



Aaron & Partners
Solicitors

Department for Energy Security
& Net Zero

Our Ref: PXC. WEL010.464

Your Ref: EN070007

Date: 19 March 2024

BY EMAIL ONLY: hynetco2pipeline@planninginspectorate.gov.uk

Dear Sirs

**Re: 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 proposed HyNet Carbon Dioxide Pipeline**

We write to provide you with an update regarding the matter of Protective Provisions in relation to the above application.

As previously communicated, Dŵr Cymru Welsh Water (DCWW) has been engaged in discussions regarding the Protective Provisions outlined in your letter dated 31 January 2024. After careful consideration, DCWW believes that the provisions afforded to United Utilities in Schedule 10, Part 12, better align with DCWW’s expectations and requirements than those presented in Part 11 for DCWW. Additionally, DCWW considers consistency of protective provisions across agreements with water utility undertakers to be desirable.

At present, DCWW and the Applicant have yet to reach any agreement regarding the adoption of Protective Provisions similar to those negotiated with United Utilities. Understandably, time constraints have made it challenging to reach a resolution before the impending decision deadline.

After carefully reviewing the protective provisions offered to United Utilities and comparing them to those proposed for DCWW, DCWW has found no discernible uniqueness or differentiation that would suggest these provisions are tailored to address specific concerns exclusive to United Utilities. In fact, upon examination, the provisions do not seem to deviate significantly from standard industry practices or pose any exceptional circumstances warranting disparate treatment of DCWW assets.

In light of the circumstances, we have today informed the Applicant that DCWW’s position remains as previously communicated, namely, that adopting the same protective provisions as those negotiated

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with United Utilities would ensure consistency and fairness across agreements and that DCWW would be prepared to accept the same protective provisions as those agreed with United Utilities.

We will continue to keep you informed of any developments regarding this matter.

Should you require any further information or clarification, please do not hesitate to contact us.

Yours faithfully,

[Redacted signature]

Aaron and Partners LLP