

## **DRAFT STATEMENT OF COMMON GROUND WITH WELSH GOVERNMENT**

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

Planning Act 2008

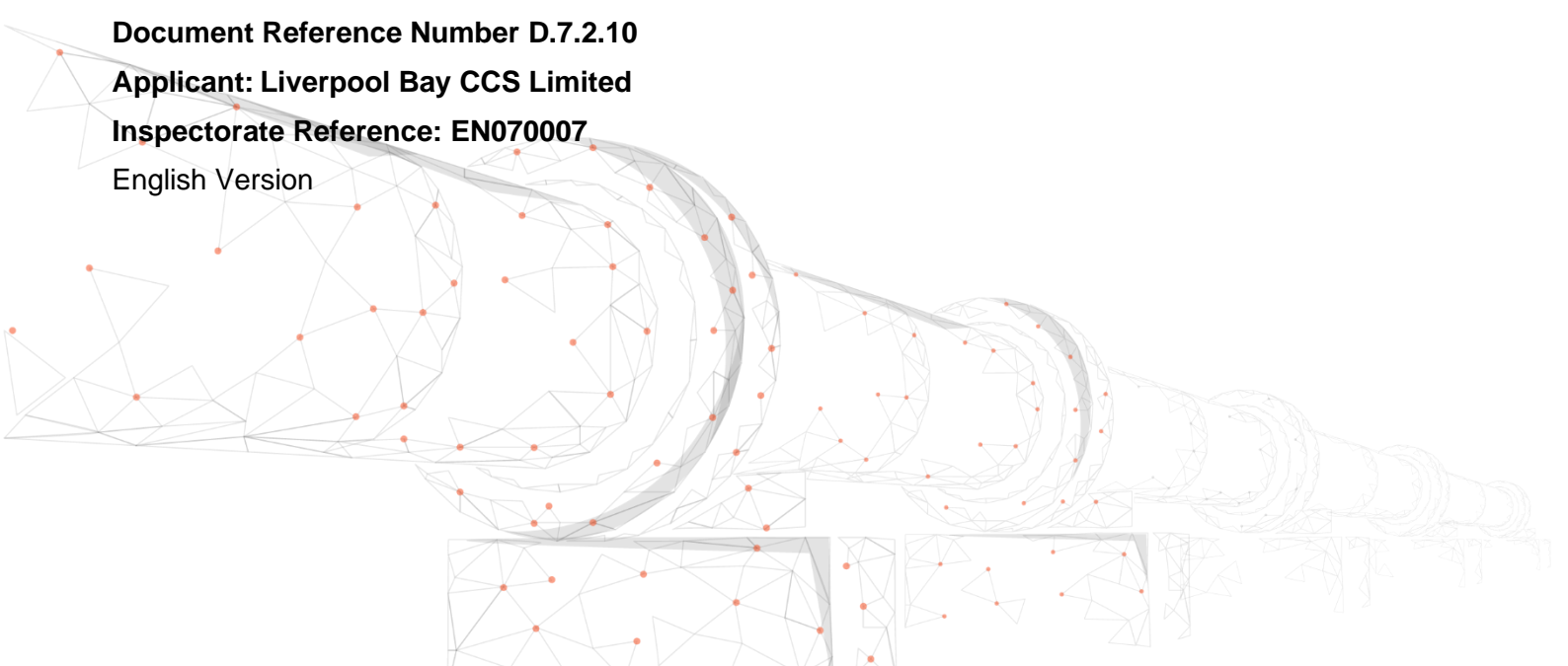
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**STATEMENT OF COMMON GROUND**

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

Signed .....

**[NAME]**

**[POSITION]**

on behalf of Liverpool Bay CCS Limited

Date: **[DATE]**

Signed .....

**[NAME]**

**[POSITION]**

on behalf of Welsh Government

Date: **[DATE]**

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# 1. INTRODUCTION

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## 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 Welsh Government departments, these departments include:
- Soil, Peatland & Agricultural Land Use Planning Unit; and
  - Welsh Government Transport.
- 1.1.2. For the purpose of this draft SoCG, the Applicant, and either the Soil, Peatland & Agricultural Land Use Planning Unit or Welsh Government Transport will jointly be referred to as the 'Parties' in the respective sections below.
- 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 as described in Section 1.2 below. SoCGs are an established means in the DCO 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 engagement undertaken with Welsh Government and Welsh Government Transport 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 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 Welsh Government primarily as a statutory body and in respect of certain land interests.
- 1.2.3. The Applicant has identified the following plots in which Welsh Government hold an interest:
- 17-22, 17-24, 19-10, 19-11, 19-12, 20-01, 20-02, 20-03, 20-05, 20-06*
- 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.

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## 2. RECORD OF ENGAGEMENT

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### 2.1. INTRODUCTION

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

2.1.2. **Table 2-1** sets out the engagement with the Soil, Peatland & Agricultural Land Use Planning Unit of Welsh Government and **Table 2-2** sets out the engagement with Welsh Government Transport.

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## 2.2. RECORD OF ENGAGEMENT IN RELATION TO THE DCO PROPOSED DEVELOPMENT – WELSH GOVERNMENT

Table 2-1 – Record of Engagement in relation to the DCO Proposed Development with the Soil, Peatland & Agricultural Land Use Planning Unit of Welsh Government

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
25/10/2021	Microsoft Teams meeting between Natural England (NE), Soil, Peatland & Agricultural Land Use Planning Unit of Welsh Government and the Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Agricultural Land Classification (ALC) Survey.</li> </ul> <p><b>Discussion and Outcomes</b></p> <p>The methodology for the ALC was discussed and agreed upon.</p>
14/07/2022	Email conversation between Soil, Peatland & Agricultural Land Use Planning Unit of Welsh Government, NE and the Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Provided a copy of the ALC Survey report which captured land accessible to date, to NE and the Soil, Peatland &amp; Agricultural Land Use Planning Unit</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>The Soil, Peatland &amp; Agricultural Land Use Planning Unit confirmed they would validate the survey. Timescales were discussed for validation and agreed upon.</p>
26/07/2022	Email conversation between Soil, Peatland & Agricultural Land Use Planning Unit of Welsh Government, NE and the Applicant	<p><b>Key Topics</b></p> <p>The Soil, Peatland &amp; Agricultural Land Use Planning Unit estimated that given current workloads within their team, the earliest opportunity they would be able to get a surveyor to go and physically validate the soils and compare the results to the Applicant's reported results and then produce a response would be 12 August 2022.</p>
04/08/2022 – 16/09/2022	Email conversation between Soil, Peatland & Agricultural Land Use Planning Unit of Welsh Government, NE and the Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• ALC Survey Report and Validation</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>The Applicant provided the completed supplementary ALC Survey report covering the Block Valve Stations (BVS) to the Soil, Peatland &amp; Agricultural Land Use Planning Unit.</p> <p>The Soil, Peatland &amp; Agricultural Land Use Planning Unit replied to the 04/08/2022 email and estimated that validation would be at the earliest 9 September 2022 for the BVS. The Soil, Peatland &amp; Agricultural Land Use Planning Unit sent a clarification request letter (2022-08-11 HyNet ALC Validation Response) with clarification requests which were addressed accordingly by the Applicant.</p> <p>The Soil, Peatland &amp; Agricultural Land Use Planning Unit requested clarification on 30/08/2022, these clarifications all related to land within the Town and Country Planning Act 1990 (TCPA) application but not the BVS. Welsh Government agreed with BVS surveys.</p>
26/09/2022	Email conversation between Soil, Peatland & Agricultural Land Use Planning Unit of Welsh Government, NE and the Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• The Soil, Peatland &amp; Agricultural Land Use Planning Unit replied regarding the clarification sent on 30/08/2022.</li> </ul> <p><b>Discussions and Outcomes</b></p>



Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		The Applicant will discuss the above comment with the Soil, Peatland & Agricultural Land Use Planning Unit of Welsh Government at the December 2022 Consultee meeting.
14/12/2022	Microsoft Teams meeting between Soil, Peatland & Agricultural Land Use Planning Unit, Welsh Government Transport, and the Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Discussion of Statement of Common Ground (SoCG) template, structure and wording.</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>The Applicant provided an introduction to the SoCG, presented the initial draft SOCG and discussed each section of the template.</p>
13/03/2023	Microsoft Teams meeting between Soil, Peatland & Agricultural Land Use Planning Unit, Welsh Government Transport; and the Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Discussion of SoCG, Protective Provisions</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>The Applicant presented the updated SoCG template and discussed the latest wording. The SoCG has been split into separate sections for Welsh Government Transport and Soil, Peatland &amp; Agricultural Land Use. A number of updates to the template were agreed during the meeting relating to Soils, Peatland &amp; Agricultural Use.</p>

### 2.3. RECORD OF ENGAGEMENT IN RELATION TO THE DCO PROPOSED DEVELOPMENT – WELSH GOVERNMENT TRANSPORT

Table 2-2 – Record of Engagement in relation to the DCO Proposed Development with Welsh Government Transport

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
05/08/2021	Microsoft Teams meeting between Welsh Government Transport and the Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Project overview</li> <li>• Approach to Traffic and Transport Assessment</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>A meeting was held between the Parties to provide an introduction to the DCO Proposed Development, discuss the scope of assessment, and moratorium on new road schemes in Wales. The Applicant was advised to consider status of road schemes at time of completing the Preliminary Environmental Information Report (PEIR). The approach to Traffic and Transport Assessment was agreed upon.</p>
30/05/2022	Email conversation between Welsh Government Transport and the Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Crossing drawings</li> <li>• Mark up of crossing locations</li> </ul> <p><b>Discussions and Outcomes</b></p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		Information on crossing drawings and mark up of crossing locations along the proposed route provided to Welsh Government by the Applicant. No further comments were received.
06/06/2022	Email conversation between Welsh Government Transport and the Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>Detailed localised plans</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>Request received from Welsh Government Transport to provide detailed localised plans to assess the interface with their structures. This was provided.</p>
17/06/2022	Microsoft Teams meeting between Welsh Government Transport and the Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>CD 622 screening form</li> <li>Proposed pipeline route</li> <li>Electrical assets</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>The requirement for the Applicant to complete the CD 622 screening form was discussed and agreed upon. Further details were confirmed on the proposed pipeline route not interfering with Wales Trunk Road Agent (WTRA) structures.</p> <p>The WTRA Electrical contact confirmed the presence of electrical cables at the A494 crossing although advised that there is little or no risk presented to WTRA electrical assets. The presence of electrical assets at the A55 interface, with two electrical assets likely to be impacted (camera light asset FCL298 and supporting electrical cable) was also confirmed.</p> <p>Contact details shared with the Applicant for engineer in charge of highways at Welsh Government Transport.</p>
27/07/2022	Microsoft Teams meeting between Welsh Government Transport and the Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>Discuss conflict with Welsh Government Transport's A458 Flintshire Corridor Improvement Scheme</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>Discussion on Flintshire Corridor Improvement Scheme subject to TR111 route corridor protection.</p> <p>Applicant to provide a list of Strategic Road Network (SRN) junctions used within Welsh Government jurisdiction. Design solutions are likely to enable both projects to coexist at the Starkey Lane location. Welsh Government Transport agreed to keep in contact as and when needed.</p>
14/12/2022	Microsoft Teams meeting between Welsh Government Transport, Soil, Peatland & Agricultural Land Use Planning Unit; and the Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>Discussion of SoCG template, structure and wording.</li> </ul> <p><b>Discussions and Outcomes</b></p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		<p>It was agreed that the SoCG should be split to cover Land and Soils Planning and Transport in separate sections. The Applicant will update the references in the SoCG so that North and Mid Wales Trunk Road Agent (NWMTRA) are instead referred to as 'Welsh Government Transport'. Welsh Government Transport agreed to review the SoCG and provide comments in January 2023.</p> <p>Welsh Government advised that the trenchless installation approval process needed to go through Welsh Government Transport. The A494 was flagged as a protected street in terms of Section 61 of the New Roads and Street Works Act 1991, therefore a licensing process needs to take place. This will be reviewed further by the Applicant and subject to ongoing discussion.</p>
13/03/2023	Microsoft Teams meeting between Welsh Government Transport, Soil, Peatland & Agricultural Land Use Planning Unit; and the Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Discussion of SoCG, Protective Provisions, update on Red Route.</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>The Applicant presented the updated SoCG template and discussed the latest wording. The SoCG has been split into separate sections for Welsh Government Transport and Soil, Peatland &amp; Agricultural Land Use. A number of updates to the template were agreed during the meeting relating to Welsh Government Transport.</p> <p>The Applicant advised they recently submitted an updated draft of the DCO to the Planning Inspectorate. In the first draft of the DCO, section 61 was disapplied but it was confirmed in the current draft that section 61 applies as normal.</p> <p>It was agreed between both parties to set up a separate meeting to discuss Protective Provisions which is something Welsh Government are open to using.</p>

## 3. ISSUES

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### 3.1. INTRODUCTION

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.

3.1.2. **Section 3.2** deals with topics regarding the Soil, Peatland & Agricultural Land Use Planning Unit of Welsh Government, which include:

- Engagement & ES; and
- Soil, Peatland & Agricultural Land Use

3.1.3. **Section 3.3** deals with topics regarding Welsh Government Transport, which include:

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

### 3.2. ISSUES IN RELATION TO THE DCO PROPOSED DEVELOPMENT – SOIL, PEATLAND & AGRICULTURAL LAND USE

Table 3-1 – Engagement & ES

Ref.	Description of Matter	Current Position	Status
<b>Engagement</b>			
WG 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 Welsh Government's views.	Agreed
<b>ES</b>			
WG 3.1.2	ES – Chapter 11 – Land & Soils	The Parties agree that the environmental baseline in respect of Agricultural Land Classification (ALC) and soils as set out in Chapter 11 of the 2022 ES (Appendix 11.4 and 11.5) [APP-133 and APP-134] are an accurate reflection of agricultural land quality on surveyed areas of the site.  The Parties agree that the assessment methodologies used in the Chapter 11 of the 2022 ES [APP-063] are appropriate.	Agreed

Table 3-2 – Issues related to the DCO Proposed Development – Soil, Peatland & Agricultural Land Use

Ref.	Description of Matter	Current Position	Status
WG 3.2.1	Agricultural Land Survey Methodology and Approach	The Soil, Peatland & Agricultural Land Use Planning Unit has agreed to the methodology and approach. The ALC survey approach has been translated across into <b>Chapter 11 – Land and Soils (Volume II)</b> of the 2022 ES [APP-063] which provides a summary of methodologies utilised in addition to providing a summary of approach. The outcome was also informed within the ALC and Soil Resources Report [APP-133 and APP-134].	Agreed
WG 3.2.2	Agricultural Land Survey results	The Soil, Peatland & Agricultural Land Use Planning Unit has reviewed the ALC and Soil Resources Report [APP-133 and APP-134]. They have raised that there is an outstanding area of 50ha (4-5km) that has not been surveyed (Aston to Northop Hall). This will require survey (and validation by Welsh Government) prior to commencement of works. The extent of survey requirements are as per the extents agreed on 25 October 2021 and summarised below: <ul style="list-style-type: none"> <li>• 1 location per hectare in any areas that will be permanent sealed;</li> <li>• 1 location per 2 hectares in any areas that will be temporarily sealed;</li> <li>• Contingency for soil variability, if soils are highly variable in areas that will be temporarily sealed then higher density 1 location per hectare should be undertaken. The survey density is to increase where soil variability increases and BMV land is present. A clear justification is required to explain the survey density across the pipeline route;</li> <li>• The Soil, Peatland &amp; Agricultural Land Use Planning Unit may request access to site to undertake targeted survey work to support the validation process – Applicant to facilitate access if this is requested.</li> </ul>	Agreed

Ref.	Description of Matter	Current Position	Status
<b>WG 3.2.3</b>	Additional Survey Requirements	The Soil, Peatland & Agricultural Land Use Planning Unit has requested that further ALC surveys of the land between Aston and Northop Hall are to be undertaken by the Applicant and submitted to Welsh Government for validation prior to commencement of works.	Agreed
<b>WG 3.2.4</b>	Soil Management Plan	The Soil, Peatland & Agricultural Land Use Planning Unit have requested that they be consulted on the Soil Management Plan (SMP) and this be added as a requirement of the DCO. The Applicant would welcome further discussion on this matter, the preferred approach would be to consolidate within the Construction Environmental Management Plan (CEMP) or SMP rather than a requirement of the DCO.	Under Discussion

### 3.3. ISSUES IN RELATION TO THE DCO PROPOSED DEVELOPMENT – WELSH GOVERNMENT TRANSPORT

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

Ref.	Description of Matter	Current Position	Status
<b>Engagement</b>			
<b>WG 3.4.1</b>	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 Welsh Government Transport’s views.  Welsh Government Transport has been formally consulted on the application as required by the Planning Act 2008 (PA2008).	Under Discussion
<b>ES</b>			
<b>WG 3.4.2</b>	ES	The Parties agree that the environmental baseline as set out in the ES are appropriate.  The Parties agree that the assessment methodologies used in the ES are appropriate.  Welsh Government Transport considers that appropriate regard has been had to its proposals in the cumulative assessment having regard to the level of information available.  Welsh Government Transport concurs with the conclusions of the ES.	Under Discussion
<b>Other Application Documents</b>			
<b>WG 3.4.3</b>	Other application documents	Welsh Government Transport agree that its interests are correctly reflected in the Book of Reference [AS-023].	Under Discussion

Table 3-4 – Issues related to the DCO Proposed Development – Traffic and Transport

Ref.	Description of Matter	Current Position	Status
<b>WG 3.5.1</b>	Definition of Heavy Goods Vehicles (HGV) and Light Goods Vehicles (LGV)	The Parties have agreed that 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
<b>WG 3.5.2</b>	Primary and secondary access	The DCO Proposed Development does not propose creating any primary or secondary accesses onto roads managed by Welsh Government Transport. The Parties are having ongoing discussions around primary and secondary accesses.	Agreed
<b>WG 3.5.3</b>	Suitability of survey data	Traffic surveys undertaken in 2021 were agreed as being acceptable based on guidance in National Highways Advice Note dated 30th 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. For the purposes of consistency, it was considered appropriate to use guidance in National Highways Advice Note in Wales. The Parties have agreed on the use of the surveys.	Agreed

Ref.	Description of Matter	Current Position	Status
WG 3.5.4	Principles of construction traffic routing	The Parties have agreed that wherever possible construction traffic will use suitable routes in terms of geometry and capacity, be accessible to the SRN and seek to limit disruption to human receptors and other road users. These principles are set out in the Outline Construction Traffic Management Plan [APP-224] and are appropriate and have been agreed.	Agreed
WG 3.5.5	Construction techniques	It is proposed to Welsh Government Transport that trenchless crossing techniques will be used to cross Welsh Government Transport assets to reduce effects on their road network.	Under Discussion
WG 3.5.6	Scope of assessment	The Parties agree that no individual junction assessment is 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)).	Under Discussion
WG 3.5.7	Impacts of DCO Proposed Development	The Parties agree that only the effects of DCO Proposed Development construction need to be considered.	Agreed
WG 3.5.8	Impact on Welsh Government Transport network	The assessment considers that there will be no adverse effects on the operation of the Welsh Government Transport network as a result of the construction of the DCO Proposed Development.	Under Discussion
WG 3.5.9	Consideration of Flintshire Corridor (Red Route) scheme	<p><b>Chapter 17 – Traffic and Transport (Volume II)</b> of the 2022 ES [APP-069] made reference to the Welsh Government freeze on new road building schemes which was announced in June 2021, pending the outcome of a Roads Review. The Chapter indicated that the DCO Proposed Development would be operational prior to commencement of construction of the Flintshire Corridor (Red Route) scheme. This scheme has therefore not been accounted for in the assessment.</p> <p>The Applicant is aware of the announcement by Welsh Government on 14 February 2023 in response to the completed Roads Review that all new road building schemes will cease.</p> <p>The Applicant considers that the approach to assessment which did not consider the construction traffic associated with or the completion of the Flintshire Corridor scheme accordingly remains correct and robust.</p>	Under Discussion
WG 3.5.10	Technical submission	Welsh Government Transport have requested that technical submissions to describe the engineering interface with Welsh Government assets should be in accordance with CD 622.	Under Discussion

**Table 3-5 – Issues related to the DCO Proposed Development – Planning Policy**

Ref.	Description of Matter	Current Position	Status
WG 3.6.1	Red Route / Roads Review	<p>The Applicant acknowledges the Welsh Government response to the Roads Review, published 14 February 2023. In June 2021, the Deputy Minister for Climate Change announced a review of new road schemes funded by the Welsh Government. The response indicated that all major road projects in Wales are to cease, including the Red Route in Flintshire which transected the Order Limits of the DCO Proposed Development.</p> <p>The Applicant will engage further with Welsh Government to understand the implications of this decision and onward impact upon the DCO Proposed Development.</p>	Under Discussion



**Table 3-6 – Issues related to the DCO Proposed Development - Draft DCO (including requirements to the draft DCO)**

Ref.	Description of Matter	Current Position	Status
<b>WG 3.7.1</b>	Required possessions	<p>The Applicant is not seeking any possession of operational Welsh Government Transport infrastructure (occupation of the surface of 'live' carriageways) in order to construct the DCO Proposed Development. The Applicant proposes to cross Welsh Government highways using trenchless installation techniques at a depth which would be in the subsoil not the highway itself.</p> <p>The Applicant will require access over tracks and accesses owned or in use by Welsh Government Transport, but would do so in common with Welsh Government Transport and not exclusively.</p>	Under Discussion
<b>WG 3.3.2</b>	Protective Provisions	TBC – further call to be arranged with legal team as required.	Under Discussion