

HyNet North West

COVER LETTER DEADLINE 8

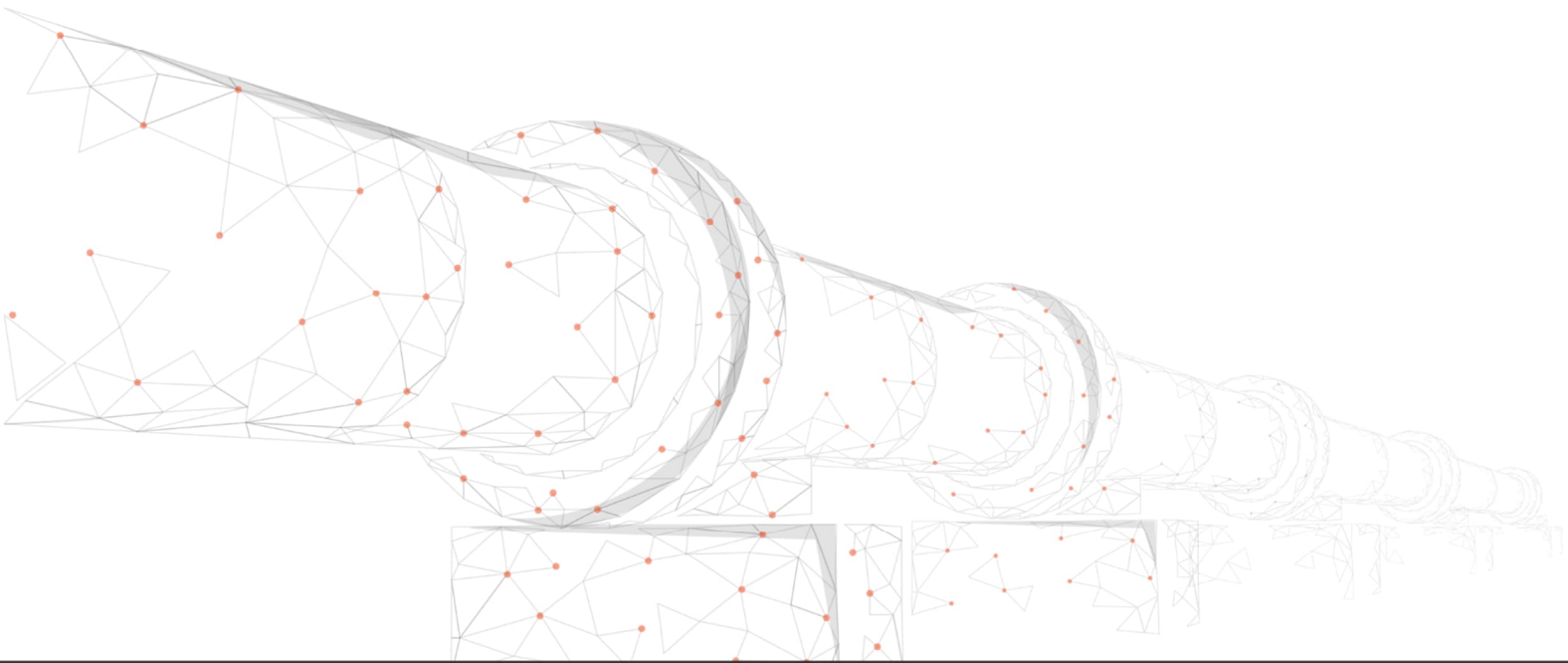
HyNet Carbon Dioxide Pipeline DCO

Planning Act 2008

Document Reference Number D.7.1.14

Applicant: Liverpool Bay CCS Limited

Inspectorate Reference: EN070007



REVISION: A

DATE: September 2023

DOCUMENT OWNER: WSP UK Limited

PUBLIC

Jake Stephens

Case Manager – National Infrastructure
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12 September 2023

Dear Mr Stephens,

EN070007 HyNet Carbon Dioxide Pipeline – Deadline 7

Please find enclosed the information requested by the Examining Authority (ExA) for Deadline 8 in the amended Examination Timetable at Annex A of the Rule 8(3) Letter dated 18 July 2023. A full list of documents submitted at this deadline can be found in **Table 1** of this letter below.

National Planning Policy Framework/National Development Management Policies Trackers

The National Planning Policy Framework (NPPF) was updated on the 5 September 2023; this revised Framework replaces the previous NPPF as revised in July 2021. This version of the NPPF sets out updated policy for onshore wind development in England, amending paragraphs 153 – 159 and 221 – 222. It is the view of the Applicant that the policy changes within the newly adopted NPPF (September 2023) are not relevant to this Application and the policy considerations within Table B2 of Appendix 2 of the Planning Statement **[REP4-022]** remain relevant.

Therefore, using the discretion provided by the ExA in the Rule 8(3) Letter, the Applicant has not submitted a revision of this document to avoid surplus information being submitted into the Examination.

As no NDMP were released in advance of Deadline 8, in accordance with the direction given by the ExA in the Rule 8(3) Letter, no tracker of this document has been submitted.

National Policy Statement Tracker

No updates have been made to the compliance assessment in the National Policy Statement Tracker for Deadline 8, as such this has not been submitted, in accordance with the direction given by the ExA in the Rule 8(3) Letter. The version submitted at Deadline 2 **[REP2-034]** should be considered by the Applicant to be the final version.

Compulsory Acquisition/Temporary Possession Schedule

No updates have been made to the Compulsory Acquisition/Temporary Possession Schedule at Deadline 8 and as such the version submitted at Deadline 1 **[REP1-049]**, should be considered the final version.

Statement of Progress on Statements of Common Ground

Table 1 includes the stakeholders for which the Applicant has prepared and submitted a final signed SoCG at Deadline 8.

The updated Statement of Commonality (SoC) (document reference: **D.7.2**) submitted at Deadline 8 outlines the position of all SoCGs that the Applicant has or has not entered into with relevant stakeholders/Interested Parties (IPs). Stakeholders/IPs in the last category have specifically stated they do not wish to enter into an SoCG with the Applicant. Further details on the status of all SoCG's are provided in Table 2-1 of the SoC.

The Applicant has attempted to enter good faith discussions during the pre-examination and examination periods with stakeholders/IPs and has provided evidence and updates to the ExA through the SoC and Cover Letters at each deadline on the progress of these discussions. Where it has not been possible for an SoCG to be signed with a stakeholder/IP, the Applicant has provided an explanation for this in the SoC (**document reference D.7.2**), submitted at Deadline 8.

The following SoCG's have not been submitted at Deadline 8 as discussions relating to protective provisions and respective agreements are ongoing. The Applicant remains in discussion with the following IP's and will provide an update prior to the close of examination on 20 September 2023:

- Environment Agency [**REP1-024**]
- Cadent Gas [**REP6-014**] (although it is noted that the agreements between the parties are now in final form and are being engrossed for signing, but have not yet been signed)
- Essar Oil (UK) Limited [**REP6-015**]
- British Pipeline Agency [**REP5-010**]
- National Grid Electricity Transmission [**REP6-017**]
- United Utilities [**REP1-035**]
- Exolum Pipeline System Ltd [**REP6A-013**]
- National Gas Transmission [**REP6-018**]
- Encirc [**REP6-026**]

The SoCG with Network Rail was submitted for Deadline 7 [**REP7-269**] and a final signed version is provided for Deadline 8. The Applicant intends to provide the ExA with an update on the matters outstanding relating to technical clearances and Property/ Framework Agreements ahead of the close of examination on 20 September 2023.

Consolidated ES 2 (Deadline 7)

The Applicant has noticed minor discrepancies in the Applicant's Deadline 7 submission on the 5 September 2023, this has been rectified within the Applicant's Deadline 8 Submission:

- D.6.3.8.1 Appendix 8.1 Historic Environmental Desk Based Assessment (Tracked) – omitted from Deadline 7 Submission

- D.6.3.18.5 Appendix 18.5 Flood Consequences Assessment (FCA) – amended error on front page

Crown Land Consent (Update)

In addition to the Crown land Consent received from the Secretary of State for Defence, appended to the Cover letter at Deadline 7 **[REP7-001]**, the Applicant has since received confirmation from the Welsh Ministers that Crown Land consent has been provided for those Crown land Parcels under their jurisdiction – this can be found at **Appendix 1** of this Letter.

Items in which the Applicant has not provided a response

The Applicant has not provided a response to Deadline 7 submissions or comments on responses to the ExA's Third Written Questions where the IP's submission does not contain any substantive points, or where no comment has been provided by the IP.

The submissions where a response has not been provided have been listed in the Introduction section of the Applicant's comments on submissions received at Deadline 7 (document reference: **D.7.63**) and the Applicant's comments on responses to the ExA's Third Written Questions (document reference: **D.7.64**).

Please note, a response to National Highways' Deadline 7 submission **[REP7-316]** and Cheshire West and Chester's Written Representation **[REP7-306]** in so far as it relates to street works matters is provided within the Applicant's Final Position Statement (document reference **D.7.65**) rather than as a table within the documents referred to above. This document is accompanied by King's Counsel's opinion on the National Highways' submissions (document reference **D.7.66**).

The Applicant has also responded to Encirc's submissions in Appendix 1 to the Applicant's Final Position Statement (document reference: **D.7.65**) as well as in the above documents.

Table 1: Documents submitted by the Applicant at Deadline 8

Application Document Reference	Previous Examination Library Reference	Document Details	Comments
D.1.3	REP7-04	Application Document Tracker (Rev N) (Clean)	Includes Word version
D.1.3	REP7-005	Application Document Tracker (Rev N) (Tracked)	Includes Word version
D.2.5	CR3-006	Access and Rights of Way Plans (Rev F)	Alternative Options submitted at Deadline 8
D.3.1	REP7-013	Draft Development Consent Order (Rev K, Applicant's Preferred version - trenched crossing) (Clean)	Includes Word version
D.3.1	REP7-014	Draft Development Consent Order (Rev L, Pipe bridge version) (Clean)	Includes Word version
D.3.1	REP7-015	Draft Development Consent Order (Tracked change revision I to revision K)	
D.3.1	REP7-016	Draft Development Consent Order (Tracked change revision J to revision L)	
D.3.3	REP7-020	Schedule of Changes to the dDCO (to revision I)	
D.4.1.1	REP7-023	Schedule of Negotiations with Land Interests (Rev J) (Clean)	Includes Excel version (Rev J)

Application Document Reference	Previous Examination Library Reference	Document Details	Comments
D.4.1.1	REP7-024	Schedule of Negotiations with Land Interests (Rev J) (Tracked)	Includes Excel version (Rev J)
D.6.3.8.1	REP7-081	Appendix 8.1 Historic Environment Desk Based Assessment (HEBDA) (Rev C) (Tracked)	Omitted from Deadline 7 Submission
D.6.3.18.3	REP7-172	Appendix 18.3 - Water Framework Directive Assessment (Rev D) (Clean)	
D.6.3.18.3	REP7-173	Appendix 18.3 - Water Framework Directive Assessment (Rev D) (Tracked)	
D.6.3.18.5	REP7-178, REP7-180, REP7-182	Appendix 18.5 – Flood Consequences Assessment Parts 1 – 3 (Clean)	Amended error on front page submitted at Deadline 7
D.6.5.4.1	REP7-246	Outline Construction Environmental Management Plan (OCEMP) - Appendix 2 - Outline Peat Management Plan (Rev D) (Clean)	
D.6.5.4.1	REP7-247	Outline Construction Environmental Management Plan (OCEMP) - Appendix 2 - Outline Peat Management Plan (Rev D) (Tracked)	

Application Document Reference	Previous Examination Library Reference	Document Details	Comments
D.7.2	REP7-258	Statement of Commonality for Statements of Common Ground (Rev I)	
D.7.2.2	REP6A-008	Statement of Common Ground with Cheshire West and Chester Council (CWCC) (Rev E)	Signed final version
D.7.2.3	REP7-260	Statement of Common Ground with Natural England (Rev E)	Signed final version
D.7.2.23	REP7-268	Statement of Common Ground with Wales & West Utilities (Rev D)	Signed final version (all matters now agreed)
D.7.2.26	REP7-269	Statement of Common Ground with Network Rail (England and Wales) (Rev F)	Signed final version
D.7.2.28	REP6-022	Statement of Common Ground with Vertex Hydrogen Limited (Rev B)	Signed final version
D.7.23	REP7-273	Biodiversity Net Gain Strategy Update (Rev F) (Clean)	
D.7.23	REP7-274	Biodiversity Net Gain Strategy Update (Rev F) (Tracked)	
D.7.43	REP7-285	Outline Surface Water Management and Monitoring Plan (Rev D) (Clean)	

Application Document Reference	Previous Examination Library Reference	Document Details	Comments
D.7.43	REP7-286	Outline Surface Water Management and Monitoring Plan (Tracked)	
D.7.44	REP7-287	Outline Dewatering Management Plan (Rev C) (Clean)	
D.7.44	REP7-288	Outline Dewatering Management Plan (Rev C) (Tracked)	
D.7.61	REP7-293	Ground Investigation Technical Report (Rev B) (Clean)	
D.7.61	N/A	Ground Investigation Technical Report (Rev B) (Tracked)	
D.7.63	N/A	Applicant's Response to submissions received at Deadline 7 (Rev A)	
D.7.64	N/A	Applicant's comments on responses to the ExA's Third Written Questions (Rev A)	
D.7.65	N/A	Applicant's Final Position Statement (Rev A)	(including the Applicant's Response to Cheshire West and Chester Council's Deadline 7 Submission [REP7-306] and Applicant's Response to comments received from National Highways at Deadline 7 [REP7-316]) (Rev A)

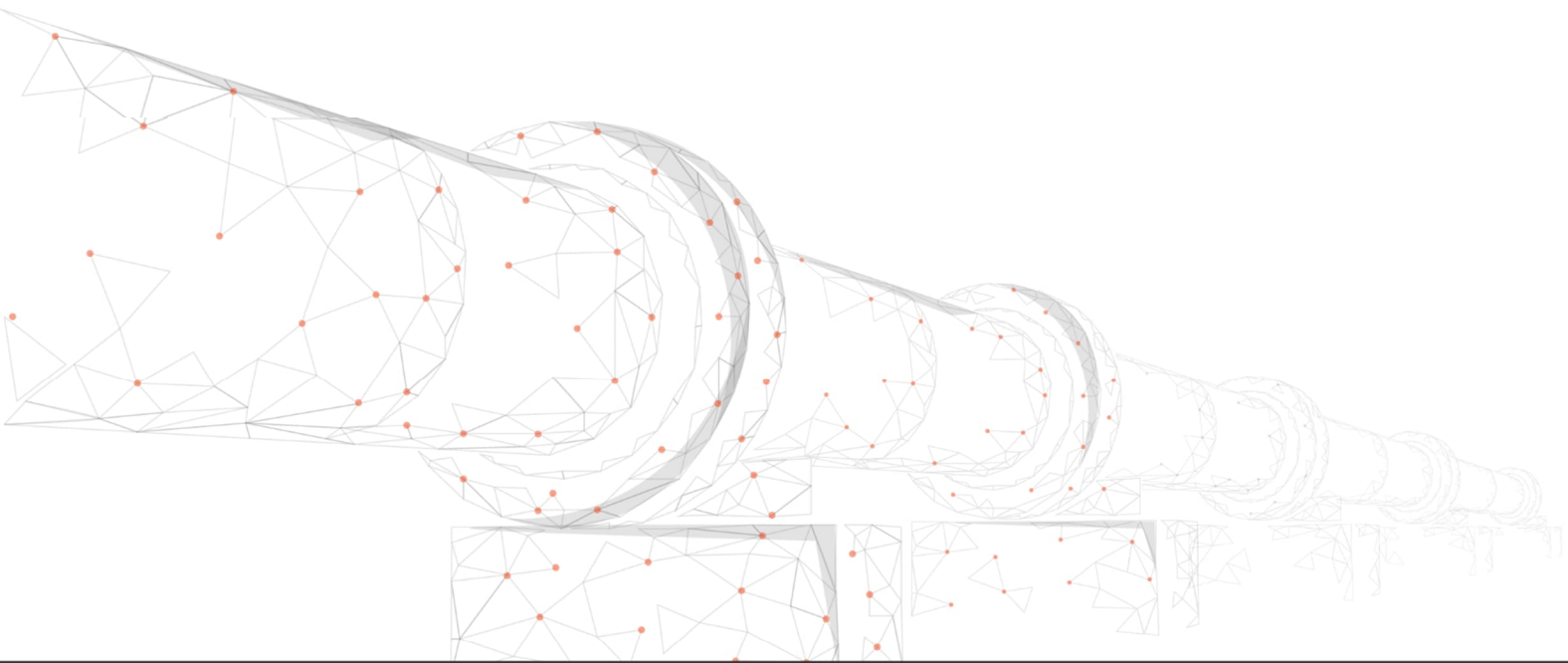
Application Document Reference	Previous Examination Library Reference	Document Details	Comments
D.7.66	N/A	Kings Counsel Opinion on National Highways Submissions (Rev A)	

Yours sincerely,

Martin Currie
 Director, Liverpool Bay CCS Limited

Appendix 1

Letter from the Welsh Ministers
confirming that it gives Crown Con-
sent to the compulsory acquisition
of its interests





Rob Banham, WSP
By email:
[REDACTED]@wsp.com

08 September 2023

Dear Rob Banham,

**HyNet Carbon Dioxide Pipeline – Application for a Development consent order (“DCO”)
request for consent to include Crown land in the DCO**

Consent under s135 of the Planning Act 2008

As discussed in correspondence, your client Liverpool Bay CCS Limited is applying under the Planning Act 2008, for a development consent order (“DCO”) for the HyNet Carbon Dioxide Pipeline.

The land required for the Scheme includes land which is owned by the Welsh Ministers and land over which the Welsh Ministers have rights, which therefore comes within the definition, in the Planning Act 2008, of Crown land. The Crown land in question is identified as plots 17-22, 17-24, 18-26, 19-10, 19-11, 19-12, 20-01, 20-02, 20-03, 20-05 and 20-06 on the Crown land plans, which forms part of the DCO application documentation. Liverpool Bay CCS Limited seeks the consent of the appropriate Crown authority to the inclusion of this land (“the Crown land”) in the DCO for the Scheme (“Crown land consent”).

I confirm that the appropriate Crown authority to give Crown land consent is the Welsh Ministers.

I note that Liverpool Bay CCS Limited does not intend to acquire compulsorily any interests in the Crown land which are held by the Welsh Ministers but only the interest (if any) which others may have in the Crown land.

Accordingly, insofar as the Welsh Ministers have an interest in the plots listed above, I can confirm that the Welsh Ministers hereby grant Crown land consent under sections 135 (1) and (2) of the Planning act 2008 to the inclusion of the Crown land in the DCO for the Scheme and to Liverpool Bay CCS Limited’s application for powers of compulsory acquisition in respect of



all interests in and rights over the Crown land other than those held by the Welsh Ministers. I also confirm that Liverpool Bay CCS Limited would be permitted to use the Crown land to carry out works authorised by the DCO, if the DCO is made in due course.

The Welsh Ministers confirm that they do not consider they have any interest in plots 19-11, 20-03, 20-05 and 20-06, and only consider they have an interest in part of plots 19-10, 19-12, 20-01 and 20-02. Crown consent is therefore not required for the areas of these plots in which the Welsh Ministers do not have an interest.

Yours faithfully



Tim Barnes
Head of Planning, Asset Management and Standards