

Viking CCS Pipeline

7.2 Consents and Agreements Position Statement

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Applicant: Chrysaor Production (U.K.) Limited,
a Harbour Energy Company
PINS Reference: EN070008
Planning Act 2008 (as amended)
The Infrastructure Planning (Applications: Prescribed Forms
and Procedure) Regulations 2009 - Regulation 5(2)(q)
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1 Introduction

1.1 Purpose of this document

- 1.1.1 This Consents and Agreements Position Statement (CAPS) sets out Chrysaor Production (U.K.) Limited's intended strategy for obtaining the consents and associated agreements needed to construct and operate the proposed Viking CCS Pipeline (the Proposed Development).
- 1.1.2 This CAPS is submitted in accordance with regulation 5(2)(q) '*any other documents considered necessary to support the application*' of the Infrastructure Planning (Applications: Prescribed Forms and Procedures Regulations) 2009, as amended.
- 1.1.3 The purpose of this CAPS is to identify the necessary consents and agreements for implementation of the Proposed Development, and the process for obtaining these consents (subject to the Proposed Development gaining development consent).

1.2 The Scheme

- 1.2.1 A detailed description of the Proposed is provided in Chapter 3: Description of the Proposed Development of the Environmental Statement (ES) **[EN070008/APP/6.2.2]**.

2 Strategy

2.1 Chrysaor Production (UK) Limited's Consents Strategy

2.1.1 The basis of Chrysaor Production (UK) Limited's consents strategy is that:

- A Development Consent Order (DCO) must be sought as the principal consent for the works (under the Planning Act 2008 (the PA2008)) including to provide the necessary land acquisition and temporary possession powers;
- The intent of the PA 2008 and Government policy is to enable development and construction-related consents to be included within the DCO; therefore where possible and practicable, additional consents have been included within the DCO;
- The Scheme benefits from the intent of the PA 2008 and Government policy as most of the consents required for the construction of the Scheme will be in place at the point of the making of the DCO; this minimises the need for any further approvals before the works covered by the DCO can commence; and
- The Scheme has and will be developed based on strong collaboration between the key stakeholders, and any additional consents and agreements will be secured at key stages of project development as necessary. The progress on these items will be reported to the Examining Authority, with a summary of the current situation reported in Appendix A of this CAPS.

2.1.2 The consents strategy is informed by the Overarching National Policy Statement for Energy (EN-1) and the National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4) to ensure that relevant permissions that need to be obtained for activities within the development have been identified.

2.1.3 Engagement with statutory consultation bodies has informed the approach during the pre-application stage. Chrysaor Production (U.K.) Limited is seeking to agree with each body the principles against which applications for the other consents, license, and permits should be considered, in order that all relevant issues may be explored during the Examination of the application for development consent.

3 Consents

3.1 Consents

- 3.1.1 The principal consents for the Scheme will be a DCO. The DCO provides development consent for the works and enables land acquisition and temporary possession, along with many consents and powers to be dealt with at the same time.
- 3.1.2 The DCO application may however need to be supplemented by other applications because:
- a) a specific consent cannot be contained in the DCO;
 - b) a consenting authority declines to allow a consent to be contained within the DCO;
or
 - c) it is not desirable or appropriate to include a consent within a DCO due to the stage of design development because the detail required is not yet available.
- 3.1.3 Section 150 of the Planning Act (2008) (the Act) provides that the requirement to obtain certain consents for a Nationally Significant Infrastructure Project can be removed by a DCO as long as the consenting body agrees. Regulation 5 and the table in Schedule 2 of the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 outlines the consents which may be removed by Development Consent Orders for projects in England and Wales. As a result, a separate application would not be required for the consents listed in schedule 2 of the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 as they could be included in the powers of the DCO. The intention of the Act is to allow as many consents to be included in a DCO as possible to streamline the consenting and implementation of a Nationally Significant Infrastructure Project.
- 3.1.4 The majority of the consents and all the powers required have been included, or addressed, within the DCO as permitted by various provisions of the PA 2008. These are included in the following Parts of the draft DCO:
- Part 3 the powers to undertake Street Works including the alteration of streets and put in place temporary restrictions to public rights of way,
 - Part 4 Supplemental Powers including the discharge of water, maintenance of drainage works, survey and investigation of land, undertake protective works to buildings, remove human remains.
 - Part 6 includes the miscellaneous and general powers as follows:
 - Article 36(a): a permit required for consent under section 109 of the Water Resources Act 1991 of the Environmental Permitting (England and Wales) Regulations 2016 for flood risk activities.
 - Article 36(b): the provisions of any byelaws made under, or having effect as if made under, paragraphs 5, 6 or 6A of Schedule 25 (byelaw making powers of the authority) to the Water Resources Act 1991
 - Article 36(c): provisions of any byelaws made under section 66 (powers to make byelaws) of the Land Drainage Act 1991
 - Article 36(d): sections 23 (prohibition on obstructions etc. in watercourses) and 30 (authorisation of drainage works in connection with a ditch) of the Land Drainage Act 1991.
 - Article 39: felling or lopping of trees and removal of hedgerows.
 - Article 40: Powers for works to trees the subject of a Tree Preservation Order

3.1.5 The permits, consents and agreements that may be required for the construction and operation of the Proposed Development in addition to the powers included in the DCO are identified below. The need to each consent is described in more detail in Appendix A.

Biodiversity

- Badger Licence (Protection of Badgers Act 1992, s.10); include for now. Discussions will be taking place with NE in the future – refer catching up with Nige in 2 weeks
- Protected Species Licenses (Wildlife and Countryside Act 1981, s.16) for Great Crested Newts – District Level Licence with Natural England being obtained.
- and Bats licence may be required Discussions will be taking place with NE in the future
- Licence to carry out works affecting water vole under Wildlife and Countryside Act 1981 (as amended) – include for now – no discussions with regulator as yet.

Water

- Water Activity Permit - Environmental Permitting Regulations (England and Wales) Regulations 2016 (as amended) (EPR 2016)
- Regulatory Position Statement 261 (RPS)
- Flood Risk Activity Permit (FRAP) - Environmental Permitting Regulations (England and Wales) Regulations 2016 (as amended)
- Water Abstraction Licence - Water Resources Act 1991 (as amended)
- Land Drainage Consent - Land Drainage Act 1991 Section 23
- Trade Effluent Discharge Consent - Water Industry Act 1991 (as amended)

3.1.6 This list is not exhaustive and the final set of permits, consents and agreements are largely dependent on finalisation of the detailed design, the detailed construction site set up and methodologies, and discussions with the consenting authorities which will be further developed as the project progresses through examination and detailed design stages.

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APPENDIX A: Consents and Agreements Table

Issue	Consent/ Licence/ Agreement & Legislation	Consenting Authority	Requirement	Commentary and Status of negotiation
<u>Biodiversity</u>				
Badger Licence	Badger Licence under section 10 of the Protection of Badgers Act 1992.	Natural England	<u>Badgers</u> and setts have been observed within the Order Limits. It will be necessary to undertake the permanent closure and destruction of confirmed badger setts during the Scheme construction.	Discussions with Natural England have taken place regarding the presence of Badgers Setts within the Order Limits. Discussions regarding this licence will take place during and following the examination period.
Protected Species Licence	Great Crested Newt District Level Licence under the Wildlife and Countryside Act 1981, s.16) for Great Crested Newts –	Natural England	Required for <u>Great Crested Newts</u> in the Order limits prior to the commencement of construction.	The applicant has engaged with Natural England. Agreement in principle has been obtained from Natural England for the District Level Licence. Natural England payment certificate is included in the ES appendix 6.9. [EN070008/APP/6.4.6.9]

Issue	Consent/ Licence/ Agreement & Legislation	Consenting Authority	Requirement	Commentary and Status of negotiation
	Conservation of Habitat and Species Regulations 2017	Natural England	For the disturbance or removal of <u>bat</u> roosts in the Order limits prior to the commencement of construction.	Two trees have been identified in the Order Limits with bat roost potential. The applicant will retain these trees during the construction phase. If a licence to disturb this species is required discussions will take place with Natural England during and following the examination period.
Protected Species Licence	Water vole licence required under the Wildlife and Countryside Act 1981 (as amended).	Natural England	Licence to carry out works affecting <u>water vole</u>	<p>It is anticipated that a licence to carry out works affecting Water Vole will be required.</p> <p>Discussions with Natural England regarding this licence will take place during and following the examination period.</p> <p>A draft licence application will be submitted to Natural England during the examination period to obtain a letter of no impediment.</p>

Issue	Consent/ Licence/ Agreement & Legislation	Consenting Authority	Requirement	Commentary and Status of negotiation
Water Consents				
Temporary and permanent works affecting the flow in ordinary watercourses	Land Drainage Consent - Land Drainage Act 1991 Section 23	Lead Local Flood Authority	<p>Required for any temporary or permanent works that may affect the flow of an Ordinary Watercourse (i.e. all watercourses/ ditches that can convey water at times that are not Main Rivers).</p> <p>This could be permitted under the powers of the DCO in Part 6 Article 36(c) which includes the provisions of any byelaws made under section 66 (powers to make byelaws) of the Land Drainage Act 1991.</p>	<p>The applicant has engaged with the regulator regarding the Proposed Development.</p> <p>Discussions regarding water permits and licences will take place during or following the examination period if needed.</p>
Discharge of effluent or wastewater from construction sites to surface or ground water (including potential dewatering from excavations)	Water Activity Permit – Environmental Permitting Regulations (England and Wales) Regulations 2016 (as amended) (EPR 2016)	Environment Agency	Environmental Permit may be required by the EA for discharge of surface water run-off to controlled waters (e.g. ditches, streams, rivers, lakes and to ground).	<p>The applicant has engaged with the regulator regarding the Proposed Development.</p> <p>Discussions regarding water permits and licences will take place during or following the examination period if needed.</p>

Issue	Consent/ Licence/ Agreement & Legislation	Consenting Authority	Requirement	Commentary and Status of negotiation
Discharge of uncontaminated water from temporary dewatering from excavations to surface water	Regulatory Position Statement 261	Environment Agency	Conditions of the RPS (2023) must be adhered to otherwise the activity will be treated as an unconsented discharge under EPR 2016.	<p>The applicant has engaged with the regulator regarding the Proposed Development.</p> <p>Discussions regarding water permits and licences will take place during or following the examination period if needed.</p>
All dewatering / over pumping activities	Water Abstraction Licence – Water Resources Act 1991 (as amended)	Environment Agency	<p>Any abstraction / over pumping of watercourse during construction works of more than 20m³ of water per day.</p> <p>A temporary licence may be granted to abstract more than 20m³ of water a day over a period of less than 28 days.</p> <p>This licence could be permitted under the powers of the DCO in Part 6 Article 36(a) and (b) which includes consent under section 109 of the Water Resources Act 1991 of the Environmental Permitting (England and Wales Regulations 2016 for flood risk activities.</p>	<p>The applicant has engaged with the regulator regarding the Proposed Development.</p> <p>Discussions regarding water permits and licences will take place during or following the examination period if needed.</p>

Issue	Consent/ Licence/ Agreement & Legislation	Consenting Authority	Requirement	Commentary and Status of negotiation
Any works affecting Main Rivers, their floodplains or near flood defence structures	Flood Risk Activity Permit – (FRAP) – Environmental Permitting Regulations (England and Wales) Regulations 2016 (as amended)	Environment Agency	Erecting temporary and permanent structures in river such as culverts (flumes), pipe crossings, erosional protection and bridges are all considered to be regulated activities.	The applicant has engaged with the regulator regarding the Proposed Development. Discussions regarding water permits and licences will take place during or following the examination period if needed.
Sealing of watercourses to install flumed crossings	Impoundment Licence – Water Resources Act 1991 (as amended)		This licence could be permitted under the powers of the DCO in Part 6 Article 36(a) and (b) which includes consent under section 109 of the Water Resources Act 1991 of the Environmental Permitting (England and Wales) Regulations 2016 for flood risk activities.	The applicant has engaged with the regulator regarding the Proposed Development. Discussions regarding water permits and licences will take place during or following the examination period if needed.
Possible discharge to public foul sewers	Trade Effluent Discharge Consent – Water Industry Act 1991 (as amended)	Anglian Water	For discharges over six months duration full consent would be required. At this stage it is considered unlikely to be needed but may be required for the temporary discharge of construction site runoff, should the Contractor decide to drain to a public sewer. As applicable consent would be sought from Severn Trent Water by the contractor.	The applicant has engaged with the regulator regarding the Proposed Development. Discussions regarding water permits and licences will take place during or following the examination period if needed.