

**Response to The Examining Authority's First Written Questions by National Highways Limited  
Application by Chrysador Production (UK) Limited for an Order granting Development Consent for the Viking  
CCS Pipeline Project  
Planning Inspectorate Reference Number: EN 070008**



National Highways has extracted from the Examining Authority's First Written Questions those questions which are either addressed to National Highways or those where it was felt that an answer from National Highways would benefit the ExA. National Highways has used the same format table as issued by the ExA with its response provided under each relevant question.

1.7.6	Applicant Local Highway Authorities National Highways	<p><b>Definition of highway authority</b></p> <p>Does the definition of highway authority [AS-008] need to separate National Highways (NH) from the local highways' authority?</p>
<p><b>National Highways response:</b> It is National Highways' view that the existing definition is sufficient. The reference to "<i>highway authority for the highway</i>" is considered sufficient to determine when it relates to National Highways and when it relates to the local highway authority.</p>		
1.7.11	Applicant National Highways	<p><b>Articles 8 and 9</b></p> <p><b>Article 8(3) and Article 9(2) of the dDCO [AS-008] allow the Applicant to enter onto and undertake works in streets outside of the Order Limits.</b></p> <p><b>1) Why is this power necessary?</b></p> <p><b>2) What circumstances would require works outside of the Order Limits?</b></p> <p><b>3) What notification would be given to persons that have an interest or occupy property on such streets?</b></p> <p><b>4) Have the effects of such out-of-limit works featured within the ES?</b></p> <p><b>5) The notice period of 28 days at Article 8(5) and Article 9(5) seems limited. Can the Applicant consider a longer period?</b></p> <p><b>6) The Applicant proposes to carry out street works (within the meaning of the New Roads and Street Works Act 1991) beneath the Strategic Road Network (SRN). The ExA note that NH state [RR-072] that these works are not included in Schedule 3 of the draft DCO. Please clarify the position?</b></p>

**National Highways response:** National Highways would be concerned with a power that enabled the Applicant to carry out street works on the SRN without National Highways approval. Articles 8 and 9 would enable such however National Highways is grateful that the Applicant has included provision, at paragraph 115(2) of Part 9 to the draft DCO, that would prevent them exercising such powers in respect of the SRN (unless National Highways has otherwise given approval).

It is National Highways' understanding that all known street works should have been included in Schedule 3. It is however noted that the works proposed to be carried out beneath the SRN are not included.

Any works taking place under the SRN (such as tunnelling for a pipeline) are street works pursuant to the New Roads and Street Works Act 1991 (NRSWA). Such works cannot take place without the street authority's approval. Section 51 of NRSWA provides:

**51.— Prohibition of unauthorised street works.**

*(1) It is an offence for a person other than the street authority—*

*(a) to place apparatus in a street, or*

*(b) to break up or open a street, or a sewer, drain or tunnel under it, **or to tunnel or bore under a street**, for the purpose of placing, inspecting, maintaining, adjusting, repairing, altering or renewing apparatus, or of changing the position of apparatus or removing it,*

*otherwise than in pursuance of a statutory right or a street works licence.*

Article 8(2) of the draft DCO makes clear that the authority given by Article 8(1) is a statutory right for the purposes of NRSWA however the works beneath the SRN are not authorised by Article 8(1) as they are not listed in Schedule 3. It is however noted that Article 8(3) provides a 'catch all' provision authorising street works not included in Schedule 3.

Given the provision at 115(2) of Part 9 (i.e. the protective provisions for National Highways' benefit) National Highways has no objection in this regard but sets out the above for completeness only.

1.16.18	National Highways	<b>Highway Capacity</b>
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		<p><b>As a result of the Proposed Development, either alone or cumulatively with other plans or projects, are there any concerns about highway or junction capacity at any point on the strategic road network?</b></p>
<p><b>National Highways response:</b> National Highways has concerns about <i>potential</i> impacts on the SRN because sufficient information has not been provided to enable National Highways to form a sound opinion on the impacts of the project. There is a substantial rise in local area development, which is expected to lead to an accumulative surge in both operational and construction-related traffic. This increase in traffic should be taken into consideration in the Transport Assessment which National Highways feel is currently deficient in this regard.</p> <p>As a result, due to the lack of available information, National Highways cannot comment on the likelihood of the project having negative impacts upon highway or junction capacity. It is however critical that this information is made available to National Highways to enable National Highways to play a meaningful part in this examination. It is also necessary to ensure that the ExA, and Secretary of State, have all relevant information before them to enable a decision on the application to be made.</p>		
1.16.19	National Highways	<p><b>Fitness of the Transport Assessment</b></p> <p><b>In the relevant representation [RR-072, Paragraph 2], it appears there are concerns regarding the transport assessment. Please outline what deficiencies are considered to exist in the Transport Assessment and if, as a result of these, its conclusions cannot be considered robust.</b></p>
<p><b>National Highways response:</b> It is National Highways' view that the Transport Assessment has the following deficiencies /aspects that should be addressed:</p> <ul style="list-style-type: none"> <li>• Transport impacts, particularly peak hour impacts, should be considered relative to national planning policies relevant to the SRN, including Circular 01/2022 and The Strategic Road Network: Planning for The Future;</li> <li>• The Personal Injury Collision analysis should include an assessment of clusters and causations;</li> <li>• The Applicant should investigate the discrepancy between the Automatic Traffic Counter derived values and the DfT WebTRIS reported Average Annual Daily Traffic;</li> </ul>		

- Clarification should be provided on whether separate TEMPro growth factors have been applied for the SRN and Local Highway Network;
- There is insufficient detail within the assessment to identify the form of infrastructure required to provide a subterranean pipe crossing point at the A180 or the mechanism for delivery of such infrastructure;
- The operational phase impact should be defined;
- The assumptions for the daily construction workforce profile should be justified;
- A detailed, evidence-based construction programme should be submitted for review;
- The assessment does not present any evidence or supplementary narrative on the influence of daily variation on baseline traffic to support conclusions on non-materiality;
- Based on the outcomes of supplementary information required, merge/diverge assessments could be required for an appropriate opening year and future year, taking into account background traffic growth, and committed development;
- National Highways does not agree that there will be an even HGV distribution throughout the day for pipe delivery as assumed; this is based on the intention to use port access points with specified sailing times. The impact for the SRN should be detailed;
- The Applicant should provide certainty that a full Construction Traffic Management Plan and a Construction Workers' Travel Plan will be submitted and agreed with National Highways prior to the commencement of works;
- The Applicant should identify the relationship between the proposed development and the emerging carbon capture plants, and, considering all other development in the area, identify the cumulative impacts during the construction and operational phases; and
- No Travel Plan is included within the DCO Application for the Operational phase or the Construction phase. Pending information considering the Operational Phase of the proposed development, if appropriate, National Highways could recommend in future that an operational Travel Plan is produced for review.

In light of the above it is National Highways' view that in its current state the conclusions of the Transport Assessment cannot be considered to be robust.

1.16.20	National Highways	<p><b>Street works beneath the Strategic Road Network (SRN)</b></p> <p><b>Insufficient detail has been provided for the underground crossings under the SRN. Please provide relevant detail in the form of a technical note. Would the Applicant be relying on the right powers in order to be able to undertake the works they intend in the vicinity of the SRN?</b></p>
<p><b>National Highways response:</b> Although this question is stated as being for National Highways, it would seem that is actually for the Applicant. From National Highways' perspective, given the safety concerns associated with underground crossings it is important for National Highways to understand precisely what the proposals are for such works (including whether those works would be carried out using trenched or trenchless methods). To date that information is lacking and it is therefore difficult for National Highways to meaningfully engage on the point other than to highlight concern.</p> <p>National Highways' view on necessary powers for such works is as set out above in response to question 1.7.11.</p>		