

## **DRAFT STATEMENT OF COMMON GROUND WITH NATIONAL HIGHWAYS**

### **HyNet Carbon Dioxide Pipeline DCO**

Planning Act 2008

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

Document Reference Number D.7.2.9

Applicant: Liverpool Bay CCS Limited

Inspectorate Reference: EN070007

English Version

REVISION: A

DATE: April 2023

DOCUMENT OWNER: WSP UK Ltd

PUBLIC

## QUALITY CONTROL

---

<b>Document Reference</b>	<b>D.7.2.9</b>				
<b>Document Owner</b>	<b>WSP</b>				
<b>Revision</b>	<b>Date</b>	<b>Comments</b>	<b>Author</b>	<b>Check</b>	<b>Approver</b>
A	April 2023	Deadline 1 updates	CP	AL	AH

**STATEMENT OF COMMON GROUND**

**This Statement of Common Ground has been prepared and agreed by (1) Liverpool Bay CCS Limited and (2) National Highways**

**Signed .....**

**[NAME]**

**[POSITION]**

**on behalf of Liverpool Bay CCS Limited**

**Date: [DATE]**

**Signed .....**

**[NAME]**

**[POSITION]**

**on behalf of National Highways**

**Date: [DATE]**

# TABLE OF CONTENTS

---

<b>1. INTRODUCTION.....</b>	<b>3</b>
1.1. Purpose of this document.....	3
1.2. The DCO Proposed Development.....	3
1.3. Terminology .....	3
<b>2. RECORD OF ENGAGEMENT .....</b>	<b>5</b>
<b>3. ISSUES .....</b>	<b>8</b>

## TABLES

---

Table 2-1 – Record of Engagement in relation to the DCO Proposed Development	6
Table 3-1 – Engagement, ES & Other Application Documents	9
Table 3-2 – Issues related to the Proposed Development – Compulsory Acquisition	10
Table 3-3– Issues related to the Proposed Development – Traffic and Transport	10
Table 3-4– Issues related to the DCO Proposed Development - Draft DCO (including requirements to the draft DCO)	11

# 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 National Highways (NH).
- 1.1.2. For the purpose of this draft SoCG, the Applicant and NH 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 so 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 NH 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 detail of the project and the DCO Proposed Development can be found in the main DCO documentation. The DCO Proposed Development and this SOCG relate to the onshore CO<sub>2</sub> pipeline element of HyNet only. Other elements of HyNet are subject to separate consenting processes and are not addressed here.
- 1.2.2. The DCO Proposed Development impacts NH primarily as a statutory body and land interest.
- 1.2.3. The Applicant has identified the following plots in which NH hold an interest:  
*2-05, 2-06, 2-07, 2-09, 2-10, 2-14, 4-20, 5-01, 5-02, 5-03, 5-04, 5-05, 5-06, 5-09, 5-10, 5-12, 5-14, 5-15, 5-20, 5-22, 5-23, 6-02, 6-04, 6-05, 6-06, 6-07, 7-05, 9-04, 9-07, 9-08, 9-09, 9-10, 9-11, 9-12, 9-13*
- 1.2.4. 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 DCO Proposed Development**

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
16/05/2022	Email conversation between NH and the Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Technical submission requirements</li> <li>• Guidance notes on Geotechnical Certification Process</li> <li>• Query on primary contact for HyNet</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>Information provided on requirement for technical submissions to be in accordance with Design Manual for Roads and Bridges (DMRB) CD 622 Managing Geotechnical Risk (March 2020) at specific pinch points. Guidance notes on Geotechnical Certification Process for Third Party Works Trenchless Installations Under Highways England Strategic Road Network shared for review.</p>
30/05/2022	Email conversation between NH and the Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Information on crossing points</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>Email including information on crossing points sent to NH for review</p>
17/06/2022	Email conversation between NH and the Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Design Manual for Roads and Bridges (DMRB) CD 622 Managing Geotechnical Risk (March 2020) screening form</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>Email requesting CD622 screening form sent to NH</p>
24/11/2022	Microsoft Teams meeting between NH and the Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Overview of the DCO Proposed Development</li> <li>• Crossing of National Highways assets (M56 and M53)</li> <li>• Method of crossing</li> <li>• Borehole site investigation works</li> <li>• Key points of contact</li> <li>• Statement of Common Ground</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>Baseline method of crossing M56 and M53 confirmed to be trenchless (specific choice of trenchless installation i.e. Horizontal Directional Drilling (HDD) or Microtunnel to be determined by EPC Contractor). Confirmation that temporary construction compounds will not be located on NH land. No further borehole site investigation works envisaged</p>



Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		however ongoing archaeological surveys are taking place. Technical submissions in accordance with CD 622 are required. SoCG to be issued in draft in December 2022 and a follow up meeting to be arranged.
13/12/2022	Microsoft Teams meeting between NH and the Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Run through DCO Proposed Development submission status</li> <li>• Initial review of SoCG Template</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>It was agreed to review the SoCG in co-ordination with submission of Relevant Representation and provide any comments for consideration.</p>
11/01/2023	Microsoft Teams meeting between NH and the Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• SoCG latest position and outstanding items</li> <li>• On-going collaboration item</li> <li>• SoCG timescale for agreement</li> <li>• Relevant representation &amp; protective provisions</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>A number of matters were agreed throughout the meeting during a review of the SoCG document.</p> <p>Matters around permanent acquisition of sub soil were discussed in greater detail and it was agreed to hold a further call around this matter.</p>
07/02/2023	Microsoft Teams meeting between NH and the Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• SoCG latest position and outstanding items</li> <li>• Land acquisition</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>A number of remaining matters were agreed throughout the meeting during a review of the SoCG document.</p> <p>Outstanding points on the SoCG are to be reviewed by NH and the Applicant.</p> <p>Respective positions on land acquisition were discussed and it was agreed that the detail of an acceptable land agreement would be further discussed between NH and the Applicant.</p> <p>Drainage apparatus associated with NH assets within the Order Limits to be given adequate protection via the consolidated CEMP.</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 NH are as follows:

- Engagement, ES & Other Application Documents;
- Compulsory Acquisition;
- Traffic and Transport; and
- Issues related to the DCO Proposed Development – Draft DCO (including requirements to the draft DCO).

**Table 3-1 – Engagement, ES & Other Application Documents**

Ref.	Description of Matter	Current Position	Status
<b>Engagement</b>			
NH 3.1.1	Engagement	<p>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 NH's views.</p> <p>NH has been formally consulted on the application as required by the Planning Act 2008 (PA2008).</p>	Agreed
<b>ES</b>			
NH 3.1.2	ES	<p>The Parties agree that the study area as set out in the ES is appropriate.</p> <p>The Parties agree that the baseline conditions as set out in the ES are appropriate.</p> <p>The Parties agree that the impact assessment methodologies used in the ES are appropriate.</p> <p>The Parties agree that the mitigation proposed in the ES is appropriate.</p> <p>NH considers that appropriate regard has been had to its proposals in the cumulative assessment having regard to the level of information available.</p>	Agreed
<b>Other application documents</b>			
NH 3.1.3	Other application documents	<p>NH have confirmed that they do not have an interest in some of the named plots in the BoR <b>[AS-023]</b>.</p> <p>NH have raised that plots 2-09, 2-10, 2-11, 9-07, 9-12 have been detrunked to the Local Highway Authority (LHA) and consequently these plots should be raised with the LHA as acquisition of the subsoil beneath the Local Highway Network is likely to be a matter of concern to them.</p> <p>The Applicant can confirm that plots 2-09 and 2-11 have now been attributed to the local authority. However, National Highways have been kept as a Cat 1 interest within plot 2-10 as they are a freeholder of this plot under title CH580100. In addition, plot 2-09 still has national highways as a Cat 1 interest relating to the freehold ownership (in respect of subsoil up to half width of highway) as part of the ad medium film rule.</p> <p>NH have also raised that plot 7-05 refers to National Highways as a Cat 2 interest however we note that the plot comprises 7,207sqm of motorway and verge (M53). The Applicant confirms that plot 7-05 has National Highways as a Cat 2 interest here as the land is owned by Cheshire West and Chester Borough Council under title number CH252435 and therefore a Cat 1 interest.</p> <p>NH have also queried interest in plots 2-05, 2-06 and 2-07. The Applicant has checked the interest and can confirm this is in respect of a rentcharge under HMLR title CH421433. Further discussion is required over this interest.</p> <p>The Parties are seeking to resolve outstanding matters regarding land ownership.</p>	Under Discussion

**Table 3-2 – Issues related to the Proposed Development – Compulsory Acquisition**

Ref.	Description of Matter	Current Position	Status
NH 3.2.1	Matters of Compulsory Acquisition	National Highways objects to the use of compulsory powers in relation to assets, property and interest. National Highways also objects specifically to CA in relation to land forming part of the SRN being the M53 and M56, including acquisition of the subsurface of the carriageway itself at two locations where the pipeline crosses the SRN. The Parties are seeking to resolve this point.	Under Discussion

**Table 3-3 – Issues related to the Proposed Development – Traffic and Transport**

Ref.	Description of Matter	Current Position	Status
NH3.3.1	Definition of HGV and LGV	For the purposes of the assessment an HGV is defined as being in excess of 3.5 tonnes and an LGV is a vehicle weighing less than 3.5 tonnes.	Agreed
NH3.3.2	Primary and secondary access	The DCO Proposed Development does not propose any primary or secondary access points onto roads managed by NH.	Agreed
NH3.3.3	Suitability of survey data	Traffic surveys undertaken in 2021 were agreed as being acceptable based on guidance in National Highways Advice Note dated 30 July 2021 which established that the effects of the Covid-19 pandemic and their impact on traffic flows could be mitigated by collecting a 14-day sample. Subsequent data in 2022 has been collected for a 7-day period and is considered representative baseline suitable for assessment purposes.	Agreed
NH3.3.4	Principles of construction traffic routing	Wherever possible construction traffic will use suitable routes in terms of geometry and capacity, be accessible to the Strategic Road Network (SRN) and seek to limit disruption to human receptors and other road users.	Agreed
NH3.3.5	Construction techniques	Trenchless crossing techniques will be used to cross NH assets to reduce effects on the NH road network. National Highways have provided a copy of their CD622 specification, which seeks mitigation for foreseeable risks and complications involved with trenchless works; the Applicant will seek preservation of NH assets in accordance with CD 622.	Agreed
NH3.3.6	Scope of assessment	No individual junction assessments are required due to the volumes of traffic in peak periods being within agreed thresholds (less than 30 two-way trips during the peak months (August 2024 Project Peak Month)).	Agreed
NH3.3.7	Impacts of DCO Proposed Development	The Parties agree that only the effects of DCO Proposed Development construction need to be considered.	Agreed
NH3.3.8	Impact on SRN	The assessment considers that there are no adverse effects on the operation of the SRN as a result of the construction of the DCO Proposed Development.	Agreed
NH3.3.9	Technical submission	Technical submissions to describe the engineering interface with NH assets will be in accordance with CD 622. This standard applies throughout the project lifecycle from preliminaries to post construction closeout and mandates a series	Agreed

Ref.	Description of Matter	Current Position	Status
		of reports each accompanied by its own geotechnical certificate. The Parties will continue engagement regarding safety standards through protected provisions.	
<b>NH3.3.10</b>	M56 J14 (Chester Road Services)	<p>NH have confirmed that given the access to the construction compound from Chester Services will be a temporary arrangement and the services are located off the gyratory at M56 J14 with no direct access onto the SRN from the services, this is acceptable (subject to review of location plans, access egress arrangements, impacts to the safe operation of the MSA etc).</p> <p>The MSA is not under any lease arrangements so no landlord consents will be required.</p> <p>NH have confirmed that operators of the site such as Roadchef will need to agree to the temporary operations.</p> <p>The Parties agree that the volume of traffic generated at M56 J14 during the construction phase will be minimal. The Parties agree that with the provision of a review of location plans, access egress arrangements, impacts to the safe operation, that the works in this location are acceptable.</p>	Agreed

**Table 3-4– Issues related to the DCO Proposed Development - Draft DCO (including requirements to the draft DCO)**

Ref.	Description of Matter	Current Position	Status
<b>NH 3.4.1</b>	Required Possessions	The Applicant is not seeking any possession of operational NH infrastructure (occupation of the surface of 'live' carriageways) in order to construct the DCO Proposed Development. The Applicant proposes to cross NH highways using trenchless installation techniques at a depth which would be in the subsoil not the highway itself. The Applicant will require access over tracks and accesses owned or in use by NH, but would do so in common with NH and not exclusively.	Under Discussion