

STATEMENT OF COMMON GROUND WITH DWR CYMRU WELSH WATER

HyNet Carbon Dioxide Pipeline DCO

Planning Act 2008

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

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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) Dwr Cymru Welsh Water

Signed 

Martin Currie

Director

on behalf of Liverpool Bay CCS Limited

Date: 5 September 2023

Signed 

[Sion Jones]

[Lead Development Planning Officer]

on behalf of Dwr Cymru Welsh Water

Date: [05/09/2023]

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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) and Dwr Cymru Welsh Water (DCWW).
- 1.1.2. For the purpose of this SoCG, the Applicant and DCWW 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 DCWW 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 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 impacts DCWW as a utility provider, asset owner and landowner.
- 1.2.3. *The Applicant has identified the following plots in which DCWW hold an interest:*
9-22, 10-04, 10-04 a, 10-13, 10-14, 10-15, 10-16, 10-17, 11-01, 11-05, 11-06, 11-07, 11-08, 12-10, 12-20, 13-18, 15-07, 15-08, 15-09, 15-11, 15-12, 15-13, 16-01, 16-05, 16-09, 16-10, 16-11, 16-12, 16-13, 16-14, 16-15, 16-17, 16-18, 16-19, 16-20, 16-22, 16-23, 16-24, 16-25, 16-26, 16-27, 16-28, 16-28a, 16-29, 16-30, 17-03, 17-05, 17-06, 17-08, 17-12, 17-13, 17-16, 17-17, 17-20, 17-21, 17-25, 17-26, 17-30, 17-32, 17-33, 17-34, 17-36, 17-37, 17-38, 17-39, 17-40, 17-41, 17-42, 17-43, 17-44, 18-01, 18-02, 18-03, 18-04, 18-05, 18-08, 18-09, 18-10, 18-11, 18-13, 18-14, 18-17, 18-22, 18-23, 18-24, 18-25, 18-26, 18-27, 18-32, 18-33, 19-05, 19-08, 19-12, 19-13, 20-01, 20-02, 20-03, 20-04, 20-05, 20-06, 20-10, 20-27, 21-02, 21-03, 22-01, 22-02, 22-03, 22-04, 22-05, 36-01, 9-22

- 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 undertaken to date between the Parties 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
29/06/2021	Letter from Dwr Cymru Welsh Water (DCWW) to the Planning Inspectorate relating to the EIA scoping report.	<p>Key Topics</p> <ul style="list-style-type: none"> DCWW response [REP4-068] to the Applicant's EIA Scoping Report [REP4-065 and REP4-066] <p>Discussions and Outcomes</p> <p>DCWW advised that they had no opinion on the scoping opinion itself but as they had numerous wastewater and clean water assets crossing in close proximity to the site they requested the Applicant make contact so further impact on their assets can be discussed.</p>
18/03/2022	Letter from DCWW to the Applicant on their formal statutory consultation as a section 42 consultee	<p>Key Topics</p> <ul style="list-style-type: none"> DCWW response [APP-037] to the Applicant's formal consultation on the DCO application <p>Discussions and Outcomes</p> <p>DCWW advised they had no objections in principle to the DCO Proposed Development as it does not propose to connect to the public sewerage system or potable water network but reserved the right to make comments if circumstances changed.</p> <p>DCWW provided comments on the surface water drainage requirements and recommended the Applicant consult with Flintshire County Council in their capacity as SuDS Approval Body (SAB). DCWW advised that the DCO Proposed Development crosses a public sewer and advised on its rights of access under the Water Industry Act 1991. DCWW noted the DCO Proposed Development was sited within proximity of the Queensferry Waste Water Treatment (now scoped out following targeted consultation) and the Alltami covered reservoir.</p> <p>DCWW advised that the Applicant takes into account the location of their assets crossing the site and provided copies of their water and sewer extract plans for the area and a Planning Guidance Note on asset protection.</p>
30/05/2022	Email conversation between DCWW and the Applicant	<p>Key Topics</p> <ul style="list-style-type: none"> Crossing points <p>Discussions and Outcomes</p> <p>An introductory email sent to DCWW including information on all identified crossing locations.</p>
09/03/2022	Email correspondence between DCWW and the Applicant	<p>Key Topics</p> <ul style="list-style-type: none"> Flooding issues DG5 New sewer construction S104 and S185 Unrecorded assets <p>Discussions and Outcomes</p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		<p>General consultation email was sent to DCWW on 09/03/22 to enquire whether there are any areas within 500m of the pipeline that are at risk of flooding. In addition, enquires on whether there were any properties on the DG5 register, unrecorded assets, and any S104/S185 diversions were also asked.</p> <p>DCWW sent a detailed response on 18/03/22 providing a list of all assets that are within the indicative pipeline location. DCWW stated that these assets have exclusion zones ranging from 3m to 5m and DCWW must be notified of the pipeline's final location in relation to these assets.</p> <p>In addition, DCWW stated that the sewers are over capacity on Blackbrook Avenue approximately 250m to the Aston Hill BVs and have been known to flood. However, this is not of concern to the Aston Hill development.</p>
22/08/2022	Microsoft Teams meeting between DCWW and the Applicant	<p>Key Topics</p> <ul style="list-style-type: none"> • RAMS assessment • Crossing assessment • Field Layout and KMZ • Status of Church Lane reservoirs • Linesearch results <p>Discussions and Outcomes</p> <p>The meeting sought to discuss the approach to RAMS and Crossing assessment. DCWW advised a RAMS assessment will be required at locations where Hynet pipelines interface with their assets. Confirmation provided that no CPO had been undertaken.</p> <p>DCWW further advised on the Crossing assessment to be risk based and trial holes will be required for confirming the positioning of buried assets.</p> <p>Field Layout and KMZ shared with DCWW. Confirmations regarding the status of Church Lane reservoirs and gaps in linesearch results to be provided by DCWW in the subsequent meeting tabled for 19 September 2022.</p>
12/04/2023	Email correspondence between DCWW and the Applicant	<p>Key Topics</p> <ul style="list-style-type: none"> • Key Information <p>Discussions and Outcomes</p> <ul style="list-style-type: none"> • Requested attributes (diameter, coordinates etc.) of DCWW existing assets received by the Applicant.
14/04/2023	Microsoft Teams meeting between DCWW and the Applicant	<p>Key Topics</p> <ul style="list-style-type: none"> • Project Status and Examination Dates • Statement of Common Ground (SOCG) discussions • Protective Provision (PP) discussions • Status of Church Lane reservoirs

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		<ul style="list-style-type: none"> • DCWW Technical specifications <p>Discussions and Outcomes</p> <p>The meeting discussed current project status and milestone dates.</p> <p>SOCG and Protective Provisions Drafts to be sent by the Applicant to DCWW</p> <p>As-built drawing for church lane reservoir and DCWW technical specifications to be shared with the Applicant</p>
21/06/2023	Microsoft Teams meeting between DCWW and the Applicant	<p>Key Topics</p> <ul style="list-style-type: none"> • Update on DCO process and timescales • SoCG • Protective Provisions <p>Discussions and Outcomes</p> <p>The Applicant provided an overview of the DCO process and timescales. The Construction Contractor is not appointed yet - there is a competitive tender process in place.</p> <p>DCWW confirmed they have an easement width of 3m either side for their assets up to 300mm in diameter (and a 6m easement if assets diameter is larger than this).</p> <p>DCWW agreed to send their drafting Protective Provision wording to the Applicant. DCWW advised they may need to consider the need for trial bore holes around their assets – a new row was added to the SoCG table to cover this. The Applicant will share the draft SoCG for DCWW review ahead of Deadline 5 (4 July).</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 DCWW are as follows:
- Engagement, ES & Other Application Documents;
 - Drainage and Flood Risk; and
 - Issues related to the DCO Proposed Development - Draft DCO (including requirements to the draft DCO).

Table 3-1 – Engagement, ES & Other application documents

Ref.	Description of Matter	Current Position	Status
Engagement			
DCWW 3.1.1	Engagement	<p>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 DCWW’s views.</p> <p>DCWW has been formally consulted on the application as required by the Planning Act 2008. This includes statutory consultation (commencing 9 February 2022) and the additional three rounds of targeted statutory consultation (commencing 17 June, 25 June and 22 July 2022) as section 42(1)(d) consultees. DCWW were also contacted as part of the Change Request 1 consultation (28 April 2023) and Change Request 2 consultation (6 June 2023).</p> <p>Any further engagement with DCWW recorded in Table 2.1.</p>	Agreed
Land			
DCWW 3.1.2	Land Requirements	The Parties are seeking to determine, where relevant, land rights and use. The Parties will seek agreement where required and have been engaging throughout the pre-application and examination periods. This engagement will continue during detailed design period.	Agreed
ES			
DCWW 3.1.3	ES	<p>DCWW considers that appropriate regard has been had to its proposals in the cumulative assessment having regard to the level of information available.</p> <p>DCWW concurs with the conclusions of the ES.</p>	Agreed
Other application documents			
DCWW 3.1.4	Other application documents	DCWW 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 – Design

Ref.	Description of Matter	Current Position	Status
DCWW 3.2.1	DCWW Assets	<p>The Applicant acknowledges DCWW’s concerns related to its numerous assets as a statutory sewerage and water undertaker. The Applicant has sought continuing discussions to engage with DCWW throughout the Application process.</p> <p>The Applicant will continue accordingly as far as practicable to ensure DCWW’s assets are protected. The Applicant has engaged throughout the examination with DCWW with regard to protective provisions and asset protection, a summary of such is located in table 3-3 below.</p>	Agreed
DCWW 3.2.2	Trial holes	DCWW will need to consider the need for trial bore holes where the DCO Proposed Development is in close proximity to DCWW assets. This would be at a later stage when detailed routing has been shared and the Construction Contractor has	Agreed

		been appointed post-grant of the DCO. During detailed design, post-grant of the DCO, the Applicant will engage with DCWW to determine the requirement of any trial holes.	
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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
DCWW 3.3.1	Protective Provisions	The Applicant is actively engaged with DCWW on negotiating Protective Provisions.	Not Agreed