

STATEMENT OF COMMON GROUND WITH WALES AND WEST UTILITIES

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) Wales and West Utilities

Sig 

Martin Currie

Director

on behalf of Liverpool Bay CCS Limited

Date: 7 September 2023

Signed 

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GENERAL COUNSEL AND COMPANY SECRETARY

on behalf of Wales and West Utilities

Date: 5.9.2023

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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 Wales and West Utilities (WWU).
- 1.1.2. For the purpose of this SoCG, the Applicant and Wales and West Utilities 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 Development Consent Order (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 SoCG records the consultation undertaken with Wales and West Utilities 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 Wales and West Utilities as a utility provider and landowner.
- 1.2.3. The Applicant has identified the following plots in which Wales and West Utilities hold an interest:
[15-11, 16-12, 16-13, 16-14, 16-15, 16-18, 16-20, 16-21, 16-22, 16-23, 16-26, 16-27, 16-28, 16-28a, 17-01, 17-02, 17-03, 17-06, 17-34, 17-39, 17-40, 17-43, 21-02, 21-03, 36-01.
- 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 Wales and West Utilities 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
21/06/2022	Email conversation between WWU and the Applicant	<p>Key Topics</p> <ul style="list-style-type: none"> • Grid reference drawings <p>Discussions and Outcomes</p> <p>The Applicant provided WWU with the information requested - a table of WWU crossing points with grid coordinates.</p>
25/07/2022	Email correspondence between WWU and the Applicant	<p>Key Topics</p> <ul style="list-style-type: none"> • Site Visit • RAMS <p>Discussions and Outcomes</p> <p>WWU confirmed a site visit is required prior to any work commencing for the purpose of reviewing pipeline compatibility with proposed pipeline route.</p> <p>The Applicant agreed to provide copy of RAMS before construction works commence. A site visit can be arranged once the Construction Contractor is appointed.</p>
09/02/2023	Microsoft Teams Call between WWU and the Applicant	<p>Key Topics</p> <ul style="list-style-type: none"> • SOCG • Protective Provisions <p>Discussions and Outcomes</p> <p>Applicant described the purpose of the SOCG and its place within the DCO process.</p> <p>Applicant described the level of design definition and reasons that flexibility in design must remain.</p> <p>Applicant requested that WWU engage in Protective Provisions process.</p>
09/02/2023	Email correspondence between WWU and the Applicant	<p>Key Topics</p> <ul style="list-style-type: none"> • Information request <p>Discussions and Outcomes</p> <p>The Applicant confirmed the land plots for which WWU hold an interest and provided links to the Land Plans, Book of Reference and draft DCO. The Applicant also forwarded on further information relating to the letter and section 56 notice publicising the acceptance of the DCO application by the Planning Inspectorate (26 November 2022), New Onshore Pipeline – Overall Field Layout Plan, minutes of meeting on 9 February 2023 and google earth route files.</p>
12/05/2023	Microsoft Teams Call between WWU and the Applicant	<p>Key Topics</p> <ul style="list-style-type: none"> • Project Update – Route run through • SOCG

		<ul style="list-style-type: none"> • Protective Provisions <p>Discussions and Outcomes</p> <p>The Applicant clarified that it is the 36” pipeline which transects assets under WWU ownership and shared a summary of the number of assets (and their locations). WWU confirmed that the details on the Applicant's asset searches are correct in respect of the WWU pipeline in the vicinity of the works. Trial holes will be required to confirm the exact location of the WWU assets prior to work commencing.</p> <p>The Applicant confirmed that the crossing methods are indicative and to be finalised by the Applicant's Construction Contractor.</p> <p>The Applicant confirmed receipt of WWU standards (SSW22 & Plant Protection General Conditions) and confirmed that this will be shared with the Construction Contractor once appointed.</p> <p>WWU advised that a number of their assets within the Order Limits are located at the Chester Road East crossing. The Applicant confirmed that the type of crossing being used at that location will avoid impact to the WWU assets. The Applicant confirmed that they will comply with WWU standards. WWU confirmed that their asset for the Open Trench Crossing on Moor Lane is a smaller pipe and closer to ground level.</p> <p>WWU requested an update with regard to scheduling post determination. The Applicant confirmed the indicative schedule as anticipated for Q1 2025 and works are anticipated to commence in Q1 2025. This will be confirmed once the Construction Contractor is appointed.</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 WWUre as follows:

- Engagement & Other Application documents;
- Design and Asset Interface; and
- Issues related to the Draft DCO.

Table 3-1 – Engagement & Other Application Documents

Ref.	Description of Matter	Current Position	Status
Engagement			
WWU 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 WWU's views. WWU has been formally consulted on the application as required by the Planning Act 2008 (PA 2008).	Agreed
Land			
WWU 3.1.2	Land Use	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
Other Application Documents			
WWU 3.1.3	Other application documents	Upon review of the Book of Reference [CR3-013], WWU raised that Plot 17-37 was not listed in the Book of Reference [CR3-013] within category 2 and that Plot 21-03 was listed but WWU have no assets here. The Applicant acknowledges this error and has updated the BoR for Deadline 7. Subsequent to this change, WWU agree 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 and Asset Interface

Ref.	Description of Matter	Current Position	Status
WWU 3.2.1	Chester Road Crossings	WWU have advised that a number of their assets fall within the Chester Road East crossing and have requested further detail on the crossing method. The Applicant advises that further detail on the crossing method will not be available until it has been reviewed by the Applicant's Construction Contractor but the Applicant will review this location and provide an update to WWU. This will be confirmed once the Construction Contractor is appointed. The Applicant will engage with WWU, as far as practicable, during the detailed design stage, following grant of the DCO after the close of examination to ensure that WWU assets are protected in this location.	Agreed
WWU 3.2.2	Trial Holes	WWU will need to consider the need for trial bore holes where the DCO Proposed Development is in close proximity to WWU assets. This would be at a later stage when detailed routing has been shared and the Construction Contractor has been appointed post-grant of the DCO. During detailed design, following grant of the DCO, the Applicant will engage with WWU to determine the requirement of any trial bore holes.	Agreed

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
WWU 3.3.1	Protective Provisions	The Applicant is engaging with WWU in respect of Protective Provisions. Engagement has been iterative and constructive.	Outstanding, pending agreement of the protective provisions