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**VIKING CCS PIPELINE – EN070008**

**Section 51 advice regarding draft application documents submitted by Chrysaor Production (UK) Limited**

Chrysaor Production (UK) Limited submitted the following draft documents for review by the Planning Inspectorate as part of its Pre-application Service<sup>1</sup> on 1 August 2023:

1. Draft Development Consent Order (dDCO) (Document reference 2.1)
2. Explanatory Memorandum (EM) (Document reference 2.2)
3. Book of Reference (Document reference 3.3)
4. Works Plans (Document reference 4.2)
5. Land Plans (Document reference 4.3)
6. Crown Land Plans (Document reference 4.4)
7. Special Category Lands Plans (Document reference 4.5)
8. Schedule of Viking CCS Pipeline application documents



The following additional documents were supplied at later dates:

1. Consultation Report and Appendices (Document reference 5.1) (supplied on 2 August 2023)
2. An Extract from the Statement of Reasons (Document reference not allocated to draft) (Supplied on 7 August 2023)

The advice recorded in the table below relates solely to matters raised upon the Planning Inspectorate’s review of the draft application documents listed above. The advice is limited by the maturity of the documentation provided by the Applicant and the time available for consideration and is raised without prejudice to the acceptance decision or the final decision about whether development consent should be granted.

Draft Development Consent Order (dDCO) and Explanatory Memorandum (EM)			
Ref No.	Article/ Requirement/ Schedule	Planning Inspectorate Comment/Question	Applicant Response
1.	General	<p>The Explanatory Memorandum (EM) must explain the purpose and effect of provisions in the draft order. [The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009].</p> <p>Provide thorough justification in the EM for every Article and Requirement, explaining why the inclusion of the power is appropriate in the specific case. The extent of justification should be proportionate to the degree of novelty and/ or controversy in relation to the inclusion of that power. [Advice Note 15 - paragraph 1.2].</p>	Noted, the Applicant has included this information in the Explanatory Memorandum [APP-007].



<p><b>2.</b></p>	<p><b>Article 2 – Interpretation</b></p>	<p>Provide justification in the EM for the definitions that differ from those provided in s235 of the Planning Act 2008 (PA2008). [Advice Note 15 – paragraph 6.1].</p> <p>Adjust the definition of ‘commence’ if that is necessary to remove any advance works that are likely to have significant environmental effects, for example, in terms of noise or impacts on protected species or archaeological remains. [Advice Note 15 - paragraph 21.2].</p> <p>Adjust the definition of ‘maintain’ if that is necessary for it not to authorise development which may result in significant environmental effects not already assessed. [Advice Note 15 – paragraph 18.2].</p>	<p>Paragraph 1.6.9 of the Explanatory Memorandum [APP-007] includes an explanation of definitions that the Applicant considers it is important to note. This includes an explanation of the definition of “commence” and “maintain”.</p> <p>The Applicant did not make any further updates to the Explanatory Memorandum [APP-007] in respect of this comment.</p>
<p><b>3.</b></p>	<p><b>Article 4(2) – Operation and use of the authorised development</b></p>	<p>With reference to s120 of the PA2008, provide justification in the EM for why it is appropriate for the Order to include consent to use the existing natural gas pipeline. Explain whether this use should be subject to connection, or other, agreements with the pipeline owner or other relevant parties.</p>	<p>This information is included within paragraph 1.6.15 of the Explanatory Memorandum [APP-007], which states:</p> <p><i>“Article 4 provides the principal power to use and operate the authorised development for the purpose for which it is designed. Article 4(2) provides authorisation to use the existing LOGGS pipeline for the conveyance of carbon dioxide. The ability to include such a power is contained in section 120(3) of the 2008 Act, which enables an Order granting development consent to make provision relating to, or to matters ancillary to, the development for which consent is granted. The undertaker is the pipeline owner of the LOGGS pipeline.”</i></p> <p>The Applicant did not consider any further update to be necessary.</p>
<p><b>4.</b></p>	<p><b>Article 6(1)(a)</b></p>	<p>The dDCO indicates that the permitted lateral deviation is the entire order limits (in relation to the exact location of the pipeline). It is noted that the EM section 6.24</p>	<p>The Applicant did not consider it necessary to update the draft DCO [APP-006] in response to this comment. There are a number of other linear schemes that have</p>



		<p>indicates a construction working area of 30 – 50m, and the Statement of Reasons section 6.5 states 100m limits of deviation. The application documents should ensure a consistent figure for the lateral limits of deviation, including that no works are permitted outside of the draft Order Limits.</p> <p>With reference to the 30m-50m corridor, the application documents should indicate how this would be possible in the event that the construction works are required on or adjacent to the boundary of the order limits due to geographic or unexpected constraints, as this may result in the 30-50m corridor being outside of the order limits.</p> <p>The EM also states in section 6.25 that works to install valves are only permitted within the specified areas shown on the works plans. However, it is not clear whether the permitted lateral limits of deviation listed in the dDCO would also allow works outside of this.</p>	<p>taken the same approach.</p> <p>However, the Applicant has updated the text in the Explanatory Memorandum [APP-007] to provide a clearer explanation of the limits of deviation (see paragraphs 1.6.20 to 1.6.42).</p>
<b>5.</b>	<b>Article 6(1)(c)</b>	<p>The maximum vertical depth / limits of deviation is given for locations where Horizontal Directional Drilling is given (35m), however the minimum depths of 5-6m, or up to 20m in some areas stated within the EM 6.28 and 6.29 do not appear to be secured by the dDCO in the same way that the minimum vertical depths of the pipeline are secured in Part 2, 6(1)(b).</p>	<p>The applicant notes that Article 6(1)(c) of the draft DCO [APP-006] includes a maximum depth of vertical deviation of 20m. As noted above, a fuller explanation of Article 6 (limits of deviation) is set out in paragraphs 1.6.20 to 1.6.42.</p>
<b>6.</b>	<b>Article 6(2)(b) - Limits of deviation</b>	<p>Ensure that the proposed height limits for all works above ground are set out clearly.</p>	<p>The Applicant has now included maximum parameters that the authorized development must be designed to within requirement 4 (scheme design) in Schedule 2,</p>



			Part 1 of the draft DCO [APP-006].
7.	<b>Part 3 - Streets</b>	If provisions are not required for the ‘stopping up’ of streets or public rights of way, then consider whether all relevant references to ‘stopping up’ have been removed.	<p>This comment was considered by the Applicant and no change to the draft DCO [APP-006] was considered necessary.</p> <p>Article 11 (Temporary restriction of public rights of way) and article 12 (Temporary restriction of use of streets) include powers to temporarily stop up public rights of way and streets. The Explanatory Memorandum [APP-007] includes an explanation of these articles.</p>
8.	<b>Article 8(3) Street works. Article 9(2) - Power to alter layout, etc. of streets</b>	Provide justification in the EM for why it is considered appropriate for the Order to include consent to enter streets or undertake works outside the Order Limits.	<p>Additional justification has been added to the Explanatory Memorandum [APP-007], clarifying that all authorisations in relation to entry/works outside of the Order Limits are subject to consent of the street authority including in paragraph 1.6.45 that:</p> <p>“These provisions are considered necessary to enable the undertaker to exercise its powers and undertake works in an efficient and expeditious manner and to give full effect to the power to carry out the authorised development, as provided for under section 120(5) of the 2008 Act.”</p>
9.	<b>Article 10 – Application of the 1991 Act</b>	Provide justification in the EM for each disapplication or amendment to the 1991 Act. Provide information on the purpose of the legislation; the persons/body having the power being disappplied; an explanation as to the effect of disapplication and whether any protective provisions or requirements are required to prevent any adverse impact arising as a result of disapplying the legislative controls; and (by reference to s120 and	The Applicant has added additional justification at paragraphs 1.6.49 – 1.6.51 of the Explanatory Memorandum [APP-007]. The Applicant considers that the level of detail provided within these paragraphs is an appropriate level of detail, particularly given these provisions have been included in many DCOs.



		Schedule 5 of the PA2008) how each disapplied provision constitutes a matter for which provision may be made in the DCO.	
<b>10.</b>	<b>Article 12 – Temporary restriction of use of streets</b>	Provide justification in the EM for why the broad powers to temporarily stop up, alter or divert any street are necessary and appropriate. Explain what steps have been taken to alert all relevant parties within the Order limits to this possibility. Explain how the resulting impacts have been assessed.	The Applicant did not make an amendment, as it was considered that paragraph 1.6.53 of the Explanatory Memorandum [APP-007] already included this information.
<b>11.</b>	<b>Article 15 – Use of private roads</b>	Provide justification in the EM for why the broad powers to use any private road are necessary and appropriate. Explain what steps have been taken to alert all relevant landowners, occupiers, etc. within the Order Limits to this possibility, explain the consideration given to their rights, and explain how it is secured that they would be compensated. Explain how the resulting impacts have been assessed.	The Applicant did not consider further amendment was required to this section of the Explanatory Memorandum [APP-007]. The Explanatory Memorandum [APP-007] explains that part of the purpose is to avoid taking permanent private rights over land. It also notes the requirement to pay for damage. The imposition of powers is dealt with more broadly in the Statement of Reasons [APP-010].
<b>12.</b>	<b>Article 16 – Traffic regulation</b>	Provide justification in the EM for why the broad powers to regulate traffic are necessary and appropriate. Clarify whether the provisions only apply within the Order Limits. Explain what steps have been taken to alert all relevant parties within the Order Limits to this possibility. Explain how the resulting impacts have been assessed.	The Applicant did not consider further amendment was required as the justification was already included in the Explanatory Memorandum [APP-007].



<b>13.</b>	<b>Article 18 – Maintenance of drainage works</b>	Consider whether the undertaker should be responsible for the maintenance of any works connected with the drainage of land during any periods where it restricts access to that land.	The Applicant did not consider further amendment was necessary.
<b>14.</b>	<b>Article 19 - Authority to survey and investigate the land</b>	Provide justification in the EM for why the broad powers to enter on any land shown within the Order Limits to survey and investigate the land are necessary and appropriate. Justify the short notice period of 14 days. Explain what steps have been taken to alert all relevant landowners, occupiers, etc. within the Order limits to this possibility and explain the consideration given to their rights. Explain how the resulting impacts have been assessed.	Additional text was added to the Explanatory Memorandum [APP-007] in paragraphs 1.6.77 – 1.6.81 to address the point raised.
<b>15.</b>	<b>Article 20(11) – Protective work to buildings</b>	Provide justification in the EM for why this provision is necessary and appropriate.	Additional text was added to paragraph 1.6.81 of the Explanatory Memorandum [APP-007] to address this comment.
<b>16.</b>	<b>Article 24 - Compulsory acquisition of rights and restrictive covenants</b>	To enable the Secretary of State to consider whether the imposition of Restrictive Covenants is necessary for the purposes of implementing a DCO, and appropriate in human rights terms, fully explain and justify the need for including such powers in the Statement of Reasons. DCO provisions seeking to impose Restrictive Covenants should not be broadly drafted and should identify the land to which they relate and the nature of the Restrictive Covenant. [Advice Note 15 – paragraph 24.3].	Additional text was added to paragraph 1.6.98 of the Explanatory Memorandum [APP-007] to address this comment.  The Statement of Reasons [APP-010] includes a justification for the imposition of restrictive covenants.



<b>17.</b>	<b>Article 24(1) - Compulsory acquisition of rights and restrictive covenants</b>	Consider whether paragraph (1) should clarify that it is subject to paragraphs (2) and (3).	The Applicant considered this comment and did not consider any amendment was necessary.
<b>18.</b>	<b>Article 24(5) &amp; (6) - Compulsory acquisition of rights and restrictive covenants</b>	Consider whether paragraphs (5) and (6) are required given Article 7.	The Applicant did not consider it necessary to make any change to these paragraphs. It was considered appropriate to have a specific power relating to the transfer to statutory undertakers of these powers, whilst Article 7 allows for more general transfer of powers.
<b>19.</b>	<b>Article 25 - Statutory authority to override easements and other rights</b>	Provide justification in the EM for why this provision is necessary and appropriate.	The Applicant added additional text to paragraph 1.6.100 of the Explanatory Memorandum [APP-007] to address this point.
<b>20.</b>	<b>Article 28 - Application of the 1981 Act. Article 30 - Modification of Part 1 of the 1965 Act</b>	Provide justification in the EM for each disapplication or amendment. Provide information on the purpose of the legislation; the persons/body having the power being disappplied; an explanation as to the effect of disapplication and whether any protective provisions or requirements are required to prevent any adverse impact arising as a result of disapplying the legislative controls; and (by reference to s120 and Schedule 5 of the PA2008) how each disappplied provision constitutes a matter for which provision may be made in the DCO.	The Applicant did not make any changes to the section of the Explanatory Memorandum [APP-007] on article 28, which it is considered already contains a sufficient level of detail.  The section of the Explanatory Memorandum [APP-007] on article 30 was amended.





<b>21.</b>	<b>Article 32(1)(a)(ii) - Temporary use of land for carrying out the authorised development</b>	Provide justification in the EM for why the broad powers to take temporary possession of any other Order land are necessary and appropriate. Explain what steps have been taken to alert all relevant landowners, occupiers, etc. within the Order Limits to this possibility and explain the consideration given to their rights. Explain how the resulting impacts have been assessed.	The Applicant added some additional text to this section of the Explanatory Memorandum [APP-007].
<b>22.</b>	<b>Article 33(1) - Temporary use of land for maintaining the authorised development</b>	Consider whether an option should be provided for the undertaker to enter land for the purpose of gaining access for maintenance purposes, without having to take temporary possession.	The Applicant considered this comment and considered that no amendment was necessary.
<b>23.</b>	<b>Article 34 – Statutory undertakers</b>	Provide justification in the EM for why this provision is necessary and appropriate. Explain whether this article is consistent with the Schedule 10 – Protective Provisions, including in relation to the acquisition or overriding of interests of any statutory undertaker requiring agreement with them.	The Applicant considers that the explanation within this section of the Explanatory Memorandum [APP-007] is clear. Paragraph 1.6.132 notes that the article is expressed to be subject to the protective provisions in Schedule 10.
<b>24.</b>	<b>Article 36 - Application and modification of legislative provisions</b>	Provide justification in the EM for each disapplication or amendment. Provide information on the purpose of the legislation; the persons/body having the power being disappplied; an explanation as to the effect of disapplication and whether any protective provisions or requirements are required to prevent any adverse impact arising as a result of disapplying the legislative controls; and (by reference to s120 and Schedule 5 of the PA2008) how each disappplied provision constitutes a matter for which provision may be made in the DCO.	The Applicant has amended this section for greater clarity.



25.	<b>Article 37 - Defence to proceedings in respect of statutory nuisance</b>	Provide justification in the EM for the additional protection sought for each nuisance, including with reference to the likely effects identified in the Environmental Statement and the controls provided elsewhere in the DCO.	The Applicant considered that the Explanatory Memorandum [APP-007] already contained sufficient detail and cross-refers to the Statutory Nuisance Statement. As such, no further amendment was considered necessary.
26.	<b>Article 37(3) - Defence to proceedings in respect of statutory nuisance</b>	Provide justification in the EM for why this provision is necessary and appropriate.	The Applicant considered that the Explanatory Memorandum [APP-007] already contained sufficient detail and no further amendment was considered necessary.
27.	<b>Article 39 - Felling or lopping of trees and removal of hedgerows</b>	Provide justification in the EM for why the broad powers to remove any hedgerow within the Order Limits are necessary and appropriate and why removal cannot be restricted to those identified in Schedule 11. Consider whether any removal should be subject to the prior consent of the relevant planning authority.	<p>The Applicant considered that the Explanatory Memorandum [APP-007] already contained sufficient detail and no further amendment was considered necessary.</p> <p>It is not considered appropriate to require prior consent of the relevant planning authority for removal. This power is sought through the DCO to remove a need for future authorisations.</p>
28.	<b>Article 40 - Trees subject to Tree Preservation Orders</b>	Consider identifying the affected trees in Schedule 11.	The Applicant considered this comment and did not consider it necessary to make any amendment.



<p><b>29.</b></p>	<p><b>Article 44 – Certification of plans, etc.</b></p>	<p>The Applicant is encouraged to set out the reference numbers of all documents prior to submitting the application. [Advice Note 15 – paragraph 11.2].</p> <p>Ensure that each document is the latest version submitted to the Examination and that the version number is identified accordingly.</p>	<p>Reference numbers were added to the version of the draft DCO [APP-006] submitted with the application.</p>
<p><b>30.</b></p>	<p><b>Article 44 – Certification of plans, etc.</b></p>	<p>Consider whether it is necessary for the Environmental Statement to be certified, for example if adherence with the assessment findings may be relevant when a discharging authority is considering whether to discharge Requirements. [Advice Note 15 – paragraph 11.3].</p> <p>Consider including the certification of the Register of Environmental Actions and Commitments.</p>	<p>Article 44 already provides for certification of the Environmental Statement. A Register of Environmental Actions and Commitments has not been submitted with the application.</p>
<p><b>31.</b></p>	<p><b>Article 46 – No double recovery</b></p>	<p>Provide justification in the EM for why this provision is necessary and appropriate.</p>	<p>The Applicant considered that the Explanatory Memorandum [APP-007] already contained sufficient detail and no further amendment was considered necessary.</p>
<p><b>32.</b></p>	<p><b>Article 47 – Requirements, appeals, etc.</b></p>	<p>With reference to recent precedent, provide justification in the EM for the use of the 1990 Act rather than a specific appeal procedure; and for a provision for a right to appeal to a decision by the Secretary of State.</p>	<p>This detail is set out in the Explanatory Memorandum [APP-007] along with relevant precedent.</p>
<p><b>33.</b></p>	<p><b>Schedule 1</b></p>	<p>The works listed do not specify which works relate to the Theddlethorpe terminal option 1 and which works to option 2.</p> <p>These appear to be works 42 (option 2) and 44 (option</p>	<p>The schedules of the draft DCO [APP-006] have been updated accordingly.</p>



		<p>1), with work 43 being the additional connection in 36" if required, however it may benefit interested parties and the Inspectorate if the options were clearly specified throughout.</p> <p>This is also reflected by section 6.12 and 6.13 of the Statement of reasons which indicates that both options are to be carried forwards due to pending confirmation of land use from National Grid.</p>	
<b>34.</b>	<b>Schedule 2 – Requirements</b>	<p>Ensure that requirements are precise, enforceable, necessary, relevant to the development, relevant to planning and reasonable in all other respects. [Advice Note 15 – paragraph 15.2].</p> <p>Ensure that any mitigation measures relied upon in the Environmental Statement are robustly secured and capable of being delivered. [Advice Note 15 – paragraph 16.1].</p> <p>Ensure that any provisions in that allow for flexibility are justified within the EM and assessed within the Environmental Statement. [Advice Note 15 – paragraph 17.1].</p> <p>Ensure that the Requirements have been discussed, and where possible agreed, with the relevant planning authorities and other relevant statutory bodies.</p> <p>Consider ensuring that all management plans, working methods and mitigation measures are specifically required to be in accordance with the Register of Environmental Actions and Commitments as well as any outline plans.</p>	<p>The Applicant considers that the mitigation measures relied on in the Environmental Statement have been secured by the requirements in part 1, schedule 2 of the draft DCO [APP-006]. Several of the mitigation measures are included within the draft Construction Environment Management Plan [APP-068], which is secured through requirement 5.</p>



<b>35.</b>	<b>Requirement 2(2) – Time limits</b>	<p>Provide justification in the EM for notice not being provided to the relevant planning authorities before commencement of the authorised development.</p> <p>Consider whether notice should be provided for the site preparation activities etc excluded from the definition of commence in Article 2.</p>	<p>Requirement 2(2) of the draft DCO [APP-006] has been amended to provide that the relevant planning authorities will now receive notification no later than 14 days before the date on which the authorised development is intended to be commenced.</p>
<b>36.</b>	<b>Requirement 4 – Scheme design</b>	<p>Consider including the parameters that the authorised development must be designed in accordance with, for example the maximum heights and areas of works above ground.</p>	<p>A table setting out these parameters has been included in Requirement 4, in Schedule 2, Part 1 of the Draft DCO [APP-006].</p>
<b>37.</b>	<b>Requirement 5(1) - Construction environmental management plan</b>	<p>Consider the insertion of ‘has been submitted to’ before ‘and approved’.</p>	<p>This requirement has been amended as suggested.</p>
<b>38.</b>	<b>Requirement 6(1) – Construction traffic</b>	<p>Provide justification in the EM for the exclusions in relation to Articles 11 and 12.</p>	<p>The Applicant does consider that any amendment is necessary in respect of this comment.</p>
<b>39.</b>	<b>Requirement 7(4) – Highway accesses</b>	<p>Consider replacing ‘the approved details’ with ‘the approved access plan’.</p>	<p>This requirement has been amended as suggested.</p>



<b>40.</b>	<b>Requirement 9 – Contaminated land and groundwater</b>	<p>Consider whether a risk assessment and remediation strategy should be provided for any contamination that has been identified before the authorised development commences.</p> <p>Consider whether measures should be added in relation to avoiding disturbing any contamination, site investigations, verification plans, verification reports, and to consultation with the Environment Agency on matters related to their functions.</p>	<p>The Applicant does not consider additional detail to be necessary. The draft CEMP [APP-068] includes provisions for investigations to be undertaken as part of the construction process and requirement 9 would apply to if any contamination was discovered and remediation required.</p>
<b>41.</b>	<b>Requirement 10 – Archaeology</b>	<p>Consider whether measures should be added for any archaeological remains not previously identified which are revealed when carrying out the authorised development.</p>	<p>The Applicant considers that this is covered by Requirement 10 in Schedule 2, Part 1 of the draft DCO [APP-006].</p>
<b>42.</b>	<b>Requirement 11 – Landscape and ecological management plan</b>	<p>Consider whether measures should be added for a written landscaping scheme to be submitted and approved before commencement. Set out the details to be included in the landscaping scheme.</p>	<p>No amendment is considered necessary. A Landscape and Ecological Management Plan would be prepared pursuant to Requirement 11 in Schedule 2, Part 1 of the draft DCO [APP-006].</p>
<b>43.</b>	<b>Requirement 12 – Ecological surveys</b>	<p>Consider whether measures should be added for relevant works likely to affect any identified protected species to cease until a scheme of protection and mitigation measures has been submitted to and approved. Consider the need for consultation with Natural England on matters related to their functions.</p>	<p>The Applicant has considered this comment and does not consider that any amendment is necessary.</p>



44.	<b>Requirement 13 – Construction hours</b>	Consider whether any of the works outside working hours should not give rise to any materially new or materially worse environmental effects in comparison with those reported in the Environmental Statement and should only be permitted following the prior written approval of the identified activity, extent, timing, and duration by the relevant local authority in advance.	The Applicant amended requirement 13 of the draft DCO [APP-006] to respond to this comment.
45.	<b>Requirement 17 – Amendments to approved details</b>	Provide a definition of ‘approval authority’ and clarify how it differs from ‘discharging authority’. Consider whether any amendments to approved details should be approved by the relevant planning authority.	The wording in the draft DCO [APP-006] has been amended throughout to refer to “discharging authority”.
46.	<b>Requirement 20 - Multiple discharging authorities</b>	Consider clarifying whether there is a single ‘approval authority’ for each requirement. Consider clarifying the relationship between ‘approval authority’, ‘discharging authority’, and parties that are to be consulted.	The wording in the draft DCO [APP-006] has been amended throughout to refer to “discharging authority”.
47.	<b>Requirement 20 - Multiple discharging authorities</b>	Consider setting out what happens if comments are not provided within the specified period.	The wording of this requirement has been amended to allow for the planning authority to request an extension to the 20 day deadline.



<b>48.</b>	<b>Schedules 3 - 8</b>	<p>The Applicant is encouraged to fully complete Schedules 3-8 prior to submitting the application.</p> <p>The Applicant is encouraged to agree Schedules 3-6 with the relevant local authorities prior to submitting the application.</p>	<p>Completed versions of the schedules were included in the draft DCO [APP-006] submitted with the application.</p>
<b>49.</b>	<b>Schedule 9 - Modification of compensation and compulsory purchase</b>	<p>Ensure that the numbering follows the guidance at National Archives. [Advice Note 15 – paragraph 10.1].</p>	<p>The Applicant has reviewed the numbering prior to submission.</p>
<b>50.</b>	<b>Schedule 10 – Protective Provisions</b>	<p>The Applicant is encouraged to agree Protective Provisions with the protected parties prior to submitting the application. Where agreement on Protective Provisions has not been reached during Pre-application stage, the Applicant should submit with their application the standard Protective Provisions for all relevant protected parties with any amendments annotated with full justification included within the EM. [Advice Note 15 – paragraph 4.1].</p> <p>The Applicant is encouraged to agree any side agreements with the protected parties prior to submitting the application.</p>	<p>Protective provisions have been included within Schedule 9 of the draft DCO [APP-006]. The Applicant is engaged with each party for which protective provisions have been provided.</p>





Book of Reference			
Ref No.	Article/ Requirement/ Schedule	Planning Inspectorate Comment/Question	Applicant response
51.	<b>Book of Reference – Paragraph 2.2.3</b>	Reference is made to s57(6) of the PA2008 in relation to the identification of Category 3 persons, but not s57(4). Suggest clarifying whether s57(4) has been considered.	The Applicant has amended the Book of Reference [APP-011] to address this comment.
52.	<b>Book of Reference – Parts 1 &amp; 3</b>	Plot 1/75 is described as having an area of approximately 0 square metres. Suggest clarifying the area. Consider if the plot required or whether it has been identified because of drafting tolerances.	The Applicant has amended the Book of Reference [APP-011] to address this comment.
53.	<b>Book of Reference – Paragraphs 2.2.3 &amp; 2.2.4; and Part 2</b>	Consider identifying whether Part 2 includes any persons that are not Category 1 or Category 2.  Suggest setting out the diligent inquiry that has been and will be made to identify any Category 3 persons that are not Category 1 or Category 2. Suggest setting out the consideration given to persons inside and outside the Order limits in relation to matters other than land rights, for example noise, vibration, smell, fumes, smoke or artificial lighting; effects on property values or rental incomes; concerns about subsidence or settlement; impacts on a business; concerns about project financing; claims that there are viable alternatives; and blight.	The Applicant has amended the Book of Reference [APP-011] to address this comment.



<b>54.</b>	<b>Book of Reference – Part 5</b>	Suggest clarifying whether each plot is land subject to Special Parliamentary Procedure, Special Category Land, and/ or Replacement Land.	The Applicant has not amended the Book of Reference [APP-011]. This is set out within the Statement of Reasons [APP-010].



Works Plans			
Ref No.	Article/ Requirement/ Schedule	Planning Inspectorate Comment/Question	Applicant Response
55.	General	<p>Legends in the plans should be checked against dDCO descriptions for consistency. Examples include: Work 1a: described in dDCO as permanent access, and in the plan as temporary and permanent access.</p> <p>Work 7b: described in the dDCO as Temporary Electrical Connection, and in the plan as Electrical Connection.</p> <p>Work 21: described in the dDCO as Thoroughfare Block Valve Station only, and in the plan as Thoroughfare Block Valve Station and Temporary Works Area.</p> <p>Work 31: described in the dDCO as Louth Road Block Valve Station only, and in the plan as Louth Road Block Valve Station and Temporary Works Area.</p> <p>Works 44: Legend on plan refers to temporary and permanent AGI construction work. The dDCO does not specify which works are temporary and permanent.</p>	<p>The Applicant has amended the Works Plans [APP-014 and APP015] to address this comment.</p>
56.	General	<p>Legends need to be easily distinguishable, it is difficult to differentiate where similar shading/hatching has been used for different works on same sheet.</p>	<p>The Applicant has amended the Works Plans [APP-014 and APP015] to address this comment.</p>



<b>57.</b>	<b>General</b>	Suggest clarifying the boundaries of works that are not easily distinguishable at 1/2500 scale and where an inset at a larger scale has not been provided. Examples include Works 14a and 42b	The Applicant has amended the Works Plans [APP-014 and APP015] to address this comment.
<b>58.</b>	<b>General</b>	Suggest reviewing references to sheet numbers within the dDCO for accuracy. Examples include Works 13a, 33a and 40a.	The Applicant has amended the Works Plans [APP-014 and APP015] to address this comment.
<b>59.</b>	<b>General</b>	Labelling should be reviewed to ensure all works and points of reference used in descriptions are clear. Examples are: Louth Road not labelled on sheets 25 & 26. Work 36 covers road labelling on sheet 30. Sheet 35 has unlabelled plot to the south of work 45. Roads used in dDCO description for Work 48B not labelled on sheet 36 of works plans. Work 30a not labelled on sheet 25. Most southerly part of Work 45 unlabelled on sheet 35, also adjoining small rectangular plot (with key for both works 44a, 45 and 48a) unlabelled therefore uncertain which works this forms part of. Washingdales Lane not labelled on Sheet 10.	The Applicant has amended the Works Plans [APP-014 and APP015] to address this comment.
<b>60.</b>	<b>General</b>	Works 48c and 48d have same description in dDCO – are these able to be differentiated?	The Applicant has amended the Works Plans [APP-014 and APP015] to address this comment.
<b>61.</b>	<b>General</b>	Centre lines and limits of deviation should be evidenced on plan or clearly defined elsewhere.	Please see response at ID4 above.



<b>62.</b>	<b>General</b>	There are instances of being unable to clearly distinguish between separation of works due to placement of cut lines (examples are sheets 10/11 and works 13 and 15, sheets 12/13 and works 16 and 17, sheets 13/14 and works 17 and 18, sheets 16/17 and works 20 and 22).	The Applicant has amended the Works Plans [APP-014 and APP015] to address this comment.
<b>63.</b>	<b>Sheet 3 and Sheet 34/35</b>	There is no Works 06a or works 41b – is this correct?	These are now included in the Works Plans [APP-014 and APP015] and added in the legend.
<b>64.</b>	<b>Sheet 4</b>	There appears to be a line dividing works 7b.	The Applicant has amended the Works Plans [APP-014 and APP015] to address this comment and remove the line.
<b>65.</b>	<b>Sheet 35</b>	The Work Plans and dDCO should be checked for consistency regarding works 42, 42a and 42b.	The Applicant has undertaken these checks and updated the Works Plans [APP-014 and APP015] and draft DCO [APP-006] as necessary.
<b>66.</b>	<b>Sheet 35</b>	The entirety of red line boundary should be clearly included on all sheets (Works 42b and 47a should be reviewed).	The Applicant has amended the Works Plans [APP-014 and APP015] to include insert images showing full extent of the Order Limits.
<b>67.</b>	<b>Sheet 36</b>	With reference to the existing pipeline shown on sheet 36 which is shown to stop to the east of the Theddlethorpe terminal, it is not clear how works up to an including the Theddlethorpe terminal from the west are proposed to connect into this, as the only works shown between the terminal (Works 42-45) and existing pipeline is work 48a (electrical connection), with no reference to the pipeline or connection within this. The works plans should clearly show the entire Proposed Development, with particular reference to demonstrating the connection point between the Viking CCS pipeline and	The text in the legend has been re-worded for clarity.  The need to include the existing LOGGS pipeline within the order limits but not require works to be undertaken in the construction period is explained in paragraph 6.1.16 of



		<p>existing LOGGS pipeline.</p> <p>The draft documents also appear to indicate that no works are required to the existing LOGGS pipeline, other than the onshore connection to the Viking CCS pipeline. However, sheet 36 shows the existing pipeline to be included within the draft Order Limits, but does not have a specified works number. The application documents should explain the requirement for the existing pipeline to the east of the Theddlethorpe terminal to be included, and if works are required, include these in all relevant documentation.</p>	the Statement of Reasons [APP-010].
<b>68.</b>	<b>Sheet 36</b>	Work 46 has different colour coding to that specific in the legend.	The Applicant has amended the Works Plans [APP-014 and APP015] to address this comment.

Land Plans			
Ref No.	Article/ Requirement/ Schedule	Planning Inspectorate Comment/Question	Applicant response



<b>69.</b>	<b>Sheets 1 to 36</b>	Plot boundaries are typically indicated by a red line. However, this is not the case for plots that have a boundary on the line indicating continuity with an adjacent drawing sheet. Suggest clarifying whether the continuation line is the boundary line of plots that go up to that line. Example plots on sheet 1 include 1/18, 1/34, 1/35, 1/38, 1/82 and 1/91.	A 4 <sup>th</sup> Note has been added to the Land Plans [APP-016] that explains that the boundary line is represented by the Sheet cut line
<b>70.</b>	<b>Sheets 1 to 36</b>	Suggest clarifying the boundaries of plots that are not easily distinguishable at 1/2500 scale and where an inset at a larger scale has not been provided. Examples include plots 1/42; 1/44; 1/46; 1/47; 1/50; 1/52; 1/53; 1/54; 1/69; 1/75; 16/6; 19/1; 30/3; 30/4; 30/15; 31/21; 31/22; 35/4; 35/9; 35/11; and 36/4.	Insets have been added where necessary.
<b>71.</b>	<b>General</b>	Key/ Legend displays all relationships with the Land Plans and dDCO, however, this is not necessary. Only those shown on the Land Plan sheet need be listed in the Key/ Legend; e.g. “Temporary possession and use” is present in the Key/ Legend on sheet 1 of 36, but is not then present in the Land Plan.	The Key has been updated to show only what is shown on the relevant sheet.
<b>72.</b>	<b>General</b>	Land Plans are set for A2 size paper, but the Works Plans are set to A1. These need to be the same scale so they	Scale and page size have been separated into separate blocks.



		can be overlayed where necessary.	
<b>73.</b>	<b>General</b>	Descriptions should be reviewed to ensure directional references are accurate and all reference points are appropriately labelled (Examples include 8/2; 10/2; 15/2; 15/9;19/29; 35/8).	These have been reviewed and updated.
<b>74.</b>	<b>General</b>	The striped pattern used for “Permanent acquisition of subsurface” can make it difficult to see the underlying plan, especially with the smaller plots. Could perhaps a solid colour be used instead so the detail can then be seen?	Subsurface symbology has been changed to light orange.





Crown Land Plans			
Ref No.	Article/ Requirement/ Schedule	Planning Inspectorate Comment/Question	Applicant response
75.	<b>Sheets 1 &amp; 2</b>	Boundaries between plots on the Land Plans are typically indicated by a red line. However, this is not the case for the boundaries between plots on the Crown Land Plans. Consider indicating the boundaries between plots with a red line, to clarify and for consistency.	Plot Boundaries have been changed to red for consistency
76.	<b>General</b>	Legend keys appear to identify the Affected Person rather than the type of use listed in the Book of Reference. Should this reflect both party and usage?	The Key has been updated to include acquisition type
77.	<b>1/65</b>	Described as south of Humber Road in Book of Reference however appears to be either East or West of Humber Road on plans.	The Land Plans [APP-016] and the Book of Reference [APP-011] have been reviewed and updated where necessary.

**Special Category Land Plans**



Ref No.	Article/ Requirement/ Schedule	Planning Inspectorate Comment/Question	Applicant response
78.	Sheet 1	Boundaries between plots on the Land Plans are typically indicated by a red line. However, this is not the case for the boundaries between plots on the Special Category Land Plans. Consider indicating the boundaries between plots with a red line, to clarify and for consistency.	Plot Boundaries have been changed to red for consistency.

**Schedule of Viking CCS Pipeline Application documents**

Ref No.	Article/ Requirement/ Schedule	Planning Inspectorate Comment/Question	Applicant response
79.	General	<p>With reference to the s55 checklist used by the Inspectorate during the acceptance process, it is noted that the Applicant has provided specific figures for Nature Conservation (Document 6.11) (s55 list 29 (L)(i)) and document Historic Environment Document 6.12 (S55 list (29(M)). However there are no specified additional figures outside of the Environmental Statement for s55 checklist 29(L)(ii) habitats and 29(L)(iii) Water bodies.</p> <p>It may aid navigation of the application documents if these figures are to be provided separately.</p>	<p>Separate plans submitted with the application as follows:</p> <p>Plans of Statutory/ Non-Statutory Sites or Features of Nature Conservation [APP-119]</p> <p>Habitats of Protected Species, Important Habitats or other diversity features [APP-120]</p> <p>EN070008/APP/6.9.2 - Waterbodies in a River Basin Management Plan [APP-121]</p> <p>EN070008/APP/6.10 - Plans Showing Statutory/ Non-Statutory Features of the Historic Environment [APP-122]</p>



<b>Consultation Report and Appendices</b>			
<b>Ref No.</b>	<b>Article/ Requirement/ Schedule</b>	<b>Planning Inspectorate Comment/Question</b>	<b>Applicant response</b>
<b>80.</b>	<b>General</b>	Any evidence referred to in the Consultation Report should be included as an appendix to the report where possible. Examples include the Applicant's notification of intention to provide an Environmental Statement (ES), consultation letters regarding the Statement of Community Consultation (SoCC) and the Inspectorate's letter of acknowledgement of receipt of the s46 notice.	These have been added as appendices to the Consultation Report.
<b>81.</b>	<b>General</b>	It would be helpful to include an explanatory statement regarding the selection of deposit locations during consultation, including the accessibility of these locations.	An explanation has been added to section 4.4 of the Consultation Report and as required in the compliance tables.
<b>82.</b>	<b>General</b>	Newspaper clippings to evidence publication of notices (including publication and date) should be included as appendices.	Newspaper clippings are included as Appendix D7 of the Consultation Report.
<b>83.</b>	<b>General</b>	Where the Applicant has chosen to undertake targeted consultation, as opposed to a full round of consultation,	Further detail has been included at paragraph 7.1.3 of the Consultation Report.



		the final Consultation Report should ensure that justification for this decision is provided.	
<b>84.</b>	<b>Section 3.5</b>	An explicit statement regarding carrying out consultation in line with the SoCC should be included, as well as an explanation for any deviations from the SoCC.	This detail has been included at paragraph 3.5.2 of the Consultation Report.
<b>85.</b>	<b>S49 – Duty to Take Account of Responses to Consultation</b>	The Applicant should demonstrate clearly its regard to consultation responses (an example is page 6 of Appendix E1 has incomplete section relating to Materials and Waste). Where comments are listed as "noted", it would be helpful if the Applicant could confirm that it did not consider any further action to be necessary as a result of the comments.	The Applicant has reviewed the Consultation Report and identified additional areas of evidence that would be beneficial, including the examples provided. This has been added to the Consultation Report.
<b>86.</b>	<b>Table 1-5</b>	Evidence of consideration of statutory guidance "Planning Act 2008: Guidance on the pre-application process" should include all relevant parts of the guidance.	The Applicant has included consideration of statutory guidance relevant to the pre-application consultation process (and therefore within the scope of the Consultation Report [APP-034]). The Applicant does not consider those paragraphs not included in Table 1-5 of the Consultation Report (APP-034) to relate to this pre-application process.



Statement of Reasons			
Ref No.	Article/ Requirement/ Schedule	Planning Inspectorate Comment/Question	Applicant response
87.	<b>Paragraph 2 Restrictive covenants</b>	Articles 24 and 34 of the dDCO provides for the imposition of restrictive covenants. Suggest clarifying the resulting interference with the interests or rights of others and where this is justified.	Additional detail has been added in Statement of Reasons [APP-010] at 9.16 and 9.17.
88.	<b>Paragraph 4.9</b>	Suggest providing examples of the alternatives to Compulsory Acquisition that have been considered, to evidence that they have been.	The text in this paragraph has been amended for clarity.
89.	<b>Section 8 Engagement with Affected Parties</b>	Suggest setting out the diligent inquiry that has been undertaken to date and any plans for further diligent inquiry, including with respect to identifying category 1, 2 or 3 persons and in relation to any unknown interests.  With reference to paragraph 8.7, suggest setting out the plans for continued engagement with affected persons.	This detail is included in Appendix A of the Statement of Reasons [APP-010].



<b>90.</b>	<b>Paragraph 10.5 Crown Land</b>	With reference to s135 of the PA2008, the Applicant is encouraged to submit the written consent of the appropriate crown authority for the provisions in relation to the acquisition of interests in Crown Land, any other provision applying in relation to Crown Land, or rights benefiting the Crown, at the earliest opportunity.	Noted.
<b>91.</b>	<b>Paragraph 10.14 Statutory Undertakers' Land and Apparatus</b>	<p>The Applicant is encouraged to agree Protective Provisions with the protected parties prior to submitting the application. Where agreement on Protective Provisions has not been reached during Pre-application stage, the Applicant should submit with their application the standard Protective Provisions for all relevant protected parties with any amendments annotated with full justification included within the EM. [Advice Note 15 – paragraph 4.1].</p> <p>The Applicant is encouraged to agree any side agreements with the protected parties at the earliest opportunity.</p>	Noted. The Applicant is engaging with parties for which protective provisions have been included in the draft DCO [APP-006].
<b>92.</b>	<b>Tables 2, 3 &amp; 4</b>	The Applicant is encouraged to fully complete Tables 2, 3 & 4 prior to submitting the application.	These tables were completed for the version submitted with the application.



## General

1. Where references are provided to other draft application documents it would be beneficial to provide the full title thereof inclusive of document reference number. Should further draft documents be provided for review, the Applicant may wish to consider providing a full list of known application documents (for purpose of signposting) as well as their respective reference number.
2. [\[MHCLG\] Application form guidance](#), paragraph 3, states: “*The application must be of a standard which the Secretary of State considers satisfactory: Section 37(3) of the Planning Act requires the application to specify the development to which it relates, be made in the prescribed form, be accompanied by the consultation report, and be accompanied by documents and information of a prescribed description. The Applications Regulations set out the prescribed form at Schedule 2, and prescribed documents and information at regulations 5 and 6.*”