights and imposition of restrictive covenants over a corridor of 24.4m width over Peel land from Work No. 1 to the railway crossing that marks the boundary of Peel's ownership (at the southern extent of plot no 1-18).

This 24.4m easement will be taken within the 100m construction corridor once the final route of the pipeline is known in order to allow access to and along the pipeline in operation and to protect the pipeline from interference or damage.

1.2.5 A full description of the DCO Proposed Development is detailed in Chapter 3 of the Environmental Statement (ES) **[APP-055]**.

1.3 TERMINOLOGY

1.3.1 In the Issues tables in **Chapter 3** of this draft SoCG, 'Agreed' and 'Not Agreed' indicates a final position, and 'Under Discussion' indicates where these points will be the subject of on-going discussion wherever possible to resolve or refine, the extent of disagreement between the Parties.

2. RECORD OF ENGAGEMENT

2.1.1 This Chapter provides a summary of the engagement undertaken to date between the Parties in relation to the DCO Proposed Development.

Table 2-1 – Record of Engagement in relation to the Proposed Development

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
July 2021 – Oct 2021	Various Adhoc meetings and communication between the Applicant and Peel	General discussions on the purpose and requirements of the AGI.
Nov 2021 – April 2022	Formalised monthly meetings started	Formalised discussions on the Engineering design and site requirements of the AGI.
03/05/2022	Hybrid Meeting between Peel and the Applicant (over Microsoft Teams and face to face at Thornton Science Park, Pool Lane, Chester, CH2 4NU)	<p>Key Topics</p> <ul style="list-style-type: none"> • Regular monthly meeting – wider HyNet - Protos development integration • Phase 4 CO₂ T&S Integration regular agenda Item <p>Discussions and Outcomes</p> <p>Discussion of ongoing Front End Engineering Design (FEED) engineering of pipeline routing and of Ince AGI design. Update on timelines regarding when Heads of Terms (HoT) will be issued to Peel Agreed focused meetings between Peel’s team and Applicant’s engineering team on pipeline route deconfliction with Protos Phase 4 development projects..</p>
06/05/2022	Microsoft Teams meeting between Peel and the Applicant	<p>Key Topics</p> <ul style="list-style-type: none"> • Discussion to deconflict the CO₂ pipeline route and Ince AGI and the Protos Phase 4 development proposals. <p>Discussions and Outcomes</p> <p>A meeting was held to discuss the routing and positioning of the CO₂ pipeline and location of the Ince AGI to best serve the emitters which it is envisaged could be in future located on the Peel’s Protos site and the adjacent CF plant source of emissions.</p>
07/06/2022	Hybrid Meeting between Peel and the Applicant (over Microsoft Teams and face to face at Thornton Science Park, Pool Lane, Chester, CH2 4NU)	<p>Key Topics</p> <ul style="list-style-type: none"> • Regular monthly meeting – wider HyNet - Protos development integration • Phase 4 CO₂ Transport & Storage (T&S) Integration regular agenda Item <p>Discussions and Outcomes</p> <p>Confirmation of completion of FEED engineering of pipeline routing and of Ince AGI design. Update on timelines regarding when HoT will be issued to Peel. Discussed focused meetings between Peel’s team and Applicant’s engineering team on route deconfliction.</p>
27/06/2022	Microsoft Teams meeting between Peel and the Applicant	<p>Key Topics</p> <ul style="list-style-type: none"> • Peel briefed the Applicant on the drainage strategy and further insight the Applicant has on drainage in the Protos Phase 4 area. <p>Key Outcomes</p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		<p>The meeting was held to discuss the management of surface water levels within the Ince and Frodsham marshes. Details including use of ditches and pumps for current level management, possible abandoning of pumps by Environment Agency, whose thoughts on the development were discussed.</p> <p>Peel briefed the Applicant on the drainage strategy.</p> <p>Proposed future approach discussed. Further information on potential flood risk to be collected by the Applicant from Peel Port.</p>
05/07/2022	Hybrid Meeting between Peel and the Applicant (over Microsoft Teams and face to face at Thornton Science Park, Pool Lane, Chester, CH2 4NU)	<p>Key Topics</p> <ul style="list-style-type: none"> • Regular monthly meeting – wider HyNet - Protos development integration • Phase 4 CO₂ T&S Integration regular agenda Item <p>Discussions and Outcomes</p> <p>Update on timelines regarding when the Applicant will issue HoTs to Peel (Applicant advised FEED engineering completion)</p> <p>It was noted and agreed that with the deconfliction and FEED design complete, there was less scope for movement of the CO₂ pipeline and AGI.</p>
15/07/2022	Hybrid Meeting between Peel and the Applicant (over Microsoft Teams and face to face at Thornton Science Park, Pool Lane, Chester, CH2 4NU)	<p>Key Topics</p> <ul style="list-style-type: none"> • HoT draft <p>Discussions and Outcomes</p> <p>A meeting was held to discuss the details of the terms in the draft HoT document including the detail in the plans. Applicant to provide clarification on the land required and arrange discussion on provision of services.</p>
02/08/2022	Hybrid Meeting between Peel and the Applicant (over Microsoft Teams and face to face at Thornton Science Park, Pool Lane, Chester, CH2 4NU)	<p>Key Topics</p> <ul style="list-style-type: none"> • Regular monthly meeting – wider HyNet - Protos development integration Phase 4 CO₂ T&S Integration regular agenda Item <p>Discussions and Outcomes</p> <p>Update on timelines regarding when HoT will be issued to Peel</p> <p>Discussion of impact outcomes of ongoing CF Fertiliser site consultation. It was confirmed in all cases this land would not be made available for development for this DCO and no design changes were made.</p>
28/08/2022	Email Correspondence between Peel and the Applicant.	<p>Key Topics</p> <ul style="list-style-type: none"> • HoT <p>Discussions and Outcomes</p> <p>Formal Issue of HoT for Option Agreement and lease of pipeline and surface site.</p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
06/09/2022	Hybrid Meeting between Peel and the Applicant (over Microsoft Teams and face to face at Thornton Science Park, Pool Lane, Chester, CH2 4NU)	<p>Key Topics</p> <ul style="list-style-type: none"> Regular monthly meeting – wider HyNet - Protos development integration Phase 4 CO₂ T&S Integration regular agenda Item <p>Discussions and Outcomes</p> <p>The wider HyNet Project need for the routing and pipeline and the infrastructure from Ince AGI was confirmed. It was also discussed that the adjacent CF Fertilisers site owners were going through decommissioning and sale process; as such extra parcels of land would not be made available for the DCO Proposed Development.</p>
04/10/2022	Hybrid Meeting between Peel and the Applicant (over Microsoft Teams and face to face at Thornton Science Park, Pool Lane, Chester, CH2 4NU)	<p>Key Topics</p> <ul style="list-style-type: none"> Regular monthly meeting – wider HyNet - Protos development integration Phase 4 CO₂ T&S Integration regular agenda Item <p>Discussions and Outcomes</p> <p>Focus on the detailed layout of the Protos Phase 4 development was discussed. Peel enquired on the flexibility of ancillary land parcels regarding the pipeline routing.</p>
13/10/2022	In person Meeting between Peel and the Applicant at Thornton Science Park, Pool Lane, Chester, CH2 4NU	<p>Key Topics</p> <ul style="list-style-type: none"> HoT document review, after Peel's first review. <p>Discussions and Outcomes</p> <p>A meeting was held to discuss the points raised by Peel on the issued HoT document. The Applicant took away the responsibility to clarify on the flexibility and time requirement of the land (i.e., land required for access or during the construction phase only).</p>
01/11/2022	Hybrid Meeting between Peel and the Applicant (over Microsoft Teams and face to face at Thornton Science Park, Pool Lane, Chester, CH2 4NU)	<p>Key Topics</p> <ul style="list-style-type: none"> Regular monthly meeting – wider HyNet - Protos development integration Phase 4 CO₂ T&S Integration regular agenda Item <p>Discussions and Outcomes</p> <p>Further discussions on the impact on Peel land and Peel enquired about the flexibility of ancillary land parcels regarding the pipeline routing.</p>
22/11/2022	Microsoft Teams meeting between Peel and the Applicant	<p>Key Topics</p> <ul style="list-style-type: none"> Future use of land Access and drainage during construction and operation <p>Discussions and Outcomes</p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		<p>A meeting was held to discuss the future use of land owned by Peel affected by the DCO Proposed Development, including access and drainage, during construction and operation of the DCO Proposed Development and other known proposals.</p> <p>Further information on proposed land use to be provided by Peel and Applicant to review flexibility in the draft DCO to minimise potential conflicts.</p>
11/01/2023	Microsoft Teams meeting between Peel and the Applicant	<p>Key Topics</p> <ul style="list-style-type: none"> Regular monthly meeting – wider HyNet - Protos development integration Phase 4 CO₂ T&S Integration regular agenda item <p>Discussions and Outcomes</p> <p>Further discussions on the impact on Peel land surrounding the AGI location which Peel have requested to be relocated further to the south (approx. 5m) to allow for a services corridor to run between the AGI and the existing drainage ditch to the north. The Applicant raised concerns on moving the AGI further to the south as it would encroach within the exclusion zone of the existing overhead electricity line (40m minimum distance).</p> <p>The Applicant and Peel will continue discussions to facilitate both the AGI location and the services corridor. A further meeting is also to be arranged between Peel and the Applicant to discuss the HoT.</p>
26/01/2023	Microsoft Teams meeting between Peel and the Applicant	<p>Key Topics</p> <ul style="list-style-type: none"> Meeting to discuss key points within the HoT. <p>Discussions and Outcomes</p> <p>The Applicant and Peel discussed 5 key areas of the HoT to include:</p> <ul style="list-style-type: none"> The option fee – A valuation report has been carried out internally by Peel which the Applicant has requested a copy to review the basis of valuation. Peel have requested a counteroffer to be provided by the Applicant. The Applicant is continuing to negotiate with Peel on the consideration payment for the option fee. The option area – Negotiations are ongoing between Peel and the Applicant to allow the option area to reflect the location of the AGI and pipeline easement corridor. Access – Due to the development plans of the Peel site the access route to the AGI may change. It has been agreed that an access right from a “point A to point B” will be used to ensure the Applicant can retain access rights over Peels land. Lift and Shift Provisions – The Applicant is not looking to agree lift and shift provisions. Discussions are ongoing with Peel around this. Professional Fees - The Applicant has requested a cost undertaking from Peel for professional fees. Discussions are ongoing.

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
23/02/2023	Hybrid – In person (Thornton Science Park) and Microsoft Teams meeting between Peel and the Applicant	<p>Key Topics</p> <ul style="list-style-type: none"> Meeting to review first version of the Statement of Common Ground (SoCG). <p>Discussions and Outcomes</p> <p>The Applicant and Peel discussed key areas of the SoCG and adapted the wording accordingly.</p>
03/03/2023	Hybrid – In person (Venus Site) and Microsoft Teams meeting between Peel and the Applicant	<p>Key Topics</p> <ul style="list-style-type: none"> Meeting to review the updated version of the SoCG <p>Discussions and Outcomes</p> <p>The Applicant and Peel discussed key areas of the SoCG and adapted the wording accordingly.</p>
17/03/2023	Microsoft Teams meeting	<p>Key Topics</p> <ul style="list-style-type: none"> Meeting to discuss the Applicant’s electricity requirements on the Protos Phase 4 Site. <p>Discussions and Outcomes</p> <p>The Applicant and Peel discussed various electrical power connections for the AGI.</p>
11/04/2023	Microsoft Teams meeting	<p>Key Topics</p> <ul style="list-style-type: none"> Meeting to close out the first draft of SoCG and to plan commercial discussions. <p>Discussions and Outcomes</p> <p>The Applicant will send Peel the SoCG first draft for final approval. Peel will suggest meeting dates for commercial discussions.</p>

3. ISSUES

3.1.1 This chapter sets out the areas of agreement in relation to specific issues relating to the DCO Proposed Development, and any areas of ongoing discussion between the Parties. The topics discussed between the Applicant and Peel are as follows:

- Engagement, Land, ES & Other application documents;
- CO₂ Network Connections;
- Provision and Integration of Utilities;
- Right of Access;
- Surface Water and Flood risk and Drainage Strategy;
- Committed Developments (Protos 4 site and adjacent developments);
and
- Issues related to the DCO Proposed Development - Draft DCO (including requirements to the draft DCO).

Table 3-1 – Engagement, Land, ES & Other application documents

Ref.	Description of Matter	Current Position	Status
Engagement			
Peel 3.1.1	Engagement	The Parties agree that engagement has been ongoing in the pre-application period (as set out in the record of engagement) and the Applicant has sought to bring forward a design which has had regard to Peel's views. Peel has been formally consulted on the application as required by the Planning Act 2008 (PA2008).	Agreed
Land			
Peel 3.1.2	Land Requirements	As part of the DCO Proposed Development, Compulsory Acquisition is proposed. Peel objects to the proposed acquisition of land, interests and rights identified within the Land Plans [APP-008] . The Parties are continuing discussion regarding land required and its scheduling for holistic site planning. Ongoing discussions on the complex land interactions. The aspiration is to come to a voluntary agreement between both Parties.	Under Discussion
ES			
Peel 3.1.3	ES	Peel considers that appropriate regard has been had to its proposals in the cumulative assessment having regard to the level of information available. Peel are reviewing the conclusions of the ES.	Under Discussion
Other application documents			
Peel 3.1.4	Other application documents	Peel agrees that its interests are correctly reflected in the Book of Reference [AS-023] .	Agreed

Table 3-2 – CO₂ Network Connections

Ref.	Description of Matter	Current Position	Status
Peel 3.2.1	Development significance	In principle, Peel supports the DCO Proposed Development's ambitions and goals of delivering a CO ₂ Transport and Storage network to the area. Peel supports the principle of the DCO Proposed Development and its siting and routing.	Agreed
Peel 3.2.2	Pipe line route siting	The Parties are in discussion regarding the proposed 24.4m siting in a 100m corridor as shown in the DCO Land Plans [AS-010] , with adjacent developments on the Peel site under planning taking this routing into account.	Under Discussion

Ref.	Description of Matter	Current Position	Status
		The Applicant has agreed to align the pipeline to the ditch on the eastern extremity of the area located along the eastern side of plots 1-10, 1-13, 1-18 as shown on the Land Plans [AS-010] , and to route the pipe as close as practicable to this ditch.	
Peel 3.2.3	Ince AGI detailed connections and design	<p>The Parties agree that the Ince AGI (Work No.1) shown on the Work Plans [AS-012] can be accommodated within the Work area. The Parties continue to work together on elements of the detailed design to ensure that the AGI and any future developments can co-exist. The Applicant has been working extensively with Peel to minimise the impact of the DCO Proposed Development on adjacent developments.</p> <p>The Applicant will continue to consult Peel on the developing design of the infrastructure during detailed design. There is an expected high level confirmation of integration of site layout expected after the Department of Energy Security and Net Zero (DESNZ) announcement, to be reviewed if changed after announcement.</p>	Under Discussion
Peel 3.2.4	Construction scheduling	The Parties agree that both the DCO Proposed Development, other future DCO applications impacting the site and Peel's proposals for its site can coexist, and that construction works can be managed to prevent conflict between them.	Agreed
Peel 3.2.5	Construction scheduling	The Parties are working together to review their relevant construction timelines and interactions between these, but consider that in principle these can be appropriately managed. Accordingly, Peel has no objection to the DCO on this point.	Under Discussion

Table 3-3 – Provision and Integration of Utilities

Ref.	Description of Matter	Current Position	Status
Peel 3.3.1	Utility requirements	<p>The Applicant considers that the routing and provision of utilities (specifically electrical power and telecoms) used by the AGI will not impact the existing Protos site and that the size of the power demand is manageable within Peel's plans with the site development and their discussion with third party utility providers.</p> <p>Peel and the Applicant are working together to define utility corridors in and around the DCO Proposed Development.</p>	Under Discussion
Peel 3.3.2	Utility connection	<p>The Parties are engaging in ongoing discussions on the integration of the utilities to the wider Protos development.</p> <p>The Applicant will be arranging telecoms themselves to the AGI.</p> <p>Peel is reviewing provision for electrical power connection to the AGI.</p> <p>The Applicant and Peel are working together on the best connection but agree there is no in principle impediment to a connection.</p>	Under Discussion
Peel 3.3.3	Utility scheduling	The Parties are engaging in ongoing discussions on the time for electrical power connection	Under Discussion
Peel 3.3.3	Utility scheduling	The Parties are engaging in ongoing discussions on the time for telecoms installation	Under Discussion

Table 3-4 - Right of Access

Ref.	Description of Matter	Current Position	Status
Peel 3.4.1	Ince AGI location	<p>The Applicant has proposed a layout at Ince AGI which has assumed access points that are viable. As Peel develop their Phase 4 Development plans at Protos, the rights of access points in the wider area will be developed as part of the detailed design. At this point the detailed routing of the access to the AGI and construction / operational corridor of the pipeline will be confirmed.</p> <p>The statutory consultation response from Peel regarding the potential risk of the AGI prejudicing the delivery of the expansion of Protos has been addressed between the parties. This proposal is now incorporated into the future expansion plans at Protos.</p> <p>Peel currently objects to the proposed layout of the AGI. The Applicant will further engage with Peel regarding the general arrangement of the AGI.</p> <p>The Applicant proposes to construct the access as shown to Ince AGI (Work No.2), as shown on the Works Plans [AS-012], access strategy will be handled via commercial discussions of the HoT.</p>	Under Discussion
Peel 3.4.2	Point of Access	<p>The Parties are discussing the routing shown on the Works Plans (Work No.3) [AS-012].</p> <p>The Applicant has proposed the primary access road from Grinsome Road roundabout to the Pipeline/AGI. Peel have raised that this conflicts with the delivery of the approved Protos Plastics Park requesting a secondary access is identified. Peel have offered plans to be available for the Protos Plastics Park upon request.</p> <p>Where Peel requires to realign any part of the existing access within its site as part of its proposals away from the route set out within the DCO Proposed Development, such realigned access will be suitable for use by and made available to the Applicant. As only the access within the site would be realigned, the transport assessment for the DCO Proposed Development would be unaffected and any works to create a realigned access would be consented under the relevant Protos consent. The Applicant agrees that this is appropriate subject to a suitable realigned access being available would agree not to use compulsory powers to retain the route shown on the DCO plans.</p>	Under Discussion

Table 3-5 Surface Water and Flood Risk, and Drainage Strategy

Ref.	Description of Matter	Current Position	Status
Peel 3.5.1	Surface Water Management (Ince AGI and adjacent land)	<p>The Applicant has considered and provided appropriate surface water management. Cumulative impacts with regard to adjacent developments are continually under review.</p> <p>The Applicant has regularly reviewed the location of Ince AGI in regard to flooding potential.</p> <p>Peel have received comments from the Environment Agency on Sustainable Drainage Systems (SuDS) and flood risk and these are currently under review. Peel will follow-up and share outcomes with the Applicant.</p>	Under Discussion

Ref.	Description of Matter	Current Position	Status
Peel 3.5.2	Existing and Proposed Drainage	The Parties are engaging in ongoing discussions as part of a wider Protos Phase 4 wider site development	Under Discussion
Peel 3.5.3	Impact	The Parties are engaging in ongoing discussions as part of a wider Protos Phase 4 wider site development	Under Discussion
Peel 3.5.4	Mitigation	The Parties are engaging in ongoing discussions as part of a wider Protos Phase 4 wider site development	Under Discussion

Table 3-6 –Committed Developments (Protos 4 site and adjacent developments)

Ref.	Description of Matter	Current Position	Status
Peel 3.6.1	Future Proposed Development	The Parties are working on a strategy relating to adjacent developments, several of which require the Applicant’s pipeline infrastructure to be established.	Under Discussion
Peel 3.6.2	Protos 4 Site	The Applicant acknowledges that the Protos Site is safeguarded through Cheshire West and Chester Council (CWCC) Local Plan Part One Policies STRAT 4 and ENV 8: and Local Plan Part Two Policy EP6. The Applicant is also aware and through engagement has an understanding of, the expansion of this site. The Parties will continue engagement to ensure the two can co-exist.	Under Discussion

Table 3-7 - Issues related to the DCO Proposed Development - Draft DCO (including requirements to the draft DCO)

Ref.	Description of Matter	Current Position	Status
Peel 3.7.1	Draft DCO	Peel has no objection to the drafting of the DCO	Under Discussion