

DRAFT STATEMENT OF COMMON GROUND WITH BRITISH PIPELINE AGENCY

HyNet Carbon Dioxide Pipeline DCO

Planning Act 2008

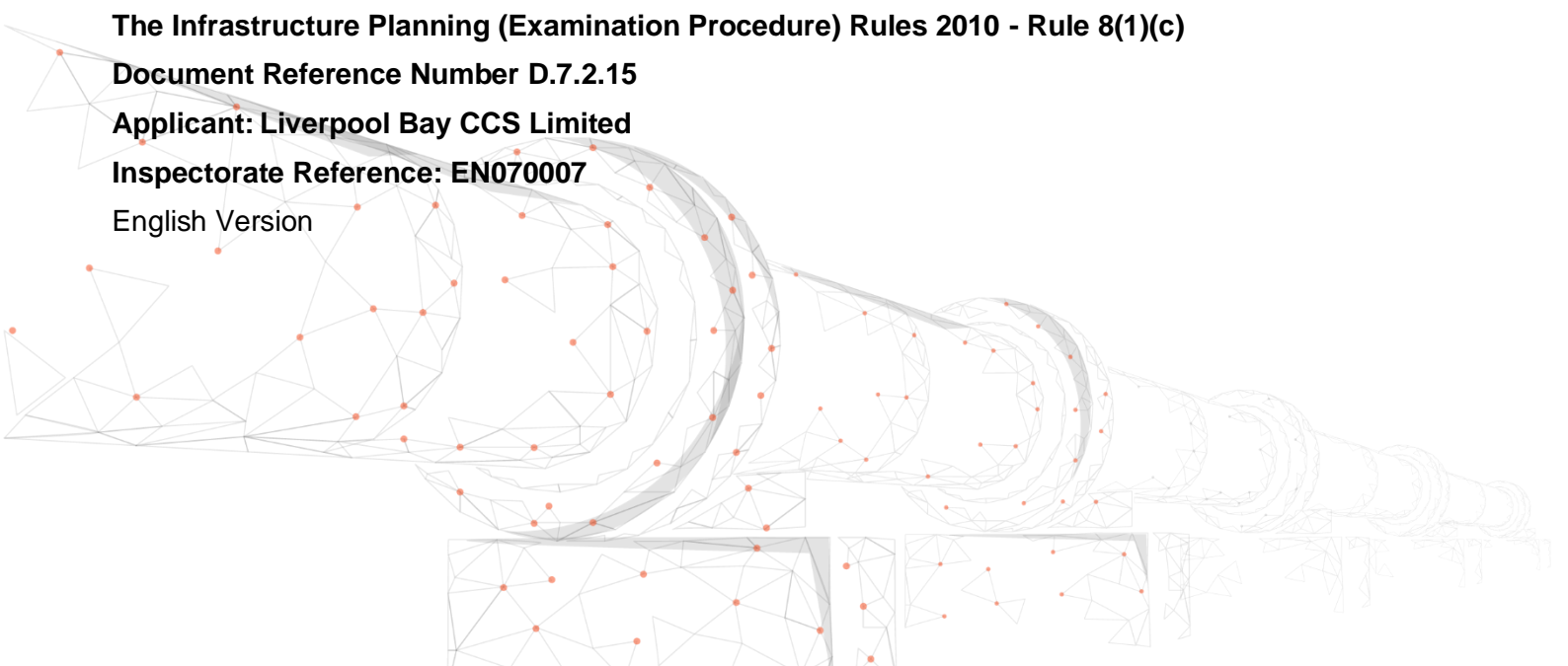
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STATEMENT OF COMMON GROUND

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

Signed

[NAME]

[POSITION]

on behalf of Liverpool Bay CCS Limited

Date: [DATE]

Signed

[NAME]

[POSITION]

on behalf of BPA

Date: [DATE]

TABLE OF CONTENTS

1. INTRODUCTION.....	4
1.1. Purpose of this document.....	4
1.2. The DCO Proposed Development.....	4
1.3. Terminology	5
2. RECORD OF ENGAGEMENT	6
3. ISSUES	10

TABLES

Table 2-1 – Record of Engagement in relation to the DCO Proposed Development	7
Table 3-1 – Engagement, Land. ES & Other Application Documents	11
Table 3-2 – Issues related to the Design	12
Table 3-3 – Issues related to the DCO Proposed Development - Draft DCO (including requirements to the draft DCO)	12

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 the British Pipeline Agency (BPA).
- 1.1.2. For the purpose of this draft SoCG, the Applicant and BPA 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 several matters related to the Development Consent Order (DCO) Proposed Development. It also lists any points on which discussions are still ongoing between the Parties. SoCGs are an established means in the DCO planning process of allowing all Parties to identify and 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 BPA 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 (DCO) impacts BPA primarily as a land and asset owner.
- 1.2.3. The Applicant has identified the following plots in which BPA hold an interest on behalf of United Kingdom Oil Pipelines Limited (UKOP):
6-09, 6-20, 6-22, 6-24, 6-25
- 1.2.4. 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's submitted a Change Request which includes '2023 ES Addendum Change Request 1' **[CR1-124 to 126]** and ES Addendum Chapter 3 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 to date between the Applicant and BPA 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
17/05/2022	Email correspondence between BPA and the Applicant	<p>Key Topics</p> <p>Proposed Hynet Pipeline interface with existing BPA assets</p> <p>Discussions and Outcomes</p> <p>Route kmz sent to BPA for review.</p> <p>BPA have advised that a Crossing Consent needs to be submitted by the Applicant to BPA for approval. Template shared with the Applicant. Consent approval requires specific crossing cross-sectional drawings and details which are unavailable at this stage.</p> <p>BPA have also advised they are looking after the UKOP and Shell pipelines in the area. It is unclear if Shell assets will also require Consent Approval. BPA will however be looking after the Shell consent approval if required.</p>
17/05/2022	Emails between BPA and the Applicant	<p>Key Topics</p> <ul style="list-style-type: none"> • Consent form and work requirements <p>Discussions and Outcomes</p> <p>BPA has sent copy of their consent form and work requirements (Linewatch’s Special Requirements for Working in close proximity to high pressure pipelines), both documents are under review by the Applicant.</p>
20/06/2022	Microsoft Teams between BPA and the Applicant	<p>Key Topics</p> <ul style="list-style-type: none"> • Discussion on Crossing Consent <p>Discussions and Outcomes</p> <p>BPA have advised that a Crossing Consent needs to be submitted by the Applicant to BPA for approval. Template shared with the Applicant. Consent approval requires specific crossing cross-sectional drawings and details which are unavailable at this stage.</p> <p>BPA have also advised they are looking after the UKOP and Shell pipelines in the area. It is unclear if Shell assets will also require Consent Approval. BPA will however be looking after the Shell consent approval if required.</p>
18/11/2022	Email and Microsoft Teams between BPA and the Applicant	<p>Key Topics</p> <ul style="list-style-type: none"> • Overview of the DCO Proposed Development • Crossing of BPA, Shell AMD UKOP assets • Easements • Borehole site investigation works • RAMS requirements • Cathodic Protection • Project Schedule

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		<ul style="list-style-type: none"> • Crossing Methods and Separation Distances/Clearance • Attributes of NGG assets – Diameter, Pressure etc • Statement of Common Ground • Protective Provision <p>Discussions and Outcomes</p> <p>BPA have advised that a Crossing Consent needs to be submitted by the Applicant to BPA for approval. Consent approval requires specific crossing cross-sectional drawings and details which are unavailable at this stage.</p> <p>BPA have also advised they are looking after the UKOP and Shell pipelines in the area. Consent from Shell is however to be obtained by the Applicant directly from Shell.</p> <p>BPA advised that if any work to be undertaken within the easement, this needs to be reviewed and accepted prior to the works, under which direct supervision by BPA is also required.</p> <p>BPA to send draft Protective Provisions to Applicants legal advisor.</p>
24/11/22	Email correspondence from BPA to applicant	Crossing Consent Agreement only needed for UKOP pipeline. Shell (OOS) pipeline will not require this additional legal pipeline. Nevertheless, all works within the easement of either pipeline system still required BPA review and acceptance of the RAMS and will need supervision.
23/12/22	Email correspondence from Applicant to BPA	Statement of Common Ground sent to BPA.
04/01/23	Email from BPA to applicant	Meeting arranged to discuss SoCG due to lack of information within it.
27/01/23	Teams meeting between BPA and applicant	<p>Key Topics</p> <ul style="list-style-type: none"> • Statement of Common Ground (First Meeting) <p>Discussions and Outcomes</p> <p>Meeting to discuss purpose of SoCG and review of information.</p> <p>Discovered during this meeting that the Applicant confused the British Pipeline Agency Ltd (which trades as BPA) with BPA (UK) Ltd, and therefore BPA did not get chance to register as an interested party with the Planning Inspectorate within the deadline. The Book of Reference consequently lists the wrong company.</p>
13/02/23	Email correspondence from BPA to applicant	BPA provided amended copy of the SoCG
07/03/2023	Email correspondence from Applicant to BPA	Provided references of the ES for interaction with pipelines as required by BPA
24/03/2023 and 06/04/2023	Email correspondence between BPA and applicant	<p>Key Topics</p> <ul style="list-style-type: none"> • General enquiry on proposed pipeline attributes • General enquiry on pipeline safety studies <p>Discussions and Outcomes</p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		The Applicant provided response to BPA enquiry on proposed pipeline attributes (size, pressure, temperature and burial status) and status of safety studies.
19/05/2023	Teams meeting between BPA and Applicant	<p>Key Topics</p> <ul style="list-style-type: none"> • Discussion on updated copy of the SoCG Crossing Agreement <p>Discussions and Outcomes</p> <p>The Applicant shared the SoCG on screen and made updates to the document. The Applicant will share the ES Chapter on Major Accidents and Disasters with BPA for them to review alongside Table 3-1 of this SoCG.</p>
23/06/2023	Teams meeting between BPA and Applicant	<p>Key Topics</p> <ul style="list-style-type: none"> • Necessity of protective provisions to be agreed and for any replacement/ancillary land rights to be granted for UKOPs asset <p>Discussions and Outcomes</p> <p>The Applicant will instruct their legal representatives to engage with BPA's legal reps in order to agree the necessary protective provisions and any replacement/ancillary land rights for UKOP's asset, and to liaise with BPA in relation to the works in close proximity to UKOP's asset.</p>

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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 BPA are as follows:

- Engagement, Land, ES & Other Application Documents;
- Design; and
- Issues related to the DCO Proposed Development - Draft DCO (including requirements to the draft DCO)

Table 3-1 – Engagement, Land, ES & Other Application Documents

Ref.	Description of Matter	Current Position	Status
Engagement			
BPA 3.1.1	Engagement	The Parties agree that engagement has been ongoing in the pre-application period (as set out in the record of engagement) and the Applicant has sought to bring forward a design which has had regard to BPA's views. BPA has been formally consulted on the application as required by the Planning Act 2008.	Agreed
Land			
BPA3.1.2	Land Use	The Parties are seeking to determine, where relevant, land rights and use. The Parties will seek agreement where required. BPA confirm that the pipelines (under ownership of UKOP) are buried beneath the ground in the areas of interest.	Under Discussion
ES			
BPA 3.1.3	ES	The Applicant has provided BPA with information relating to the cumulative assessment within the Environmental Statement upon request. BPA considers that appropriate regard has been had to its proposals in the cumulative assessment having regard to the level of information available.	Under Discussion
Other application documents			
BPA 3.1.4	Other application documents	BPA advised in their Relevant Representation that its interests are not correctly reflected in the Book of Reference [REP4-016] , as British Pipeline Agency Ltd have been included in error rather than with BPA (UK) Ltd. The Applicant has reviewed this point and confirms that BPA have only been included in the Book of Reference [REP4-016] as 'BPA (UK) Limited'. In their Relevant Representation, BPA have also flagged those plots 3-12 and 4-14 are not of interest. Plot 6-09 is United Kingdom Oil Pipelines Limited (UKOP), but this is c/o British Pipeline Agency which is not listed. The Applicant confirms that Plot 6-09 has also been updated in the Book of Reference [REP4-016] as 'c/o British Pipeline Agency'. The Applicant has reviewed and confirmed that according to our Land Registry records, BPA are a Category 2 land interest for plots 3-12 and 4-14 (in respect of apparatus). The list of land interests held by BPA are also noted in paragraph 1.2.3 of this SoCG. Furthermore, UKOP are listed in the Book of Reference [REP4-016] as land interests for the following plots: 6-09, 6-20, 6-22, 6-24 and 6-25. The Applicant's land referencing team have reviewed the BPA interests in the scheme and can confirm the following plots can be removed from the BoR as Shell are also listed as an interest 'in respect of apparatus': Plots 2-02, 2-02a, 2-03, 3-06, 3-11, 4-15, 4-19, 6-20, 6-22, 6-24, 6-25.	Under Discussion

Table 3-2 – Issues related to the Design

Ref.	Description of Matter	Current Position	Status
BPA 3.2.1	BPA Special Requirements	<p>The Applicant acknowledges receipt of BPA's Linewatch Special Requirements for Safe Working in close proximity to high pressure pipelines Revision No. 21.08.</p> <p>In all cases, BPA must be consulted on any works taking place within the easement (3m each side of each pipeline). Any works taking place in the easement must be reviewed and accepted by BPA before works can take place. Works will also require a supervised presence from BPA during their undertaking.</p>	Under Discussion
BPA 3.2.2	BPA Assets	<p>BPA confirm that in the location of all assets there is a buried pipeline through this land, for which there is a 999-year lease in place, which give rights to the easement (3 m each side of each pipeline) under which special protective provisions apply. In all cases, BPA must be consulted and must review and accept all works before they can take place.</p> <p>The Applicant will continue to engage with BPA regarding the protection of these assets and is actively engaging with BPA regarding the establishment of Protective Provisions which were initially shared on 23/06/2023.</p>	Under Discussion

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
BPA 3.3.1	Crossing Agreement	A crossing agreement and replacement / ancillary land rights for any rights affected or extinguished (which is not currently proposed) will need to be put in place for the UKOP pipeline prior to the works taking place on site in accordance with the Protective Provisions to be agreed between the parties.	Under Discussion