

DRAFT STATEMENT OF COMMON GROUND WITH CADW

HyNet Carbon Dioxide Pipeline DCO

Planning Act 2008

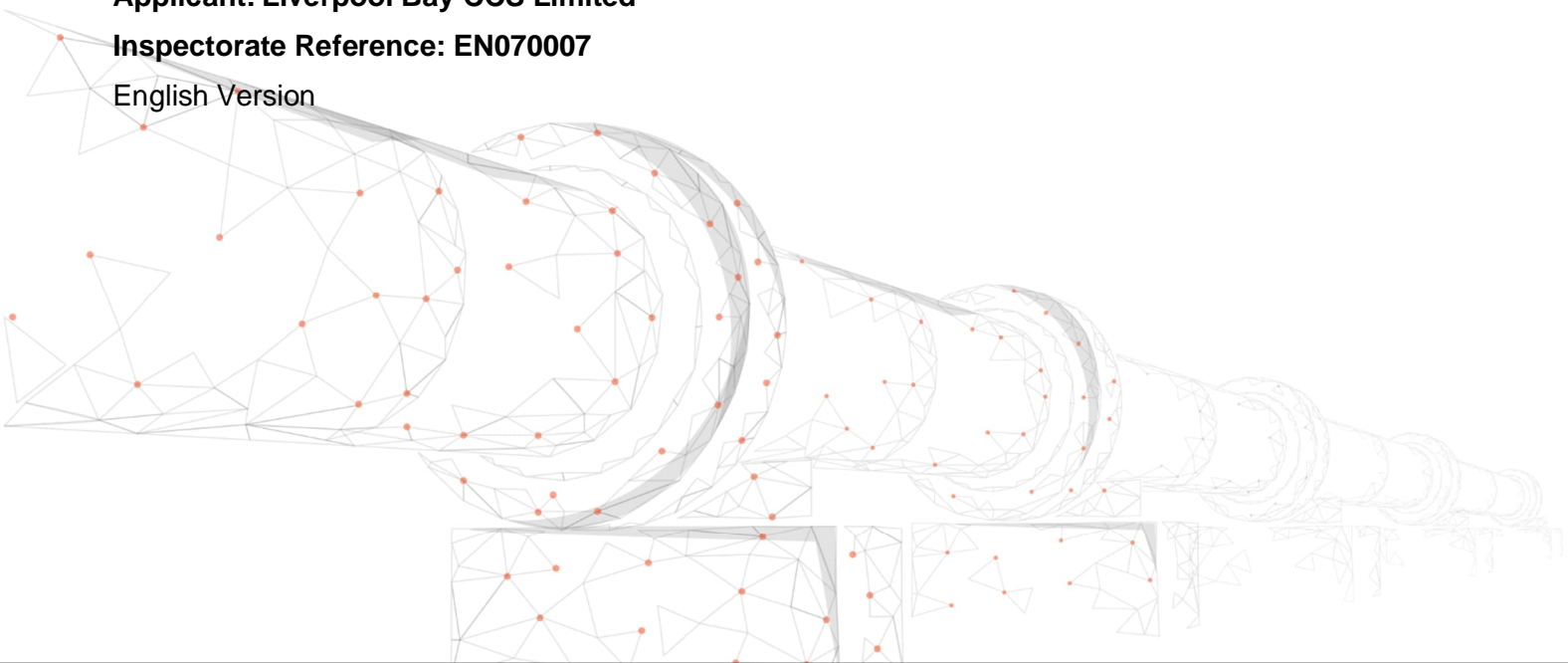
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STATEMENT OF COMMON GROUND

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

Signed

[NAME]

[POSITION]

on behalf of Liverpool Bay CCS Limited

Date: [DATE]

Signed

[NAME]

[POSITION]

on behalf of Cadw

Date: [DATE]

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1. INTRODUCTION

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 Cadw.
- 1.1.2. For the purpose of this draft SoCG, the Applicant and Cadw will jointly be referred to as the 'Parties'.
- 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. It also lists any points on which discussions are ongoing or where the Parties have concluded agreement cannot be reached. SoCGs are an established means in the DCO planning process of allowing all Parties to identify and so focus on specific issues that may need to be addressed during the examination.
- 1.1.4. **Chapter 2** of this draft SoCG records the consultation undertaken with Cadw 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 detail 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 CO₂ 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 Cadw primarily as a statutory historic environment and cultural heritage body.
- 1.2.3. A full description of the DCO Proposed Development is detailed in Chapter 3 of the Environmental Statement (ES) **[APP-055]**. On the 27 March 2023, the Applicant submitted Change Request 1 which includes '2023 ES Addendum Change Request 1' **[CR1-124 to 126]** and ES Addendum Chapter 3 which provides an update to the description of the DCO Proposed Development **[APP-055]**. On the 2 June 2023, the ExA accepted the Applicant's Change Request 2; subsequently the description of the development has been updated, to include Chapter 3 of the 2023 ES Addendum Change Request 2 **[CR2-017]**.

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

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

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Table 2-1 – Record of Engagement in relation to the DCO Proposed Development

| Date | Form of Correspondence | Key Topics Discussed and Key Outcomes |
|------------|---|--|
| 27/05/2021 | Microsoft Teams meeting between Cheshire West and Chester Council (CWCC), Historic England (HE), Cadw, Clywd-Powys Archaeological Trust (CPAT) on behalf of Flintshire County Council (FCC) and the Applicant | <p>Key Topics</p> <ul style="list-style-type: none"> • Scope and assessment strategy for the cultural heritage assessment for the DCO • Scope and strategy for geophysical survey <p>Discussions and Outcomes</p> <ul style="list-style-type: none"> • The wider study area for designated assets was requested for the Welsh sections of the DCO Proposed Development (3km) • Palaeoenvironmental potential particularly in Gowy river valley and therefore confirmed that palaeoenvironmental potential is scoped into assessment • It will not be assumed that negative results on the geophysical survey means an absence of archaeological remains |
| 18/08/2022 | Microsoft Teams meeting between CWCC, CPAT on behalf of FCC, Cadw, Royal Commission of Ancient and Historical Monuments and the Applicant | <p>Key Topics</p> <ul style="list-style-type: none"> • Status of application and archaeological fieldwork <p>Discussions and Outcomes</p> <ul style="list-style-type: none"> • A meeting was held to provide an update on the status of application and archaeological fieldwork. Concerns were raised about the lack of trenching pre-submission. Guidance from the Welsh planning guide was provided for further discussion on the pre-determination evaluation process. |
| 06/10/2022 | Email conversation between Cadw and the Applicant | <p>Key Topics</p> <ul style="list-style-type: none"> • Concerns over lack of pre-submission evaluation fieldwork <p>Discussions and Outcomes</p> <ul style="list-style-type: none"> • Targeted evaluation fieldwork to be undertaken during examination period |
| 08/12/2022 | Microsoft Teams meeting between Cadw and the Applicant | <p>Key Topics</p> <ul style="list-style-type: none"> • Statement of Common Ground (SoCG) 1st Meeting • Introduction to the SoCG <p>Discussions and Outcomes</p> <p>Update provided on the status of the DCO Proposed Development.</p> <p>SoCG template introduced and reviewed by the Parties.</p> <p>The Parties agreed to keep the engagement point as ongoing discussion.</p> <p>The study area and baseline are appropriate and agreed.</p> <p>Cadw to follow up on whether this SoCG can be incorporated with the Welsh Government SoCG or whether it needs to be a separate document and signed by Cadw</p> |

| Date | Form of Correspondence | Key Topics Discussed and Key Outcomes |
|------------|--|---|
| 14/03/2023 | Microsoft Teams meeting between Cadw and the Applicant | <p>Key Topic</p> <ul style="list-style-type: none"> • SoCG second Meeting • Discussion of DCO Submission Documents <p>Discussions and Outcomes</p> <p>Cadw queried the number of trenches not able to be undertaken within Wales due to access issues.</p> <p>Cadw to provide further comment on the Draft DCO.</p> <p>Cadw asked that the trial trenching and mitigation strategy points within the ES point (CADW 3.1.2) be put as a separate point (the new CADW 3.1.3).</p> <p>Following the removal of the trial trenching and mitigation points, the engagement point is agreed.</p> |
| 16/06/2023 | Microsoft Teams meeting between Cadw and the Applicant | <p>Key Topic</p> <ul style="list-style-type: none"> • SoCG third meeting • Trial Trenching Technical Note <p>Discussions and Outcomes</p> <p>Cadw suggested that an Outline Mitigation Strategy be prepared to better inform conditions.</p> <p>The Phase I trenching results discussed. Cadw suggests amendments to the evaluation and mitigation point (CADW 3.1.3). Discussion undertaken on an Outline Mitigation Strategy.</p> <p>The trial trenching (CADW 3.3) is amended with submission date and agreed.</p> <p>The wording of the proposed draft DCO requirement (CADW 3.3.1) was discussed and agreed as acceptable.</p> |

3. ISSUES

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. The topics discussed between the Applicant and Cadw are as follows:

- Engagement and the ES;
- Cultural Heritage;
- Issues related to the DCO Proposed Development - Draft DCO (including requirements of the draft DCO); and
- Issues related to Other Consents, Licences and Permits Required outside the draft DCO.

Table 3-1 – Engagement and the ES

| Ref. | Description of Matter | Current Position | Status |
|---|------------------------------------|--|------------------|
| Engagement | | | |
| CADW 3.1.1 | Engagement | Cadw on behalf of the Welsh Ministers have been formally consulted on the application in relation to the impacts on the historic environment as required by the Planning Act 2008. | Agreed |
| ES | | | |
| CADW 3.1.2 | ES | <ul style="list-style-type: none"> The Parties agree that the study area as set out in the ES is appropriate The Parties agree that the baseline as set out in the ES are appropriate The Parties agree that the impact assessment methodology used in the ES is appropriate The Parties agree that the mitigation proposed in the ES is appropriate Cadw considers that appropriate regard has been taken to the statutory historic environment and cultural heritage methodologies in the cumulative assessment having regard to the level of information available. | Agreed |
| Evaluation and mitigation strategy | | | |
| CADW 3.1.3 | Evaluation and mitigation strategy | <p>Cadw have requested further trial trenching which will be completed accordingly with results shared. This has been committed to by the Applicant in the form of a second phase of trenching post-consent which will include the trenches not completed in the first trenching phase. Cadw would prefer all of the targeted trenches from the first phase of trenching to be undertaken during the pre-determination stage but accepts that it can be done at a later stage given the accessory issues. The Applicant and Cadw agree that the approach is sufficient to determine significance and is in line with the guidance (NPS EN-1).</p> <p>A draft mitigation strategy will be submitted to inform the conditions and the later WSIs</p> | Under Discussion |

Table 3-2 – Issues related to the DCO Proposed Development - Cultural Heritage

| Ref. | Description of Matter | Current Position | Status |
|------------|-----------------------|---|--------|
| CADW 3.2.1 | Baseline data sources | The baseline data sources have been collated using desk-based and field-based techniques, through consultation with stakeholders, and are considered by the Applicant to reflect best practice. The scope, coverage, and timing of the surveys [APP-084 – APP-090] undertaken to inform the baseline conditions and sensitive receptors are in line with best practice and appropriate to inform the assessment of effects reported in the Cultural Heritage assessment [APP-060]. Cadw agrees that the data sources used, and the evaluation undertaken to date are appropriate. | Agreed |
| CADW 3.2.2 | Trial Trenching | Cadw considers that the first phase of evaluation comprised of targeted trial trenching should be undertaken pre-submission. The Applicant can confirm that surveys started on site in February 2023 and completed March 2023; results were submitted at Deadline 4 of the Examination in the CO ₂ Pipeline Archaeological Evaluation Report (document reference: D.7.33). The Applicant has shared the evaluation results with Cadw. | Agreed |

| Ref. | Description of Matter | Current Position | Status |
|-------------------|-------------------------------------|--|--------|
| CADW 3.2.3 | Potential impact on historic assets | Cadw confirm that in regard to the impact of the proposed development on the Registered Historic Landscape, that whilst there will be a direct physical impact the impact to the asset's value will be minor and not significant. The Holywell Common and Halkyn Mountain Historic Landscape is discussed [APP-084] with the effects concluded as not significant. | Agreed |

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

| Ref. | Description of Matter | Current Position | Status |
|-------------------|-----------------------|---|--------|
| CADW 3.3.1 | DCO | Cadw confirm that they are happy with the wording of the proposed draft DCO [REP3-005] requirement (Requirement 10). | Agreed |

Table 3-4– Issues related to Other Consents, Licences and Permits Required outside the draft DCO

| Ref. | Description of Matter | Current Position | Status |
|-------------------|--|---|--------|
| CADW 3.4.1 | Marine and Coastal Access Act 2010, Marine Licensing (Exempted Activities) (Wales) Order 2011 Marine Licence exemptions | To be sought if required for activities undertaken within a marine licensable area, to be submitted pre-construction and required for pre-construction and construction stages. Full information is contained within the Other Consents and Licenses document (Rev C) [REP3-017] , submitted at Deadline 3. | Agreed |