



**Canal &
River Trust**

Making life better by water

National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

Your Ref EN070007

Our Ref HYCO-EIA071

10th May 2023

hynetco2pipeline@planninginspectorate.gov.uk

Dear Sirs

Proposal: Application by Liverpool Bay CCS Limited for an Order Granting Development Consent for the HyNet Carbon Dioxide Pipeline Project (“the Application”)

Canal & River Trust (the Trust) Submission for Deadline Two, (Unique Reference: HYCO-EIA071).

We write further to the publication of the Deadline One (DL1) responses and responses to the Examining Authority’s (ExA’s) first written questions.

We wish to provide the ExA with an update on the Trust’s latest position in relation to the examination, with headings to identify the various elements in relation to Deadline Two (DL2), including update on the Trust’s draft Statement of Common Ground (SoCG) with the applicant; on proposed Protective Provisions for the benefit of the Trust, and on progress made on negotiating an agreement in terms of the acquisition and/or use of Trust owned land. We also provide comments on Deadline 1 matters relevant to the Trust.

Statement of Common Ground (SoCG)

The Trust is in the process of negotiating a draft SOCG with the applicant. Unfortunately, no further progress has been made on the SoCG since Deadline One and since the Trust responded on this document with suggested edits on 3rd March 2023. The applicant submitted that version of the SoCG at Deadline 1 with their documentation [D.7.2.11].

Confirmation of wish to Speak at Issue Specific Hearing.

The Trust confirmed in separate correspondence dated 28th April 2023, as required by Annex C to the Rule 8 letter, the requirement to register to participate at the Issue Specific Hearing in relation to the draft Development Consent Order (ISH2).

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.

Confirmation of wish to speak at the Compulsory Acquisition Hearing

As set out in our Deadline One response, the Trust still intends, at this stage, to speak at the Compulsory Acquisition Hearing, as no further progress has been made in relation to our land interests that would be affected by the DCO.

Canal & River Trust

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We are seeking to agree terms with the applicant in relation to the use of Trust owned land where the Trust's requirements can be accommodated. We welcome that the applicant has stated in their response to ExA Q1.6.20 that they will continue to engage and negotiate with the Canal & River Trust in order to reach a voluntary agreement and that the Applicant will only rely on Compulsory Acquisition as a last resort, if voluntary agreement cannot be reached. [Document D.7.10 page 62].

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

Protective Provisions for the Trust

We had been looking forward to receiving the applicants' response to our Relevant Representation, as required as part of the ExA Question Q1.6.10, including comments on our protective provisions with their Deadline One response. Unfortunately, no details were provided and the applicant provided no response to that Question [Document D.7.10 page 53].

Since Deadline One, the Trust have now received amendments and comments on the draft protective provisions for the Canal & River Trust. These were received on 27th April 2023. The Trust is in the process of reviewing these and we will hopefully be able to update the ExA further at Deadline Three in relation to progress made.

On first reading of the protective provisions there are a number of matters which will need to be negotiated further. The Trust is however keen to reach agreement on all matter as getting these protective provisions for the Trust agreed would go a long way to address our concerns/objection and save Examination time.

Trusts' response to Deadline One matters

The Trust have read the various relevant DL1 submissions of the applicant which relate to the Trust's interests and in particular the applicant's response to the Trust's relevant representation [RR-008]. The Trust has no specific comments to make on their response and we look forward to meaningful progress being made in relation to reaching voluntary agreement over the land rights sought; the protective provisions for the Trust and SoCG.

Change Application Request

We note the ExA's decision to accept the applicants' request to make changes to the application in the letter dated 24th April 2023. Change 14, with the reduction of the Order Limits at Work No.18, to remove a section of the Shropshire Union Canal (AR PS18), is the only relevant change affecting the Trust. We fully support the removal of part of our undertaking from the Order limits.

The Trust will update the ExA on the progress made in relation to the SoCG, protective provisions and other matters at each relevant deadline.

Please do not hesitate to contact me with any queries you may have in relation to the above matters.

Yours sincerely,

Tim Bettany-Simmons MRTPI
Area Planner & Special Projects

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Appendix A – Trust's response to the ExA Questions
Appendix B – Written Representations of the Canal & River Trust, including summary

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