

Our Ref: RD/209087/00055

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26 April 2024

Dear Sir/Madam

**Application by Chrysaor Production (UK) Limited ("the Applicant") for the Viking CCS Pipeline
Planning Inspectorate Reference: EN070008
Air Products (BR) Limited (Interested Party Reference Number: 20047092)
Written Representation**

1 INTRODUCTION

- 1.1 This Written Representation is made on behalf of Air Products (BR) Limited (**Air Products**) in respect of the application for development consent for the Viking CCS Pipeline (the **Project**) submitted by the Applicant to the Planning Inspectorate which was Accepted for Examination on 17 November 2023.
- 1.2 Air Products made a Relevant Representation [RR-003] on this Application on 8 January 2024 seeking to protect its existing infrastructure and assets within Order Limits. As set out in its Relevant Representation, Air Products supports the Project subject to its concerns relating to its assets in the area being fully addressed.

2 SUMMARY OF AIR PRODUCTS' POSITION

- 2.1 Air Products welcomes the ExA's Procedural Decision set out in Annex C of its Rule 8 letter [PD-009] accepting the Applicant's proposed changes into the Examination. The effect of the changes is to remove from the Order Limits a substantial area of land in which Air Products has an interest.
- 2.2 Notwithstanding this, Air Products remains an affected person in respect of existing pipelines within the current Order Limits that currently supply oxygen (above and below ground pipelines) and nitrogen (above ground pipelines) to two refineries in the Stallingborough area. The revised Land Plans [AS-049] and Book of Reference [AS-045] submitted with the Applicant's change request identify the following plots where Air Products has a Category 2 interest:

Plots	Powers sought
1/32, 1/57, 1/59	Permanent acquisition of land
1/43, 1/62	Permanent rights and temporary use of land
1/53, 1/61, 1/67, 1/71, 1/72, 1/73, 1/74, 1/79	Permanent acquisition of subsurface

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- 2.3 Air Products objects to the proposed powers of compulsory acquisition over land in which it has an interest.
- 2.4 The refineries served by Air Products' assets are recognised as significant pieces of infrastructure that are critical to the regional and national economy. The Applicant's proposals for compulsory acquisition have the potential to compromise the security of existing pipes and associated infrastructure used by Air Products in connection with its pre-existing business activities. It is therefore critical that, notwithstanding the Project, Air Products can continue to use the pipelines in the manner to which they are accustomed, and which is vital to the local industry.
- 2.5 To the extent that the Applicant seeks powers in the draft DCO to either (a) compulsorily acquire land (including subsurface) or rights or (b) to extinguish, suspend or override existing rights, Air Products' ability to maintain and operate its existing infrastructure must be preserved.
- 2.6 Following Compulsory Acquisition Hearing 1 on 27 March 2024, Air Products has received a draft set of protective provisions which are being reviewed. Air Products will endeavour to return comments to the Applicant on those by Deadline 2. Air Products is also seeking to agree a separate asset protection agreement with the Applicant; while a draft agreement is not yet in circulation, this is a matter Air Products will continue to engage with the Applicant on.
- 2.7 Subject to the agreement of protective provisions for Air Products' benefit being included in the DCO and an appropriate asset protection agreement, Air Products will be in a position to withdraw its objection to the Proposed Development. Until agreement is reached, Air Products will maintain its interest in the Examination and reserves its position with regard to any matters arising from submissions made during the Examination.

3 **INCONSISTENCY IN LAND PLANS AND BOOK OF REFERENCE**

- 3.1 As set out in Air Products' response to ExQ1.5.23 submitted at Deadline 1, there is a discrepancy in relation to Plot 1/57. This plot is shaded green (temporary possession and use) on the Land Plans Revision B [**AS-049**] and is included in Table 5 (Temporary Possession Land) of the Statement of Reasons Revision B [**AS-043**], however, is described in the Book of Reference Revision B [**AS-045**] as "permanent acquisition". Air Products requests that the Applicant clarify the powers sought in respect of Plot 1/57.

Yours faithfully



Charles Russell Speechlys LLP