

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

**Summary of submissions on behalf of Lincolnshire County Council**

**ISH1**

1. Under agenda item 3(c) Lincolnshire County Council (“LCC”) raised the following concerns:
2. The definition of “maintain” is unduly broad and encompasses terms such as “abandon” which is the antithesis to maintenance and would create significant internal conflict with ongoing requirements on the operator to genuinely maintain the project in a safe manner.
3. In relation to Articles 8, 9, 12 and 13, LCC made representations in relation to the operation of these articles in so far as they permit highways works or traffic regulation in LCC’s administrative area but without proper authorisation from LCC as highway authority (“HA”).
  - a. In these articles, there is a split between parts of the project listed within the relevant schedule, in relation to which LCC has no oversight at all and is not even notified or consulted, and those not listed in the relevant schedule in relation to which LCC will be able to ‘consent’ such works. LCC considers that its approval or consent should be required for all elements.
  - b. It is important for LCC to retain oversight and control of works in the highway and traffic regulation measures brought into effect across the area. LCC operates a consenting and permitting process for such works and measures which involves the payment of a fee and particular procedures which ensure that conflicting works and measures are not brought into effect at the same time. If LCC is either not involved at all or is merely ‘consulted’, no one body will have overall control as to potentially conflicting measures being implemented on the highway at the same time.
  - c. Additionally, the draft DCO incorporates provision for deemed approval if consent is not forthcoming within 28 days. First, it is entirely unsatisfactory to have a deemed approval mechanism for works such as highways access or traffic regulation which need to be undertaken with regard to highway safety for the safety of all road users. An unsafe access could have serious real-world consequences. This should be removed. Second, the

DCO should be amended to require a realistic time period for approval. 28 days does not even allow the HA to consult statutory consultees which require 21-28 days for their consultation responses alone, let alone allowing time for the administrative function of LCC as HA.

- d. LCC is confident that such issues can be rectified by amendments to the drafting and looks forward to engaging with the Applicant on proposed changes to the wording.
4. LCC should be identified by name as a discharging authority for a number of the requirements. LCC will work together with the other host authorities to agree which authority should be named in relation to which requirement.
5. In relation to Articles 39 and 40, at present these articles do not comply with Advice Note 15 which requires a schedule and a plan to identify specific hedgerow removal in whole or in part and states that if no plan is provided, then removals should be subject to later express approval by the planning authority. Following the hearing, the Applicant referred to additional detail in the Arboricultural Report (APP-086). LCC notes the intention expressed at paragraph 4.1.1 of this document to remove up to 98 hedgerows, 40 groups of trees, 71 individual trees and 7 woodlands and will review this in detail. Nevertheless, the point remains that the dDCO currently seeks a broad unconstrained power to remove trees and hedgerows and this should be drafted in a way which either seeks consent from the ExA for specific removals or expressly incorporates a requirement for approval from the relevant planning authority.
6. Under Agenda Item 3(d) LCC raised a concern relating to the interrelationship between the proposed works at Theddlethorpe under Option 1 and an extant planning permission which requires restoration of the land to agricultural use. This has not been catered for within the dDCO to date. LCC welcomed the ExA's intention to raise this as part of the first written questions.