

# STATEMENT OF COMMON GROUND WITH ESSAR OIL (UK) LIMITED

## 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) Essar Oil (UK) Limited**

**Signed:**  [Martin Currie \(Sent: 18/09/2023 11:08 GMT+1\)](#) .....

**Martin Currie**

**Director**

**on behalf of Liverpool Bay CCS Limited**

**Date: 18/09/23**

**Signed: Sunil Puri**

**Sunil Puri**

**General Counsel and Company Secretary**

**on behalf of Essar Oil (UK) Limited**

**Date: 18/09/23**

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# 1. INTRODUCTION

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## 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 Essar Oil (UK) Limited (Essar).
- 1.1.2. For the purpose of this SoCG, the Applicant and Essar will jointly be referred to as the 'Parties'.
- 1.1.3. The purpose of this SoCG is to set out the status as between the Parties on a number of matters related to the proposed development (Proposed Development) which are the subject of the Development Consent Order (DCO). 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 focus on specific issues that may need to be addressed during subsequent stages of the process including the examination.
- 1.1.4. **Chapter 2** of this SoCG records the consultation undertaken with Essar by the Applicant in relation to the DCO. 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 PROPOSED DEVELOPMENT

- 1.2.1. HyNet (the Project) is an innovative low carbon hydrogen production 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 Proposed Development can be found in the main DCO documentation. The Proposed Development and this SOCG relate to the onshore CO<sub>2</sub> pipeline element of HyNet only. Other elements of HyNet are subject to separate consenting processes and are not addressed here.
- 1.2.2. The Proposed Development impacts Essar primarily as an assets owner and operator, land rights holder and landowner and developer. It is also noted that Essar is developing a carbon capture project that might in future seek connection to the DCO Proposed Development.
- 1.2.3. The Applicant has identified the following plots in which Essar hold an interest: 3-04, **3-05**, 3-06, 3-07, 3-08, 3-09, 3-10, 3-11, 3-12 and **3-15** as referenced in the Land Plans **[REP2-004]** and Essar are currently reviewing these plots (shown in bold) to confirm their accuracy.
- 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.

- 1.2.5. Essar are a key participant, active in the Project, delivering infrastructure on the Stanlow Manufacturing Site and are keen to work with the Applicant to deliver a well-structured interface between their developments, to ensure safe construction, operation and efficient land use.

### **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 matters will be the subject of on-going discussion between the Parties.

## **2. RECORD OF ENGAGEMENT**

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

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

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
<p><b>16<sup>th</sup> March 2021- Present</b></p>	<p>Microsoft Teams meeting between the Applicant and Essar (with some in person meetings)</p>	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Monthly project management, technical interface and directorial leadership meetings between various parties, including Essar and the Applicant (meetings held as part of the BEIS Cluster Sequencing Phase 2, with project stewardship by UKRI)</li> <li>• Discussion of Essar’s requirements as an emitter</li> <li>• Discussion of pipeline routing to serve Essar’s manufacturing site &amp; planned development by Vertex Hydrogen Limited (Vertex)</li> <li>• Discussion and confirmation of CO<sub>2</sub> pipeline routing to service the Stanlow site.</li> <li>• Initial overview of HyNet project and Stanlow AGI location.</li> <li>• Technical details of the CO<sub>2</sub> specifications (including temperature, pressure and compositional ranges), led by the Applicant).</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>Confirmation of the overall architecture of the broader HyNet project and clarification of Essar and the Applicant’s roles and responsibilities with respect to AGI site design, construction and operation.</p> <p>The alignment regarding overall system architecture of the broader HyNet project, with the Applicant leading the design of the CO<sub>2</sub> transport and storage network.</p> <p>Confirmation of the need for the Stanlow site to contain a key AGI, linked to multiple emitters on site.</p> <p>Agreement of the CO<sub>2</sub> specification between the parties (managed via a separate commercial process).</p>
<p><b>Mar 2021- Dec 2022</b></p>	<p>Microsoft Teams meeting between the Applicant and Essar (with some in person meetings)</p>	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Discussion of AGI location</li> <li>• Discussion of AGI size requirements</li> <li>• Discussion of access routing to the AGI site</li> <li>• Discussion of 24/7 access requirements to the AGI site</li> <li>• Discussion of drainage requirements of the AGI site</li> <li>• Discussion of construction layout requirements on Essar’s site</li> <li>• Discussion of the underground CO<sub>2</sub> pipelines</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>Confirmation that the AGI will be contained on Essar owned property at the Stanlow Manufacturing Complex.</p> <p>Confirmation of the AGI location on the Stanlow Manufacturing Complex.</p> <p>Confirmation in principle that Gate 6 off Pool Lane will be used as the AGI access route, with a commitment that 24/7 access to named individuals can be given.</p> <p>Confirmation in principle that the surface water drainage from the Applicant’s AGI will be connected to the Essar drainage system.</p>



		<p>Confirmation in principle of the availability of land for construction laydown area located adjacent to the AGI compound.</p> <p>Discussion of power requirements.</p>
11/01/2023	In person meeting between Essar and the Applicant, held at HyNet Offices, Thornton Science Park, Pool Lane, CH2 4NU.	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>▪ Introduction to Essar’s newly appointed Real Estate Manager</li> <li>▪ Wider context overview of the project and overview of the discussions and agreements in principle made to date. The Applicant gave an overview of their technical design and design assumptions.</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>Essar advised that any lease for the AGI site / pipeline would be with Essar as opposed to Vertex Hydrogen.</p> <p>The Applicant re-iterated that 24/7 unrestricted access would be required to the site.</p> <p>The Applicant provided Essar with a site plan highlighting that the civils/road layout is not yet fully defined. Essar will look to present a more updated configuration of their site at the next meeting.</p> <p>The Applicant confirms a temporary works area will be required however until the there is no set timescales for the length of time on construction and compounds. The Applicant confirmed that due to the proximity of a major construction compound nearby, the use of the onsite construction area is expected to be minimised.</p> <p>Essar raised a question regarding contaminated land and whose responsibility it would be to rectify. This was left open for further discussion.</p> <p>Essar advised there is an aspiration to come to a voluntary agreement for land acquisition and they advised he will review the HoTs in further detail and provide comments in future focused commercial discussions.</p>
03/02/2023	Meeting held over Microsoft Teams	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Meeting held at the request of the Applicant, with Essar in order to confirm a number of key technical design aspects.</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>Confirmation that Gate 6 off Pool Lane will be used as the AGI access route, with a commitment that 24/7 access to named individuals can be given. Essar proposed a new road layout, which was agreed in principle.</p> <p>Discussion that the surface water drainage from the Applicant’s AGI will be connected to the Essar drainage system. Essar will install suds drainage ponds. Essar will review and confirm that the Applicant’s AGI surface water drainage can be connected to this system.</p> <p>Confirmation the land for construction laydown area located adjacent to the AGI compound.</p> <p>Confirmation of the pipeline to the AGIs will be sub-surface and will only be above ground within the AGI limits.</p> <p>The routing and easement of this sub surface pipework will need confirmation. The Applicant is carrying out work to further assess the details of this crossing, ahead of detail engineering.</p> <p>Discussion of power requirements, the Applicant is reviewing options provided by Essar to give feedback and a decision</p>

08/02/2023	Meeting held over Microsoft Teams	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>Meeting held between Essar and the Applicant in order to discuss Heads of Terms and land acquisition</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>Discussion around valuation of the land required for the AGI and pipeline. The Applicant advised that the land values provided in the initial HoTs provided by the Applicant, provide a base for further commercial discussion. Discussion on annual consideration payment for the compound. The Applicant has advised they will continue to review consideration payments so that they are in line with market comparables. Discussions and negotiations are ongoing.</p> <p>Discussion on the 999-year lease term, Essar believe the term is excessive for the purpose of this development. The Applicant is to have a further internal discussion on the term and will provide a response in due course.</p>
27/02/2023	Vertex hosted tour of the Applicant team on the Stanlow site	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>Guided site visit on a coach, featuring future AGI sites and Hydrogen Production Plant Sites.</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>The Applicant was appreciative for the tour given by Essar/Vertex.</p>
31/03/2023	Meeting held over Microsoft Teams	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>Meeting held between Essar and the Applicant to review first revision draft of the SoCG</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>Updated position on the SoCG and issuance of WIP SoCG for Essar review and comment prior to Rev1 formal issue.</p>
28/04/2023	Meeting held over Microsoft Teams	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>General Project Update</li> <li>Meeting held between Essar and the Applicant to review the Rev B draft of the SoCG</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>Updated position on the SoCG for Essar review and comment prior to Rev B formal issue.</p>
11/05/23	Meeting held over Microsoft Teams	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>General Project Update</li> <li>Position regarding the possible inclusion of Vertex Hydrogen with the Essar SoCG</li> <li>Discussion of land handover condition principles</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>Further meeting on w/c 15 May 23 to be held to aim to resolve the SoCG document between the legal teams.</p> <p>The SoCG will be subject to further review and update after a technical workshop, planned on 16 May 2023 in which technical points related to site handover, construction phase integration and site safety management will be discussed between Essar, the Applicant and other third party users of adjacent land.</p>

<p><b>16/05/23</b></p>	<p>Meeting held over Microsoft Teams</p>	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Integration of Construction and Commissioning activities in the AGI area of Stanlow Refinery.</li> <li>• Meeting was held including The Applicant, Essar and other AGI users (namely Cadent Hydrogen and Vertex Hydrogen) on site</li> </ul> <p><b>Discussions and Outcomes</b></p> <ul style="list-style-type: none"> <li>• Project Technical Points including: <ul style="list-style-type: none"> <li>• Requirement for schedule integration between all parties.</li> <li>• Site roads layout and access provisions.</li> <li>• Condition of AGI locations and pipeline route corridors at handover for construction.</li> <li>• Arrangements for provision of construction phase and long-term operations phase power.</li> <li>• Spoil storage.</li> <li>• Drainage provision.</li> <li>• Application of CDM regulations and co-ordination of the parties.</li> </ul> </li> <li>• <u>Safety and Hazard / Risk Management, and the need for a single party with overall ownership and responsibility.</u></li> </ul>
<p><b>18/05/23</b></p>	<p>Meeting held over Microsoft Teams</p>	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• General Project Update</li> <li>• Meeting held between Essar and the Applicant to review the RevB draft of the SoCG</li> </ul> <p><b>Discussions and Outcomes</b></p> <ul style="list-style-type: none"> <li>• Confirmation of the RevB draft of the SoCG sent by the Applicant to Essar for Approval.</li> </ul>
<p><b>28/06/23</b></p>	<p>Meeting held over Microsoft Teams</p>	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• General Project Update</li> <li>• SoCG Setup with respect to Essar and Vertex Hydrogen</li> <li>• Discussion on how to best progress discussions</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>The Applicant to send out Plan and updated SoCG ahead of Meeting on 7 July to aid in background regarding property discussions.</p> <p>The Applicant and Essar will continue their discussions on site handover in parallel meetings (which involves other parties).</p> <p>The Applicant will prepare a combine Essar / Vertex Hydrogen SoCG for the parties joint review, but will split these up for submission to the Examination Process</p>
<p><b>10/07/23</b></p>	<p>Meeting held over Microsoft Teams</p>	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Property Matters</li> </ul>

		<p><b>Discussions and Outcomes</b></p> <p>Ongoing commercial discussions</p>
10/07/23	Stanlow AGI Subsurface Workshop Meeting held over Microsoft Teams	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Site handover</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>The Applicant defined its “site handover requirements” to Essar and Essar indicated its position and stated that it would provide a written statement of same. The Applicant also described the results of a borehole and other testing that it had completed at the proposed AGI site and committed to sharing the results with Essar. Essar agreed to share previous borehole and other applicable data with the Applicant.</p>
Various dates	Two weekly frequency Stanlow AGI area interface meetings, held between the parties, plus Essar, Cadent H2 project and Penspen.	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Safety studies, site safety management, site access, integration of construction schedules, integration of overall site plan (for AGI area), utilities</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>The above topics are being progressed between the parties and other parties involved in the provision of facilities in the AGI area, all associated with the Hynet Project. All parties are engaged and working on a collaborative basis. An action list is maintained between the parties and is used as a meeting agenda to ensure progress and consistency.</p>
18/08/23	Call over Mobile Phone	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Progression of key issues</li> <li>• SoCG Closeout</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>Organised Teams Meeting for 22/08/23</p>
22/08/23	Meeting held over Microsoft Teams	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Progression of key issues</li> <li>• SoCG Closeout</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>The Parties agreed a unified follow-up with other stakeholder (e.g. the Environment Agency) in order to progress the conversation. The Applicant will send Essar an updated SoCG for review.</p>

### **3. ISSUES**

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3.1.1. This chapter sets out the areas of agreement in relation to specific issues relating to the Proposed Development, and any areas of ongoing discussion between the Parties. The topics discussed between the Applicant and Essar are as follows:

- Engagement Land & Other Application Documents;
- CO<sub>2</sub> Network Connections;
- Provision and Integration of Utilities;
- Right of Access;
- Surface Water and Flood Risk, and Drainage Strategy;
- Committed Developments (Stanlow AGI Site);
- Issues related to the Proposed Development – Draft DCO (including requirements to the draft DCO);
- Site Handover Condition

**Table 3-1 – Engagement, Land & Other Application Documents**

Ref.	Description of Matter	Current Position	Status
<b>Engagement</b>			
<b>Essar 3.1.1</b>	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 Essar's views.</p> <p>Essar has been formally consulted on the application as required by the Planning Act 2008.</p>	Agreed
<b>Land</b>			
<b>Essar 3.1.2</b>	Land Requirements	<p>As part of the DCO Proposed Development, Compulsory Acquisition is proposed. Essar objects to the proposed acquisition of its land, interests and rights identified within the Book of Reference with the plots show on the Land Plans <b>[CR3-003]</b>.</p> <p>The Parties are continuing discussion regarding land required and its scheduling for holistic site planning.</p> <p>The length of term of lease of 999 years is viewed as excessive by Essar for the purposes of this development. This is being progressed via commercial discussions.</p> <p>The AGI areas would be leased to the respective pipeline operators (i.e. the Applicant, Cadent Hydrogen DCO and Vertex) via commercial terms.</p> <p>Commercial discussions are on-going. Essar are open to and engaged in negotiations in good faith on a leasing arrangement that would negate the need for compulsory purchase. There are on-going discussion related to agreements to facilitate development.</p> <p>Further progress is ongoing regarding land discussions, with the Applicant's updated draft of the Heads of Terms being shared with Essar. but these are complex due to the need to consider a number of technical and schedule integration issues. The parties continue to engage in good faith with a view to finalising HoTs and will update. Both Parties remain committed with the aim to resolve these outstanding points prior to the submission of the ExA's report to the Secretary of State.</p>	Not Agreed (ongoing commercial and land discussions required for targeted resolution)
<b>Other application documents</b>			
<b>Essar 3.1.3</b>	Other application documents	Essar is currently reviewing the Book of Reference that to ensure that its interests are correctly reflected <b>[REP4-016]</b> . The Applicant intends to assist Essar in highlighting the relevant documentation pertinent to Essar's interests.	Agreed
<b>Essar 3.1.4</b>	Essar and Vertex Hydrogen SoCG	<p>The Applicant is engaging with Vertex Hydrogen Limited (Essar own a majority stake hold in this business), separately with regards to their interests.</p> <p>Essar has requested that the SoCGs for Vertex Hydrogen and Essar are combined.</p> <p>The Applicant acknowledges the majority interest Essar holds in Vertex Hydrogen but does not agree that combining SoCG is the appropriate course of action. The Essar and Vertex Hydrogen counterparties are different, and their respective responsibilities and interests are different, an example of which would be Vertex Hydrogen will be an adjacent AGI operator to the Applicant and will need to reach agreements with Essar on land too, including handover conditions.</p> <p>These points are still under discussion.</p> <p>The Parties have agreed that Essar and Vertex will review a combined SoCG document, but the agreed combined SoCG will subsequently be split, with separate Essar / Applicant and Vertex / Applicant SoCGs submitted to the Examination process.</p>	Agreed

<b>Essar 3.1.5</b>	Protective Provision	Essar has requested protective provisions discussion to be added to the schedule.  The Applicant is yet to receive input from Essar on the nature and content of the Protective Provisions sought and accordingly has been unable to produce a draft. The Applicant is therefore not proposing to include any such provisions in its draft DCO at Deadline 7.	Not Agreed
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**Table 3-2 – CO<sub>2</sub> Network Connections**

Ref.	Description of Matter	Current Position	Status
<b>Essar 3.2.1</b>	Significance	In principle, Essar supports the DCO Application's objective of delivering a CO <sub>2</sub> Transport and Storage network.  Essar supports the principle of the DCO Proposed Development, but need to be mindful of any other site operations and applicants that may be sited in proximity.  The Parties are fully supportive of the HyNet project, of which the DCO process provides key infrastructure. The Parties are both supportive of the adjacent developments are actively seeking to ensure all pipelines are accommodated.	Agreed
<b>Essar 3.2.2</b>	Pipe line route siting	The Parties are in discussion regarding the location and width of easement, with adjacent developments on the Essar site under planning taking this routing in to account.  The Parties have agreed that the proposed CO <sub>2</sub> Transport pipelines (one line coming from the Ince AGI and one leaving to the Northop Hall AGI) at the Stanlow site will be routed underground to the Stanlow AGI. It was noted by all that there are several proposed pipeline sections coming into the estate towards Vertex/Stanlow/Refinery and the actual positions are yet to be confirmed. The Applicant is aware of this and will take this into account in determining the detailed design and the Applicant will ensure their detailed design will accommodate the requirements of the other developments at the Stanlow site, within the practicalities of the scheme. Connections from other facilities on the Stanlow site to the Stanlow AGI will cross the AGI boundary fence. Ownership of the pipework connecting back to the emitter plant from the battery limit interface point (which is to be mutually agreed) the AGI line, generally outside of the AGI's boundary fence will not be the responsibility of the Applicant. The specific location and arrangement of the battery limit conditions between the two facilities will continue to be refined and agreed between the two parties through detailed design.  Further progress is ongoing regarding land discussions, with the Applicant's updated draft of the Heads of Terms being shared with Essar. but these are complex due to the need to consider a number of technical and schedule integration issues. The parties continue to engage in good faith with a view to finalising HoTs and will update. Both Parties remain committed with the aim to resolve these outstanding points prior to the submission of the ExA's report to the Secretary of State.	Not Agreed (ongoing commercial and land discussions required for targeted resolution)
<b>Essar 3.2.3</b>	Stanlow AGI detailed connections and design	The Parties agree that the Stanlow AGI (Work No.9) <b>[CR3-005]</b> can be accommodated within the Work area, Essar are currently reviewing the plot areas and land plans in the Work area.  The Parties continue to work together on elements of the detailed design to ensure that the AGI, and in particular connections to it, can be accommodated.  The Applicant will continue to consult Essar on the developing design of the infrastructure during detailed design. The Parties are currently engaged with three sets of meetings regarding interaction on this site: <ol style="list-style-type: none"> <li>1. The Applicant Transport &amp; Storage Network and Essar (as future emitter and connectee to the T&amp;S)</li> <li>2. The Applicant Transport &amp; Storage Network and Vertex (as future emitter and connectee to the T&amp;S)</li> <li>3. Stanlow AGI Site Interested Party Developer Meetings.</li> </ol>	Agreed

Ref.	Description of Matter	Current Position	Status
		The Parties intent to continue this regular interaction and negotiations.	
<b>Essar 3.2.4</b>	Construction scheduling	<p>The Parties agree that the Proposed Development, other planned DCO applications impacting the site and Essar's proposals for its business/site can coexist (provided there are no changes), and that construction works can be managed to prevent conflict between them. The Parties are working together to review their relevant construction timelines and how interactions between these developments can be managed. These will be confirmed by both parties during their respective detail design.</p> <p>The Parties agree to develop a collaborative construction plan as the projects progress to detailed engineering.</p> <p>These discussions will continue in the meetings outlined in Essar 3.2.3.</p> <p>The Parties commit to working together to establish a construction schedule at the detailed design phase of the project.</p>	Agreed

**Table 3-3 – Provision and Integration of Utilities**

Ref.	Description of Matter	Current Position	Status
<b>Essar 3.3.1</b>	Utility requirements	<p>The Applicant considers that the provision of utilities (namely, electrical power, telecoms and a surface water drainage connection) used by the AGI will be provided for by Essar, as part of wider Stanlow site developments.</p> <p>The Applicant understands that the size of the power demand is manageable within Essar's plans for the site development and their discussion with third party utility providers. Essar have provided the Applicant with a Technical Note (for Electrical Infrastructure). The Applicant will continue engagement regarding this matter.</p> <p>The Applicant requires an openreach telecoms connection, and asks Essar reviews this request and commercial terms discussed</p> <p>Through technical discussions, the Parties have agreed a way to progress with respect to the provision of Utilities and Drainage. These technical discussions required to be incorporated into the overall commercial agreement. <b>See Essar 3.1.2</b></p>	Not Agreed (ongoing commercial and land discussions required for targeted resolution)
<b>Essar 3.3.2</b>	Utility connection	<p>The Parties are engaging in ongoing discussions on the integration of the utilities to the Stanlow Site.</p> <p>Essar confirms that the electrical will be provided by Essar but later will be connected by Vertex, and commercial terms discussed,</p> <p>Further progress is ongoing regarding land discussions, with the Applicant's updated draft of the Heads of Terms being shared with Essar. but these are complex due to the need to consider a number of technical and schedule integration issues. The parties continue to engage in good faith with a view to finalising HoTs and will update. Both Parties remain committed with the aim to resolve these outstanding points prior to the submission of the ExA's report to the Secretary of State.</p>	Not Agreed (ongoing commercial and land discussions required for targeted resolution)
<b>Essar 3.3.3</b>	Utility scheduling	<p>The Parties are engaging in ongoing discussions on the timing for utility installation.</p> <p>The Applicant understands that Essar will not provide power for the construction phase.</p> <p>The provision of surface water drainage by Essar during the construction phase is under discussion.</p> <p>Further progress is ongoing regarding land discussions, with the Applicant's updated draft of the Heads of Terms being shared with Essar. but these are complex due to the need to consider a number of technical and schedule integration issues. The parties continue to engage in good faith with a view to finalising HoTs and will update. Both Parties remain committed with the aim to resolve these outstanding points prior to the submission of the ExA's report to the Secretary of State.</p>	Not Agreed (ongoing commercial and land discussions required for targeted resolution)



**Table 3-4 – Right of Access**

Ref.	Description of Matter	Current Position	Status
<b>Essar 3.4.1</b>	Stanlow AGI location	<p>The Applicant has proposed a layout at Stanlow AGI which has assumed access points that are viable and deliverable. Essar have raised a potential conflict with the Stanlow AGI access and its proposals. The Parties are engaging in ongoing discussions regarding this matter and will work together to produce a mutually acceptable detailed design.</p> <p>The Applicant has sent Essar an updated Plan, the details are still under discussion.</p> <p>Further progress is ongoing regarding land discussions, with the Applicant's updated draft of the Heads of Terms being shared with Essar. but these are complex due to the need to consider a number of technical and schedule integration issues. The parties continue to engage in good faith with a view to finalising HoTs and will update. Both Parties remain committed with the aim to resolve these outstanding points prior to the submission of the ExA's report to the Secretary of State.</p>	Not Agreed (ongoing commercial and land discussions required for targeted resolution)
<b>Essar 3.4.2</b>	Point of Access	<p>The Applicant has proposed the primary access road from Pool Lane to the AGI via Stanlow Gate 6. The Applicant has proposed a secondary access off the A5117. Whilst expected not to be used, this has been included in the case of oversized equipment/AILs needing to enter site.</p> <p>Essar have informed the Applicant that Chester West and Chester Council (CWCC) have raised concerns over the Applicant's proposed use of the gate directly off the A5117. The Applicant confirms with Essar that they intend to use Gate 6 of Pool Lane as the main construction access for the development.</p> <p>Where Essar requires to realign any part of the existing access within its site as part of its proposals away from the route set out within the Proposed Development such realigned access will be suitable for use by and made available to the Applicant. As only the access within the site would be realigned, the transport assessment for the Proposed Development would be unaffected and any works to create a realigned access would be consented under the relevant Essar consent. The Applicant agrees that this is appropriate subject to a suitable realigned access being available would agree not to use compulsory powers to retain the route shown on the DCO plans.</p> <p>The Applicant has noted this and is undergoing a routing review based on the trenchless crossing of the A5117.</p>	Agreed
<b>Essar 3.4.3</b>	Operational Access	<p>The Parties agree that 24/7 Stanlow access to agreed named personnel of The Applicant via Gate 6, as shown on the Works Plans [CR3-005] is acceptable. These named personnel will have undergone Stanlow site checks and an induction process. They will only enter the Stanlow site for maintenance and operational duties related to the Applicant's AGI, pipeline easement and related infrastructure.</p>	Agreed
<b>Essar 3.4.4</b>	AGI Perimeter Road Access	<p>The Parties are engaging on this topic as part of ongoing commercial discussions</p> <p>The Applicant has sent Essar an updated Plan, the details are still under discussion.</p> <p>Further progress is ongoing regarding land discussions, with the Applicant's updated draft of the Heads of Terms being shared with Essar. but these are complex due to the need to consider a number of technical and schedule integration issues. The parties continue to engage in good faith with a view to finalising HoTs and will update. Both Parties remain committed with the aim to resolve these outstanding points prior to the submission of the ExA's report to the Secretary of State.</p>	Not Agreed (ongoing commercial and land discussions required for targeted resolution)

**Table 3-5 Surface Water and Flood Risk, and Drainage Strategy**

Ref.	Description of Matter	Current Position	Status
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<b>Essar 3.5.1</b>	Surface Water Management (Stanlow AGI and adjacent land)	<p>The Applicant has considered and provided appropriate surface water management. Cumulative impacts with regard to adjacent developments are continually under review and when further detail is available, it will be considered as part of surface water management at the Stanlow site.</p> <p>The Applicant and Essar have regularly reviewed the location of Stanlow AGI in regard to flooding potential. It is proposed that appropriate documentation be incorporated showing Surface water Management and a register indicating relevant impacts i discussed further between the parties in the future. The Surface Water Drainage details can be viewed as part of the DCO application, namely in the Environmental Report – Outline Surface Water Drainage Strategy <b>[CR3-017]</b>, The Environmental Report – Outline Surface Water Drainage Strategy – Annex C – DCO Sites Surface Water Storage Volume Estimates 01 <b>[CR1-115]</b>, Outline Surface Water Drainage Strategy – Annex D – Correspondences <b>[CR1-116]</b> and the drainage strategy is included on sheet 9 of BVS and AGI Landscape Layouts <b>[CR1-008]</b>.</p>	Agreed
<b>Essar 3.5.2</b>	Existing and Proposed Drainage	<p>The Parties are engaging in ongoing discussions as part of the Stanlow AGI site development.</p> <p>Further progress is ongoing regarding land discussions, with the Applicant’s updated draft of the Heads of Terms being shared with Essar. but these are complex due to the need to consider a number of technical and schedule integration issues. The parties continue to engage in good faith with a view to finalising HoTs and will update. Both Parties remain committed with the aim to resolve these outstanding points prior to the submission of the ExA’s report to the Secretary of State.</p>	Not Agreed (ongoing commercial and land discussions required for targeted resolution)
<b>Essar 3.5.3</b>	Flood Mitigation	<p>The Parties are engaging in ongoing discussions as part of the Stanlow AGI site development.</p> <p>The Parties agree that the mitigation approach is appropriate at this stage of the development.</p>	Agreed

**Table 3-6 –Committed Developments (Stanlow AGI Site)**

Ref.	Description of Matter	Current Position	Status
<b>Essar 3.6.1</b>	Future Proposed Development	The Parties are working on a strategy relating to adjacent developments, several of which require the Applicant’s and other pipeline infrastructure to be established	Agreed
<b>Essar 3.6.2</b>	Stanlow Site	The Applicant acknowledges that the Stanlow Site is safeguarded through CWaC Local Plan Part One Policies STRAT 4 and ENV 8; and Local Plan Part Two Policy EP6. The Applicant is also aware and through engagement, has an understanding of adjacent activities of this site. The Parties will continue engagement to ensure the two can co-exist.	Agreed
<b>Essar 3.6.3</b>	Mitigation	<p>Discussions between the Parties regarding mitigation are being developed as part of the Stanlow AGI site development and HoT Discussions between the Parties</p> <p>Further progress is ongoing regarding land discussions, with the Applicant’s updated draft of the Heads of Terms being shared with Essar. but these are complex due to the need to consider a number of technical and schedule integration issues. The parties continue to engage in good faith with a view to finalising HoTs and will update. Both Parties remain committed with the aim to resolve these outstanding points prior to the submission of the ExA’s report to the Secretary of State.</p>	Not Agreed (ongoing commercial and land discussions required for targeted resolution)

**Table 3-7 – Issues related to the DCO Proposed Development – Draft DCO (including requirements to the draft DCO)**

Ref.	Description of Matter	Current Position	Status
Essar 3.7.1	<b>DCO</b>	No substantive comments (beyond the content of <b>[RR-002]</b> ) on the DCO drafting have been received by the Applicant.	Not for agreement

**Table 3-8 Issues related to Site Handover Conditions**

Ref.	Description of Matter	Current Position	Status
Essar 3.8.1	Status of Land for Handover	The Parties are engaging on this topic as part of ongoing technical and commercial discussions. Further progress is ongoing regarding land discussions, with the Applicant's updated draft of the Heads of Terms being shared with Essar. but these are complex due to the need to consider a number of technical and schedule integration issues. The parties continue to engage in good faith with a view to finalising HoTs and will update. Both Parties remain committed with the aim to resolve these outstanding points prior to the submission of the ExA's report to the Secretary of State.	Not Agreed (ongoing commercial and land discussions required for targeted resolution)
Essar 3.8.1.2	Land Handover, Technical Points – Pipeline Easement Design	The Parties are engaging on this topic as part of ongoing technical and commercial discussions	See response to 3.8.1
Essar 3.8.1.3	Land Handover, Technical Points - Site clearance	The Parties are engaging on this topic as part of ongoing technical and commercial discussions.	See response to 3.8.1
Essar 3.8.1.4	Land Handover, Technical Points - Removal of buried utilities	The Parties are engaging on this topic as part of ongoing technical and commercial discussions.	See response to 3.8.1
Essar 3.8.1.5	Land Handover, Technical Points - Break-up / removal of any pre-existing foundations	The Parties are engaging on this topic as part of ongoing technical and commercial discussions	See response to 3.8.1
Essar 3.8.1.6	Land Handover, Technical Points – Removal of Contaminated Land Prior to handover to the Applicant	The Parties are engaging on this topic as part of ongoing technical and commercial discussions	See response to 3.8.1
Essar 3.8.1.7	Land Handover, Technical Points Contaminated Land –	The Parties are engaging on this topic as part of ongoing technical and commercial discussions	See response to 3.8.1

	After Handover to the Applicant		
Essar 3.8.1.8	Land Handover, Technical Points - Site levelling	The Parties are engaging on this topic as part of ongoing technical and commercial discussions	See response to 3.8.1
Essar 3.8.1.9	Land Handover, Technical Points - Construction works details	The Parties are engaging on this topic as part of ongoing technical and commercial discussions	See response to 3.8.1
Essar 3.8.1.10	Land Handover, Technical Points - Reinstatement of pipeline easement	The Parties are engaging on this topic as part of ongoing technical and commercial discussions	See response to 3.8.1
Essar 3.8.1.11	Land Handover, Technical Points- Monitoring	The Parties are engaging on this topic as part of ongoing technical and commercial discussions	See response to 3.8.1
Essar 3.8.2	Land Handover, Safety and Hazard / Risk Management	The Parties are engaging on this topic as part of ongoing technical and commercial discussions	See response to 3.8.1
Essar 3.8.3	Land Handover, Regulatory Compliance	The Parties are engaging on this topic as part of ongoing technical and commercial discussions	See response to 3.8.1