

The Examining Authority
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

Our ref: AN/2023/135033/04-L01
Your ref: EN070008
Date: 11 June 2024

Dear Members of the Examining Authority

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

Pursuant to Deadline 3 on the Examination Timetable, please find below the Environment Agency's comments in respect of submissions received at Deadline 2.

Groundwater, water quality and the Water Framework Directive

We have reviewed the updates made to the following documents in connection with the comments made with respect to groundwater protection:

- Chapter 11: Water Environment – Revision A (Tracked) [[REP2-005](#)];
- Appendix 3-1: Draft Construction Environmental Management Plan (CEMP) – Revision B (Tracked) [[REP2-013](#)];
- Appendix 11-4: WFD Assessment – Revision A (Tracked) [[REP2-021](#)];

Most of the representations made previously concerning groundwater protection have been addressed, and the documents updated to recognise the issues raised.

The only outstanding concern appears to relate to the issue of dewatering (outlined in Table 11-4, page 11-20 of the updated Chapter 11 document) where the Applicant's response is that this was '*Noted and included within the Proposed Development risks.*' We cannot locate this in the provided documentation; if the applicant can highlight where this has been addressed it would be appreciated. However, this is not essential as dewatering has been covered in the draft Construction Environmental Management Plan (CEMP) and the proposals for Hydrogeological Impact Appraisals for trench dewatering, so there is confidence that this concern is fully recognised.

Therefore, we confirm that we concur with the conclusions of the Revision A WFD Assessment. The proposal should not cause deterioration in status of the water bodies assessed and should not prevent these from achieving Good Ecological Status and

Good Ecological Potential. Accordingly, we **withdraw our holding objection** relating to the WFD and compliance with the River Basin Management Plans made in paragraph 8.24 of our Relevant Representation [[RR-034](#)].

Flood Risk

We have reviewed the updates made to the following documents in connection with the comments made with respect to flood risk:

- Chapter 11: Water Environment – Revision A (Tracked) [[REP2-005](#)];
- Chapter 15: Climate Change – Revision A (Tracked) [[REP2-009](#)]
- Appendix 3-1: Draft Construction Environmental Management Plan (CEMP) – Revision B (Tracked) [[REP2-013](#)];
- Appendix 3-6 Operational Phase Mitigation - Revision B (Tracked) [[REP2-015](#)]
- Appendix 11-5 Flood Risk Assessment – Revision A (Tracked) [[REP2-023](#)]
- 9.26 Breach Water Level Depth – Technical Note [[REP2-037](#)]

The Breach Water Level Depth Technical Note sufficiently explains the use of average breach depths within the Flood Risk Assessment (FRA). It is helpful that breach depths have been used to derive a breach flood level for the Immingham Facility site. This will allow flood mitigation and freeboard to be applied from a level in metres above Ordnance Datum (mAOD) and not be complicated by variation in ground level. It would be equally useful to have a breach flood level derived for the Theddlethorpe Facility sites as well, to allow the application of flood mitigation measures and freeboard allowance in the same way.

The use of breach flood levels for both the Immingham and Theddlethorpe Facility sites would allow an update to mitigation measure P3 of the draft CEMP to include a specific raise level for critical electrical equipment. This would then apply to the final site layouts as they are developed and confirmed.

We acknowledge the update within the FRA regarding the storage of materials within Flood Zones 2 and 3. We are satisfied with the wording in the FRA and in Mitigation Measure G20 of the draft CEMP. If additional information can be provided to show the locations of watercourse crossings within the combined tidal and fluvial floodplain, we may be able to offer further guidance on suitable storage setback requirements for these.

We are pleased to note the updated FRA confirms the location of and flood risk (fluvial and surface water) to the construction compounds. We have no further concerns with the location of these.

We note the updates within the FRA to climate change projections and we are pleased to see that the 97.5% confidence bound has been used for the assessment of 2025 and 2100 extreme sea levels. This is now in line with national guidance and the requirements for FRAs.

Table 15-31 within Chapter 15: Climate Change acknowledges the risk of sea level rise at the Theddlethorpe Facility but does not include the Immingham Facility. This should be updated to reflect the risk at both sites. This is also the case for Table 15-37. Furthermore, within this table, mitigation measure G2 is not particularly relevant to sea level rise.

In summary, the updated documents have addressed most of the points raised but as there are still some outstanding issues in respect of flood risk, we are not yet able to confirm that all these matters are agreed. However, we do now have sufficient

information to confirm that the project has demonstrated compliance with the requirements for the flood risk Exception Test for the issues reviewed by the Environment Agency, i.e. the Development can be made safe without increasing flood risk elsewhere. Accordingly, we **withdraw our holding objection** relating to flood risk issues within our remit.

Please note that our advice has not considered the risk of flooding from ground water, drainage systems, reservoirs, canals or ordinary watercourses. Advice should be sought from the Lead Local Flood Authority and any relevant Drainage Boards in relation to these matters.

We will continue to work with the Applicant on the outstanding mitigation details for the project to be secured in the CEMP.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me at the number below.

Yours faithfully

Annette Hewitson
Principal Planning Adviser

Direct dial [REDACTED]

Direct e-mail [REDACTED]