

THE HYNET CARBON DIOXIDE PIPELINE PROJECT

DEADLINE 3

23 MAY 2023

1. INTRODUCTION

- 1.1 We act for Cadent Gas Limited (**Cadent**).
- 1.2 The draft DCO (**dDCO**) for HyNet Carbon Dioxide Pipeline project (**the Project**) being promoted by Liverpool Bay CCS Limited (the **Promoter**) contains development which may affect Cadent's apparatus.
- 1.3 Cadent has several low, medium and high pressure gas pipelines and associated apparatus (the **Apparatus**) located within the order limits which may be affected by works proposed and for which further details on interactions will be required.
- 1.4 Cadent is the holder of a gas transporter licence (the **Transporter Licence**), granted pursuant to section 7 of the Gas Act 1986 (the **1986 Act**). Cadent owns and maintains the gas distribution network in the North West, West Midlands, East Midlands, the East of England and North London. The Apparatus forms part of Cadent's gas distribution network.
- 1.5 This submission is made on behalf of Cadent to provide the Examining Authority with an update further to Cadent's Deadline 1 submission and its relevant representation.

2. PROTECTIVE PROVISIONS

- 2.1 For the purposes of the Planning Act 2008 and section 127, Cadent is a statutory undertaker and the land included within the order limits is statutory undertakers' land. Cadent require the protective provisions secured within the DCO to be in their preferred form to ensure that there is no serious detriment to the carrying on of Cadent's undertaking.
- 2.2 Cadent submitted their preferred form of protective provisions and outlined why the current dDCO does not include adequate protection in its Deadline 1 response dated 17 April 2023 (the **Cadent Protective Provisions**). The Promoter has confirmed in its Deadline 2 response (REP2-041) that it has agreed in principle that protective provisions will be included in the dDCO. The Promoter has not commented on the Cadent Protective Provisions.
- 2.3 Cadent continues to engage with the Promoter in respect of the form of the protective provisions.
- 2.4 We make this submission to reiterate Cadent's request that the Cadent Protective Provisions are secured within the DCO.

3. NEXT STEPS

- 3.1 Cadent request that the Examining Authority recommend that the final DCO, if made, includes protective provisions for the benefit of Cadent in the form of the Cadent Protective Provisions

CMS Cameron McKenna Nabarro Olswang LLP

23 May 2023