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Planning Inspectorate reference: EN070008

APPLICATION BY CHRYSOOR PRODUCTION (UK) LIMITED (THE APPLICANT) FOR A DEVELOPMENT CONSENT ORDER FOR THE VIKING CCS PIPELINE (EN070008).

NOTIFICATION OF INTENTION TO SUBMIT AN APPLICATION FOR CHANGE REQUEST

On behalf of Chrysaor Production (UK) Limited (the Applicant) the following letter has been prepared to notify the Examining Authority (ExA) that the Applicant will be making a request for non-material changes to the Application. In summary these changes are:

1. Reduction of the Order Limits for works related to the Immingham Facility and associated accesses.
2. Removal of an option for the pipeline route in section 1 of the Proposed Development.

These changes are explained in more detail below.

Introduction

The Applicant's application for a Development Consent Order ("DCO") was submitted on 23 October 2023 and accepted for examination on 17 November 2023. At the point of submission, the Applicant included a degree of flexibility and optionality relating to (i) the location of the Immingham Facility and (ii) the route of section 1 of the pipeline.

The Immingham Facility will include the infrastructure necessary to receive and transfer CO₂ that has been captured and conditioned by emitters to the Viking CCS Pipeline. The Immingham Facility will be located on brownfield land, between the facility operated by VPI Immingham, the Humber Refinery operated by Phillips 66 (P66), and Rosper Road. A full description of the Immingham Facility is set out in section 3.6 of Chapter 3 of the Environmental Statement (ES): Description of the Proposed Development [APP-045].

As set out in Table 3-2 of Chapter 3 of the ES [APP-045], the Applicant included two options in the DCO application for section 1 of the pipeline route from the Immingham Facility to the A180. Option 2 was through the Humber Refinery site (owned and operated by P66) and was dependent on further technical work by the Applicant and P66 confirming that was a viable option.

Since the submission of the application, the Applicant has continued to engage with VPI Immingham and P66, who are Interested Parties. This further engagement has allowed the Applicant to: (a) refine the design of the Immingham Facility and associated accesses, reducing land take requirements and (b) conclude that pipeline route Option 2 through the Humber Refinery is not viable. The Applicant is therefore proposing to submit a change request that reflects the outcome of that engagement.

The change involves a reduction in the Order Limits, will remove land from the Order Limits and will provide greater certainty to the Proposed Development. This change has been informed by further engagement with interested parties. The proposed changes are not so substantial or different in character as to be a different project.

This letter notifies the ExA that the Applicant is preparing, and intends to submit, a change request and provides a summary of the scope of the proposed request.

Change 1 – Modification and reduction of the Order Limits at Work No.01 (Permanent AGI Construction Works), Work No.01a (Permanent AGI Construction Works and Temporary Working Area), Work No.01b (Temporary and Permanent Access) and Work No.01c (Electrical Connection)

This change would result in alterations to the Order Limits associated with the above Works Nos. The change would reduce the area of land included in the Order Limits and would not engage any new land interests. No additional land outside of the current Order Limits is required. This change would not result in new or different likely significant environmental effects reported in the Environmental Statement.

The draft DCO [A-009], Work Plans (Part 1 or 2) [APP-014], Land Plans [AS-016] and Book of Reference [AS-029] would require to be amended.

Change 2 – Removal of Work No.2 (Carbon Dioxide Pipeline Works), Work No.02a (Temporary Access & Laydown Location) and Work No.02b (Temporary Access & Laydown Location)

It is proposed that land to the west and south of the Immingham Facility will be removed from the Order Limits. Specifically, the following land plots would be removed or modified: 1/1, 1/2, 1/3, 1/4, 1/5, 1/6, 1/7, 1/8, 1/9, 1/10, 1/11, 1/12, 1/13, 1/14, 1/15, 1/16, 1/17, 1/18, 1/19, 1/20, 1/21, 1/22, 1/23, 1/24, 1/25, 1/26, 1/27, 1/28, 1/29, 1/30, 1/31, 1/33, 1/34, 1/35, 1/38, 1/39, 1/68, 1/69, 1/70, 2/2, 2/6, 2/8, 2/10, 2/11.

This change would result in alterations to the Order Limits and would reduce the area of land included in the Order Limits. It would not engage any new land interests. This change will not result in new or different likely significant environmental effects reported in the Environmental Statement.

The draft DCO [A-009], Work Plans (Part 1 or 2) [APP-014], Land Plans [AS-016] and Book of Reference [AS-029] would require to be amended.

Consultation

Planning Inspectorate Advice Note Sixteen sets out that the Applicant should consider the need to consult on the proposed change. The Advice Note suggests that Applicants should consult all those prescribed in the Planning Act 2008 under section 42(a) to (d) who would be affected by the proposed change (giving a minimum of 28 days). The Applicant confirms that there would be no new affected persons created as a result of the change.

An ES was submitted to the Planning Inspectorate in October 2023 as part of the DCO Application. The Applicant is undertaking, and will submit, an Environmental Technical Note regarding the likely effects of the proposed change. The proposed change does not result in changes to the overall likely significant effects as reported in the ES; therefore the ES conclusions have not materially changed. As such, it is the Applicant's view that a change request ES addendum is not required.

While the Applicant notes that the Environmental Technical Note could form supplementary environmental information, there is no statutory requirement to consult on this. The Applicant considers that the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 **will not** be engaged due to the change. This is because the change involves removal of land from within the Order Limits. Therefore, as the proposed changes do not require the inclusion of "additional land" (as defined in the Infrastructure Planning (Compulsory Acquisition) Regulations 2010), the changes do not require to be publicised or consulted on in accordance with those Regulations.

The changes proposed have arisen following consultation on the DCO application and having regard to the feedback from Interested Parties. The Applicant therefore considers that consultation on the proposed changes in advance of submission is unnecessary as the changes requested are a result of the responses provided to previous consultation and subsequent engagement.

Timing and Procedure

The precise timing of the formal request for changes is still being considered by the Applicant, however it is expected that a formal application for changes will be submitted before the Preliminary Meeting scheduled for 26 March 2024 and therefore before the Examination commences. The Applicant therefore considers the changes can be adequately examined within the scope of the current examination timetable. The Applicant proposes the following programme:

- Change request submitted on or before 26 March 2024;
- ExA decision by 25 April (28 days, assuming 26 March submission);
- As set out above, no consultation is considered necessary;
- Issues related to the change could be raised by Interested Parties either in writing at Deadline 3 (11 June 2024) or in the hearings scheduled for the week commencing 24 June 2024.

Kind regards,

Adam Wilson
Associate Director
AECOM Limited