

[REDACTED]

[REDACTED]

Your ref:

Our ref:

Date: 08-APR-22

By email to: [REDACTED]

Dear Sir / Madam

Location: Cheshire, England to Flintshire, Wales

Proposal: HyNet North West Carbon Dioxide Pipeline by Liverpool Bay CCS Limited

Thank you for allowing United Utilities the opportunity to comment on the EIA Preliminary Environmental Information Report (PEIR) for the proposal to build a new underground carbon dioxide pipeline from Cheshire, England to Flintshire, Wales together with associated above ground installations.

We understand that your proposals are evolving with a view to formally submitting your application for a Development Consent Order (DCO) later this year. It is important that we highlight that the costs for assessing the impact on our assets will be recoverable. We will advise on this process shortly.

We have conducted an initial review of the draft Order Limits, however, we request continued engagement over forthcoming months and during the remainder of the determination period to ensure any of our concerns are adequately addressed and to ensure appropriate protective provisions are agreed. In the interim, we wish to provide the following initial comments for your consideration.

1. Our Assets and Property

United Utilities will not allow building over or in close proximity to a water main and we will not normally allow building over or in close proximity to a public sewer.

We would expect to see plans showing the proposals in relation to any existing United Utilities' assets and infrastructure as part of the DCO. We would be grateful if you can provide the latest information of the proposed route and any associated development in a shp file format.

Water Mains and Public Sewers

As discussed at our meeting on 5 April 2022, there are a range of water mains including large diameter trunk mains, water supply mains and raw water mains within the proposed draft Order Limits. These assets include the Dee Aqueduct. There are also a range of public sewers including large diameter rising main sewers and gravity sewers. Further dialogue and agreement in respect of these assets is required.

We require access as detailed in our *'Standard Conditions for Works Adjacent to Pipelines'*, (a copy of which has been sent to you under separate cover). You must comply with our Standard Conditions document. This should be taken into account in the final proposals, or a diversion may be necessary. Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion required as a result of any development will be at the applicant's expense.

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. You should investigate the existence and the precise location of water and wastewater pipelines as soon as possible as this could significantly impact the preferred site layout and/or diversion of the asset(s) may be required. Where United Utilities' assets cross the proposed draft Order Limits, you must contact United Utilities prior to commencing any works on site, including trial holes, groundworks or demolition.

If considering a diversion, the applicant should contact United Utilities at their earliest opportunity as they may find that a diversion is not possible. In some circumstances, usually related to the size and nature of the assets impacted by proposals, developers may discover that the cost of a diversion is prohibitive in the context of their development scheme. Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion of assets to accommodate development, will be at the applicant's/developer's expense.

Where United Utilities' assets exist, the level of cover to our pipelines and apparatus must not be compromised either during or after construction and there should be no additional load bearing capacity on our assets without prior agreement with United Utilities. This would include earth movement and the transport and position of construction equipment and vehicles. The applicant should therefore give careful consideration to the implications of any changes in proposed land levels. Any such changes will need to be agreed with United Utilities.

Our Standard Conditions document includes details of trees and shrubbery suitable for planting in the vicinity of our assets. Deep rooted shrubs and trees should not be planted near to our apparatus.

Consideration should also be applied to United Utilities' assets which may be located outside the draft Order Limits. Any construction activities in the vicinity of our assets must comply with our *'Standard Conditions for Works Adjacent to Pipelines'* and national building standards.

The applicant or developer should contact United Utilities for advice if their proposal is in the vicinity of water or wastewater pipelines and apparatus. It is their responsibility to ensure that United Utilities' required access is provided within their layout and that our infrastructure is appropriately protected. The developer would be liable for the cost of any damage to United Utilities' assets resulting from their activity. See 'Contacts' section below.

Vibration, Loading and Settlement

United Utilities requests that the impact of the proposed development includes an assessment of any potential settlement and vibration on United Utilities' assets. Similarly, any loading on United Utilities' assets during operation or during construction requires further consideration with United Utilities.

Storage of Equipment and Materials within Easements / Offset Areas for Access and Maintenance

United Utilities has not undertaken a detailed assessment of where equipment and/or materials are proposed to be stored within a United Utilities' easement / area required for access and maintenance. However, based on an initial review of the drawings provided within the PEIR, United Utilities notes that in certain locations facilities are proposed to be located on top of our assets which is not acceptable. As a general requirement, United Utilities does not usually allow the easement area, easement width or the necessary offset distance from our assets to be obstructed or impeded in any way. This is due to, but not limited to:

- loading implications of the asset and probability of asset failure;
- implications on access and maintenance of the asset, especially for critical assets;
- security of supply; and
- health and safety implications.

United Utilities reserves the right to instruct the removal of the equipment and materials located within the easement / access and maintenance offset area. United Utilities requires further consultation and supplementary information to discuss any affected assets.

Construction Compounds / Construction Traffic

We wish to emphasise that construction compounds should not be located on top of our apparatus. This is because we require unrestricted access for maintenance, repair and replacement to discharge our statutory duties. Similarly, detailed consideration will need to be given to any proposed construction traffic routes to assess the impact on our assets. It will be necessary to ensure that any approach to construction is the subject of a construction management plan to address a range of issues including the protection of our assets as well as any wider impact on our operations.

Ecological Mitigation and Biodiversity Net Gain

We wish to emphasise that ecological mitigation and the delivery of areas for biodiversity net gain should not be located on top of our apparatus. This is because we require unrestricted access for maintenance, repair and replacement to discharge our statutory duties.

Property Interests

Within the draft Order Limits, we have a range of property interests which include land in the ownership of United Utilities, easements and a right of way. We wish to discuss with you the implications for our land interests.

Land within the ownership of United Utilities is located at approximate grid reference SJ 39195 71036 which we discussed at our recent meeting.

The right of way appears to be associated with Elton Wastewater Treatment Works off Ash Road.

According to our records some of our assets referred are also subject to legal easements. These are in addition to our statutory rights for inspection, maintenance and repair. The easements have restrictive covenants that must be adhered to. It is the responsibility of the developer to obtain a copy of the document, available from United Utilities Legal Services or Land Registry and to comply with the provisions stated within the document. Under no circumstances should anything be stored, planted or erected on the easement width. Nor should anything occur that may affect the integrity of the pipes or the legal right of United Utilities to 24 hour access. The applicant should contact our Property team to discuss how the proposals affect our land interests and to ensure no detrimental impact. United Utilities Property Services can be contacted at [REDACTED]

2. Flood Risk

Existing drainage systems are often dominated by combined sewers. This method of sewer infrastructure is a result of the time it was constructed, with combined sewers taking both foul and surface water. If there is a consistent approach to surface water management, it will help to manage and reduce surface water entering the sewer network, decreasing the likelihood of flooding from sewers, the impact on residents and businesses, and the impact on the environment.

Whilst we do all that we can to reduce the risk of sewer flooding, there remains a residual risk, which is a source of flooding that should be considered in your Environmental Statement (ES). National policy is clear that flood risk from all sources, including sewers, must be considered in the delivery of new development. As such, it is important to ensure that the assessment of flood risk includes sewer flood risk. It should be ensured that your proposed development does not result in an increase in flood risk from the public sewer as a result of:

- i) any proposed new drainage connections to the public sewer. This is considered in further detail below;

- ii) by altering any existing exceedance flood paths of losses from the public sewer;
- iii) as a result of any diversions / works to watercourses or existing sewers which could materially affect hydraulic performance and therefore change / increase any risk of flooding;
- iv) as a result of any changes in ground levels which could materially change existing sewer flood risk; or
- v) as a result of any changes to land or property currently affected by existing hydraulic sewer flooding incidents.

We therefore request that the ES considers flood risk from the public sewerage system in liaison with United Utilities so that the above matters are fully considered.

In our recent meeting, we noted that the exceedance paths of any modelled sewer flood risk should not be affected by the proposed development. We specifically noted a potential exceedance path which impacts on your proposed works at approximate grid reference SJ 44583 74797. This requires further consideration in liaison with United Utilities.

Impact on Watercourses

We note paragraph 18.6.4 of Chapter 18: Water Resources and Flood Risk states that minor watercourses would be crossed via trenched crossings. In such occurrences, the hydrological regime would be maintained through temporary diversion or pumping.

United Utilities wishes to liaise with you to confirm the impact on any watercourses that interact with our assets to ensure that there are no detrimental consequences of these works in terms of asset operation, flood risk and changes to fluvial geomorphological processes.

3. Drainage - Foul and Surface Water

We would be grateful if you can provide details of any drainage proposals in respect of both foul and surface water. This should include details of any drainage proposals during the construction period. In doing so, you should note that United Utilities only supplies water and wastewater services for some areas of your proposed development.

We note paragraph 18.6.5 of Chapter 18: Water Resources and Flood Risk, which states:

'A closed drain system at the AGIs and BVSs is likely to be installed for hazardous fluids. In addition, the disposal of unwanted liquid effluents would be managed in accordance with a management plan agreed with the local planning authority. This would avoid impact to water quality of nearby surface water and groundwater receptors.'

We request further details of this approach. We wish to understand whether there is any intention to connect such flows to our public sewerage network and to ensure any potential impact on water supply assets is fully considered and mitigated.

Surface Water Management Hierarchy

We wish to emphasise that consistent with the principles of the hierarchy for the management of surface water in national planning policy and the obligations of the Environment Act 2021, no surface water will be allowed to discharge to the existing public sewerage system. Surface water should instead discharge to more sustainable alternatives as outlined in the surface water management hierarchy. This will ensure the impact of development on public wastewater infrastructure, both in terms of the wastewater network and wastewater treatment works, is minimised. We adopt this position as surface water flows are very large when compared with foul flows. By ensuring that no surface water enters the public sewerage system, the impact on customers, watercourses and the environment will be minimised.

Please note, United Utilities is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

There should be no land drainage, including dewatering proposals, discharged to the public sewer.

Rights to Discharge to Watercourse or Other Receiving Water Body

Given the importance of surface water discharging to an alternative to the public sewer, we request that all land that is necessary to facilitate a discharge to a watercourse is fully identified within the Order Limits. This will ensure the Order benefits from the requisite rights of discharge to more sustainable alternatives than the public sewer for the management of surface water, e.g., a right to discharge to a watercourse or other water body. For clarity, the extent of land should be sufficient to facilitate a surface water discharge to a watercourse / water body for all elements of the pipeline route. Ensuring that the extent of land within the Order Limits and the supporting ES is sufficient for the purposes of the discharge of surface water is important as a sewerage company has no power to acquire the right to discharge surface water to a water body under the Water Industry Act.

It is equally important to ensure that any existing outfalls that it may be necessary to relocate as a result of any watercourse / culvert diversion are delivered under the powers of the Order.

Multi-functional Sustainable Drainage Systems

We request that surface water is only managed via sustainable drainage systems which are multi-functional and at the surface level in preference to conventional underground piped and tanked storage systems.

Wherever practicable, Sustainable Drainage Systems (SuDS) should be implemented in accordance with the CIRIA SuDS manual. Managing surface water through the use of SuDS can

provide benefits in water quantity, water quality, amenity and biodiversity.

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, their proposed detailed design will be subject to a technical appraisal by our Developer Services team and must meet the requirements outlined in '*Sewers for Adoption and United Utilities' Asset Standards*'. This is important as drainage design can be a key determining factor of site levels and layout.

Acceptance of a drainage strategy does not infer that a detailed drainage design will meet the requirements for a successful adoption application. We strongly recommend that no construction commences until the detailed drainage design, has been assessed and accepted in writing by United Utilities. Any work carried out prior to the technical assessment being approved is done entirely at the developer's own risk and could be subject to change.

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the determining authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend that you include details of a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company. We would not be involved in the approval of the management and maintenance arrangements in these circumstances.

4. Geo Environmental / Geotechnical

Groundwater Environment and Water Resources

We request that the approach to the assessment of the impact on the groundwater environment is considered and agreed with United Utilities. In this regard, we note paragraph 6.13.6 of the Non-Technical Summary of the Preliminary Environmental Information Report which states '*During operation, it is possible that there would be significant permanent effects on groundwater. This is to be confirmed once detailed design information is available.*'

The River Dee catchment is of strategic importance to United Utilities and supplies approximately one third of customers in the North West. The way that land is managed and used in this area is critical to ensure that the public water supply resource is not compromised. In this context, you will need to ensure that there is no unacceptable impact on the River Dee catchment and associated water resources.

Contaminated Land

United Utilities requests that the assessment of potential environmental impact from contamination fully considers the impact on our assets, water resources and water quality as a result of construction of the proposed development.

5. Water Supply Requirements

We request that you provide details of any water supply requirements for both construction and during operation as soon as possible. This should include details on rates of water supply required in litres per second and anticipated points of connection to the public water supply network. The details of water supply required should include details for any fire response purposes that may be necessary. For temporary related activities, such as construction compounds and workers accommodation, early consideration of any water supply requirements will also be required. If reinforcement of the water network is required to meet potential demand, this could be a significant project and the design and construction period should be accounted for.

6. General Advice

If you intend to request water and/or wastewater services from United Utilities, you should visit our website for advice. This includes seeking confirmation of the required metering arrangements for the proposed development.

If the proposed development site benefits from existing water and wastewater connections, the applicant should not assume that the arrangements will be suitable for the new proposal.

In some circumstances we may require a compulsory meter is fitted. For detailed guidance on whether the development will require a compulsory meter please visit [REDACTED] and go to section 7.7 for compulsory metering.

To avoid any unnecessary costs and delays being incurred by the applicant or any subsequent developer, we strongly recommend the applicant seeks advice regarding water and wastewater services, and metering arrangements, at the earliest opportunity. Please see 'Contacts' section below.

Contacts

As discussed at our recent meeting, the project contacts for this proposal at United Utilities are **Andrew Leyssens, Planning Manager, Jonathan Cartledge, Asset Manager** and **Hope Wright, Project Engineering Manager**.

Website

For detailed guidance on water and wastewater services, including application forms and the opportunity to talk to the Developer Services team using the '**Live Chat**' function, please visit:

[REDACTED]

Property Searches (for asset maps):

A number of providers offer a paid for mapping service including United Utilities. For more information, or to purchase a sewer and water plan from United Utilities, please visit [REDACTED]

Water and sewer records can be viewed for free at our Warrington Head Office by calling 0370 751 0101. Appointments must be made in advance. Public sewer records can be viewed at local authority offices. Arrangements should be made directly with the local authority. The position of the underground apparatus shown on asset maps is approximate only and is given in accordance with the best information currently available. United Utilities Water will not accept liability for any loss or damage caused by the actual position being different from those shown on the map.

If you wish to discuss the detail of this letter further, please do not hesitate to contact me at [REDACTED]. Please note I am scheduled to be on annual leave from today until Wednesday 27 April.

Yours faithfully

Andrew Leysens
Planning, Landscape and Ecology
United Utilities Water Limited

Cc Planning Inspectorate (By email: NIEnquiries@planninginspectorate.gov.uk)