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To all Interested Parties, Affected Persons  
and Statutory Parties

Your Ref:

Our Ref: EN070007

Date: 18 July 2023

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Dear Sir/ Madam,

**Planning Act 2008 (as amended) and The Infrastructure Planning (Examination Procedure) Rules 2010 (EPR) – Rules 8(3) and 13**

**The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (CA Regulations) – Regulations 10 to 16 (inclusive)**

**Application by Liverpool Bay CCS Limited for an Order Granting Development Consent for the HyNet Carbon Dioxide Pipeline**

**Notice of variation to the Examination Timetable following acceptance of change request for examination, including notification of Hearings, Initial Assessment of Issues/ Meeting; and Written Representations**

The Examining Authority (ExA) has previously accepted for examination the Applicant's proposal to amend its Development Consent Order (DCO) application<sup>1</sup>, including the proposed provision for the Compulsory Acquisition of rights over additional land contained in its Change Request (CR) 1<sup>2</sup> and CR2<sup>3</sup>. The Applicant certified that the proposed provision in CR1 and CR2 have been publicised in accordance with Regulations 7 and 8 of the CA Regulations<sup>4</sup>.

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<sup>1</sup> The Procedural Decisions to accept Change Request (CR) 1, CR2 and CR3 for examination are [PD-016], [PD-019] and [PD-025] in the Examination Library (EL), which is available under the 'Documents' tab on the project webpage of the National Infrastructure Planning website:

<https://infrastructure.planninginspectorate.gov.uk/projects/wales/hynet-carbon-dioxide-pipeline/?ipcsection=overview>. All Examination documents referred to in this letter are available through the EL.

<sup>2</sup> Please refer to the Applicant's CR1 cover letter for more information regarding its proposed change at CR1' [CR1-123].

<sup>3</sup> Please refer to the Applicant's CR2 cover letter for more information regarding its proposed change at CR2' [CR2-016].

<sup>4</sup> Please refer to the Applicant's Regulation 9a Notice [OD-004] and Regulation 9b Certificate [OD-005] for more information.

Twelve further Relevant Representations (RR) were received in respect of the Applicant's CR1 and these can be found under Examination Library (EL) references [CR1RR-001] to [CR1RR-012], whilst two were received in respect of the Applicant's CR2. The CR2 RRs can be found under EL references [CR2RR-001] to [CR2RR-002].

On 15 June 2023, in accordance with Regulation 11 of the CA Regulations, the ExA made an initial assessment of the issues arising in connection with the CR1 proposed provisions and decided that the issues remain as set out in Annex C to the ExA's Rule 6 letter of 20 February 2023 [PD-011], as no new issues not previously identified were arising from the RRs submitted in regard to CR1. As such the ExA decided it was not necessary to hold a meeting to discuss how the proposed provisions, as set out in CR1, should be examined.

With regard to the CR2 proposed provisions, in accordance with Regulation 11 of the CA Regulations, the ExA has made an initial assessment of the issues arising in connection with those proposed provisions and has decided that the issues remain as set out in Annex C to the ExA's Rule 6 letter of 20 February 2023 [PD-011], as no new issues not previously identified were arising from the RRs submitted in regard to CR2. As no new issues arose, the ExA decided it is not necessary to hold a meeting to discuss how the proposed provisions, as set out in CR2, should be examined.

In terms of CR3, none of the proposed provisions impacted new land, nor did they include the CA of land or rights over additional land. Instead the proposed provisions in CR3 resulted in the removal of land interests subject to CA, removing that land from the Order limits. As such the ExA has determined the proposed provisions in CR3 do not trigger Regulations 4 to 19 (inclusive) of the CA Regulations.

Irrespective of this the proposed provisions within the CRs will be examined by Written Representations (WR) and by holding further hearings. Annex A of this letter sets out the revised Examination Timetable which is necessary to accommodate the required deadlines following the acceptance of the Applicant's proposals (CR1, CR2 and CR3) to amend the DCO application for examination.

## Written Representations

All IPs are invited to submit WRs on the Applicant's proposal to amend its DCO application. Please note that submissions should relate specifically to the proposed changes set out in CR1, CR2 and CR3. There is no need to repeat representations already made.

In addition, any additional Affected Persons (AP)<sup>5</sup> are invited to submit WRs on the DCO application as a whole. WRs can cover any relevant matter and are not restricted to the matters set out in Annex C to the ExA's Rule 6 letter of 20 February 2023 [PD-011]. Any person, other than the Applicant, who submits a WR must identify those parts of the application with which they agree and those parts with which they do not agree, explaining the reasons why.

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<sup>5</sup> Persons with an interest in the land subject to the Applicant's proposed provision, as set out in CR1 and CR2, and which is deemed to constitute additional land for the purposes of the CA Regulations.

Any WRs should be submitted by Tuesday 8 August 2023 (Deadline (DL) 6A in the revised Examination Timetable at Annex A of this letter). Any WRs and any further written submissions requested during the Examination that exceed 1500 words, should also be accompanied by a summary which should not exceed 10% of the original text. The summary should set out the key facts of the written submission and must be representative of the submission made.

This letter responds to the Applicants CR submissions (CR1 [CR1-123], CR2 [CR2-016] and CR3 [CR3-001], dated 27 March 2023, 26 May 2023 and 4 July 2023 respectively) and varies the examination timetable, as set out below.

## Amendments to the Examination Timetable

The ExA has made the procedural decision to amend the Examination Timetable, as set out at Annex A of the ExA's Rule 8 letter [PD-012] dated 27 March 2023, by:

- i) Inserting a new DL at Item 15 of DL6A of Tuesday 8 August 2023 that includes a DL for receipt by the ExA of:
  - Comments on RRs received that concern the Applicant's proposed provision for the compulsory acquisition of additional land.
  - WRs (including summaries of all WRs exceeding 1500 words) about the proposed provisions from the applicant, Additional AP(s); Additional IPs; or IPs.
  - Notification of a wish to speak at an Open Floor Hearing (OFH).
  - Notification from any Additional AP(s) of a wish to speak at Compulsory Acquisition Hearing (CAH) 2 (CAH2).
  - Notification by any Statutory Parties, who is/ are affected as a result of the Applicant's proposed provision for the compulsory acquisition of additional land, who have not submitted a RR of their wish to be considered as an IP.
- ii) In the light of the insertion of Agenda Item 15, re-numbering all Item numbers below Item 15 accordingly.
- iii) Item 16 titled "*Issue by the ExA of:*" add at the end, after the wording "(If required)", the wording:

"including any question(s) concerning:

  - i) any matter contained in the proposed provisions;
  - ii) any WR related to the proposed provisions;
  - iii) any other matter the ExA considers relevant to its examination of the proposed provisions."
- iv) At DL7 amend the first bullet point to read "Comments on any submissions received at DL6 and DL6A, including any additional AP(s); additional IP(s); or IP(s), as well as any RRs or WRs made pursuant to CR1 and/ or CR2 relating to the proposed provision." Also immediately below this bullet point, add the following bullet point "Response to Applicant's comments on RRs received at DL6A." All remaining bullet points listed against DL7 remain unaltered.

No other changes to the Examination Timetable have been made at this time.

The Examination Timetable from Item 13 onwards can be found at **Annex A** of this letter.

**Rule 13 of the EPR - Notification of Hearings and Regulations: 14 (Hearings about Specific Issues); 15 (CAH) and Regulation 16 (OFH) of the CA Regulations**

The ExA’s Rule 8 letter [PD-012] notified that the week commencing Monday 7 August 2023 was reserved for Hearings, if required. This letter provides formal notice of those hearings, which are being provided for the benefit of any additional IPs and additional APs following the acceptance of the Applicant’s CRs for examination. The exception to this is the OFH, which is open to all IPs and APs, but please note the need to register to speak at the OFH and CAH2 is no later than Tuesday 8 August 2023:

Date	Hearing	Start time	Venue and joining details
<p><b>Wednesday 9 August 2023</b></p>	<p><b>Issue Specific Hearing 3 (ISH3)</b> Stacked Hearings regarding Environmental matters and the DCO</p>	<p><b>Seating available at venue from:</b> 9:00am</p> <p><b>Virtual Arrangements Conference from:</b> 9:00am</p> <p><b>Hearing starts:</b> 9:30am</p>	<p><b>The Crowne Plaza, Trinity Street, Chester CH1 2BD</b></p> <p>and</p> <p><b>By virtual means using Microsoft Teams</b></p> <p>Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered.</p>
<p><b>Thursday 10 August 2023</b></p>	<p><b>Compulsory Acquisition Hearing 2</b></p>	<p><b>Seating available at venue from:</b> 9:00am</p> <p><b>Virtual Arrangements Conference from:</b> 9:00am</p> <p><b>Hearing starts:</b> 9:30am</p>	<p><b>The Crowne Plaza, Trinity Street, Chester CH1 2BD</b></p> <p>and</p> <p><b>By virtual means using Microsoft Teams</b></p> <p>Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered.</p>

<b>Thursday 10 August 2023</b>	<b>Open Floor Hearing</b>	<b>Seating available at venue from:</b> 1:30pm  <b>Virtual Arrangements Conference from:</b> 1:30pm  <b>Hearing starts:</b> 2:00pm	<b>The Crowne Plaza, Trinity Street, Chester CH1 2BD</b>  and  <b>By virtual means using Microsoft Teams</b>  Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered.
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For ISH3 and CAH2 the ExA will publish a detailed draft agenda on the project webpage at least five working days in advance of the hearing date. However, the actual agenda on the day of each hearing may be subject to change at the discretion of the ExA. For the OFH an agenda may not be published.

### Reserved Hearing dates

We intend to cover all necessary matters as set out above. However, notification is also made of a reserved date. These would be used only if the ISH3, CAH2 or OFH are disrupted by technical issues and/or run over. Participants for ISH3, CAH2 and OFH should ensure that they are available for all dates listed above and below.

Date	Hearing	Start time	Venue and joining details
<b>Friday 11 August 2023</b>	<b>ISH3</b> (Stacked Hearings regarding Environmental matters and the DCO); <b>CAH2</b> ; and <b>OFH</b> (if required)	<b>Seating available at venue from:</b> 9:00am  <b>Virtual Arrangements Conference from:</b> 9:00am  <b>Hearing starts:</b> 9:30am	<b>The Crowne Plaza, Trinity Street, Chester CH1 2BD</b>  and  <b>By virtual means using Microsoft Teams</b>  Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered.

Reserved Hearings that are not required may be cancelled during the OFH, ISH3 or CAH2 or in the banner on the Planning Inspectorate's National Infrastructure Planning website<sup>6</sup> and no other notice is required.

**If you intend to participate in the CAH2 or OFH, you must register by Tuesday 8 August 2023 and provide all the information requested (see below).** If you simply wish to observe the hearings then you do not need to register as you will be able to either:

1. attend the physical event to observe the proceedings;
2. watch a livestream of the event (a link to the livestream will be made available on the project webpage shortly before the event is scheduled to begin); and/ or
3. watch the recording of the event which will be published on the project webpage shortly after the event has finished.

Any request to participate in a hearing **must include** the following information:

- Name and unique IP reference number (found at the top of any letter or email from the Planning Inspectorate).
- Email address (if available) and contact telephone number.
- Name and unique IP reference number of any person/ organisation that you are representing (if applicable).
- Confirmation of the hearing(s) you wish to participate in, the agenda item(s) on which you wish to speak and/ or brief details of the topic(s) that you would like to raise.
- For CAH2: the plot number(s) of the relevant land provided in the Book of Reference and the Land Plans.
- The EL reference number (with paragraph/ page number where appropriate) of any documents you wish to refer to.
- Confirmation of whether you will participate virtually or in person.
- Any special requirements you may have (eg disabled access, hearing loop, etc.)

Requests to participate in any of the above hearings should be submitted by email to: [hynetco2pipeline@planninginspectorate.gov.uk](mailto:hynetco2pipeline@planninginspectorate.gov.uk), no later than **Tuesday 8 August 2023**.

Please contact the Case Team using the contact details at the top of this letter if you require any support to attend a hearing.

### **Hearings already undertaken**

In accordance with the CA Regulations, any additional IPs and additional APs should be afforded the opportunity to make oral representations in relation to the following Hearings that have already been held:

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<sup>6</sup> See the project page on the Planning Inspectorate's National Infrastructure Planning website: <https://infrastructure.planninginspectorate.gov.uk/projects/wales/hynet-carbon-dioxide-pipeline/?ipcsection=overview>

Held on Tuesday 6 June 2023

- **Issue Specific Hearing 1 (ISH1)** on Environmental Matters.

Held on Wednesday 7 June 2023.

- **Compulsory Acquisition Hearing 1 (CAH1)**.

Held on Thursday 8 June 2023.

- **Issue Specific Hearing 2 (ISH2)** on the draft DCO.

The video recordings and transcripts from the above hearings are available under the 'Documents' tab on the project webpage.

This letter notifies all IPs and APs of the further hearings and provides at least 21 days notice in advance of them taking place, including any hearing(s) to allow additional IPs and additional APs to make oral representations in relation to previous hearings.

The revised Examination Timetable at **Annex A** of this letter also sets out the date by which any additional IP(s) must request to participate in the OFH, and any additional AP(s) must request to participate in the CAH2.

## Procedure at hearings

The Examination will principally be a written process (see the Planning Inspectorate's Advice Note 8.4: The Examination<sup>7</sup>), supplemented where necessary by various types of hearings. Please refer to the Advice Note 8.5: Hearings and site inspections<sup>8</sup> and Advice Note 8.6: Virtual Examination events<sup>9</sup> as these provide important information about hearing procedures.

The procedure to be followed at hearings is set out in Rule 14 of the EPR. The ExA is responsible for the oral questioning of a person giving evidence and the process affords very limited scope to allow cross-questioning between parties.

## Hearing livestream and recording

A link to a livestream for each hearing will be made available on the project webpage shortly before any hearing is due to open. The livestream is available to anybody who wishes to observe a hearing in real time.

All hearings are recorded, and the recordings will be made available on the project webpage as soon as practicable after the close of the hearing. The recordings allow any member of the public who is interested in the application and the Examination to find out what has been discussed.

## Availability of Examination documents

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<sup>7</sup> <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-8-4-the-examination/>

<sup>8</sup> <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-8-5-the-examination-hearings-and-site-inspections/>

<sup>9</sup> <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-8-6-virtual-examination-events/>

The application documents and RRs are available on the project webpage. All further documents submitted in the course of the Examination will also be published under the 'Documents' tab of the project webpage.

If you have any questions about the content of this letter, please contact the Case Team on the details above.

Yours faithfully,

*Christopher Butler*

**Lead Panel Member (Examining Authority)**

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## **Annexes**

Annex A – Amended Examination Timetable.



## Examination Timetable

The Examining Authority (ExA) is under a duty to **complete** the Examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.

The Examination of the application primarily takes the form of the consideration of written submissions. The ExA will also consider any oral representations made at hearings.

## Examination Timetable

<b>HyNet Carbon Dioxide Pipeline Examination Timetable following acceptance of Change Request (CR) 1, CR2 and CR3.</b>		
<b>Item</b>	<b>Matters</b>	<b>Due Date</b>
12	<p><b>Deadline 6 (DL6)</b> Deadline (DL) for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on any submissions received at DL5.</li> <li>• Comments on responses to ExQ2 (if required).</li> <li>• An updated Compulsory Acquisition (CA)/ Temporary Possession (TP) Schedule in clean and tracked versions (if required).</li> <li>• Updated Book of Reference (BoR) and Schedule of Changes to the BoR in clean and tracked versions (if required).</li> <li>• An updated draft Development Consent Order (dDCO) in clean, tracked and Word versions (if required).</li> <li>• An updated Schedule of Changes to the dDCO (if required).</li> <li>• An updated Application Document Tracker documents in clean and tracked versions (if required).</li> <li>• An updated National Policy Statement (NPS) tracker/ National Planning Policy Framework (NPPF) Prospectus Tracker/ National Development Management Policies (NDMP) Tracker, as relevant to the Nationally Significant Infrastructure Planning (NSIP) Application (if required) in clean and tracked versions.</li> <li>• A statement of progress on Statement(s) of Common Ground (SoCG) that remain outstanding and submission of SoCG completed since DL5 (if required).</li> <li>• Statement of Commonality for SoCG (if required).</li> <li>• Update on the Marine Licence (ML) (if required).</li> <li>• Any further information requested by the ExA.</li> </ul>	<b>Tuesday 18 July 2023</b>

## Annex A

13	<p><b>Publication by the ExA of:</b></p> <ul style="list-style-type: none"> <li>• The ExA's schedule of changes to the dDCO (if required).</li> <li>• Report on Implications for European Sites (RIES) (if required).</li> </ul>	<p><b>Tuesday 1 August 2023</b></p>
14	<p><b>Week reserved for hearings:</b></p> <ul style="list-style-type: none"> <li>• Issue Specific Hearing(s).</li> <li>• Compulsory Acquisition Hearing(s).</li> <li>• Open Floor Hearing(s).</li> <li>• ASI.</li> </ul>	<p><b>w/c 7 August 2023</b></p>
15	<p><b>Deadline 6A (DL6A)</b> Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on Relevant Representations (RR) received that concern the Applicant's proposed provision for the compulsory acquisition of additional land.</li> <li>• Written representations (WRs) (including summaries of all WRs exceeding 1500 words) about the Proposed Provisions from the applicant, additional affected person(s); additional interested party/ parties; or interested party/ parties.</li> <li>• Notification of wish to speak at an Open Floor Hearing.</li> <li>• Notification from any Additional Affected Person of wish to speak at a Compulsory Acquisition Hearing.</li> <li>• Notification by any Statutory Parties, who is/ are affected as a result of the Applicant's proposed provision for the compulsory acquisition of additional land, who have not submitted a RR of their wish to be considered as an IP</li> </ul>	<p><b>Tuesday 8 August 2023</b></p>
16	<p><b>Issue by the ExA of:</b></p> <ul style="list-style-type: none"> <li>• ExA's Third Written Questions (ExQ3) (if required), including any question(s) concerning: <ul style="list-style-type: none"> <li>i) any matter contained in the proposed provisions;</li> <li>ii) any WR related to the proposed provision;</li> <li>iii) any other matter the ExA considers relevant to its examination of the proposed provisions.</li> </ul> </li> </ul>	<p><b>Tuesday 15 August 2023</b></p>
17	<p><b>Deadline 7 (DL7)</b></p> <ul style="list-style-type: none"> <li>• Comments on any submissions received at DL6 and DL6A, including any additional affected person; additional interested party; or interested party, as well as any RRs or WRs made pursuant to CR1, CR2 and/ or CR3 relating to the proposed provision(s).</li> <li>• Response to Applicant's comments on RRs received at DL6A.</li> </ul>	<p><b>Tuesday 5 September 2023</b></p>

## Annex A

	<ul style="list-style-type: none"> <li>• Responses to ExQ3 (if required).</li> <li>• Written summaries of oral submissions at hearings (if required).</li> <li>• Comments on the RIES (if required).</li> <li>• Comments on the ExA's proposed schedule of changes to the dDCO (if required).</li> <li>• Finalised SoCGs.</li> <li>• Final Statement of Commonality for SoCG.</li> <li>• Final CA/ TP Schedule in clean and tracked versions.</li> <li>• Final BoR in clean and tracked versions.</li> <li>• Final Statement of Reasons in clean and tracked versions.</li> <li>• Finalised NPS tracker/ NPPF Prospectus Tracker/ NDMP Tracker, as relevant to the NSIP Application (if required), in clean and tracked versions.</li> <li>• Schedule of Changes to the BoR in clean and tracked versions.</li> <li>• Final Application Document Tracker, in clean and tracked versions.</li> <li>• Final update on the ML.</li> <li>• Applicant's preferred Development Consent Order (DCO) in the SI template validation report and a validated copy of the DCO.</li> <li>• Applicant's preferred DCO in word format.</li> <li>• Final Schedule of Changes to the dDCO.</li> <li>• Any further information requested by the ExA (if required).</li> </ul>	
19	<p><b>Deadline 8 (DL8)</b> Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on responses to ExQ3 (if required).</li> <li>• Comments on any submissions received at DL7.</li> <li>• Closing submissions.</li> <li>• Any further information requested by the ExA (if required).</li> </ul>	<p><b>Tuesday 12 September 2023</b></p>
20	<p>The ExA is under a duty to complete the Examination of the application by the end of the period of 6 months.</p> <p>Please note that the ExA may close the Examination before the end of the six-month period if it is satisfied that all relevant matters have been addressed and discussed.</p>	<p><b>Wednesday 20 September 2023</b></p>

Note: In the event of more rounds of questions being necessary, the ExA will amend the timetable by way of a letter under Rule 8(3) of The Infrastructure Planning (Examination Procedure) Rules 2010.

### **Submission times for Deadlines**

The time for submission of documents at any Deadline in the timetable is 23:59 on the relevant Deadline date, unless instructed otherwise by the ExA.

### **Publication dates**

All information received will be published on the [project webpage](#) as soon as practicable after the Deadlines for submissions.

### **Report on the Implications for European Sites (RIES)**

Where an applicant has provided a No Significant Effects Report or a Habitats Regulations Assessment (HRA) Report with the application, the ExA may decide to issue a RIES during the Examination. The RIES is a factual account of the information and evidence provided to the ExA on HRA matters during the Examination up to the date of the publication of the RIES, for the purposes of enabling the Secretary of State, as competent authority, to undertake its HRA. It is not the ExA's opinion on HRA matters. Comments on the RIES will be invited by the ExA and any received will be taken into account as part of the ExA's Recommendation to the Secretary of State. The ExA may also raise questions in the RIES to confirm or clarify matters that remain outstanding.

The Secretary of State may rely on the consultation on the RIES to meet its obligations under Regulation 63(3) of The Habitats Regulations 2017 and/or Regulation 28 of The Offshore Marine Regulations.