

**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** EN070007 - Hynet Co2 Pipeline Register for Issue Specific Hearing (ISH2)  
**Date:** 28 April 2023 08:33:21

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Dear Sir

As set out within Annex C to Rule 8 letter associated with the Hynet CO2 Pipeline DCO, there is a requirement to register to participate at the Issue Specific Hearings. This email is to confirm the attendance of the Canal & River Trust at the Issue Specific Hearing 2 (ISH2)

- Tim Bettany-Simmons (MRTPI) – (contact details below)
- Canal & River Trust – Unique reference number HYCO-EIA071
- Preference to participate virtually at the Issue Specific Hearing on the draft DCO (ISH2).

Unfortunately, the applicant has made no further attempt to progress the concerns raised by the Canal & River Trust. As such the Trust intends, at this stage, to make representations at an Open Floor Hearing in relation to the draft Development Consent Order (ISH2), including the wording of the Protective Provisions for the Trust to be provided within the draft DCO. This includes the works being carried out in accordance with the Trust's Code of Practice in relation to where the works interface with the Shropshire Union Canal.

We wish to particulate due to the draft Order [APP-024] not containing any protective provision for the Canal & River Trust as a statutory undertaker, at Schedule 10, Part 2. Although the amended draft DCO [AS-017] does now appear to contain the intention to include protective provisions for the Trust, no progress has been made on the inclusion of these to protect our undertakings. This is despite the Trust providing the Applicant with a set of protective provisions on 13th January 2023, which would resolve and satisfy our principal concerns. The protective provisions have been adapted from the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022 (made 7 December 2022), being the most recent NSIP to be examined and which contains provisions relevant to the Trust land and assets.

Furthermore, the Trust have concerns with the drafting of DCO in relation to Article 6 (limits of deviation); Article 19 (discharge of water); Article 21 (survey and investigate land); Part 5 powers of acquisition and Article 24 (compulsory acquisition of land); Article 26 (compulsory acquisition of rights and restrictive covenants); Article 29 (private rights); Article 31 (acquisition of subsoil); Article 34 (temporary use of land); Article 36 (statutory undertakers) and Article 39 (removal of hedgerows) of the draft DCO. Our full concerns in relation to the DCO are set out within our Written Representation (Appendix B) submitted within our Deadline 1 response.

The Trust is seeking to discuss and reach agreement on these matters with the applicant, prior to the hearing dates. Should agreement be made, the Trust would likely be able to withdraw our intention to speak at the Hearing and save examination time.

The Trust do not intend to speak at the Hearing on Environmental Matters (ISH1), unless the ExA considers it necessary for the Trust to attend to aid the Examination. We would however wish to observe the proceedings.

Kind regards

Tim Bettany-Simmons BA (HONS), MSc, MRTPI  
Area Planner & Special Projects / Cynlluniwr Ardal & Prosiectau Arbennig

[REDACTED]

Canal & River Trust / Glandwr Cymru,  
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### Keep in touch

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### Cadw mewn cysylltiad

Cofrestrwyd i dderbyn e-gylchlythyr Glandŵr Cymru

[REDACTED]

iedig yn unig. Os nad chi yw derbynnydd bwriedig yr e-bost hwn a'i atodiadau, ni ddylech gymryd unrhyw gamau ar sail y cynnwys, ond yn hytrach dylech eu dileu heb eu copïo na'u hanfon ymlaen a rhoi gwybod i'r anfonwr eich bod wedi eu derbyn ar ddamwain. Mae unrhyw farn neu safbwynt a fynegir yn eiddo i'r awdur yn unig ac nid ydynt o reidrwydd yn cynrychioli barn a safbwyntiau Glandŵr Cymru.

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