

The Crown Estate

1 St James's Market

Tel: +44 (0)20 7851 5000

London, SW1Y 4AH

Web: [www.thecrownestate.co.uk](http://www.thecrownestate.co.uk)

National Infrastructure Planning  
The Planning Inspectorate  
3D Eagle Wing  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

**AND BY EMAIL:** [hynetco2pipeline@planninginspectorate.gov.uk](mailto:hynetco2pipeline@planninginspectorate.gov.uk)

19 September 2023

Dear Sirs

**Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010**

**Application by Liverpool Bay CCS Limited ("the Applicant") for an Order Granting Development Consent for The Hynet Carbon Dioxide Pipeline Order (EN070007)**

I write further to the above.

In this letter:

"the book of reference" shall have the meaning given to it in the Order;

"the Commissioners" shall mean the Crown Estate Commissioners;

"Draft DCO" shall mean the Applicant's draft development consent order (reference D.3.1, revision K and dated September 2023 and having planning inspectorate reference REP8-005); and

"Order" shall mean The Hynet Carbon Dioxide Pipeline Order 202[•] once made by the Secretary of State.

Section 135(2) consent is required for an order granting development consent to include provision(s) to apply to Crown land or rights benefiting the Crown (other than provision(s) authorising the compulsory acquisition of third party interests in Crown land).

The Applicant has confirmed that the Order will not include any provision(s) authorising the compulsory acquisition of third party interests in Crown land and, as such, no consent pursuant to section 135(1) has been sought in connection with the Order.

Subject to:

1. the inclusion and continuing application of the following "Crown rights" wording in the Order at Article 41:

**"41.— (1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular, nothing in this Order authorises the undertaker or any lessee or licensee to take, use, enter on or in any manner interfere with any land or rights of any description (including any portion of the shore or bed of the sea or any river, channel, creek, bay or estuary)—**

**(a) belonging to His Majesty in right of the Crown and forming part of The Crown Estate without the consent in writing of the Crown Estate Commissioners;**

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*(b) belonging to His Majesty in right of the Crown and not forming part of The Crown Estate without the consent in writing of the government department having the management of that land; or*

*(c) belonging to a government department or held in trust for His Majesty for the purposes of a government department without the consent in writing of that government department*

*(2) Paragraph (1) does not apply to the exercise of any right under this Order for the compulsory acquisition of an interest in any Crown land (as defined in the 2008 Act) which is for the time being held otherwise than by or on behalf of the Crown.*

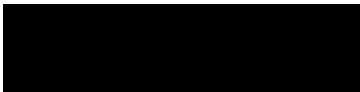
*(3) A consent under paragraph (1) may be given unconditionally or subject to terms and conditions; and is deemed to have been given in writing where it is sent electronically.*

and;

2. the Commissioners being consulted further if any variation to the Draft DCO is proposed which could affect any other provisions of the Order which are subject to section 135(2) of the Act

the Commissioners confirm their consent to Articles 10, 15, 17, 34 and 41 of the Draft DCO, to the extent that they are included in the Order, applying in relation to Plot 22-04 for the purpose of section 135(2) of the Act.

Yours sincerely



Jonathan Treadaway

**Senior Legal Counsel**

**For and on behalf of the Crown Estate Commissioners**