

Application by Chrysaor Production (UK) Limited for an Order Granting Development Consent for the Viking Carbon Capture and Storage Pipeline.

West Lindsey District Council

Answers to Examining Authority's Questions (ExQ1)

Viking CCS Pipeline (EN070008)

Deadline 1- Date: 26th April 2024

This document provides the response of West Lindsey District Council (WLDC) to the Examining Authority's questions.

| Q1.1 General and Cross Topic Questions | | | |
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| ExQ1 | Question to | Question | WLDC Response |
| 1.1.3 | All Local Authorities | Set out the legal and policy implications arising from the designation of the new NPSs, the impacts (if any) on the Examination and any other matters important and relevant for the ExA to take into account. This should include, if it is felt that the energy suite of NPSs apply, an explanation of how the transitional provisions will work given that this project was accepted for Examination shortly before designation of the new energy NPSs. | <p>WLDC has set their position out in relation to the NPS's in their Local Impact Report. Copied below.</p> <p>The now withdrawn 2011 NPS's EN-1 – Overarching National Planning Policy Statement for Energy and EN-4 National Planning Policy Statement for Gas Infrastructure and Gas and Oil Pipelines, were replaced in January 2024. However, under the transitional arrangements the Viking CCS Pipeline is required to be considered under the 2011 NPS's. The updated EN-1 and EN-4 (dated November 2023) that came into force 17 January 2024, will however be a significant consideration to the determination of this proposal.</p> |
| 1.1.5 | All Local Authorities | <p>Updated Baselines The local planning authorities to confirm, either in response to this question or within their Local Impact Reports (LIR):</p> <p>1) whether the Applicant's summary of the local planning policy situation is complete or if policies have been missed or require updating; and</p> <p>2) whether any additional applications or planning permissions need to be taken into account as part of the cumulative effects assessment.</p> | <ol style="list-style-type: none"> 1) The applicants planning policy summary in relation to WLDC is correct. WLDC has also stated their position and relevant policies within their Local Impact Report. 2) No, there are no additional applications or permission within the WLDC boundary that need to be taken into account. |
| 1.1.14 | Local Authorities | <p>Design Review</p> <p>Can all IPs please confirm if an Independent Design Review Process should be required for this Proposed Development?</p> | West Lindsey does not consider this is necessary in relation to our district. |
| 1.1.11 | Local Authorities | <p>Purposes of an Area of Outstanding Natural Beauty (AONB)</p> <p>On 26 December 2023, s245 of the Levelling-Up and Regeneration Act 2023 amended the duty in the Countryside and Rights of Way Act 2000 in relation to AONBs; the National Parks and Access to the Countryside Act 1949 in</p> | The pipeline does not cross the AONB designation within our District and therefore do not feel the duty is engaged for this LPA. |

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| | | <p>relation to National Parks, and the Norfolk and Suffolk Broads Act 1988 in relation to the Broads. The amendment now requires relevant authorities</p> <p>“...to seek to further the purpose of conserving and enhancing the natural beauty of the AONB/National Park/Broads.” (ExA emphasis) Can the relevant Local Authorities provide a commentary on whether not the Proposed Development would affect their ability to ‘further the purposes’ of the Lincolnshire Wolds AONB?</p> | |
| Q1.2 Air Quality and Emissions | | | |
| 1.2.5- 1.2.8 inclusive | Local Authorities | <p>Air Quality Management Areas (AQMAs) Can the relevant Local Authorities confirm whether, as a result of the Proposed Development on its own or cumulatively with other projects, there would be any adverse impacts on air quality within the nearest AQMAs?</p> <p>Air Quality Are there any concerns regarding the residual air quality effects predicted by the Applicant and, if so, what specifically needs to happen in order to resolve the issues?</p> <p>Dust Control Are there any comments on Construction Dust Emissions mitigation/CEMP/Construction Monitoring commitments?</p> <p>Air Pollution/Odour Mitigation Are IPs satisfied with the monitoring/mitigation measures proposed by the dDCO that deal with air pollution/emissions and potential odour issues?</p> | WLDC does not have any comments on this matter. |
| Q1.5. Compulsory Acquisition | | | |
| 1.5.5 | All Local Authorities | <p>Alternatives to Acquisition- In their roles as both Planning Authority and Highways Authority, are the Local Authorities aware of any reasonable alternatives to the CA or Temporary Possession (TP) sought by the Applicant or of any areas of land or rights that the Applicant is seeking the powers to acquire that they consider would not be needed?</p> | WLDC does not have a view on this matter. |

| Q1.6 Cultural Heritage | | | |
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| 1.6.14 | Historic England Lincolnshire County Council All Local Authorities | Written Scheme of Investigation (WSI) The DCO application is accompanied by a WSI [APP-091] [AS-001]. For the purposes of the Examination: 1) Is the WSI a comprehensive and robust approach to investigating the potential for archaeological deposits? 2) Does the WSI contain sufficient strategies and mitigation measures to sensitively explore, retain or remove archaeological deposits? 3) Explain whether amendments are required to the document and how those amendments would be of a benefit to the scheme. | WLDC would refer to the comments of our specialists at Lincolnshire County Council in this regard. |
| Q1.7 Draft Development Consent Order | | | |
| 1.7.1 | All Local Authorities | Definition of commence Are the local authority's content with the definition of 'commence' as set out in the dDCO [AS008] and the scope of works included/ excluded within it? | WLDC are content with the definition of commence. |
| 1.7.4 | Applicant Local Authorities | Definition of maintain The definition of 'maintain' includes the ability to divert or alter. 1) Are Local Authorities' content with this? 2) Does this give the Applicant the ability, post-construction, to divert parts of the Proposed Development, thus potentially giving rise to further environmental effects? 3) Please provide further justification in relation to the need for 'improve'. 4) Please explain how and why these would be necessary in relation to maintenance of the proposed development. | WLDC is concerned with the ability to divert or alter being included within the definition of 'maintain'. These matters are not within the scope of the Environmental Statement. WLDC would want to see any possible diversions post construction to give a view on if we consider the impacts to be acceptable within the WLDC district boundary. |
| 1.7.12 | Applicant Local Authorities | Article 9 - Power to alter layout etc, of streets. This is a wide power, authorising alteration etc. of any street within the Order Limits. Please provide further justification as why this power is necessary. Has consideration been given to whether or not it should be limited to identified streets? | WLDC does not have a view on this matter. |
| 1.7.13 | Local Authorities | Article 10 Do the Local Highway Authorities have any concerns or objections in relation to the Applicant's | WLDC would refer to the specialist views of Lincolnshire County Council as the Highways Authority in this regard. |

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| | | proposed disapplication of legislative provisions set out under Article 10 of the dDCO [AS008]? | |
| 1.7.14 | Applicant Local Authorities | Articles 11 and 12 Articles 11 and 12 [AS-008] allow for the temporary stopping up of streets and rights of way. The Explanatory Memorandum [APP-007, paragraph 1.6.53] suggests pedestrian access will be maintained. However, the ExA understands that the public lose the right to pass or repass over a stopped-up path or road. 1) Does the Applicant consider 'temporary stopping up' to be the correct terminology and, if so, why? 2) If 'temporary stopping up' is not the correct terminology, explain what legislation/mechanisms will be used to temporarily close the public highway to vehicles whilst allowing pedestrian access. 3) Again, please reconsider the notice period at Article 11(5) and 12 (6)? | WLDC would refer to the specialist views of Lincolnshire County Council as the Highways Authority in this regard. |
| Q1.8. Ecology and Biodiversity | | | |
| 1.8.9 | Natural England All Local Authorities | Cumulative Effects State whether or not the Applicant's approach to scoping and identifying likely cumulative effects, and the subsequent conclusions drawn within ES Chapter 6 is acceptable and inclusive [APP-048, section 6.11]? | WLDC does not have any comments on this matter and would defer to Natural England. |
| Q1.9 Environmental Impact Assessment | | | |
| 1.9.11 | Natural England All Local Authorities | Cumulative effects In ES Chapter 6 [APP-048, Paragraph 6.11.4] it states that because ecological reports had not been submitted for other developments, it had not been possible to assess potential cumulative effects. This reasoning appears elsewhere across the ES as well. Are there any concerns about the Applicant's approach to determining or calculating cumulative effects or is the justification for not considering certain developments justified in this instance? | WLDC does not have any comments on this matter and would defer to Natural England. |
| Q1.13 Landscape and Visual Amenity | | | |

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| 1.13.2 | Applicant Local Authorities | Assignment of value The Area of Great Landscape Value is only assigned 'medium' value by the Applicant [APP049, Table 7-11]. Is this a view shared and agreed upon with/ by the Local Authorities? | WLDC agrees with this statement. |
| 1.13.3 | Applicant Local Authorities | Zone of Theoretical Visibility (ZTV) Figure 7-5 [APP-049] sets out the ZTV for Immingham. It is noted that from this, there are no viewpoints provided to the Examination of the IAGI from the northern side of the Humber (such as Spurn Head). Could it be explained why this is the case? | WLDC does not wish to comment on this matter. |
| 1.13.10 | Local Authorities | Study Areas Is a 1km study area appropriate for each of the BVS? Explain with reasons | WLDC does not object to the 1km study area. |
| 1.13.11 | Local Authorities | Study Timing The surveys to inform the LVIA were undertaken in March and June [APP-049, Paragraph 7.4.31]. It would appear none have been done in the winter months. Explain what, if any, significance this has the findings of the LVIA and whether there are concerns about the limitations in the study. | WLDC would expect winter surveys to have been undertaken on the basis that vegetation would be limited and visibility more prominent. |
| Q1.14 Noise and Vibration | | | |
| 1.14.1 | Local Authorities | Unattended measurements The Applicant has stated that six locations were used in making unattended measurements that are deemed to be representative of all sensitive receptors [APP-055, Paragraph 13.4.10]. The measurements were then said to have been undertaken in January and in late February. Explain, with reasons, whether there are any concerns regarding the scope or methodology of the assessment. | WLDC does not wish to comment on this matter. |
| 1.14.6 | All Local Authorities | Duration of effects From the ES [APP-055, Paragraph 13.7.10ff] there are many instances of predicted significant noise effects. These are all reduced to 'not significant' following the application of mitigation measures listed in section 13.8 [APP-055]. Do the relevant Local Authorities agree with these conclusions? | WLDC does not wish to comment on this matter. |
| 1.14.11 | All Local Authorities | Working out of hours The Applicant states that a Section 61 Consent would be required from the local authority in the event that HDD processes needed to be undertaken outside | WLDC does not wish to comment on this matter. |

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| | | of core hours [APP-055, Paragraph 13.9.6]. Explain what process would need to be followed and what safeguards are there for the general public and noise sensitive receptors? | |
| Q1.15 Socio- Economic Effects | | | |
| 1.15.2 | Local Authorities | Quality of Information A range of tourism and recreational destinations and activities in the area are set out at in the ES Chapter 16 [APP-058]. In particular, there is the route of the English coastal path as mentioned at paragraph 16.5.35. 1) Does this Chapter of the ES adequately describe the baseline so that effects on tourism and recreational users can be fully assessed? Are there other destinations which have been omitted that might be affected? 2) If any additional tourism and recreational destinations are identified, please provide a plan to show their locations? 3) Is the Applicants' assessment that potential impacts on tourism would be negligible adverse during the construction phase only reasonable? Should any effects during operation be considered? 4) East Lindsey District Council [RR-031] mention the possible impact on tourism and they will comment further in their LIR. Can they be more specific at this stage? | WLDC does not wish to comment on this matter. |
| 1.15.4 | Applicant Local Authorities | Liaison Group The dDCO [AS-008] relates to the establishment of a local liaison group. Could the Local Authorities: 1) Provide comment on this requirement in terms of whether it would meet the aims of keeping the community informed of the construction; 2) Confirm whether they would take an active role in such a group; and 3) Provide examples of where such groups have been established successfully for other major developments in the locality. | We have no objections to this provision but would be unlikely to have an active role and are unable to provide any examples. |
| 1.15.7 | Applicant Local Authorities | Socio-Economic Benefits The benefits of the scheme for the local economy appear very limited – these are set out at paragraph 16.11.2 of the Socio-Economic Report [APP-058] and assessed at employment during the construction phase of 222 with an income generation for the local economy | While the plan is broadly supportive of socio-economic benefits, there is no bespoke policy within the Central Lincolnshire Local Plan. |

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| | | (within a 60-minute drive) of £4.2 million. It is noted that East Lindsey District Council were broadly positive concerning the socio-economic impacts [RR-031] but to what extent is this consistent with the Local Plans of the host authorities? | |
| 1.15.13 | Local Authorities | Blue light services Certain emergency services (such as the Police and Ambulance) may experience some disruption during construction works. This in particular applies to the Immingham West Fire Station. How is it proposed that any impacts are minimised? | WLDC does not wish to comment on this matter. |

End.