

STATEMENT OF COMMON GROUND WITH CANAL & RIVER TRUST

HyNet Carbon Dioxide Pipeline DCO

Planning Act 2008

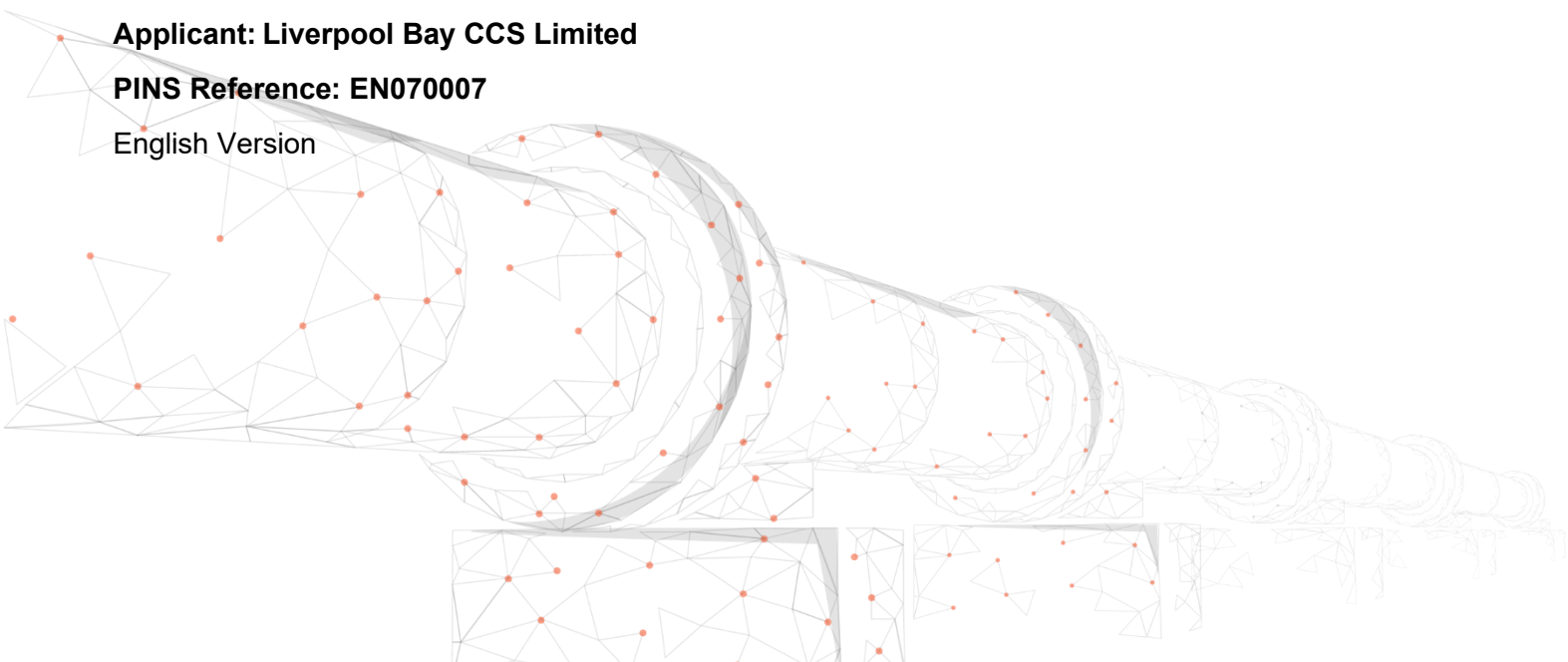
The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 8(1)(c)

Document Reference Number D.7.2.11

Applicant: Liverpool Bay CCS Limited

PINS Reference: EN070007

English Version



REVISION: D

DATE: September 2023

DOCUMENT OWNER: WSP UK Ltd

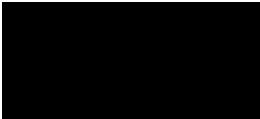
PUBLIC

QUALITY CONTROL

Document Reference	D.7.2.11				
Document Owner	WSP				
Revision	Date	Comments	Author	Check	Approver
A	April 2023	Deadline 1 updates	HD	AV	AH
B	May 2023	Deadline 3 updates	HD	AV	AH
C	July 2023	Deadline 6 updates	HD	AV	AH
D	September 2023	Deadline 7 updates	HD	AV	AH

STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) Liverpool Bay CCS Limited and (2) Canal & River Trust

Signed 

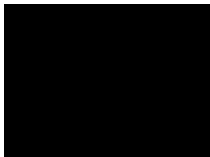
Martin Currie

Director

on behalf of Liverpool Bay CCS Limited

Date: 4 September 2023

Signed



[NAME] Tim Bettany-Simmons

[POSITION] Area Planner & Special Projects

on behalf of Canal & River Trust

Date: [DATE] 4th September 2023

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1. INTRODUCTION

1.1. PURPOSE OF THIS DOCUMENT

- 1.1.1. This Statement of Common Ground (SoCG) has been prepared by Liverpool Bay CCS Limited (the Applicant) the Canal & River Trust (the Trust).
- 1.1.2. For the purpose of this SoCG, the Applicant and the Trust will jointly be referred to as the 'Parties'.
- 1.1.3. The purpose of this SoCG is to set out the agreement that has been reached between the Parties in respect of a number of matters related to the Development Consent Order (DCO) Proposed Development. It also lists any points on which discussions are ongoing. SoCGs are an established means in the DCO planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination.
- 1.1.4. **Chapter 2** of this SoCG records the consultation undertaken with the Trust by the Applicant. **Chapter 3** of this 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 can be found in the main DCO documentation.
- 1.2.2. The DCO Proposed Development impacts the Trust primarily as the owner and operator of the Shropshire Union Canal, associated infrastructure and towpath for public use and enjoyment. Additionally, the Trust has a duty under s.105 Transport Act 1968 to maintain commercial and cruising waterways in a suitable condition for use by the public.
- 1.2.3. The Applicant has identified the following plots in which the Trust hold an interest:
8-03, 9-06
- 1.2.4. A full description of the DCO Proposed Development is detailed in Chapter 3 of the consolidated Environmental Statement (ES) **[REP4-029]**, submitted at Deadline 4. On the 12 July 2023, the ExA accepted the Applicant's Change Request 3, subsequently the description of the development has been updated in accordance with Change Request 3 Environmental Technical Note **[CR3-019]**. The Applicant has submitted a further consolidated Environmental

Statement (ES) at Deadline 7 which contains the concluding description of the DCO Proposed Development.

1.3. TERMINOLOGY

- 1.3.1. In the Issues tables in **Chapter 3** of this 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.

2. RECORD OF ENGAGEMENT

- 2.1.1. This chapter provides a summary of the engagement to date between the Applicant and the Trust in relation to the DCO Proposed Development.

Table 2-1 – Record of Engagement in relation to the Proposed Development

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
03/02/2021	Letter from The Applicant to the Trust	<p>Key Topics</p> <ul style="list-style-type: none"> • Survey Requirement <p>Discussions and Outcomes</p> <p>Letter from The Applicant regarding required surveys over Trust land. Trust responded by email with confirmation of ownership and that all works must comply with the “Code of Practice for Works Affecting the Canal and River Trust”</p>
24/05/2021	Email conversation between WSP and the Trust	<p>Key Topics</p> <ul style="list-style-type: none"> • Pipeline Crossings <p>Discussions and Outcomes</p> <p>Email from The Applicant regarding proposed route of pipe crossing. Trust responded by email requesting further details, advised of requirements for service crossings and confirmed that all works must comply with the CoP.</p>
07/07/2021	Letter from The Applicant to the Trust	<p>Key Topics</p> <ul style="list-style-type: none"> • Route Options Consultation <p>Discussions and Outcomes</p> <p>The Trust provided comments on the route option consultation in a letter. The Trust set out that route option I was located further away from the canal corridor and would limit any potential risk, but overall, the Trust had no real preference on the route.</p> <p>The Trust also raised matters in relation to the route option also brings the pipe corridor close to the canal at a second point where two culverts under the canal are recorded and also the Backford Flood Weir which passes water into Backford Brook (managed by the EA) and the issue of siltation.</p> <p>The Trust also raised matters relating to their Code of Practice and the requirement for the pipe to be at least 3.5m below the bed level of the canal; that a robust and comprehensive Construction Environment Management Plan (CEMP) would be required and matters as a landowner that the Trust would challenge the use of any compulsory purchase powers and that any acquisition of Trust land or rights should be arranged voluntarily.</p>
09/12/2021	Letter/Email conversation between the Trust and the Applicant.	<p>Key Topics</p> <ul style="list-style-type: none"> • Proposed viewpoints for landscape assessment <p>Discussions and Outcomes</p> <p>An email was issued to the Trust on 9 December 2021 outlining the selection of proposed viewpoints along with a viewpoint location plan and baseline photography. The email also highlighted the viewpoints that had been removed from those presented in the EIA Scoping Request as a result of a number of design changes.</p> <p>The selection of viewpoints includes those with views incorporating the Shropshire Union Canal and River Dee. It was suggested that up to 6 of the proposed viewpoints will be represented by photomontages, which was accepted by the Trust.</p> <p>The Trust responded in a letter dated 10th December 2021 stating that they are in agreement with viewpoint P14 location. With regards to P13, they suggested a relocation to the western side of Bridge 133 where they consider</p>

		<p>views more open. The Trust also requested an additional viewpoint on the southern side of the DCO site boundary with views facing northwards in order to understand any impacts associated with the permanent above ground infrastructure in the vicinity of the crossing of the canal corridor. The Trust acknowledged that other additional photomontages around Above Ground Installations are not associated with the canal and therefore have no comments to make on these.</p> <p>The above two viewpoint photography locations (P13 and P14) were identified for inclusion within the PEIR with draft assessment text provided in Appendix 12-4 of the PEIR (Visual Analysis) [APP-043]. Following the inclusion of the additional views it is therefore assumed that the Trust are in agreement of the proposed viewpoints and photomontage locations.</p>
18/03/2022	Letter/Email conversation between the Trust and the Applicant.	<p>Key Topics</p> <ul style="list-style-type: none"> • Preferred option for crossing at Shropshire Union Canal <p>Discussions and Outcomes</p> <p>The Trust provided comments on the preferred route option consultation in a letter dated 18th March 2022. Route option G was the promoters preferred option with two alternative route options for the canal crossing. The Trust had no preference in terms of the canal crossing route.</p> <p>The Trust advised that the Shropshire Union Canal is enclosed by a hedgeline on the towpath side (south) and that the equipment yard should be sited as far from the canal as reasonably practicable. The Applicant included this within the assessment.</p> <p>The Trust advised they would welcome further details on the mitigation planting to be provided following the works. The Trust queried the extent of the limit of deviation for works next to the canal.</p> <p>The Trust also highlighted that the route option also brings the pipe corridor close to the canal at a second point where two culverts under the canal are recorded and also the Backford Flood Weir which passes water into Backford Brook (managed by the EA) and the issue of siltation.</p> <p>The Trust also reiterated a number of matters in terms of construction methodology; requirement of the Trust's Code of Practice; requirements for a Construction Environment Management Plan and matters as a landowner that the Trust would challenge the use of any compulsory purchase powers and that any acquisition of Trust land or rights should be arranged voluntarily.</p>
07/04/2022	Email correspondence between the Trust and the applicant	<p>Key Topics</p> <ul style="list-style-type: none"> • Route Options <p>Discussions and Outcomes</p> <p>Email from the Trust to the Applicant confirming the Trust's recent comments on route options with further advice regarding technical information on the proposed crossing which will be required by the Trust.</p>
12/07/2022 - 19/07/2022	Email correspondence between the Trust and the Applicant.	<p>Key Topics</p> <ul style="list-style-type: none"> • Provide an update on Landscape and Visual Impact Assessment (LVIA) to take account of changes to the design outlined in the PEIR. • Amendments to Order Limits around the Shropshire Union Canal

		<p>Discussions and Outcomes</p> <p>The Trust responded to these updates in an email response dated 19th July 2022 and raised no specific concerns in terms of the minor changes in height related to the Above Ground Installations. The Trust welcomed the reduction in height of light columns.</p> <p>The Trust had no comments to make on notified changes to the viewpoints and photomontages as no permanent above ground features are proposed within the visual envelope of the canal corridor.</p> <p>The Trust set out that they were looking forward to reviewing the proposed replacement planting/mitigation in due course and that they would be happy to be involved in any proposed planting within the environs of the canal corridor – both in terms of native species and to ensure the structural integrity of our assets</p> <p>The Trust raised no specific comments regarding the Order Limit amendments. The Trust did however note and welcome the reduction in the Order Limits in relation to the canal as a preferred crossing location had been selected.</p> <p>The Trust agreed to review the changes to the LVIA presented in the DCO ES.</p>
22/07/2022	Email correspondence between the Trust and the Applicant	<p>Key Topics</p> <ul style="list-style-type: none"> • Heads of Terms (HoTs) <p>Discussions and Outcomes</p> <p>HoT provided to the Trust to review. A subsequent email was sent to the Trust on 26/07/2022.</p>
23/08/2022	Email correspondence between the Trust and the Applicant	<p>Key Topics</p> <ul style="list-style-type: none"> • Response on HoTs from the Trust utilities lead regarding HoTs, that these are not in a form which could be executed and require further discussion <p>Discussions and Outcomes</p> <p>Acknowledgement email sent back, and Teams meeting requested to discuss the HoTs and receive detailed feedback.</p>
15/09/2022	Microsoft Teams meeting between the Trust and the Applicant	<p>Key Topics</p> <ul style="list-style-type: none"> • Discussion on HoTs <p>Discussions and Outcomes</p> <p>Overview of the project provided to the Trust and discussion on the routing of the pipeline. Discussion of HoTs. The Applicant agreed to review the Trust's comments, and further discussions required before an agreement can be reached.</p>
30/09/2022	Email correspondence between the Trust and the Applicant	<p>Key Topics</p> <ul style="list-style-type: none"> • Advice sought for a section of the Trust land <p>Discussions and Outcomes</p> <p>Advised that a section of land is to be removed from the DCO application as it is no longer required.</p>

03/10/2022	Email correspondence between the Trust and the Applicant	<p>Key Topics</p> <ul style="list-style-type: none"> • Acknowledgement Email <p>Discussions and Outcomes</p> <p>Acknowledgement email received from the Trust on the land no longer required.</p>
21/11/2022	Email correspondence between the Applicant and the Trust	<p>Key Topics</p> <ul style="list-style-type: none"> • Land Acquisition and Asset Ownership <p>Discussions and Outcomes</p> <p>The Applicant sought clarification on land take</p> <p>Trust acknowledgment and awaiting revised terms for consideration.</p>
21/11/2022	Microsoft Teams meeting between the Trust and the Applicant	<p>Key Topics</p> <ul style="list-style-type: none"> • Discussion on HoTs <p>Discussions and Outcomes</p> <p>Teams call with the Trust requested information on the land which is no longer required, this had been removed as it was originally for temporary rights which are no longer being sought. The Trust have requested the draft HoTs to be updated to reflect this change.</p>
07/12/2022	Microsoft Teams meeting between the Trust and the Applicant	<p>Key Topics</p> <ul style="list-style-type: none"> • Shropshire Union Canal Crossing Point • Ownership of Pretty Bridge • Introduction to SoCG's • Key Milestones and Finance • Protective Provisions for the Trust • Formal Notification to the Trust in relation to the DCO <p>Discussions and Outcomes</p> <p>The Parties agreed an approach on fees.</p> <p>The Trust confirmed ownership of Pretty Bridge.</p> <p>The Trust confirmed that the minimum depth for crossing under the bed of the Shropshire Union canal is 3.5 metres.</p> <p>The Code of Practice has a guide for all services.</p>
13/12/2022	Email correspondence between The Applicant and the Trust	<p>Key Topics</p> <ul style="list-style-type: none"> • Code of Practice (CoP) <p>Discussions and Outcomes</p>

		CoP application received for proposed pipeline crossing. The Trust responded 19/01/2023 to confirm registration of application and to advise that the CoP applies for all works on or affecting Trust land and assets, not only the pipeline crossing.
13/12/2022	Email correspondence between The Applicant and the Trust	<p>Key Topics</p> <ul style="list-style-type: none"> Draft DCO (dDCO) <p>Discussions and Outcomes</p> <p>The Trust email the Applicant chasing a response in terms of the formal notification to the Trust as a prescribed consultee and that the draft DCO has protective provisions contained at Schedule 10 for a number of statutory undertakers, however such protective provisions for the Canal & River Trust have been omitted.</p>
15/12/2022	Email correspondence between The Applicant and the Trust	<p>Key Topics</p> <ul style="list-style-type: none"> Heads of Terms <p>Discussions and Outcomes</p> <p>Acknowledgement of Applicant letter dated 28.11.2022 which had been sent to the Trust's Chief Exec, stated proposed terms are not acceptable but stated willingness to hold teams meeting to discuss.</p>
12/01/2023	Email correspondence between The Applicant and the Trust	<p>Key Topics</p> <ul style="list-style-type: none"> Future Negotiation <p>Discussions and Outcomes</p> <p>Notifying the Applicant that the Trust have instructed Savills to negotiate on the Trust's behalf.</p>
13/01/2023	Email correspondence between The Applicant and the Trust	<p>Key Topics</p> <ul style="list-style-type: none"> Section 56 Representation <p>Discussions and Outcomes</p> <p>The Trust provided a copy of their Section 56 Representation to the Applicant along with suggested protective provisions for the Trust, which were based on a recently made DCO at Keadby. The Relevant Representation set out the following matters:</p> <ul style="list-style-type: none"> Compulsory Acquisition of Trust Land The draft Development Consent Order (DCO) Protective Provisions for the Trust The Trust's Third-Party Works Code of Practice Surface water drainage to the canal Environmental Mitigation and the Outline Landscape Environmental Management Plan The Construction Environment Management Plan The Construction Traffic Management Plan

		<ul style="list-style-type: none"> • Landscape and Visual Impact
07/02/2023	Microsoft Teams meeting between The Applicant and the Trust	<p>Key Topics</p> <ul style="list-style-type: none"> • Discussion on the Trust’s Code of Practice, first draft of the Statement of Common Ground (SoCG), detailed design consultation <p>Discussions and Outcomes</p> <p>The Applicant share the first draft of the SoCG with the Trust for review/comment.</p> <p>Trust explained that the SoCG should be updated to read “Canal & River Trust” and refer to the organisation as “The Trust”.</p> <p>The Trust explained that the Code of Practice (CoP) applies to works alongside the canal and/or towpath even if the land is not in Trust ownership.</p> <p>The Trust confirmed their wish to be consulted on the detailed CEMP and LEMP where these relate to the canal corridor.</p>
19/05/2023	Microsoft Teams meeting between the Trust and the Applicant	<p>Key Topics</p> <ul style="list-style-type: none"> • Discussion on the updated SoCG, Protective Provisions and the Deadline 2 submissions from the Trust <p>Discussions and Outcomes</p> <p>The Applicant shared the latest SoCG on screen and made updates to the document – the Trust agreed that its interests were now correctly reflected in the Book of Reference [CR3-013].</p> <p>The Protective Provisions discussions are ongoing – substantial progress has been made and there are only a couple of points outstanding to address which are being discussed with the Applicant. Commercial discussions are ongoing between the Applicant’s land team and the Trust’s surveyor in relation to the voluntary land agreement.</p> <p>Following the meeting, the Trust shared the relevant forms/details relating to the Surface Water Discharge process with the Applicant.</p>
07/07/2023	Microsoft Teams meeting between the Trust and the Applicant	<p>Key Topics</p> <ul style="list-style-type: none"> • Discussion on the Protective Provisions and SoCG <p>Discussions and Outcomes</p> <p>The Trust reviewed the wording of the Protective Provisions on-screen – they will provide further draft wording on the timescales.</p> <p>Discussion on the SoCG and items currently outstanding. The Applicant will provide an updated version to the Trust that can be submitted for Deadline 6 (18 July 2023). The Applicant will also confirm the latest version of the OLEMP and how the surface water drainage process via the Code of Practice will be secured in the dDCO.</p>

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 the Trust are as follows:

- Engagement, ES & Other Application Documents;
- Landscape and Visual;
- Structural and Engineering;
- Major Accidents and Disasters;
- Draft DCO (including requirements and protective provisions for the Trust within the draft DCO);
- Compulsory Acquisition; and
- Surface Water Drainage.

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

Ref.	Description of Matter	Current Position	Status
Engagement			
Trust 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 the Trust's comments and concerns.'. The Trust has been formally consulted on the application as required by the Planning Act 2008.	Agreed
ES			
Trust 3.1.2	ES	The Parties agree that the impact assessment methodologies used in the ES are appropriate in relation to the Shropshire Union Canal The Parties agree that the mitigation proposed in the ES for the protection of Trust assets is appropriate, subject to agreement as to Protective Provisions and to the requirements of the draft DCO. The Trust concurs with the conclusions of the ES insofar as they relate to the Shropshire Union Canal.	Agreed
Other application documents			
Trust 3.1.3	Other application documents	The Trust agrees that its interests are correctly reflected in the Book of Reference [CR3-013] .	Agreed

Table 3-2 Issues related to the DCO Proposed Development - Landscape and Visual

Ref.	Description of Matter	Current Position	Status
Trust 3.2.1	Viewpoints	Initial viewpoint locations were issued to the Trust and the majority of these were approved. Two additional viewpoint locations along the Shropshire Union Canal, were requested by the Trust. Additional photography has been undertaken and these viewpoints are now included within the assessment. The viewpoints are now approved, and the Trust is in agreement with the selected locations.	Agreed
Trust 3.2.2	Photomontages	Six photomontage viewpoint locations were submitted to the Trust. In relation to impacts on the canal corridor, the Parties concluded that permanent above ground structures would be set well back from the canal with only temporary effects associated with construction activity likely to be perceived. Therefore, it is considered that there is no requirement for further photomontages to represent views from the canal corridor and that the original photomontage viewpoint locations are agreed.	Agreed
Trust 3.2.3	LEMP	The Trust have requested to be consulted further on the specific and detailed landscaping to be provided in the vicinity of the canal corridor to ensure that such planting is appropriate to the setting of the canal conservation area and would not impact the structural integrity of the canal. The Applicant confirms any tree planting will be offset from the canal by a minimum of 5m to ensure that the roots of the trees do not interfere with the clay lining of the canal and/or that suitable tree root barriers will be provided. The Parties are still seeking to resolve this matter. The Applicant will consult with the Trust on the LEMP for any works adjacent to the Canal as	Agreed

		<p>will be stated in the LEMP [APP-229], an updated version of which will be provided ahead of the close of examination. The LEMP is secured through Requirement 11 of the draft DCO [CR3-008].</p> <p>The Applicant will update the OLEMP to state that the Trust will be consulted on the LEMP for any works adjacent to the Canal at Deadline 7 of the examination.</p>	
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Table 3-3 – Issues related to the DCO Proposed Development – Structural and Engineering

Ref.	Description of Matter	Current Position	Status
Trust 3.3.1	Shropshire Union Canal Crossing	<p>The Parties agree that the canal will be crossed using trenchless installation techniques.</p> <p>It is agreed that the top of any trenchless installation will be a minimum depth of 3.5m below the base of the canal. It is noted that the Applicant may go any distance below this depth.</p>	Agreed
Trust 3.3.2	Structural Integrity during and after construction	<p>The Applicant acknowledges the response from the Trust and are engaging with the Trust on protective provisions.</p>	Agreed
Trust 3.3.3	Generation of dust and silty water	<p>The Trust have raised that dust suppression should be deployed and stockpiles sheeted to prevent generation of dust and silty water affecting watercourses and the canal corridor.</p> <p>The Applicant confirms that as well as siting stockpiles 10m away from watercourses, dust suppression will be secured within the consolidated CEMP. The Trust have confirmed that if they can be consulted on these activities then they can agree this matter. The Applicant will consult with the Trust on the CEMP for any works adjacent to the Canal as will be stated in the CEMP [REP4-237], an updated version of which will be provided ahead of the close of examination. The CEMP is secured through Requirement 5 of the draft DCO [CR3-008].</p>	Agreed
Trust 3.3.4	The culverts flow north to south to discharge on the towpath side and as such any silt from the works on the offside could block the culverts.	<p>The potential impacts of this have been assessed in Section 2.1 of the 2022 ES, Chapter 18.2 – Summary of Effects Appendix Rev A [REP4-172].</p> <p>During construction and associated enabling works, the Applicant will implement measures to prevent silt ingress into the channel, as well as ensuring that free flow through the culverts is maintained along with prevention of the culverts silting up as a result of the construction works. This will be secured through the CEMP.</p> <p>The residual effect of the entrainment of sediments during construction on watercourses is assessed as Neutral (not significant) in the 2022 ES, Chapter 18.2 – Summary of Effects Appendix Rev A [REP4-172]. Therefore, the Applicant concludes that culvert infrastructure downstream of construction works would not be significantly impacted by the DCO Proposed Development following the implementation of the proposed mitigation measures. The Applicant will consult with the Trust on the CEMP for any works adjacent to the Canal as will be stated in the CEMP [REP4-237], an updated version of which will be provided ahead of the close of examination. The CEMP is secured through Requirement 5 of the draft DCO [CR3-008].</p>	Agreed

Table 3-4 – Issues related to the DCO Proposed Development – Major Accidents and Disasters

Ref.	Description of Matter	Current Position	Status
Trust 3.4.1	Impact to Bridges and Canals	<p>The Traffic and Transport assessment presented in Chapter 17 of the Environmental Statement (ES) [REP4-057] and the Outline Construction Traffic Management Plan [REP3-020] identify construction traffic routes and also include a construction traffic route risk register. In addition, a further, detailed assessment of the suitability of traffic routes for the construction traffic, and associated loads carried having regard to the detail of the vehicles to be used, will be required under the Construction Design and Management Regulations 2015 prior to use.</p> <p>The Draft DCO [CR3-008] commits the Applicant to produce an approved Construction Environmental Management Plan (CEMP), based on the Outline CEMP [REP4-258], where specific requirements will be outlined. The Applicant will consult with the Trust on the CEMP for any works adjacent to the Canal as will be stated in the CEMP [REP4-258], an updated version of which will be provided ahead of the close of examination. The CEMP is secured through Requirement 5 of the draft DCO [CR3-008]. The Applicant acknowledges the Trusts concerns with regard to construction traffic regarding Pretty Bridge (Bridge 134 Saughall) over the canal. The Applicant will avoid routing traffic over Pretty Bridge. This is confirmed in the Outline Construction Traffic Management Plan (OCTMP) [REP3-020] which in paragraph 7.2.14 states that the Applicant will not route HGVs to and from the south of the Chorlton Lane compound due to the impact on Pretty Bridge (which has a 3.5 tonne weight restriction in place). The construction traffic routes will be limited to those shown in Figure 17.4 of the ES [REP4-227].</p> <p>The Applicant will also update the protective provisions wording so that where an amendment to the CTMP is required (and is relevant to the Trust), then the Trust would be consulted on that amendment.</p>	Agreed
Trust 3.4.2	Pollution Response	<p>In respect to a pollution response emergency procedure, this will be consolidated as part of the CEMP. The Parties will continue consultation on relevant mitigation proposals included within the Outline CEMP in relation to the canal.</p> <p>The Draft DCO [CR3-008] requires the Applicant to produce a CEMP based on the Outline CEMP [REP4-258], which must be approved by the relevant LPA before Works can commence. The Applicant agrees that the Trust will be consulted on the CEMP in relation to the canal related measures. The Applicant will consult with the Trust on the CEMP for any works adjacent to the Canal as will be stated in the CEMP [REP4-258], an updated version of which will be provided ahead of the close of examination. The CEMP is secured through Requirement 5 of the draft DCO [CR3-008].</p>	Agreed

Table 3-5– Issues related to the DCO Proposed Development - Draft DCO (including requirements to the draft DCO)

Ref.	Description of Matter	Current Position	Status
Trust 3.5.1	Articles	<p>The Trust has concerns with Article 6 (limits of deviation); Article 19 (discharge of water); Article 21 (survey and investigate land); Part 5 powers of acquisition and Article 24 (compulsory acquisition of land); Article 31 (acquisition of subsoil); Article 34 (temporary use of land); Article 36 (statutory undertakers) and Article 39 (removal of hedgerows) – this list is not exhaustive.</p> <p>The Applicant is engaging with the Trust on the draft DCO.</p>	Agreed (subject to voluntary land agreement being agreed)

Trust 3.5.2	Protective Provisions	<p>The Applicant and the Trust have been engaging on Protective Provisions and have reached agreement on all matters within these Protective Provisions except for those which limit the Applicant's compulsory powers.</p> <p>The Applicant and the Trust are continuing to engage on the voluntary agreement to acquire Trust Land. Once agreement is reached, the outstanding point in Protective Provisions will be agreed.</p>	Agreed (subject to voluntary land agreement being agreed)
Trust 3.5.3	The Trust's Code of Practice	The Applicant has agreed with the Trust that any works that interface with its waterways would be carried out in accordance with the latest version of the Canal & River Trust Third Party Works Code of Practice and that the requirements will be secured by way of a Protective Provision.	Agreed

Table 3-6 – Issues related to the DCO Proposed Development – Compulsory Acquisition

Ref.	Description of Matter	Current Position	Status
Trust 3.6.1	Compulsory Acquisition	<p>The Trust objects to the Compulsory Acquisition of Trust Land, this is on the basis that there is not a compelling case in the public interest for compulsory purchase powers to be acquired in the manner sought. The Trust have raised concern that such powers are intended to be used as a matter of last resort and the Applicant has failed to use reasonable efforts to voluntarily acquire the land and rights they require from the Trust.</p> <p>The Applicant acknowledges the response from the Trust and will continue to engage with the intention to reach voluntary agreement. This is currently being discussed under commercial negotiations with the land rights.</p> <p>The Applicant issued revised Heads of Terms to the Trust on 5 June 2023 and is continuing to engage with the Trust with the intention to reach a voluntary agreement.</p> <p>The Applicant received further feedback from the Trust on the Heads of Terms on 15 August 2023 and is currently reviewing the comments with an aim to provide a formal response by 1st September 2023. Given the timescales it is unlikely that a voluntary agreement will be in place prior to Deadline 7 however the Applicant will continue to negotiate with the Canal & River Trust to resolve the outstanding points prior to the end of examination.</p>	Agreed (subject to Heads of Terms being in place)
Trust 3.6.2	Land rights.	<p>Based on the submitted Land Plans, the Trust also questions the justification for the extent of land the Applicant seeks to acquire for a single pipeline crossing of the canal. The Trust considers acquiring a right over a narrow section of subsoil at least 3.5m depth below the bed level of the canal would be sufficient for the pipeline.</p> <p>The Applicant considers that the width sought (24.4m easement) is appropriate and necessary for the pipeline concerned. This will stay as under discussion until the agreed protective provisions are in place.</p>	Agreed (subject to Heads of Terms being in place)

Table 3-7 - Issues related to the DCO Proposed Development – Surface Water Drainage

Ref.	Description of Matter	Current Position	Status
Trust 3.7.1	Silt laden or potentially contaminated surface water	<p>The Trust will not accept any silt laden or potentially contaminated surface water from dewatering of excavations from the construction works or discharge from wheel washing etc.</p> <p>The Applicant notes the Trust’s position regarding surface water discharges to the canal. The Applicant will ensure that the risk of silt laden runoff or potentially contaminated surface water from construction activities will be managed through best practice pollution prevention methods and that flows are attenuated with no net increase in flows. This will be secured in the detailed CEMP. The Trust has been included as a consultee within the OCEMP (paragraph 1.2.5) [REP6-008] to be consulted upon for the Detailed CEMP, which will include matters relating to canal protection measures. The CEMP is secured through Requirement 5 of the draft DCO [CR3-008].</p>	Agreed
Trust 3.7.2	Discharge of water to the canal and culverted watercourses	<p>The Trust is not a land drainage authority, and such discharges are not granted as of right but would be the subject of the separate agreement with the Trust. Any flows would need to be attenuated and result in no net increase in flows. The Trust would also need to be satisfied that there would be no net increase in flows as a result of the works to any watercourses which are culverted underneath the canal. Any proposed temporary or permanent discharges to the canal or to culverts or other watercourses in Trust ownership will need to be assessed via the mandatory Surface Water Discharge process via the Code of Practice.</p> <p>The Applicant confirms that relevant consents/permits/licenses will be obtained for discharges if required.</p> <p>Following further consultation with the Trust, it has been agreed to not add the Trust’s Surface Water Discharge process to the Other Consents and Licences document [REP4-020]. It has instead been added as an addition to the Outline CEMP [REP4-237] through means of following the appropriate stakeholders’ code of practice as set out in the Protective Provisions (paragraph 1.2.8). The CEMP is secured through Requirement 5 of the draft DCO [CR3-008].</p>	Agreed
Trust 3.7.3	Drainage for Rock Bank BVS	<p>The Trust has raised a concern that the drainage arrangements for Rock Bank BVS appear to connect to a ‘canal ditch,’ which appears to have an outfall to the canal next to bridge 134. If this is the case, then the surface water discharge would need to be reviewed and a discharge licence will be needed. The Applicant acknowledges the note above at 3.7.2 in relation to drainage into the canal. This will be reviewed further at the detailed design stage (currently only at strategy status), and if drainage is required, the SWD process (via the Trust’s Third-Party Code of Practice) would apply. The Applicant will also review the need for a discharge licence, should any discharge to canal assets be required.</p>	Agreed