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To: The Applicant

Our Ref: EN070008

Date: 29 February 2024

Dear Sir / Madam

Planning Act 2008 (as amended)

Application by Chrysaor Production (UK) Limited for an Order Granting Development Consent for the Viking CCS Pipeline Project (EN070008)

Notification of Applicant's Intention to Submit a Request for Proposed Changes to the DCO Application

The Applicant gave notice to the Examining Authority (ExA) on 26 February 2024 of its intention to submit a request for proposed changes to the above application. The ExA used its discretion to accept the notification letter [[AS-037](#)] on 27 February 2024. This letter provides advice to the Applicant about the procedural implications of the proposed changes.

The Proposed Changes

The Applicant has submitted notification of two proposed changes to the application, which relate to the following elements of the Proposed Development:

- Change 1: The location of the Immingham Facility
- Change 2: Removal of an exit option from the Immingham Facility

The notification letter indicates that no additional land outside of the Order Limits would be required, with reductions in the Order Limits in the case of both changes. Therefore, all of the proposed changes relate to land already proposed for Compulsory Acquisition or Temporary Possession. Assuming this continues to be the case, the ExA is satisfied that

The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (the CA Regulations) would not be engaged.

The notification letter states that none of the proposed changes would be expected to result in any new or different likely significant environmental effects compared to those effects reported in the submitted Environmental Statement. The ExA notes that environmental information which confirms this will be submitted as part of the formal change request, alongside updates to relevant management plans and application plans. We would expect this to include full consideration of any hydrological (including Water Framework Directive) and ecological (Habitats Regulation Assessment) implications.

The ExA notes that the proposed changes seek to respond to concerns raised by landowners. Each potential change is relatively contained in scope and appears to relate to site-specific matters raised. In light of the above considerations, the ExA is satisfied that the proposed changes, whether considered individually or taken together, would not be so substantial as to amount to a materially different project from that which was applied for.

We note the engagement with landowners that has taken place in formulating the proposed changes as stated in the notification letter. We would expect that the Applicant is also in dialogue more widely with any other relevant Interested Parties such as local authorities, specific statutory parties and all persons with an interest in the affected land, in order that they are prepared for the submission of the Change Application and ready to respond as appropriate. Our current view, subject to the contents of the environmental information accompanying the change request, is that further public consultation may not be required.

The notification letter indicates certain work numbers may be struck out of the proposed Development Consent Order (DCO) and a number of plot numbers are no longer relevant as a result of the changed application. Whilst it is up for the Applicant to amend its proposed DCO to ensure it meets the necessary format of a Statutory Instrument, the ExA requests that all remaining numbering (as far as is practicable) remains unchanged. This is to aid the ExA and the Examination avoiding any scope for ambiguity going forward.

Effect on the draft Examination Timetable

The Applicant has stated an intention in the notification letter to submit a formal change application to the ExA on or before 26 March 2024, which is the day scheduled for the Preliminary Meeting.

The ExA strongly advises that the change application is submitted no less than 7 working days prior to the Preliminary Meeting in the interests of fairness and reasonableness. The ExA notes the list of application documents to be updated as a result of the proposed changes and expects that all such updates will be submitted at the same time as the Change Application.

If the ExA decides to accept the proposed changes, all Interested Parties will have an opportunity to make representations on the changed application during the Examination in line with the principles of fairness and reasonableness. Whilst the draft Examination timetable will be discussed at the Preliminary Meeting and may be subject to amendment, our current view, which may be subject to change depending on the content of the

Change Application, is that representations on the changed application could be accommodated within the existing deadlines as set out in the draft Examination timetable.

Next steps

The Applicant is asked to ensure that the change request that is intended to be submitted responds fully to the points made above and contains sufficient information to enable the ExA to prepare further questions, if necessary.

In preparing its Change Application, the Applicant should pay close regard to the content of this letter and of Inspectorate Advice Note 16 (AN16). In line with Figure 2b of AN16, the Change Application should include a statement setting out the rationale and pressing need for making each change and an update on any consents or licenses that may be required.

If you have any questions about any of the matters raised in this correspondence, please contact the Case Team using the details provided in this letter.

Yours sincerely

David Wallis

David Wallis
Lead Panel Member for the Examining Authority

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