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Our Ref: UK01-000162.00324
Your Ref: EN070007

Rosa Simson
Solicitor

27 June 2023

Dear Sirs

**Fieldfisher LLP on behalf of British Pipeline Agency Limited ("BPA")
Proposed application by Liverpool Bay CCS Limited ("the Applicant") for an Order Granting
Development Consent for the HyNet North West Carbon Dioxide Pipeline ("the Order")**

We represent BPA. BPA acts as agent and operator on behalf of the United Kingdom Oil Pipelines Limited ("UKOP"). UKOP operate a national pipeline system transporting a variety of fuels.

The UKOP pipeline network transports around 35% of the UK's petrol and diesel and upwards of 60% of the UK's jet aviation fuel (including 40% of Heathrow's, over 90% of Gatwick's, all of Luton East Midlands' and Birmingham's jet fuel) and supplies a number of fuel terminals, including the largest inland UK fuel terminal (which is at Kingsbury).

The UKOP pipeline (the Mersey to Kingsbury pipeline) to be affected by the construction activities contemplated in the Order, is a high pressure pipeline which transports fuel (including petrol, diesel, jet fuel and heating fuels) from Stanlow to Kingsbury for storage and onward delivery to petrol stations and airports.

The section of pipeline affected by the Order currently has over 90% utilisation, so any disruption (including any inability to repair or maintain the asset) would significantly impact the supply and storage of fuels across the UK, possibly for months.

We have not been in communication with the Examining Authority to date in relation to the Order and we apologise for our late correspondence.

We understand the deadline for a response to the statutory consultation was 22 March 2022. The Applicant served the consultation documentation on BPA (UK) Limited (the incorrect entity) rather than BPA (the correct entity) as agents of UKOP (the owner of the pipeline and related infrastructure).

BPA subsequently received the consultation documentation in January 2023. Unfortunately however, this was received by its engineering department, who were unaware a relevant representation to the Order should have been lodged. Regrettably, the consultation documentation did not reach the 'correct' internal department at BPA until recently.

We understand that BPA/UKOP have been registered as an interested party. We are now writing to update the Examining Authority on discussions between BPA/UKOP and the Applicant ("the Parties").

Fieldfisher, on behalf of BPA, received draft protective provisions from Burges Salmon, acting for the Applicant, on 23 June 2023. It is hoped that acceptable protective provisions will be agreed between the parties. Such protective provisions, once agreed, should provide acceptable comfort to BPA/UKOP to the extent that any of its apparatus, (including live pipelines) are affected by the Order.

The agreement of protective provisions is of critical importance to ensure that the UKOP network retains all necessary protections and rights to enable it to repair maintain and operate the pipeline network in accordance with its statutory and regulatory framework.

It has come to our attention that Article 6 of the draft Order wording (Power to Maintain the Authorised Development) allows (as part of the carrying out and maintaining of such authorised development) for vertical diversion of the HyNet Co2 line to a level where it could conflict with UKOP's live fuel line thereby posing significant health and safety risks.

These health and safety concerns would be mitigated through appropriate protective provisions. We will update the Examining Authority on the progress of negotiations, but in the meantime, it is asked to note that this remains an outstanding issue between the Applicant and BPA/UKOP.

In the interim, the parties have been reviewing, negotiating and seeking to agree the Statement of Common Ground.

We would be grateful if you could please confirm receipt of this letter.

Yours faithfully

Fieldfisher