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Planning Inspectorate reference: EN070008

APPLICATION BY CHRYSOR PRODUCTION (UK) LIMITED (THE APPLICANT) FOR A DEVELOPMENT CONSENT ORDER FOR THE VIKING CCS PIPELINE (EN070008).

NOTIFICATION OF INTENTION TO SUBMIT AN APPLICATION FOR CHANGE REQUEST

On behalf of Chrysaor Production (UK) Limited (the Applicant) this letter has been prepared to notify the Examining Authority (ExA) that the Applicant will be making a request for non-material changes to the above Application. In summary these changes are:

- Relocate Block Valve Station 3 (Louth Road BVS) to the south of Louth Road near Alvingham within the existing Order Limits;
- Narrowing of the Order Limits near the Anglian Water Treatment Works near Louth, to the South of Louth Road BVS;
- Removal of Theddlethorpe Facility Option 2 from the application;
- Removal and modification of the Order Limits around the Theddlethorpe Facility Option 1 and 2;
- Removal of a construction access point in North East Lincolnshire that adjoins the A18 Barton Road south of Laceby; and
- Removal of a construction access point in North East Lincolnshire that adjoins the A46 west of Laceby.

These changes are explained in more detail below.

Introduction

The application for a Development Consent Order (“DCO”) was submitted on 23 October 2023 and accepted for examination on 17 November 2023. Since that time, the Applicant has continued to engage with interested parties with a view to addressing their comments and agreeing common ground, while also continuing with project development and design

refinement. This work has resulted in the Applicant deciding to seek a change request to the DCO application to accommodate a number of changes arising from this ongoing engagement.

This letter accordingly notifies the Examining Authority (“ExA”) that the Applicant is preparing, and intends to submit, a change request and provides below a summary of the scope of the proposed request.

While materiality of any change is a matter for determination by the ExA, the Applicant considers that the changes sought are not material. The Applicant will submit Environmental Technical Notes regarding the likely effects of the proposed changes. The proposed changes do not result in any new significant adverse effects as reported in the Environmental Statement (ES). In three instances moderate (significant) effects on the setting of listed buildings would no longer occur. Therefore the ES conclusions have not materially changed and as such it is the Applicant’s view that an ES addendum for the change application is not required. The proposed changes are not individually or collectively so substantial or different in character as to be a different project.

An application for a change request was made by the Applicant to the Examining Authority on the 19th March 2024. The application included Change 1: Reduction of the Order Limits for works related to the Immingham Facility and associated accesses and Change 2: Removal of an option for the pipeline route in section 1 of the Proposed Development. As a result the changes outlined in this notification are numbered 3 to 8 and are described below.

Change 3: Relocate Block Valve Station 3 (Louth Road BVS) to the south of Louth Road near Alvingham within the existing Order Limits (Modification of Works Nos. 31, 31a, 31b and 32a).

The Proposed Development includes three Block Valves Stations (BVS) along the pipeline route to enable pipeline sections to be isolated for operational and maintenance reasons. BVS 3 (Louth Road BVS) is currently located on agricultural land to the north west of Louth Road near Alvingham (Work No. 31). The permanent footprint of the proposed BVS is approximately 43m x 38m.

Prior to submitting the Application, the Applicant had not received any feedback from the landowner (Mr Shucksmith) on the location of Louth Road BVS. However, following submission, the landowner has requested that Louth Road BVS be moved to the opposite side to the south east of Louth Road, which is an area of land owned by the same party. The Applicant understands that the proposed location would have a lower impact on the landowner’s agricultural operations. The Applicant has now completed feasibility studies and has concluded that it is feasible to locate the Louth Road BVS on the south east side of Louth Road. The Applicant will therefore request to make the proposed change.

The Proposed Development currently provides for a temporary access and laydown location (Work No. 32a) to the south east of Louth Road, which would be relocated to the north west side of the road.

The Applicant notes that this change does not bring additional land into compulsory acquisition and only changes the categorisation of acquisition sought. All of the plots where the rights categorisation would change are in the ownership of the same party, who has written a letter of support for the proposed change that will be submitted with the change request. As such, the Applicant does not consider it necessary to undertake further consultation on this proposal.

This change would alter the type of rights sought over plot 26/2 which would be amended from seeking permanent acquisition to seeking permanent acquisition of the subsurface.

The nature of rights sought over plot 26/5 would be amended from seeking permanent acquisition of the subsurface to seeking permanent acquisition. This change would also result in plot 26/3 being amended from seeking permanent acquisition to seeking permanent acquisition of the subsurface as well as increasing in size of the plot from 455 square metres to 955 square metres within the Order Limits. The nature of rights sought over plot 26/4 would be amended from seeking permanent acquisition of the subsurface to seeking permanent acquisition, and the plot size would decrease from 877 square metres to 377 square metres within the Order Limits. The change would not engage any new land interests. No additional land outside of the current Order Limits would be required.

The draft DCO [REP1-006], Statement of Reasons [AS-043], Work Plans (Part 2 of 2) [APP-014], Land Plans [REP1-012], Access and Rights of Way Plans [REP1-011] and Book of Reference [REP2-002] would require to be amended.

This change would not result in changes to the Order Limits. This change would not engage any new land interests. This change will not result in new or different likely significant environmental effects reported in the ES.

Change 4: Narrowing of the Order Limits near the Anglian Water Treatment Works near Louth, to the South of Louth Road BVS. (Modification of the Order Limits at Work No. 32)

The Order Limits for the routeing of the pipeline is approximately 200m wide where the route passes to the east of the Anglian Water Treatment Works. The wider Order Limits at this location compared to the remainder of the pipeline route was to facilitate a Horizontal Directional Drilling (HDD) crossing to be made at either the eastern or western extent of the land owned by Anglian Water; providing flexibility so as not to unduly restrict the potential future expansion of their facilities.

Engagement with Anglian Water has continued during the examination period and Anglian Water have expressed a preference for the pipeline to be located as far to the east as possible, whilst avoiding other infrastructure (such as an existing Anglian Water pipeline) that is situated within that area. The Applicant has carried out further engineering work, which has confirmed that it is possible to reduce the Order Limits at this location.

This change would result in alterations to the Order Limits associated with Work No.32. The change would reduce the area of land included in the Order Limits and would not engage any new land interests. No additional land outside of the current Order Limits is required. This change would not result in new or different likely significant environmental effects reported in the ES.

This change would result in the removal of plot 26/8 from the Land Plans. Several plots would reduce in size including plot 26/6 from 29,966 square metres to 28,214, Plot 26/7 would reduce in size from 2,741 square metres to 1,936 square metres, Plot 26/9 from 23,341 square metres to 17,968, plot 26/10 from 647 square metres to 472 square metres and the reduction in size of plot 26/11 from 149,393 square metres to 130,786 square metres. The change would reduce the area of land included in the Order Limits and would not engage any new land interests. No additional land outside of the current Order Limits is required.

The draft DCO [REP1-006], Statement of Reasons [AS-043], Work Plans (Part 2 of 2) [APP-014], Land Plans [REP1-012], Access and Rights of Way Plans [REP1-011] and Book of Reference [REP2-002] would require to be amended.

Change 5: Removal of Theddlethorpe Facility Option 2 from the Application (Removal of Work No. 42 from the Order Limits)

At the point of submission, the Applicant included a degree of flexibility and optionality relating to the location of the Theddlethorpe Facility. The Theddlethorpe Facility will comprise the infrastructure necessary to enable CO₂ to flow from the new 24" pipeline into the existing LOGGS (36") pipeline, then onwards to be stored in the depleted gas fields within the southern North Sea. The Proposed Development included optionality for the location of the Theddlethorpe Facility, which is set out in Chapter 3 of the ES [APP-045]. This optionality was included due to uncertainty about potential alternative plans that National Gas Transmission ("NGT") (as landowner) had for the former TGT site. The following options were included as potential locations for the Theddlethorpe Facility:

- **Option 1** - would be located on previously developed land at the former TGT; and
- **Option 2** - would be located on arable land directly west of The Cut (an ordinary watercourse) and accessed from the north off the A1031 Mablethorpe Road.

As set out in the Statement of Reasons, the Applicant's preferred location for the Theddlethorpe Facility was Option 1, on the former TGT site, which is brownfield land that had a former industrial use. Locating the Theddlethorpe Facility on the former TGT site also facilitates the easiest connection into the LOGGS pipeline.

Following submission of the Application, NGT and Mablethorpe Flexible Generation Limited made representations (RR-056, RR-070) about the proposed future use of the TGT site. The Applicant has continued to work with NGT and Mablethorpe Flexible Generation Limited with a view to reaching a voluntary agreement that would allow use of the former TGT site for the Theddlethorpe Facility and accommodate potential future development by Mablethorpe Flexible Generation Limited.

The Applicant and NGT have now reached agreement on the terms of a voluntary agreement, with engrossed versions of those agreements now going through the final corporate approval processes of the respective organisations. As a result of this progress, the Applicant is now confident that Option 2 is no longer required and the Applicant will submit a change request for this to be removed from the Proposed Development.

The development of Option 1 for the Theddlethorpe Facility has already been fully assessed within the ES, this change would not result in new or different likely significant environmental effects to those reported for option 1.

Plots 35/14 and 35/12 would be combined and plot 35/14 would be removed from the Land Plans. The changes would not engage any new land interests nor land outside of the current Order Limits is required.

Removing option 2 would not result in any new significant adverse effects as reported in the ES. The change would remove three moderate (significant) effects on the setting of listed buildings which would no longer occur. Therefore the ES conclusions have not materially changed.

Change 6: Removal and modification of the Order Limits around the Theddlethorpe Facility Option 1 and Option 2 (Removal of Work no 42a, 42b and the reduction and modification to Work no. 41, 44, 45, 48a)

Following on from the Applicant's ongoing discussions with NGT and Mablethorpe Flexible Generation Limited, as part of the voluntary agreement that would allow use of the former TGT site for the Theddlethorpe Facility, a number of minor amendments are required to the

Order Limits. These changes would result in alterations to the Order Limits associated with the above Works Nos.

This change would result in the removal of plots 35/8, 35/9, 35/10, 35/11 and 35/13 from the Land Plans. The change would reduce the area of land included in the Order Limits and would not engage any new land interests. No additional land outside of the current Order Limits is required.

As the Order Limits would be reduced, and none of the land was previously required for mitigation measures, this change would not result in new or different likely significant environmental effects to those reported within the ES.

The draft DCO [REP1-006], Explanatory Memorandum, Statement of Reasons [AS-043], Work Plans (Part 2 of 2) [APP-014], Land Plans [REP1-012], Access and Rights of Way Plans [REP1-011] and Book of Reference [REP2-002] would require to be amended.

Change 7: Removal of a construction access point in North East Lincolnshire that adjoins the A18 Barton Road south of Laceby (Removal of land from the Order Limits in Works Nos. 16a).

The Proposed Development includes a number of vehicle access points along the route of the pipeline that will be used during the construction stage for the delivery of construction materials. The Applicant has engaged with the Local Highway Authorities during the examination period. During these discussions, North East Lincolnshire Council has raised concern that adequate visibility may not be available for drivers entering and exiting construction access 12-AB leading east from the A18 in North East Lincolnshire. It is proposed that this access is to be removed from the Proposed Development and the Order Limits reduced accordingly.

This change would result in alterations to the Order Limits associated with the above Works Nos. The change would reduce the area of land included in the Order Limits and would not engage any new land interests. No additional land outside of the current Order Limits is required. This change would not result in new or different likely significant environmental effects reported in the ES.

This change would result in the removal of plots 13/1, 13/2, 13/3 from the Land Plans and a reduction in size of plot 12/8 from 27,775 square metres to 25,664 square metres. The change would reduce the area of land included in the Order Limits and would not engage any new land interests. No additional land outside of the current Order Limits is required.

The draft DCO [REP1-006], Statement of Reasons [AS-043], Work Plans (Part 2 of 2) [APP-014], Land Plans [REP1-012], Access and Rights of Way Plans [REP1-011] and Book of Reference [REP2-002] would require to be amended.

Change 8: Removal of a construction access point in North East Lincolnshire that adjoins the A46 west of Laceby. (Removal of land from the Order Limits in Works Nos. 15a).

During discussions with the Local Highway Authority, North East Lincolnshire Council has also raised concern that adequate visibility may not be available for drivers entering and exiting construction access 11-AA leading north from A46. It is proposed that this access is removed from the Proposed Development and the Order Limits reduced accordingly.

This change would result in alterations to the Order Limits associated with the above Works Nos. The change would reduce the area of land included in the Order Limits and would not engage any new land interests. No additional land outside of the current Order Limits is required. This change would not result in new or different likely significant environmental effects reported in the ES.

This change would result in the removal of plots 11/10 and 11/12 from the Land Plans. The change would reduce the area of land included in the Order Limits and would not engage any new land interests. No additional land outside of the current Order Limits is required.

The draft DCO [REP1-006], Statement of Reasons [AS-043], Work Plans (Part 2 of 2) [APP-014], Land Plans [REP1-012], Access and Rights of Way Plans [REP1-011] and Book of Reference [REP2-002] would require to be amended.

Consultation

These identified changes involve a reduction in the Order Limits, will remove land from the Order Limits and will provide greater certainty to the Proposed Development. Importantly, these changes have been informed by further engagement with interested parties. The proposed changes are not so substantial or different in character as to be a different project.

Planning Inspectorate Advice Note Sixteen sets out that the Applicant should consider the need to consult on the proposed change. The Advice Note suggests that Applicants should consult all those prescribed in the Planning Act 2008 under section 42(a) to (d) who would be affected by the proposed change (giving a minimum of 28 days). The Applicant confirms that there would be no new affected persons created as a result of the changes.

An ES was submitted to the Planning Inspectorate in October 2023 as part of the DCO Application. The Applicant is undertaking, and will submit, Environmental Technical Notes regarding the likely effects of the proposed changes. The proposed changes do not result in changes to the overall likely significant effects as reported in the ES; therefore the ES conclusions have not materially changed. As such, it is the Applicant's view that a change request ES addendum is not required.

While the Applicant notes that the Environmental Technical Notes could form supplementary environmental information, there is no statutory requirement to consult on this. The Applicant considers that the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 **will not** be engaged due to the changes. This is because the changes involve removal of land from within the Order Limits, or modification of the nature of the rights sought (with the agreement of the affected parties). Therefore, as the proposed changes do not require the inclusion of "additional land" (as defined in the Infrastructure Planning (Compulsory Acquisition) Regulations 2010), the changes do not require to be publicised or consulted on in accordance with those Regulations.

The changes proposed have arisen following consultation on the DCO application and having regard to the feedback from Interested Parties. The Applicant therefore considers that further consultation on the proposed changes in advance of submission is unnecessary as the changes requested are a result of the responses provided to previous consultation and subsequent engagement.

Timing and Procedure

The Applicant has been considering the appropriate approach to bringing forward the proposed changes in the context of the requirements of the Planning Act 2008: Guidance for the examination of applications for development consent (DCLG), and Planning Inspectorate Advice Note Sixteen. The Applicant considers that the changes can be adequately examined within the scope of the current examination timetable and has set out a suggested programme below. While the Applicant has assumed that the Examining Authority uses the maximum of 28 days to consider whether to accept this request, the Applicant would hope that, given that many of these are being brought forward in response to ongoing discussion with the affected landowners and at their request, the full period for consideration of acceptance would not be necessary.

The Applicant acknowledges that any proposed change is ultimately a decision for the Examining Authority.

The Applicant proposes the following programme:

- Change request submitted on or before 19th June 2024;
- ExA decision by 17th July (28 days, assuming 19th June submission);
- As set out above, no consultation is considered necessary;
- Issues related to the changes could be submitted by Interested Parties at Deadline 4 on the 29th July 2024, and further questions could be included in the Examining Authority's second written questions scheduled for 12 August 2024.

This letter notifies the ExA that the Applicant is preparing, and intends to submit, a change request and provides a summary of the scope of the proposed request.

Kind regards,

Adam Wilson
Associate Director
AECOM Limited