



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

Your Ref EN070007

Our Ref HYCO-EIA071

Tuesday 20th June 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) Response to Action Points from the Hearings raised by the Examining Authority (Unique Reference: HYCO-EIA071).

Thank you for your consultation on the publication of the Examining Authority’s (ExA) Action Points arising from the Issue Specific Hearing (ISH1) (Environmental Matters), Compulsory Acquisition Hearing 1 (CAH1), and Issue Specific Hearing 2 (ISH2) (Development Consent Order). Please find below the Canal & River Trust (the Trust) response to the action points relevant to us.

Issue Specific Hearing (ISH1) (Environmental Matters)

No action points for the Canal & River Trust.

Compulsory Acquisition Hearing 1 (CAH1)

CAH1 – AP2 The action point relates to whether plot 8-03 (not 18-03 as listed in the question), which is registered as Infrastructure Trust Property, should be listed as Crown Land within the Book of Reference.

The Canal & River Trust is a community interest company, which was set up in 2012 to take on the activities of British Waterways (BW). When the statutory transfer of BW’s activities took place, the Secretary of State (DEFRA) specified that the former BW waterways and land needed for certain purposes in connection with those waterways were to be held on trust, so that the Trust would be required to retain that property and use it for the Trust’s charitable purposes. That land is referred to as “Infrastructure Trust Property” (ITP) and it is held by the Canal & River Trust as trustee for the Waterways Infrastructure Trust.

Accordingly, the Trust’s Infrastructure Trust Property is not considered ‘crown land’ as defined in s227 Planning Act 2008. Between them, sub-sections (2) and (3) provide the definition of crown land as including an interest belonging to a government department or held in trust for His Majesty for the purposes of a government department. In this case, the Canal & River Trust hold the property on trust for the Waterways Infrastructure Trust for public benefit.

Issue Specific Hearing 2 (ISH2) (Development Consent Order)

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Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire DE13 7DN
T 0303 040 4040 E canalrivertrust.org.uk/contact-us W canalrivertrust.org.uk

ISH2 – AP6 – The action point relates to the Trust’s objection to the discharge of surface water to the canal. The applicant has advised that article 19 of the DCO requires the consent of the watercourse owner before forming such a discharge. It is asked if this satisfies the concerns of the Trust.

Water management within our waterways is complex and any new discharges need to be assessed by the Trust’s hydrology and environmental teams to ensure the canal has capacity to accommodate increased flow and this needs to be modelled alongside all other flows into the canal.

Within the draft protective provisions for the Canal & River Trust, which are being negotiated with the applicant, the Trust is negotiating a provision to disapply Article 19. The Trust is not a drainage body and the Trust’s consent will be required for any surface water flows into our waterway. We would need to be satisfied that there is no increase in the flood risk and that it will not cause the water quality of the waterway to deteriorate, either in the long term, or as a result of increased discharges. We will only accept clean surface water. This is managed via a mandatory drainage assessment process via the Canal & River Trusts Code of Practice for Third Party Works. We are seeking a commitment from the applicant to seek consent from the Trust via that process, which goes further than Article 19 of the draft Order.

Within the draft Statement of Common Ground between the Trust and the applicant [REP3-030], this matter has been under discussion between the parties (Table 3.7 of REP3-030).

The Applicant has confirmed that relevant consents/permits/licenses will be obtained for discharges if required. Within the draft protective provisions, the Trust is seeking assurance that the applicant will abide by the Canal & River Trust Code of Practice in relation to the works related to the canal, including any discharge of surface water to the canal.

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

@canalrivertrust.org.uk

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design>

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