

Mr John Wheadon  
Head of Energy Infrastructure Planning Delivery  
Department for Energy Security & Net Zero  
3-8 Whitehall Place  
London  
SW1A 2AW

**Date:** 8 February 2024  
**Our Ref:** ABUHARH/ 343477.000190  
**Email:** [REDACTED]@eversheds-sutherland.com

Dear Mr Wheadon,

**Re: Application by Liverpool Bay CCS Limited ("the Applicant") for an Order granting Development Consent for the proposed HyNet Carbon Dioxide Pipeline ("the Proposed DCO Development").**

We act for and on behalf of Network Rail Infrastructure Limited in relation to the above matter. This letter has been prepared in response to a Request for Information by the Department for Energy Security & Net Zero on 31 January 2024.

**Framework Agreement**

The Framework Agreement was completed on 18 December 2023. The purpose of the Framework Agreement was to regulate certain aspects of the relationship between Network Rail and the Applicant in relation to the delivery of the Proposed DCO Development.

**Protective Provisions**

An agreed form of Protective Provisions were appended to the Framework Agreement which completed on 18 December 2023. It was agreed with the Applicant that this agreed form of Protective Provisions was to be included in all or any further iterations of the Draft Order.

The Framework Agreement also states that the Protective Provisions will be deemed to be incorporated into the Order and shall, in all circumstances, have the effect between the Applicant and Network Rail as if the Protective Provisions were included in the Order, irrespective of whether they are included in the Order or not.

**Asset Protection Agreement**

Network Rail requires the Applicant to enter into an Asset Protection Agreement (APA) to ensure the appropriate and necessary technical, engineering and safety requirements for working on or near operational railway are applied to the DCO Proposed Development. The APA is needed to commence the detailed design and construction phase of the Project, whereupon Network Rail will issue the Applicant with its templated APA for the Applicant to sign and return. Network Rail has, however, supplied the Applicant with a 'current' as draft APA for information purposes, only. The draft was issued on 17 September 2023.

**Technical Clearance Approval Certificates**

The five Certificates of Approval for Stage 2 Technical Clearance in relation to the undertrack crossings beneath the railway for the Project have all been signed, details of which are set out below:-

The Certificate of Approval for Plot 9-21 and the Certificate for Plots 9-23, 9-24 were both signed on 13 October 2023;

The Certificate of Approval for Plot 1-23 and the Certificate for Plot 14-29 were both signed on 21 November 2023; and

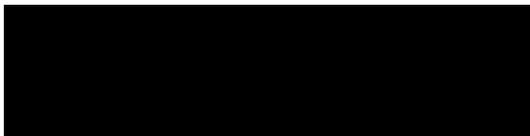
The Certificate of Approval for Plot 17-12 was signed on 25 November 2022.

**Property Agreement**

The Property Agreement will take the form of a lease of subsurface. The form of the Property Agreement is currently being negotiated between Network Rail and the Applicant's solicitors. The parties are currently agreeing rental figures and plans are being prepared, good progress is being made to agree the final form of the Property Agreement.

Network Rail can therefore confirm that as soon as the Property Agreement has been entered into it will inform the Applicant and the Secretary of State of its withdrawal.

Yours sincerely,



**Hannah Abu-Harb**  
*Associate*  
Eversheds Sutherland (International) LLP