



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

**Your Ref** EN070007

**Our Ref** HYCO-EIA071

**Tuesday 4<sup>th</sup> July 2023**

[hynetco2pipeline@planninginspectorate.gov.uk](mailto: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 questions raised by the Examining Authority (Unique Reference: HYCO-EIA071).**

Thank you for your consultation on the publication of the Examining Authority’s (ExA) second written questions. Please find below the Canal & River Trust (the Trusts) response to the questions relevant to us.

**Q2.1.1** The Canal & River Trust do not consider that further Hearings or ExA written questions are required, beyond those already programmed in the Examination Timetable.

**Q2.18.1** The Canal & River Trust does not have any record of Invasive Species, such as Japanese Knotweed in relation to plot 8-03 or 9-06. That does not mean that some may not be present, especially outside the immediate canal corridor. It would be advisable for the applicant/contractor to undertake a walkover survey prior to works commencing. This could be combined with the ecological survey prior to works commencing.

It may be necessary to survey for invasive species at this stage to form a baseline and then follow this up with a further survey prior to works commencing to account for any spreading or new growth from the original survey to the commencement of works (which could be a number of years). It would certainly be appropriate to survey for invasive species prior to works commencing on site. It would however be important that the survey is undertaken during the growing season.

A mechanism for the updated survey, removal and safe disposal of invasive species should be incorporated into the requirements of the DCO. This could be through expanding requirement 12 – ecological survey, to also include survey for invasive species and their removal and safe disposal.

**Q2.19.6** Article 21 (Authority to Survey and Investigate Land)

Within our Submission for Deadline One on the Trusts Relevant Representations (dated 6<sup>th</sup> April), the Trust set out its objects to article 21 in terms of the power to survey and investigate land. Notwithstanding subparagraph 21(3) which requires notice to be served on the Trust at least 14 days before entry onto our land for carrying out of such surveys or investigation we have concerns in terms of how such works would be carried out. This was exacerbated by the lack of protective provisions for the Trust and our requirement to safeguard our assets and interests. The Trust and applicant have now been negotiating protective provisions for the Trust.

**Canal & River Trust**

Fradley Junction, Alrewas, Burton-upon-Trent, Staffordshire DE13 7DN

T 0303 040 4040 E [REDACTED]

## Appendix A – Canal & River Trust response to the ExA Second Written Questions

In practice we would have concerns that only notice is required, as opposed to consent being required to carry out such surveys or investigations on our land. This could be problematic for the Trust, if for example, the applicant were to leave apparatus which interferes with our undertakings, closes our navigation or makes trial holes which could undermine the structural integrity of our assets.

Through the protective provisions for the Trust, we are seeking to disapply this provision in relation to the Trust land and for our consent to be required.

### Article 31 (Acquisition of Subsoil and Airspace)

Within our Submission for Deadline One on the Trusts Relevant Representations (dated 6<sup>th</sup> April), the Trust set out that the power seeks to compulsorily acquire rights in relation to subsoil or airspace. Given the pipe will be underground and underneath the canal it is unclear why airspace rights are required in terms of the Trust's assets. For the reasons as set out above the Trust objects to this power relating to our land interests as such powers could prevent the Trust from carrying out our statutory duties or interfere with our ability to meet our statutory obligations.

Through the protective provisions for the Trust, we are seeking to disapply this provision in relation to the Trust land and for our consent to be required.

### Article 34 (Temporary Use of land for carrying out the authorised development)

Within our Submission for Deadline One on the Trusts Relevant Representations (dated 6<sup>th</sup> April) the Trust objected to this power to temporarily acquire Trust owned land. Any use or occupation of our land should be subject to the separate agreement of the Trust.

The Trust would also want to be consulted on the details for the restoration of our land following the completion of works.

Through the protective provisions for the Trust, we are seeking to disapply this provision in relation to the Trust land and for our consent to be required.

The protective provisions for the Trust should hopefully address these concerns.

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

[REDACTED]@canalrivertrust.org.uk

## **Canal & River Trust**

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T 0303 040 4040 [REDACTED]