

HyNet Carbon Dioxide Pipeline

Written Response Statement on behalf of Peel
NRE

Planning Inspectorate Reference: EN070007

05 September 2023 (Deadline 7)

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Client

Peel NRE

Our reference

PEEM2101

1. Introduction

- 1.1 This Written Response Statement has been prepared by Turley and Addleshaw Goddard on behalf of Peel NRE, an Interested Party, to the application by Liverpool Bay CCS Limited ('Applicant') for a development consent order ('Order') seeking powers for the delivery of the HyNet Carbon Dioxide Pipeline and related infrastructure (Planning Inspectorate Reference EN070007) ('Pipeline').
- 1.2 This Response Statement has been prepared to provide an update on the matters of objection raised by Peel NRE in its Written Representations to Deadline 1 (17 April 2023), Deadline 2 (10 May 2023), Deadline 3 (23 May 2023), Deadline 5 (4 July 2023), and Deadline 6 (18 July 2023).
- 1.3 This Response Statement identifies those parts of the Pipeline with which we agree, and those parts with which we do not agree and therefore object, taking into account the changes made to the Pipeline and the additional information submitted.
- 1.4 Background information on Peel NRE and their interests is provided within Peel's Written Representations (17 April 2023) and is not repeated in this Response Statement. This Response should be read in conjunction with the previous Written Representations.
- 1.5 Peel is wholly **supportive** of the principle of the Pipeline. Indeed, Peel NRE recognises that there are potential beneficial synergies between the Pipeline and Protos¹. However, should the Order be granted as proposed, the Pipeline will conflict with planned development at Protos which would prejudice the delivery of a key development within the Cheshire West and Chester Council ("CWACC") area and limit its great potential. The **key issues** presented in this Response Statement, and to which **objections** are raised, include:
- Means of access to the Ince AGI and CO2 Pipeline.
 - Easement of the CO2 Pipeline at Ince.
 - Negotiating land agreements.
- 1.6 All other objections previously raised are now resolved, including:

Layout of the Ince Above Ground Installation

- 1.7 There are no concerns with the principle of the Ince AGI element or its general location.
- 1.8 The Ince AGI Landscape Layout (ref. D.2.14-LAY-Sheet 2 Rev C) identifies the location for landscaping/ecological mitigation and a drainage detention pond. This aligns with the updated drainage design submitted at Deadline 5 (ref. D.6.5.13 Surface Water

¹ Protos is a major energy and resource recovery hub and a major employer near to Ince, Cheshire. Peel NRE has been working closely with Cheshire West and Chester Council to deliver the various components of Protos.

Drainage Strategy Rev C). Whilst further detailed plans / information is awaited from the Applicant, there is a commitment to resolve this issue. Therefore, the previous issues are now resolved and Peel NRE accordingly removes their objection to the current proposed layout of the Ince AGI.

Environmental Considerations

- 1.9 The following previous matters which Peel NRE object to are now resolved: concerns associated to odour impacts; locations and extents of ecological mitigation; impacts on land and businesses; and assessment of cumulative effects.
- 1.10 As part of continuing discussions / agreements, Peel NRE is seeking agreement with the Applicant for ongoing dialogue and approval of details in respect of management plans for landscaping, construction, traffic etc. as part of any implementation of the DCO in order to ensure there is no conflict with Peel's own development proposals at Protos. The Applicant has also agreed to share information on any HSE land use planning controls / restrictions when advice is received from the HSE.

Structure of Response Statement

- 1.11 This report is structured as follows:
- Section 2: Sets out Peel's objections to the Pipeline.
 - Section 3: Protective Provisions.
 - Section 4: Sets out how Peel's objections could be withdrawn.

2. Objections

- 2.1 Peel NRE is a supporting organisation of HyNet and remains wholly **supportive** of the principle of the Pipeline. Indeed, Peel NRE recognises that there are potential beneficial synergies between the Pipeline, HyNet and Protos.
- 2.2 Peel NRE has been working with the Applicant to resolve the objections presented in the Written Representations (dated 17 April 2023; 23 May 2023; 4 July 2023; and 18 July 2023) however the Parties (Peel NRE and the Applicant) have not yet managed to reach agreement on some matters (as listed at paragraph 1.5). Those matters that are agreed (to date) are set out in the Statement of Common Ground (SoCG) submitted by the Applicant. Until satisfactory agreement has been reached with the Applicant on all matters to resolve Peel NRE's concerns, Peel NRE maintains its objection and must continue to reserve the right to make further submissions to the Examination.

Access

- 2.3 The proposed access continues to conflict with the delivery of the approved Protos Plastics Park (CWACC Planning application ref. 21/04076/FUL), and the delivery of the railway line consented as part of the overarching planning permission for Protos (ref. 14/02277/S73), which would constrain the delivery of the developments (the importance and benefits of these developments are provided in previous Written Representations (at Deadline 5 (4 July 2023), and Deadline 6 (18 July 2023))).
- 2.4 Peel NRE is in discussions with the Applicant regarding an alternative means of access and the parties are also close to reaching agreement via Protective Provisions within the draft DCO which, if agreed, would go some way towards alleviating Peel NRE's concerns. However, at this stage Peel NRE must maintain its **objection in principle** to the proposed means of access.

Easement of the CO2 Pipeline Corridor

- 2.5 The pipeline corridor is proposed to travel north/south along the eastern boundary of the Order limit. The location of the pipeline corridor in the current proposal is an improvement on the location of the pipeline previously proposed in the Section 42 Consultation. However, despite this improvement, the current proposals are still not acceptable to Peel NRE on the basis that the proposed 24.4m corridor around the pipeline for the permanent acquisition of sub-soil (at plots 1-11, 1-12, 1-13, 1-15, 1-18 and 1-19) would cause an unacceptable quantum of land to be restricted from development by way of the proposed restrictive covenants.
- 2.6 Notwithstanding Peel NRE's objection on this matter, the Applicant has confirmed that the 24.4m easement corridor and associated restrictive covenants proposed to be involved are necessary for the protection of the pipeline. The Parties are currently in discussions to reach an agreed position on this matter via Protective Provisions but the position has yet to be agreed and so Peel NRE must maintain its **objection in principle** to the current proposal on the basis that the restrictive covenants to be imposed on this land will unacceptably constrain the development of the Protos Plastics Park.

Negotiating Land Agreements

- 2.7 The parties have yet to agree a position on the land agreements (and draft agreements are yet to be circulated) however progress has been made in regards to the Heads of Terms (albeit there are commercial points on the Heads of Terms yet to be agreed). Peel NRE has proposed a mechanism to the Applicant which would provide further time for the parties to agree the land agreements whilst also securing the protection required by Peel NRE under the Protective Provisions and a response from the Applicant is awaited. However, at this stage, Peel NRE must maintain its **objection** to the proposed acquisition of land, interests and rights identified within the Land Plans (drawing ref. EN070007-D.2.2-LP-Sheet 1 Rev G).

3. Protective Provisions

- 3.1 Peel NRE requests that its protective provisions (a copy of which is appended to the Written Representations dated 4th July 2023) (**Protective Provisions**) are included in the Order to ensure that its land interests and the planned development of the Protos Plastics Park are sufficiently protected in the carrying out of the authorised development and to ensure that Peel NRE is appropriately consulted at the detailed design stage in respect of the elements of the proposed Order which interface with the Protos Plastics Park.
- 3.2 Peel NRE is in discussions with the Applicant and hopes to seek the agreement of the content of the Protective Provisions with the Applicant prior to the close of the Examination Period. Peel NRE is hopeful that it will be able to agree the form of Protective Provisions with the Applicant by Deadline 8.
- 3.3 In the event that agreement on the form of Protective Provisions cannot be reached between Peel NRE and the Applicant, Peel NRE would request that the Protective Provisions (in the form appended to the Written Representations dated 4th July 2023) are included in Schedule 10 of the Order in order to afford Peel NRE the appropriate protection in light of the impacts of the proposed Order on its land interests in the Protos Plastics Park.

4. Withdrawal of Objections

4.1 In order for Peel NRE to be in a position to withdraw its objection to the proposed Order, Peel NRE requires confirmation from the Applicant that:

- the access to the Ince AGI is relocated or renegotiated (or suitable release provisions are agreed) to avoid conflicting with planned development at Protos.
- the acquisition of land and rights and imposition of any restrictions over the Affected Land (including the extinguishment of any rights, compensation and reinstatement provisions) is on terms agreed with Peel NRE.
- sufficient protection for the Protos expansion is afforded by the Pipeline scheme to enable the Protos expansion to come forward unhindered.
- no works pertinent to the Affected Land shall be carried out without Peel NRE's prior approval of the security arrangements, traffic management and health and safety proposals, method statement and programme of works.
- full access rights, during both the construction and operation phases, are retained to the Affected Land for the benefit of Peel NRE.
- the proposed Protective Provisions are agreed.

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