

Viking CCS Pipeline

3.2 Statement of Reasons – Revision D (Clean)

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Applicant: Chrysaor Production (U.K.) Limited,
a Harbour Energy Company
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Statement of Reasons

1 Introduction

- 1.1.1 This Statement of Reasons (the Statement) relates to the powers of compulsory acquisition sought in the development consent order (DCO) application by Chrysaor Production (U.K.) Limited (the Applicant) to the Secretary of State under the Planning Act 2008 for powers to construct and operate the Viking CCS pipeline (the Proposed Development).
- 1.1.2 This Statement should be read alongside the following Application documents:
- Draft Development Consent Order (Application Document 2.1)
 - Explanatory Memorandum (Application Document 2.2)
 - Land Plans (Application Document 4.3)
 - Crown Land Plan (Application Document 4.4)
 - Special Category Land Plan (Application Document 4.5)
 - Works Plans (Application Document 4.2)
 - Book of Reference (Application Document 3.3)
 - Funding Statement (Application Document 3.1)
 - Planning Statement (Application Document 7.1)
 - Needs Case for the Scheme (Application Document 7.3)
 - Environmental Statement (Application Documents 6.1 – 6.4.20.1)
- 1.1.3 The purpose of the DCO is to authorise the construction and operation of the Proposed Development which will help to meet the identified national need for new carbon capture and storage (CCS) facilities.
- 1.1.4 The DCO sought includes powers to compulsorily acquire land and rights over land which are required for the works necessary to construct and operate the Proposed Development. The Applicant has commenced negotiations to acquire the land and rights required voluntarily but has been unable to acquire all plots and rights, and accordingly requires to seek powers of compulsory acquisition.

2 Purpose of the Statement of Reasons

- 2.1.1 Section 122 of the Planning Act 2008 sets out the purposes for which compulsory acquisition may be authorised and lists the conditions which must be met. This provides that the Secretary of State must be satisfied that the land:
- is required for the development to which the development consent relates, or
 - is required to facilitate or is incidental to that development,
- and that there is a compelling case in the public interest for the land to be acquired compulsorily.

- 2.1.2 As part of the Application, the Applicant is required to submit to the Secretary of State a Statement of Reasons prepared in accordance with the requirements of Regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.
- 2.1.3 This Statement explains why the powers of compulsory acquisition sought in the draft DCO are necessary to implement the Proposed Development. Throughout, this Statement demonstrates that there is a compelling case in the public interest to grant those powers.
- 2.1.4 Furthermore, as required by the 'Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land' (CA Guidance) issued by the (then) Department for Communities and Local Government in 2013, this Statement sets out the use to which each plot subject to powers of compulsory acquisition would be put (see section 9).
- 2.1.5 This Statement is structured as follows:
- A description of the Viking CCS Pipeline (section 3);
 - Details of the compulsory acquisition powers and the ways in which they will be used (section 4);
 - Details of the Order Land (section 5);
 - Details of the Development Site (section 6);
 - A summary of the need for and benefits of Viking CCS with reference to the policy context (section 7);
 - Description of the engagement undertaken with affected parties (section 8);
 - Justification for the compulsory acquisition powers (section 9);
 - Considerations given to special category land (section 10);
 - Consideration of human rights (section 11).;
 - Details of funding (section 12);
 - Consideration of any impediments (section 13);
 - Conclusion (section 14);
 - Any other information of interest to someone affected by the Order (section 15).

3 Viking CCS Pipeline Description

- 3.1.1 The Proposed Development comprises a new 24 " (610 mm) diameter onshore pipeline of approximately 55.5 km in length, which will transport Carbon Dioxide (CO₂) from the Immingham industrial area to the Theddlethorpe area on the Lincolnshire coast, where it will connect into the existing 36 " (921 mm) diameter offshore LOGGS pipeline.
- 3.1.2 The Proposed Development is an integral part of the overall Viking CCS Project, which intends to transport compressed and conditioned CO₂ received at a facility at Immingham to store in depleted gas reservoirs under the Southern North Sea. The offshore elements of the Viking CCS Project, including the transport of CO₂ through the LOGGS pipeline to the Viking gas fields under the North Sea, are subject to a separate consenting process.
- 3.1.3 The key components of the Proposed Development comprise:

- Immingham Facility;
- Approximately 55.5 km 24 inch onshore steel pipeline (including cathodic protection);
- Three Block Valve Stations;
- Theddlethorpe Facility;
- Existing LOGGS pipeline and isolation valve to the extent of the Order Limits at Mean Low Water Springs (MLWS);
- Permanent access to facilities;
- Mitigation and landscaping works;
- Temporary construction compounds, laydown, parking and welfare facilities;
- Temporary access points during construction.

3.1.4 Further details of each element of the Proposed Development are set out in Environmental Statement Volume II Chapter 3 Description of the Proposed Development (Application Document 6.2.3) and are summarised in section 6 below.

4 Powers of Compulsory Acquisition

4.1 The Draft DCO

4.1.1 Section 122 of the Planning Act 2008 permits the Secretary of State to grant a DCO which contains powers of compulsory acquisition. In addition to the powers of compulsory acquisition, Section 120 of the Planning Act 2008 provides that the DCO may make provision relating to, or to matters ancillary to the development in respect of which a DCO is sought. The matters in respect of which provision may be made includes (but is not expressly limited to) matters listed in Part 1 of Schedule 5 of the Planning Act 2008:

- the acquisition of land, compulsorily, or by agreement (paragraph 1);
- the creation, suspension or extinguishment of, or interference with, interests in rights over land, compulsorily, or by agreement (paragraph 2);
- the abrogation or modification of agreements relating to land (paragraph 3); and
- the payment of compensation (paragraph 36).

4.1.2 The draft DCO contains the following provisions:

- Article 22 authorises the compulsory acquisition of any interest in land;
- Article 24 authorises the compulsory acquisition of rights over land, including by creation of rights, and the imposition of restrictive covenants;
- Article 27 provides for the extinguishment of private rights in land which is compulsorily acquired; and
- Article 29 allows the Applicant to compulsorily acquire the subsoil of land only.

4.1.3 The exercise of compulsory acquisition powers is limited by Article 23, which provides that notices under such powers must be served within five years of the date of the DCO being made.

- 4.1.4 The draft DCO (Application Document 2.1) also amends various legislation providing for compensation for compulsory acquisition to extend their provisions to cover acquisition of rights in land only as well as the land itself.
- 4.1.5 Other rights and powers in the draft DCO (Application Document 2.1) which if exercised may interfere with property rights and private interests include:
- Article 8 (Street works);
 - Article 12 (Temporary restriction of use of streets);
 - Article 17 (discharge of water);
 - Article 19 (authority to survey and investigate land);
 - Article 20 (protective work to buildings);
 - Article 34 (statutory undertakers); and
 - Article 39 (felling or lopping of trees and removal of hedgerows).
- 4.1.6 In each case (for both the principal powers and other powers) the parties having an interest in the relevant land may be entitled to compensation. Any dispute in respect of the compensation payable is to be determined by the Lands Chamber of the Upper Tribunal.
- 4.1.7 Together, these powers will allow the necessary works to take place for the development of the Proposed Development. They have been drafted to be comprehensive, whilst allowing flexibility within the process to ensure as low an impact on those affected as possible.

4.2 Consideration of alternatives

- 4.2.1 The Applicant has sought, and continues to seek, a negotiated solution to each of the identified required interests. In each case the Applicant has chosen to secure land or rights in a way that minimises disruption to the relevant owners.
- 4.2.2 Alternatives to compulsory acquisition have been explored and efforts made to minimise the number of landowners and occupiers affected by the Proposed Development. The Applicant has responded to landowner feedback received through the various stages of consultation (as set out in the Consultation Report (Application Document 5.1)) and has sought to reduce the impact on affected parties and only included permanent acquisition of land where the acquisition of rights or temporary possession is not adequate. The Applicant is continuing to seek a negotiated solution with each of the persons affected by exercise of the powers.
- 4.2.3 The Applicant has sought rights only where these are necessary and has sought to limit those rights to those which are the least intrusive. Details of the rights sought are included in schedule of the draft DCO (Application Document 2.1) and the Book of Reference (Application Document 3.3).
- 4.2.4 In the absence of compulsory acquisition, all of the land and rights necessary to allow the Proposed Development to be constructed and operated may not be acquired. The Applicant needs to have certainty that the necessary rights and land can be obtained within a reasonable timeframe. Given the clear policy support for the Proposed Development (as summarised in section 7), the granting of powers of compulsory acquisition to the Applicant for this purpose represents a proportionate and legitimate interference with private rights for the public benefit.

5 The Order Land

- 5.1.1 The Order Land comprises the land which is required for the construction, operation and maintenance of the Proposed Development. The powers will be exercisable in relation to the land listed in the Book of Reference (Application Document 3.3).
- 5.1.2 In developing the design for the Proposed Development, and in turn what the Order Land will comprise, the Applicant has borne in mind the requirements of Section 122 of the Planning Act 2008. The Order Land therefore comprises only that which is required for the development itself, or is required to facilitate that development.

5.2 Site selection

- 5.2.1 The main objective underpinning the development of the new onshore Viking CCS Pipeline was to create a linkage between CO₂ emitters in the Humber industrial area to the north of Immingham, to the existing Lincolnshire Offshore Gas Gathering System (LOGGS) Pipeline at Theddlethorpe. The Proposed Development therefore had defined start and end points. This would then allow for the captured CO₂ to be transported onwards through the offshore pipeline system to a storage area in the depleted gas fields of the Viking system beneath the North Sea.
- 5.2.2 The main consideration for the Applicant in assessing alternative options was to avoid and/or reduce adverse environmental effects whilst ensuring a technically compliant, constructable and cost-effective design solution for the Proposed Development, in accordance with relevant planning policy. The alternatives considered included alternative pipeline routes, alternative locations for above ground facilities and alternative crossing techniques.
- 5.2.3 The following guiding principles were used in the development of the design of the Proposed Development:
- Deliver a pipeline to enable the transportation of CO₂ to be undertaken in a safe and secure manner;
 - Deliver a pipeline that is technically viable and constructable;
 - Deliver a pipeline that emitters have the capability to feed into;
 - Utilise existing infrastructure or pipeline transit corridors wherever possible to help minimise impacts on the environment and minimise costs;
 - Deliver shorter, more direct routes where viable, as they are likely to have lower environmental, safety, sustainability, and cost implications (for comparable technology options); and
 - Avoid environmental or socio-economic features where possible.
- 5.2.4 Key factors that were considered for the pipeline routeing work included:

- Proximity to local communities;
- Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB);
- Landscape, historic environment and heritage considerations;
- Ecological designations;
- Water environment, in particular flood zones;
- Existing planning permissions for other developments;
- Ease of access for construction; and
- Suitability of ground conditions.

5.2.5 The design of the Proposed Development evolved through a series of steps and design iterations. Design decisions were, where relevant, informed by environmental appraisal and assessment work and by consultation with stakeholders, and the design has evolved through a continuous process of environmental assessment, consultation, and development.

5.2.6 Overall, the design evolution up to submission of the DCO application followed an eight-step process and an assessment of the various alternatives has been made as the Proposed Development's design has progressed. The Applicant's site selection process is set out in detail in ES Chapter 02 Design Evolution and Alternatives (Application Document 6.2.2).

5.3 Consultation

5.3.1 An important input into the design process for the Proposed Development was the views of those that would be affected by it, including those affected by the exercise of compulsory acquisition powers. The Applicant has undertaken pre-application engagement with stakeholders, communities and landowners to seek input and refine the design of the Proposed Development. The Applicant has sought to communicate key decisions made with regard to both design and location in a clear manner.

5.3.2 The applicant undertook non-statutory consultation between 26 April and 7 June 2022 on the pipeline route corridor. Following this, and further technical work, a number of key changes were made to the pipeline corridor, including:

- Moving the corridor further away from Stallingborough, Healing, and the Stallingborough Grange Hotel;
- Moving the corridor further away from Grainsby and North Thoresby;
- Moving the corridor further away from Covenham St Mary, Covenham St Bartholomew, Yarborough, North End and Alvingham;
- Moving the corridor further to the east of Grimoldby; and
- Moving the corridor further away from Theddlethorpe Academy.

5.3.3 The extent of these changes meant that the Applicant considered it appropriate to carry out a further round of non-statutory consultation to give people an opportunity to comment on the changes to the corridor. That further non-statutory consultation was held between 8 September and 6 October 2022 and helped to validate the updated corridor. The corridor was then refined to the preferred pipeline route.

5.3.4 Statutory consultation was undertaken between 22 November 2022 and 24 January 2023, which again led to further refinement of the design in response to feedback and further technical work to review the design. This included 10 main design revisions and some other

minor amendments to the corridor. A further statutory consultation was undertaken on those design revisions between 14 April and 14 May 2023.

- 5.3.5 Further details are set out in ES Chapter 02 Design Evolution and Alternatives (Application Document 6.2.2) and the Consultation Report (Application Document 5.1).

6 The Development Site

- 6.1.1 The land within the Order Limits comprises approximately 5,962,686 m². The Proposed Development principally runs south eastwards from the Immingham Facility, to be located in an unused section of land to the south of the VPI Immingham site, to the Theddlethorpe Facility, to be located at or near the former Theddlethorpe Gas Terminal site. The land within the Order Limits can principally be characterised as rural in nature, running primarily through agricultural land.
- 6.1.2 The key elements of the Proposed Development for which the Order Land would be used are described in the ES Chapter 3: Description of the Proposed Development (Application Document 6.2.3). A summary of these elements is set out below.

Immingham Facility

- 6.1.3 The Immingham Facility would be located in a currently unused section of land to the south of the VPI Immingham site. This facility would require a relatively small area, consisting of approximately 1.0 hectares (10,000 m²). The existing land comprises a grassed field to the west of Rosper Road, which was formerly used for construction laydown for the Immingham power station.

Pipeline Route

- 6.1.4 The Order Limits for the DCO have been developed around an indicative pipeline route. The length of the indicative route within the Order Limits is approximately 55.5km.
- 6.1.5 It is typical for a DCO (especially linear schemes) to include the ability to alter the final design of a scheme by having “limits of deviation”. For the Proposed Development, the limits of deviation and width of the Order Limits is generally 100m. The working width of the pipeline construction swathe would be a maximum of 30m located anywhere within the limits of deviation and Order Limits. An exception to this is where trenchless crossings will be required, for example at major crossings of roads, railways or watercourses, where the working width would be greater than 30m. At one location (adjacent to the Anglian Water facility) the Order Limits are 200m wide, to allow flexibility for micro-siting around future planned development.
- 6.1.6 To aid in the understanding of the potential environmental impact, the ES divides the Order Limits into five sections (Sections 1-5). A summary of the key features of each section are described in Table 1 below.

Table 6: Key Features of Order Limit Sections

Section	Description
Section 1 – Immingham Facility to A180	The pipeline leaves the tie-in at the Immingham Facility, crosses Humber Road (twice) and the railway line, and then runs parallel to Manby Road before crossing it south of the Immingham Calor Cylinder Distribution site, heading in a south westerly direction north of Immingham towards the former Immingham Golf Club (closed in 2018), which would be crossed in a more westerly direction using a trenchless technique. The pipeline then continues to travel westwards before changing direction southwards towards Mill Lane which it then crosses, before crossing Harborough Road between the Old School House and Luxmore Farm. Finally, the route then continues southwards and crosses the A180.
Section 2 – A180 to A46	After the A180 crossing, the pipeline travels east, southeast, then south, crossing Roxton Road and the Network Rail line between Stallingborough and Harbrough. The corridor continues in a south-easterly direction, passing to the west of Little London and Stallingborough and east of Keelby, crossing Keelby Road and North Beck Drain (ordinary watercourse) then crossing the A1173. From here, the pipeline continues in a south easterly direction, then turns south/south west to cross the A18 to the west of Aylesby. From here, it continues south to the A46.
Section 3 – A46 to Pear Tree Lane	The pipeline crosses the A46, at which point it enters into the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) to the east of Irby upon Humber for a distance of approximately 2.34 km. It exits the AONB by crossing the A18 for a second time. From here, it continues in a south-easterly direction paralleling the AONB boundary to the west of Barnoldby le Beck, crossing Beelsby Road. The pipeline then turns in an easterly direction and crosses Waithe Beck (a main river), continuing southeast where it crosses the B1203. From here, it travels around Ashby cum Fenby turning southwest towards the AONB boundary at Grainsby Grange. It then turns southeast, paralleling the AONB boundary for approximately 1.7 km, crossing Grainsby Lane then travelling in a south-easterly direction, crossing the A16, Station Road and Pear Tree Lane.

Section	Description
Section 4 – Pear Tree Lane to Manby Middlegate (B1200)	The pipeline continues south between Utterby to the west and Covenham St Mary to the east. From here, it continues southeast crossing the Louth Canal and River Ludd to the south of Alvingham (both of which are main rivers). The pipeline continues in an easterly direction to the north of South Cockerington and Grimoldby, crossing the Grayfleet Drain (main river) towards the B1200.
Section 5 – Manby Middlegate (B1200) to Theddlethorpe and down to MLWS	The pipeline crosses Manby Middlegate (B1200) to the east of Manby then travels in a southeasterly direction crossing the River Long Eau (a main river), Two Mile Bank Drain (ordinary watercourse) and the River Great Eau (a main river) to the south of Theddlethorpe All Saints. From here, the pipeline continues in an easterly direction, crossing Mill Road and the A1031 before connecting to the existing LOGGS pipeline at the Theddlethorpe Facility. On exiting the Theddlethorpe Facility the existing LOGGS pipeline travels east up to MLWS. An existing isolation valve is located on the existing LOGGS pipeline, west of the sand dunes.

Block Valve Stations

- 6.1.7 Three Block Valve Stations are required along the pipeline route to enable pipeline sections to be isolated for operational and maintenance reasons.
- 6.1.8 Block Valve Station No1 is located on arable land off Washingdales Lane accessed from the A18 Barton Street, approximately 900 m south west of Aylesby and 1.2 km east of village of Laceby. The nearest residential receptor is approximately 700 m to the south east on Barton Street (A18). The permanent land acquisition would be approximately 43 m x 38 m with a new 15 m x 15 m entrance created on the south side of Washingdales Lane.
- 6.1.9 Block Valve Station No2 is located on arable land and is approximately 750 m southeast of the village of Ashby cum Fenby. The nearest residential receptor is approximately 470 m northwest of the station on Main Road in Ashby cum Fenby. The permanent land acquisition would be approximately 43 m x 38 m with a 15 m x 15 m entrance created on the south side of Thoroughfare, west of an existing farm track immediately off a public road called Thoroughfare.
- 6.1.10 Block Valve Station No3 is located on arable land to the south east of the village of Alvingham and is accessed off Louth Road. The nearest residential receptor is approximately 370 m to the east of the station on Lock Road, Alvingham. The permanent land acquisition would be 43 m x 38 m with an entrance of 24 m x 15 m. An entrance will be created on the south side of Louth Road.

Theddlethorpe Facility

- 6.1.11 The Theddlethorpe Facility is required to enable the CO2 to flow from the new 24" pipeline into the existing LOGGS (36") pipeline.
- 6.1.12 This would be a new facility at the former Theddlethorpe Gas Terminal (TGT) site. Demolition of the former TGT was completed in 2021 but as the site was previously an operational facility, existing security fencing and road infrastructure remain in place. The site

is currently clear with a mixture of hard standing, stoned areas and pipeline stubs. Access to the site would be via an existing gate at the south west corner of the site. The Viking CCS pipeline would enter the repurposed TGT site from the west and terminate at new facilities built next to the existing LOGGS Pipeline, which enters the site from the east. The CO₂ would enter the site via the 24" onshore pipeline from the west and would be routed into the 36" LOGGS pipeline via a cross over connection. An additional connection would be provided to allow for future projects to connect to the Theddlethorpe Facility.

- 6.1.13 The principal function of the proposed facilities at the Theddlethorpe site is to connect the new 24" onshore pipeline to the existing and re-purposed 36" LOGGS offshore pipeline which will allow the CO₂ to flow seamlessly from onshore to offshore and onwards to the proposed storage reservoir. This will be achieved through a simple pipeline configuration that will directly connect the two pipelines and will include an appropriate section that will increase the diameter of the pipe from 24" to 36". An additional connection is provided to allow for future carbon capture projects to connect to the facilities at Theddlethorpe.

Existing LOGGS Pipeline

- 6.1.14 The existing LOGGS 36" pipeline (offshore pipeline) enters the former TGT site from the east and terminates at an existing shutdown valve within the site. The LOGGS pipeline was first operated in 1988, transporting collected natural gas from a variety of gas fields (including the Viking field) in the North Sea to shore. The pipeline ceased operations in 2018, and in line with regulations, it was flushed clean of any hydrocarbons. Several assessments have been undertaken of the pipeline including a fracture assessment, integrity assessment and CO₂ corrosion assessment, which have resulted in high confidence that the pipeline will be suitable for the transportation of the CO₂ as part of the wider Viking CCS Project.
- 6.1.15 The Applicant seeks to acquire rights in land that would authorise the use of the LOGGS pipeline for the purposes of the Proposed Development. There are no works proposed in the construction phase of the Proposed Development relating to the LOGGS pipeline, other than in respect of the tie in with the new pipeline (which would take place within the Theddlethorpe Facility) and in respect of the isolation valve noted below.
- 6.1.16 There is an existing isolation valve on the onshore section of the LOGGS pipeline, located close to the sand dunes to the east of the existing TGT site, which was used as an isolation valve for Theddlethorpe when importing gas from offshore. A new valve will be provided in the same location, in order to reduce the risk of LOGGS pipeline inventory impacting the Theddlethorpe Facility and neighbouring populations, in the event of a leak downstream of this isolation valve.

7 Need for and benefits of the Proposed Development

7.1 Introduction

- 7.1.1 The Planning Statement (Application Document 7.1) and the Needs Case for the Scheme (Application Document 7.3) set out in detail the Applicant's case for the need for the Proposed Development and the contribution it would make towards achieving the objectives of policy, including Government policy as set out in the National Policy Statements (NPSs). That case is not repeated in full here and this Statement should be read alongside these documents.

7.1.2 There is a cascade of international and national obligations, directives and policy statements that combine to place the UK on a legally binding path to reduce CO₂ emissions on an incremental basis. The Climate Change Act 2008 commits the UK Government to reducing greenhouse gas emissions by 100% of 1990 levels by 2050 and created a framework for setting a series of interim national carbon budgets and plans for national adaptation to climate risks. The 2011 Carbon Plan is the UK's national strategy under the Climate Change Act 2008 for delivering emissions reductions through to the Fourth Carbon Budget period (2023-27) and preparing for further reductions to 2050.

7.2 National Policy Statements

7.2.1 Sections 104 and 105 of Planning Act 2008 provide for the approach to be taken to decisions where an NPS has effect (section 104) and where no NPS has effect (section 105). There is currently no NPS in place that has effect for CO₂ pipelines and, as such, section 105 will apply to the determination of the Application.

7.2.2 Section 105(2) of the Planning Act 2008 requires the Secretary of State to determine applications having regard to (a) any local impact report prepared by the relevant local planning authority, (b) any matters prescribed in relation to the Proposed Development, and (c) any other matters which the Secretary of State thinks are both 'important and relevant.'

7.2.3 At the date of submission of this DCO Application, the versions of the Overarching NPS for Energy EN-1 and the NPS for Gas Supply Infrastructure and Gas and Oil Pipelines EN-4 in force were those adopted in 2011. These are considered important and relevant considerations. NPS EN-1 (2011) set out the need to decarbonise the energy system and NPS EN-4 (2011), although not specifically referencing pipelines for CCS, sets out generic pipeline consenting requirements. An updated suite of NPS for energy were published by the Department for Energy Security and Net Zero (DESNEZ) in November 2023 and laid before parliament. The new suite of NPS came into force on 17 January 2024 and significantly revised the 2011 NPSs. The Applicant considers that these are important and relevant to the determination of this application.

7.2.4 the Applicant considers that EN-1 (2023) significantly strengthens the needs case for the Proposed Development. This sets out that reaching the UK's 2050 Net Zero target necessitates a significant amount of new energy infrastructure, including "*infrastructure needed to capture transport and store carbon dioxide*" [para 2.3.4]. EN-1 (2023) goes on to state that there is an "*urgent need*" for CCS infrastructure [para 3.5.1] and that "*alternatives to new CCS infrastructure for delivering net zero by 2050 are limited*" [para 3.5.9]. Pipelines for the transport of carbon dioxide fall within the definition of "critical national priority" infrastructure, which adds significant weight in favour of the Proposed Development in the overall planning balance

7.2.5 The Planning Statement (Application Document 7.1) explains in more detail the shift in approach between 2011 and 2023 NPSs, specifically with regard to drawing out a focus on the delivery of CCS and achieving Net Zero targets. It also provides a full assessment that demonstrates that the Proposed Development is compliant with the relevant policies in both EN-1 and EN-4.

7.3 National Planning Policy

National Planning Policy Framework

7.3.1 The National Planning Policy Framework (NPPF) will also be a relevant consideration in the determination of the application.

7.3.2 The NPPF was originally adopted in March 2012 and most recently updated in September 2023. It sets out the Government's planning policies for England in respect of applications under the Town and Country Planning Act 1990. Whilst the NPPF does not contain specific policies for NSIP's, paragraph 5 confirms that matters that can be considered to be both important and relevant to NSIP's may include the NPPF and the policies within it.

7.3.3 At the heart of the NPPF is the commitment to achieve sustainable development, through ensuring three interdependent objectives: economic, social and environmental. The environmental objective focuses on protecting and enhancing our natural, built and historic environment, which includes moving towards a low carbon economy (paragraph 8). This is reiterated in chapter 14 of the NPPF which offers support for renewable and low carbon energy and associated development. The Proposed Development is a key component of the Viking CCS Project that will facilitate the delivery of sustainable development by supporting the UK's ambition to achieve net zero carbon.

National Infrastructure Strategy (November 2020)

7.3.4 The National Infrastructure Strategy describes the goals for decarbonisation of the UK's energy network, stating that to attain net zero by 2050 the power system will need to be mostly carbon free and significantly larger to cope with the additional demand from electrification in transport, heating and industrial processes. The strategy aims to make the UK a world leader in new technologies including CCS. It states that CCS will be essential to decarbonising large parts of industry producing low emissions and in delivering greenhouse gas removal technologies, permanently locking away carbon dioxide.

The Governments Ten Point Plan for a Green Industrial Revolution (November 2020)

7.3.5 In order to meet both short and medium term decarbonisation targets the Government published The Ten Point Plan for a Green Industrial Revolution in 2020, which set out how the UK would achieve these ambitious targets. The plan is described as laying the foundations for a 'Green Industrial Revolution' which will reduce UK emissions by 180 million tonnes of carbon dioxide equivalent (Mt CO₂ e) between 2023 and 2032 and help meet the target of net zero by 2050.

7.3.6 The plan considers Low Carbon Hydrogen in point 2 and states that producing low carbon hydrogen at scale will be made possible by CCS, and that the UK has unparalleled CCS sites that can be used. Point 8 in the Ten Point Plan specifically considers 'Investing in Carbon Capture, Usage and Storage' and outlines that this will be an exciting new industry to capture the carbon that we continue to emit as the UK revitalises industry. The Plan pledges financial support to establish four industrial clusters, including the Humber region where the Viking CCS Pipeline will be located, to create 'Superplaces'.

The Energy White Paper: Powering Our Net Zero Future (December 2020)

7.3.7 The Energy White Paper – Powering our Net Zero Future (2020) (EWP) was presented to Parliament in December 2020 and builds on the Ten Point Plan. At the core of the EWP is the commitment to achieve net zero and tackle climate change. The EWP seeks to put in place a strategy for the wider energy system that transforms energy, supports a green recovery, and creates a fair deal for consumers.

7.3.8 The EWP describes in the Industrial Energy chapter that the deployment of CCS is fundamental to the decarbonisation of energy intensive industries and can help secure their long-term future. The UK government will invest £1 billion up to 2023 to facilitate the deployment of CCS in two industrial clusters by the mid-2020s and a further two clusters by 2030 supporting the ambition to capture 10Mt CO₂ per year by the end of the decade. The government recognises that the UK is in a strong position a global leader in CCS technology.

Net Zero Strategy: Build Back Greener (October 2021)

7.3.9 In October 2021 the Net Zero Strategy: Build Back Greener (NZS) was published setting out how the UK will meet its sixth carbon budget. The document presents a plan for reducing reliance on fossil fuels and making the transition to low carbon energy consistent with the net zero commitments. The strategy reiterates and expands upon commitments presented within the Ten Point Plan and the EWP and shows the progress made towards each of the Ten Points in the Plan to put the UK on course to achieve Net Zero by 2050.

7.3.10 The NZS highlights the importance of CCS and states in chapter 3 that:

“To help deliver emission reductions to keep us on track for Carbon Budget 6, we will need significant expansion of power CCUS beyond the Energy White Paper commitment of one power plant by 2030.”

7.3.11 The NZS states that, it will deliver four CCS clusters capturing 20-30Mt CO₂ across the economy, including 6 Mt CO₂ of industrial emissions per year by 2030.

CCUS Supply Chains: A Road Map to Maximise the UKs Potential (2021)

7.3.12 Published by the UK government in May 2021, the CCUS Supply Chains Road Map sets out how the government and industry can work together to harness a strong industrialised UK CCS supply chain. The document reiterates that CCS is integral to the UKs Green Industrial Revolution and the UK Governments financial support to assist in establishing four industrial clusters including the Humber region, North East, North West, Scotland and Wales to assist in capturing and storing up to 10Mt of CO₂ per year by 2030.

7.3.13 The Road Map demonstrates the UK Government support for CCUS and that it is putting in place the finance, support and steps to works with industry to deliver a world class industrialised CCS sector. The Viking CCS Pipeline is a developer led project. The Applicant has a proven track record in the energy sector and is working with industry to develop the infrastructure necessary to realise one of the UKs earliest CCS projects in line with the UK Governments aspirations.

British Energy Security Strategy (2022)

7.3.14 The British Energy Security Strategy outlines proposed actions and ambitions of the UK Government to increase energy security. The Strategy reiterates the ambition for investing in CCS, including an ambition to see up to 1GW of CCS operational or in construction by 2025. The strategy also highlights the need to reuse existing infrastructure and use the great North Sea reserve of empty caverns for CO₂ storage.

7.4 Local Planning Policy

7.4.1 In deciding applications for development consent, section 105(2) of the Planning Act 2008 requires the SoS to have regard to other matters which the Secretary of State thinks are both important and relevant to the decision. NPS EN-1 at paragraph 4.15 states *“other matters that the Secretary of State may consider both important and relevant to its decision-making may include Development Plan documents or other documents in the Local Development Framework”*.

7.4.2 It is however important to recognise that whilst the provisions of the development plan documents may be matters to which the Secretary of State may have regard, there is no legal requirement to determine this application in accordance with the provisos of the development plan documents, as section 38(6) of the Planning and Compulsory Purchase Act 2004 is not applicable to applications for development consent.

7.4.3 The following Development Plan documents are relevant to the Proposed Development:

- North Lincolnshire Core Strategy (NLCS) 2006-2026, adopted June 2011;
- Saved policies in the North Lincolnshire Local Plan (2003);
- North East Lincolnshire Local Plan (NELLP) 2013 – 2032, adopted 22 March 2018;
- Central Lincolnshire Local Plan (CLLP) (April, 2023) (covering West Lindsey);
- East Lindsey Local Plan (ELLP) adopted 18 July 2018;
- Lincolnshire Minerals and Waste Local Plan including the Core Strategy and Development Management Policies Plan adopted June 2016 and the Site Locations Plan adopted December 2017.

7.4.4 The Applicant considers the DCO Proposed Development complies with the local policy and a detailed appraisal of policy compliance is provided in Appendix C to the Planning Statement (Application Document 7.1).

8 Engagement with affected parties

8.1.1 Once the parameters of the Order Limits were identified, diligent inquiry was undertaken by the Applicant to identify those likely to be impacted by the exercise of the compulsory acquisition powers.

8.1.2 Those affected fall into one of three categories as defined by Section 44 and 57 Planning Act 2008. All three categories of persons are listed in the Book of Reference (and have been consulted about the DCO application in accordance with Section 42 and Section 44 of the Planning Act 2008 as described in the Consultation Report).

8.1.3 Land referencing has been undertaken throughout the pre-application period and will continue periodically through the pre-examination and examination periods, to ensure that any changes in ownership or new interests have been identified, consulted and are subject to engagement. Appendix A sets out the land referencing methodology undertaken by the Applicant's land agents.

Category 1, 2 and 3 Persons

8.1.4 Under the Planning Act 2008, diligent inquiry must be undertaken to identify the categories of persons set out in sections 44 and 57 as Categories 1, 2 and 3.

- Category 1 comprises owners, lessees, tenants (whatever the tenancy period) and occupiers of the land.
- Category 2 comprises persons who are interested in the land or have the power to sell and convey, or to release, the land.
- Category 3, as prescribed by sections 44 and 57 of the Planning Act 2008, comprises persons who the Applicant thinks would or might be entitled to make a "relevant claim" for compensation, if the order sought by the application were to be made and fully implemented. A "relevant claim" is defined in the Planning Act 2008 as meaning a claim under section 10 of the Compulsory Purchase Act 1965, under Part 1 of the Land Compensation Act 1973 or under section 152(3) of the Planning Act 2008.

8.1.5 It should be noted that identification by the Applicant as a category 1, 2 or 3 person is not a pre-requisite for a claim to be made and nor is it acceptance that there is a valid claim to be made.

Negotiations with affected parties

- 8.1.6 A summary of the negotiations with landowners up to submission of the DCO application has been submitted as Application Document 3.4. It has not been possible so far to secure all of the necessary land and rights to develop the Proposed Development by voluntary agreement. As such it is necessary to have the option to use the compulsory acquisition powers as otherwise there is no certainty that Proposed Development can proceed.
- 8.1.7 The Applicant will continue to engage with affected persons and try to agree negotiated positions in an attempt to avoid the need to rely on the powers.

9 Case for powers sought

- 9.1.1 This section sets out the Applicant's proposals and case for the acquisition sought for each plot listed in the Book of Reference (Application Document 3.3). This includes explaining where the Applicant is seeking flexibility for the detailed design stage and where it is proposed that final land take will be reduced from that shown.
- 9.1.2 In relation to the relevant land as referred to on the Land Plans (Application Document 4.3) and the Book of Reference (Application Document 3.3), there are three classes under which the land or rights may be acquired permanently, or land used temporarily. These are:
- Permanent acquisition of land (either surface sites or subsurface).
 - Acquisition of rights only.
 - Temporary possession of land.
- 9.1.3 These classes have been identified by considering the different types of powers required to construct, operate and maintain the Proposed Development and then identifying which of those powers the Applicant will require in relation to each plot. The classes are listed in order of magnitude in the Book of Reference (Application Document 3.3) and each class includes all subordinate rights within the lesser classes.
- 9.1.4 This section demonstrates how the Secretary of State can be satisfied that the conditions in section 122 of the Planning Act 2008 have been met. The Applicant considers that the land which is proposed to be subject to compulsory acquisition is either required for the development, or is required to facilitate or is incidental to the development.
- 9.1.5 The following paragraphs of section set out the purposes for which compulsory acquisition and temporary possession powers are necessary in relation to each individual plot, with reference (in column 2) to the relevant numbered works (comprising the authorised development as set out in Schedule 1 to the DCO). The proposed use of the land is set out in column 3 of each table.
- 9.1.6 The Applicant has had regard to the CA Guidance, which indicates that Applicants must be able to demonstrate:

- that all reasonable alternatives to compulsory acquisition have been explored;
- that the interference with rights is for a legitimate purpose, is necessary and is proportionate;
- how the land will be used;
- that there is a reasonable prospect of the requisite funds becoming available; and
- that Article 1 of the First Protocol to the European Convention on Human Rights (ECHR) and Article 8 of the ECHR have been considered.

9.1.7 The Applicant has given careful consideration to the land/rights required and has sought to balance the requirement to secure sufficient land to ensure delivery of the Proposed Development, noting that detailed design is to be completed, whilst also minimising land take. Where less land is to be required in a particular area following the detailed design stage, the Applicant would only seek to acquire that reduced area of land that is required and, in all events, will seek to minimise effects on landowners.

9.2 Permanent Acquisition of Land

Surface sites

9.2.1 Land where freehold acquisition is sought is listed in Table 2 and are shown tinted pink on the Land Plans (Application Document 4.3). Freehold acquisition of this land will ensure the Applicant has the exclusive possession and control of the land necessary for the safe construction, operation, maintenance and decommissioning of the Proposed Development.

Table 2: Permanent acquisition of land for surface sites

Book of Reference and Land Plan plot number	Required for Work No.	Purpose for which land is required
1/32, 1/59	1	Acquisition of all estates and interests in land for construction, operation, maintenance and decommissioning of that part of the authorised development being the above ground infrastructure forming the Immingham Facility (Work No. 1).
10/5, 10/6	14, 14a	Acquisition of all estates and interests in land for construction, operation, maintenance and decommissioning of that part of the authorised development being the block valve station at Washingdales Lane BVS (Work No. 14) and access to Washingdales Lane BVS (Work No. 14a).
16/4, 16/5	21, 21a	Acquisition of all estates and interests in land for construction, operation, maintenance and decommissioning of that part of the authorised development being the block valve station at Thoroughfare BVS (Work No. 21) and access to Thoroughfare BVS (Work No. 21a).
26/4, 26/5	31, 31a	Acquisition of all estates and interests in land for construction, operation, maintenance and decommissioning of that part of the authorised development being the block valve station at Louth Road BVS (Work No. 31) and access to Louth Road BVS (Work No. 31a).
35/35, 35/37, 35/38	44	Acquisition of all estates and interests in land for construction, operation, maintenance and decommissioning of that part of the authorised development being the above ground infrastructure forming the Theddlethorpe Facility (Work No. 44).
36/8	48	Acquisition of all estates and interests in land for construction, operation, maintenance and decommissioning of that part of the authorised development being the removal and replacement of an existing isolation valve with a new isolation valve at the Dune Valve Station.

- 9.2.2 Freehold acquisition is sought for the Immingham Facility, the Theddlethorpe Facility and the three BVS, as well as for permanent accesses to those locations. The extent of each of the sites identified is determined by the spatial requirements for the operational compounds of the installations, including supporting equipment, operational safety, access, landscaping, surface water drainage and security.
- 9.2.3 The locations and size of these sites was determined through consideration of engineering design, routing studies, environmental studies and feedback received during consultation. A summary of the alternatives considered and design of the AGI is set out in ES Chapter 02 Design Evolution and Alternatives (Application Document 6.2.2) and ES Chapter 3: Description of the Proposed Development (Application Document 6.2.3). The precise location and configuration of the AGI and BVS will depend on the final detailed design. General arrangement plans (Application documents 4.6, 4.7, 4.14, 4.15 and 4.16) have been submitted showing an indicative layout. The final extent of the land to be acquired within each of the plots identified in table 2 will be confirmed during the detailed design.
- 9.2.4 In respect of the Theddlethorpe Facility, it is essential for the Proposed Development to be able to connect into the LOGGS pipeline, which is located within the site of the former Theddlethorpe Gas Terminal. The former TGT site is owned by National Gas Transmission

plc (“NGT”). In early discussions about the use of the site for the Proposed Development, the Applicant was advised by NGT that they were exploring plans for its future development. NGT has not, at this stage, disclosed to the Applicant what those alternative plans are.

9.2.5 NGT is a statutory undertaker for the purposes of the Planning Act 2008. Section 127 of the Planning Act 2008 includes additional protections on ‘statutory undertakers’ land’, as defined in section 127(1). As set out in more detail below (section 10), based on the information available to the Applicant this land is not considered to be “statutory undertakers’ land” that would be afforded additional protections under section 127 of the Planning Act 2008. Furthermore, the Applicant considers that even if that was the case, the land could be purchased or a right in it acquired without causing serious detriment to the carrying on of NGT’s undertaking. The Secretary of State can be satisfied that they can grant the DCO including the powers sought by the Applicant over the land.

Pipeline

9.2.6 Land is required for the construction, operation and maintenance of the pipeline. The Applicant is seeking to agree voluntary long leases over the strata of the subsurface land to obtain the necessary rights to construct, operate and maintain the Viking CCS Pipeline. The Applicant requires all estates and interests in the subsurface in which the pipeline would lie, together with a ‘layer’ of additional subsurface land around the pipeline itself to form a protective barrier. The proposed width of the subsurface acquisition is a maximum of 8m.

9.2.7 In addition, the Applicant seeks powers to compulsorily acquire new rights (including restrictive covenants) for the benefit of the land acquired for the pipeline, including over the surface of the land above the Viking CCS Pipeline. The width of the land affected will generally be 30m. The purposes for which such new rights are sought include rights of access for maintenance, and restrictive covenants to secure protection of the pipeline.

9.2.8 Rights are sought by the applicant to lay down, construct, install, adjust, alter, test, use, maintain, repair, renew, upgrade, inspect, survey, cleanse, re-lay, divert, make safe, make incapable of operation, replace and remove the pipeline. The rights sought include all those necessary to undertake the works, including rights of access across the land, rights to enter and occupy land to carry out works, temporary storage of materials, drainage rights, rights to divert utilities, and rights to install the cables using trenchless installation techniques. Rights are also sought to erect temporary fencing and signage that will be required as part of the construction works and to clear obstacles such as fences, woods, hedges, trees or shrubs. The rights sought include powers to create temporary accesses.

9.2.9 Restrictive covenants will be imposed over the pipeline corridor to provide protection to pipeline once it is installed. These would prevent buildings or other erections being built over the pipeline. The consent of the undertaker (such consent not to be unreasonably withheld) will be required for hard surfacing or planting of any trees, shrubs or underwood along the pipeline route. Excavation would be prevented other than normal ploughing for agricultural purposes. A restrictive covenant is also sought to protect any habitat creation or enhancement carried out on the land as part of the authorised development. This will allow the Applicant to ensure that any mitigation or compensation to be provided can be retained and maintained for the required period. The power to impose restrictive covenants reduces the extent of the land that would otherwise be subject to outright acquisition and thus enable a more proportionate exercise of compulsory powers. It is therefore in the public interest.

9.2.10 The precise location of the pipeline, its associated subsurface land take and acquisition of new surface rights will depend on its route alignment within the corridor of land shown shaded orange on the Land Plans (Application Document 4.3). This corridor within the Order limits is generally 100m wide to allow for the routing that will be finalised through detailed design.

9.2.11 Land that may be required for the acquisition of all estates and interest in subsurface strata of land and rights above are listed in Table 3.

Table 3: Permanent acquisition of land for pipeline

Book of Reference and Land Plan plot number	Required for Work No.	Acquisition	Rights and restrictive covenants which would be sought on the surface for the benefit of the sub-surface strata acquired
		Acquisition of all estates and interests in subsurface land and rights above for construction, operation, maintenance and decommissioning of the authorised development.	The right to enter and remain upon the land for the purposes of the construction, operation, maintenance and decommissioning of the authorised development and to—
1/36, 1/37, 1/38, 1/39, 1/40, 1/41, 1/42, 1/44, 1/45, 1/46, 1/47, 1/48, 1/49, 1/50, 1/51, 1/53, 1/54, 1/58, 1/60, 1/61, 1/64, 1/67, 1/68, 1/69, 1/70, 1/71, 1/72, 1/73, 1/74, 1/75, 1/76, 1/77, 1/78, 1/79, 2/18, 2/21	3		(a) lay down, construct, install, adjust, alter, test, use, maintain, repair, renew, upgrade, inspect, survey, cleanse, re-lay, divert, make safe, make incapable of operation, replace and remove the pipeline together with ancillary equipment including cathodic protection to include installation by digging trenches, the use of or resorting to trenchless installation techniques for the laying of the pipeline within a corridor of up to 50 metres in width;
2/3, 2/4, 2/5, 2/7, 2/9, 2/12, 2/13, 2/14, 2/15, 2/16, 2/17, 2/19, 2/20	4		(b) enter and be upon that part of the land over which the new rights are acquired and remain with or without all necessary plant, vehicles, machinery, materials, drilling fluids, apparatus and equipment—
2/1, 3/11	5		i. for the purposes of installing, constructing, adjusting, altering, testing, using, maintaining, repairing, renewing, upgrading, inspecting, surveying, cleansing, re-laying, diverting, making safe, making incapable of operation, replacing and removing the pipeline and ancillary equipment to include cathodic protection;
3/1, 3/2, 3/3, 3/4, 3/5, 3/6, 3/7, 3/8, 3/9, 3/10, 5/1	6		ii. to remove, store and stockpile topsoil and subsoil and materials;
5/2, 5/3, 5/4, 5/5, 5/6, 5/7, 5/8, 5/9, 5/10, 6/3, 6/6, 6/8, 6/11	8		iii. install water barriers, trench shuttering and pumping equipment; and
6/4, 6/5, 6/7, 6/9, 6/10, 6/12, 6/13, 6/14, 6/15, 7/2, 7/4, 7/5	9		iv. to restore and reinstate the land to its condition prior to commencement of the works to install the pipeline and ancillary equipment to include cathodic protection (subject to the retention of permanent works) following their installation within the land;
7/1, 7/3, 7/6, 7/7, 7/8, 7/9, 7/10, 8/1	10		(c) retain and use the pipeline and ancillary equipment to include cathodic protection within that part of the land over which the new rights are acquired for the purpose of the transmission of carbon dioxide and for associated purposes;
8/2, 8/3, 8/4, 8/5, 8/6, 8/7, 8/8, 8/9, 8/10, 8/11, 9/2	11		(d) upgrade, improve, widen, repair, maintain and adapt existing tracks and roadways and to pass and re-pass within that part of the land over which the new rights are acquired with or without vehicles, plant and machinery;
9/4, 9/5, 9/7, 9/8, 9/9, 9/10, 9/11, 9/12, 10/1	12		(e) place and use apparatus, materials (including matting, trackways, hard standing and other material in connection with construction of haul and access roads and storage areas), plant, machinery, trench shuttering, temporary structures and welfare accommodation for the installation, construction, maintenance, repairing, renewing, upgrading, inspecting, removal and replacing of the pipeline and ancillary equipment to include cathodic protection within that part of the land over which the new rights are acquired; and to construct, lay down, use and remove temporary haul and access roads, trackways, matting and other suitable materials, including for any necessary temporary bridging of statutory undertakers'
10/2, 10/3, 10/4, 10/7, 10/10, 10/11, 10/12, 11/1	13		

Book of Reference and Land Plan plot number	Required for Work No.	Acquisition	Rights and restrictive covenants which would be sought on the surface for the benefit of the sub-surface strata acquired
11/2, 11/3, 11/4, 11/5, 11/6, 11/7, 11/8, 11/9, 11/11, 11/13, 12/1	15		apparatus, other apparatus, conduits, watercourses, ditches and drains; and to effect access to the highway;
12/2, 12/3, 12/4, 12/5, 12/7, 12/9, 13/4	16		(f) install, keep, maintain, replace, renew and remove pipeline marker posts, test posts and aerial markers within that part of the land over which the new rights are acquired, to identify the location of the pipeline (subject to the undertaker seeking to locate the marker posts so as to minimise interference with the owner's future use and operations within the land);
13/5, 13/7, 13/8, 13/9, 13/10, 13/11, 14/1	17		(g) fell, lop, prune or cut trees, shrubs or hedges or remove roots of trees, hedges or shrubs within that part of the land over which the new rights are acquired for the purposes of installing, constructing, adjusting, altering, testing, using, maintaining, repairing, renewing, upgrading, inspecting, surveying, cleansing, re-laying, diverting, making safe, making incapable of operation, replacing and removing the pipeline and ancillary equipment;
14/2, 14/6, 14/7, 14/8, 15/1	18		(h) use, inspect, modify, maintain, adjust, alter, support, renew, repair, improve, extend, test or cleanse and to connect in to existing drainage, watercourses, sewers or culverts and to manage water flows in existing drains, watercourses and culverts, including by way of damming and overpumping within that part of the land over which the new rights are acquired;
15/2, 15/3, 15/4, 15/5, 15/6, 15/7, 15/8, 15/9, 15/10, 16/1	19		(i) alter, re-lay, maintain, adjust or remove existing pipes, cables or conduits or service media and associated apparatus (including apparatus of statutory undertakers) within that part of the land over which the new rights are acquired;
16/2, 16/3, 16/6, 16/10, 17/2	20		(j) install, construct, maintain, use, improve, cleanse, repair, replace and remove new pipes, cables, conduits, service media and associated apparatus that are used for the purposes of transmitting or distributing electricity, communications, carbon dioxide, gas, oil, water supply, sewerage and drainage (including apparatus of statutory undertakers) within that part of the land over which the new rights are acquired;
17/1, 18/1, 18/4, 18/5	22		(k) erect, maintain and remove temporary fencing for site safety and to create, retain and remove temporary secure works compounds within that part of the land over which the new rights are acquired;
18/2, 18/3, 18/6, 18/7, 18/8, 18/9, 18/10, 18/11, 19/1, 19/2, 19/3, 19/4, 19/5, 19/6, 19/7	23		(l) remove fences, hedges, gates or other barriers during any period during which laying down, construction, installation, adjusting, altering, testing, maintaining, repairing, renewing, upgrading, cleansing, relaying, diverting, making safe, making incapable of operation, replacing and removing the pipeline and ancillary equipment to include cathodic protection (subject to the prior erection of any temporary stock proof fencing as is reasonably required and the replacement, replanting or re-instatement of fences, hedges or other barriers following the exercise of the new rights);
19/8, 19/9, 19/10, 19/11, 19/12, 19/13, 19/14, 19/15, 19/16, 19/17, 19/18, 19/19, 19/20, 19/21, 19/22, 19/23, 19/24, 19/25, 19/26, 19/27, 19/28, 19/29, 19/30, 19/31, 19/32, 19/33, 19/34, 19/35, 19/36, 19/37, 19/38, 19/39, 19/40, 19/41, 19/42, 19/43, 19/44, 19/45, 20/1, 20/2, 20/3	24		(m) install, maintain, use, inspect, modify, improve, adjust, repair, replace, extend, test, cleanse and remove temporary and permanent drainage;
20/4, 20/5, 20/8, 20/12, 20/15, 20/16, 20/17,	25		

Book of Reference and Land Plan plot number	Required for Work No.	Acquisition	Rights and restrictive covenants which would be sought on the surface for the benefit of the sub-surface strata acquired
20/18, 20/19, 20/20, 20/21, 20/22, 20/23, 20/24, 20/25, 20/26, 20/27, 20/28, 20/29, 20/30, 21/1, 21/2, 21/3,			(n) carry out environmental surveys, mitigation works, maintenance and enhancement works within that part of the land over which the new rights are acquired;
21/4, 21/5, 21/6, 21/7, 21/8, 21/9, 21/10, 21/11, 21/12, 21/13, 21/14, 21/15, 21/16, 21/17, 21/18, 22/1, 22/2	26		(o) enter for the purposes of intrusive surveys including for site investigation and environmental surveys, making of boreholes, trial pits and archaeological trenches, auger hole sampling and the taking of soil and other samples, and to reinstate the land to its condition prior to commencement of such works;
22/3, 22/4, 22/5, 22/6, 22/7, 23/1	27		(p) benefit from continuous vertical and lateral support for the pipeline and associated apparatus;
23/2, 23/3, 23/4, 23/5, 23/6, 23/7, 23/8, 23/9, 23/10, 23/11, 23/12, 24/1,	28		(q) erect temporary signage and provide measures for benefit of public and personnel safety;
24/2, 24/3, 24/8, 24/9, 24/10, 24/11, 25/1, 25/3	29		(r) install, execute, implement, retain, repair, improve, renew, remove, relocate and plant trees, woodland, shrubs, hedgerows, seedlings and other ecological measures together with the right to maintain, inspect and replant such trees, shrubs, landscaping for the period of aftercare and maintenance of such planting (as set out in the landscape and ecological management plan approved under this Order);
25/2, 25/4, 25/5, 25/6, 25/7, 25/10, 26/2, 26/3	30		(s) install, execute, implement, retain, repair, improve, renew, relocate, maintain and carry out mitigation, maintenance, remediation works for environmental or ecological mitigation or enhancement works, including the creation of hibernacula, introduction of artificial badger setts and installation of bat boxes; and
26/6, 26/7, 26/9, 26/10, 26/11, 26/12, 26/13, 26/14, 27/1	32		(t) erect, maintain and remove temporary noise alleviation measures as well as temporary barriers for the protection of fauna within that part of the land over which the new rights are acquired.
27/2, 27/3, 27/4, 27/5, 27/6, 27/7, 27/8, 27/9, 27/10, 27/11, 27/12, 27/13, 28/1, 28/2	33		A restrictive covenant over the Land for the benefit of the remainder of the Order land to:
28/3, 28/4, 28/5, 28/6, 28/8, 28/12, 28/13, 28/14, 28/15, 28/16, 28/17, 29/1, 29/2, 29/6,	34		(a) prevent any activity being undertaken on the Land which would interfere with the vertical or lateral support of the pipeline;
29/8, 29/9, 29/10, 29/11, 29/12, 29/13, 29/14, 29/15, 30/1	35		(b) prevent anything being done which may interfere with free flow and passage of carbon dioxide along the pipeline or telecommunications through the cables ancillary to the pipeline, or support for the authorised development;
			(c) prevent anything to be done in or upon the Land or any part thereof for the purpose of the erection of any buildings or construction erection or works of any kind (including the foundations or footings thereto);
			(d) prevent anything to be done by way of hard surfacing of the Land with concrete of any kind or with any other material or surface whatsoever without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed if the proposed

Book of Reference and Land Plan plot number	Required for Work No.	Acquisition	Rights and restrictive covenants which would be sought on the surface for the benefit of the sub-surface strata acquired
30/2, 30/6, 30/7, 30/8, 30/9, 30/10, 30/11, 30/12, 30/16, 30/17, 30/18, 30/19, 30/20, 30/21, 30/22, 30/23, 30/24, 30/25, 31/1, 31/6, 31/7, 31/8, 31/9, 31/10	36		<p>surfacing would not cause damage to relevant part of the authorised development nor make it materially more difficult or expensive to maintain the authorised development);</p> <p>(e) prevent anything to be done by way of mole draining or excavation of any kind in the Land nor any activities which would alter, increase or decrease ground cover or soil levels in any manner whatsoever without the consent in writing of the undertaker save as are reasonably required for agricultural activities (being ploughing to no deeper than 0.7m for the purposes of arable farming);</p>
31/2, 31/3, 31/4, 31/5, 31/11, 31/12, 31/13, 31/14, 31/15, 31/16, 31/17, 31/18, 31/19, 31/20, 31/21, 31/22, 31/23, 31/24,	37		<p>(f) prevent the planting or growing within the Land of any trees, shrubs or underwood without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed provided that the proposed trees, shrubs or underwood would not cause damage to the relevant part of the authorised development nor make it materially more difficult or expensive to access the relevant part of the authorised development);</p> <p>(g) prevent, without the written consent of the undertaker, the carrying out operations or actions (including but not limited to blasting and piling) which may obstruct, interrupt, or interfere with the exercise of the rights or damage the authorised development; and</p>
31/25, 32/1, 32/2, 33/1	38		
33/2, 33/3, 33/4, 33/5, 33/6, 33/7, 33/8, 33/9, 33/10, 33/11, 33/12, 33/13, 34/1, 34/2, 34/3, 34/4,	39		<p>(h) prevent any activity which would in the reasonable opinion of the undertaker result in the disturbance of the drainage works, ecological mitigation areas or areas of habitat creation including any ploughing or grazing without the prior written consent of the undertaker.</p>
34/5, 34/6, 34/7, 34/8, 34/9, 34/10, 34/11, 34/12, 34/13, 34/14, 34/15, 34/16, 34/17, 34/18, 34/19, 34/20, 34/21, 34/22, 34/23, 34/24	40		
34/25, 34/26, 35/1, 35/5, 35/7, 35/12	41		
35/15, 35/16, 35/17, 35/18, 35/19, 35/21, 35/22, 35/23, 35/31, 35/33	43		

9.2.12 The working width required for construction of the pipeline is typically 30 metres, widened at major crossings or areas of trenchless crossing. This width requirement is in accordance with industry practice and involves the following activities as required:

- Installation of access and laydown area and/or crossing point
- Erection of temporary fencing to mark out the working width
- Removal of any hedges and trees
- Strip top soil and store on side of working width
- Subsoil grading, benching and running track installation
- Installation of pre-construction land drainage (if required)
- Pipe lengths are transported to the location and laid out on wooden skids in preparation for welding
- Cold field bending of pipe
- Pipeline sections are welded together and tested for integrity
- Field coating of welds
- Pipe trench is excavated
- Welded pipe “string” is lowered into the trench
- Trench is back filled
- Hydrostatic testing, cleaning, drying and gauging
- Test section areas tied-in and backfilled (as applicable)
- Fibre optic cables installed
- Cathodic Protection installed (as applicable)
- Sub Soil ripping and grading
- Top-spoil re-spread over working width
- Top soil harrowing, stone picking and re-planting to make suitable for agricultural use again (as applicable)
- Re-planting of hedge rows
- Temporary fencing removed
- Installation of pipeline marker and test posts

9.2.13 The working width of the land required is also necessary to accommodate a safe working environment during pipeline construction and is in line with industry practice.

9.3 Acquisition of Rights Only

9.3.1 The Applicant requires permanent rights of access for the construction, operation and maintenance of the Proposed Development. Table 4 comprises the plots over which either rights are sought for access, to instal electrical connections, or to re-purpose the existing LOGGS pipeline.

Table 4: Permanent acquisition of rights

Book of Reference and Land Plan plot number	Required for Work No.	Purpose for which land is required	Purpose for which rights may be acquired
1/43	1b	Acquisition of rights over land for access associated with construction, operation and maintenance of the pipeline.	Rights for the purposes of the construction, installation, operation, maintenance and decommissioning of the authorised development to— <ul style="list-style-type: none"> (a) pass and re-pass with or without vehicles, plant, machinery, apparatus, equipment and materials for the purposes of laying down, installing, adjusting, altering, constructing, using, maintaining, repairing, renewing, inspecting, removing and replacing the authorised development, the inspection, testing, maintenance, renewal, upgrading, replacement and removal of the pipeline and connection into any adjacent pipeline and associated works, to take plant and equipment on to adjoining land; (b) make such investigations in or on the Land which is ancillary for the purposes of exercise of the rights; (c) construct, use, maintain and improve a permanent means of access including visibility splays, and retain, maintain, straighten, widen, repair, alter, upgrade and use existing access routes for the purposes of accessing the Land, adjoining land and highway; (d) place and use plant, machinery, structures and temporary structures within the Land, and to erect temporary signage and provide measures for the benefit of public and personnel safety; (e) fell, lop or cut, coppice wood, uproot trees or hedges or shrubs which now or hereafter may be standing on the Land; (f) repair, improve, renew, remove, relocate and plant trees, woodland, shrubs, hedgerows, seeding and other ecological measures together with the right to maintain, inspect and replant such trees, shrubs and landscaping;
35/20, 35/24, 35/30, 35/34	44a		
35/36	47a		
36/3, 36/4, 36/5, 36/6, 36/7, 36/11	48b		

Book of Reference and Land Plan plot number	Required for Work No.	Purpose for which land is required	Purpose for which rights may be acquired
			<p>(g) install, execute, implement, retain, repair, improve, renew, relocate, maintain and carry out mitigation, maintenance, remediation works for environmental or ecological mitigation or enhancement works, including temporary works for noise alleviation measures and the installation of temporary barriers for the protection of fauna;</p> <p>(h) erect and remove temporary fencing, gates, walls, barriers or other means of enclosure; and</p> <p>(i) lay out temporary paths and bridleways for public use as temporary diversions for public rights of way which are interfered with during any period in which construction, maintenance, repair or renewal decommissioning is being carried out.</p> <p>A restrictive covenant over the Land for the benefit of the remainder of the Order land to:</p> <p>(a) prevent anything being done which may interfere with free flow and passage of carbon dioxide along the pipeline or telecommunications through the cables ancillary to the pipeline, or support for the authorised development;</p> <p>(b) prevent anything to be done in or upon the Land or any part thereof for the purpose of the erection of any buildings or construction erection or works of any kind (including the foundations or footings thereto);</p> <p>(c) prevent the planting or growing within the Land of any trees, shrubs or underwood without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed provided that the proposed trees, shrubs or underwood would not cause damage to the relevant part of the authorised</p>

Book of Reference and Land Plan plot number	Required for Work No.	Purpose for which land is required	Purpose for which rights may be acquired
			<p>development nor make it materially more difficult or expensive to access the relevant part of the authorised development); and</p> <p>(a) (d) prevent carrying out operations or actions (including but not limited to blasting and piling) which may obstruct, interrupt, or interfere with the exercise of the rights or damage the authorised development.</p>
1/52, 1/55, 1/56, 1/62, 1/63, 1/65, 1/66	1c	Acquisition of rights over land associated with installing an electrical connection, including associated access.	<p>The right to enter and remain upon the land for the purposes of the construction, operation, maintenance and decommissioning of the authorised development and to—</p> <p>(a) install, construct, maintain, use, improve, cleanse, repair, replace and remove cables, conduits, service media and associated apparatus that are used for the purposes of transmitting or distributing electricity and communications within that part of the land over which the new rights are acquired;</p> <p>(b) pass and re-pass with or without vehicles, plant, machinery, apparatus, equipment and materials for the purposes of laying down, installing, adjusting, altering, constructing, using, maintaining, repairing, renewing, inspecting, removing and replacing cables, conduits, service media and associated apparatus as part of the authorised development;</p> <p>(c) make such investigations in or on the Land which is ancillary for the purposes of exercise of the rights;</p> <p>(d) place and use plant, machinery, structures and temporary structures within the Land, and to erect temporary signage and provide measures for the benefit of public and personnel safety;</p> <p>(e) fell, lop or cut, coppice wood, uproot trees or hedges or shrubs which now or hereafter may be standing on the Land;</p> <p>(f) repair, improve, renew, remove, relocate and plant trees, woodland, shrubs, hedgerows, seeding and other ecological</p>
10/8, 10/9, 10/13, 10/14, 10/15, 10/16	14b		
16/7, 16/8	21b		
25/8, 25/9, 26/1	31b		
35/24, 35/27, 35/29, 35/32, 35/39, 35/40, 35/41	45		
36/2	48a		

Book of Reference and Land Plan plot number	Required for Work No.	Purpose for which land is required	Purpose for which rights may be acquired
			<p>measures together with the right to maintain, inspect and replant such trees, shrubs and landscaping;</p> <p>(g) install, execute, implement, retain, repair, improve, renew, relocate, maintain and carry out mitigation, maintenance, remediation works for environmental or ecological mitigation or enhancement works, including temporary works for noise alleviation measures and the installation of temporary barriers for the protection of fauna;</p> <p>(h) erect and remove temporary fencing, gates, walls, barriers or other means of enclosure; and</p> <p>(i) lay out temporary paths and bridleways for public use as temporary diversions for public rights of way which are interfered with during any period in which construction, maintenance, repair or renewal decommissioning is being carried out.</p> <p>A restrictive covenant over the Land for the benefit of the remainder of the Order land to:</p> <p>(a) prevent anything being done which may interfere with free flow and passage of carbon dioxide along the pipeline or telecommunications through the cables ancillary to the pipeline, or support for the authorised development;</p> <p>(b) prevent anything to be done in or upon the Land or any part thereof for the purpose of the erection of any buildings or construction erection or works of any kind (including the foundations or footings thereto);</p> <p>(c) prevent the planting or growing within the Land of any trees, shrubs or underwood without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed provided that the proposed trees, shrubs or underwood</p>

Book of Reference and Land Plan plot number	Required for Work No.	Purpose for which land is required	Purpose for which rights may be acquired
			<p>would not cause damage to the relevant part of the authorised development nor make it materially more difficult or expensive to access the relevant part of the authorised development); and</p> <p>(d) prevent carrying out operations or actions (including but not limited to blasting and piling) which may obstruct, interrupt, or interfere with the exercise of the rights or damage the authorised development.</p>
<p>36/12, 36/13, 36/14, 36/15, 36/16</p>	<p>N/A - Existing Pipeline</p>	<p>Acquisition rights for the operation, maintenance and decommissioning of the authorised development.</p>	<p>The right to enter and remain upon the land for the purposes of the operation, maintenance and decommissioning of the authorised development and to—</p> <ul style="list-style-type: none"> (a) use, maintain, repair, renew, upgrade, inspect, survey, cleanse, re-lay, divert, make safe, make incapable of operation, replace and remove the existing pipeline together with ancillary equipment including cathodic protection; (b) enter and be upon that part of the land over which the new rights are acquired and remain with or without all necessary plant, vehicles, machinery, materials, drilling fluids, apparatus and equipment for the purposes of using, maintaining, repairing, renewing, upgrading, inspecting, surveying, cleansing, re-laying, diverting, making safe, making incapable of operation, replacing and removing the pipeline and ancillary equipment to include cathodic protection; (c) retain and use the existing pipeline and ancillary equipment within that part of the land over which the new rights are acquired for the purpose of the transmission of carbon dioxide and for associated purposes; (d) place and use apparatus, materials (including matting, trackways, hard standing and other material in connection with construction of haul and access roads and storage areas), plant, machinery,

Book of Reference and Land Plan plot number	Required for Work No.	Purpose for which land is required	Purpose for which rights may be acquired
			<p>trench shuttering, temporary structures and welfare accommodation for the maintenance, repairing, renewing, upgrading, inspecting, removal and replacing of the pipeline and ancillary equipment to include cathodic protection within that part of the land over which the new rights are acquired; and to construct, lay down, use and remove temporary haul and access roads, trackways, matting and other suitable materials, including for any necessary temporary bridging of statutory undertakers' apparatus, other apparatus, conduits, watercourses, ditches and drains; and to effect access to the highway;</p> <p>(e) install, keep, maintain, replace, renew and remove pipeline marker posts, test posts and aerial markers within that part of the land over which the new rights are acquired, to identify the location of the pipeline (subject to the undertaker seeking to locate the marker posts so as to minimise interference with the owner's future use and operations within the land);</p> <p>(f) fell, lop, prune or cut trees, shrubs or hedges or remove roots of trees, hedges or shrubs within that part of the land over which the new rights are acquired for the purposes of using, maintaining, repairing, renewing, upgrading, inspecting, surveying, cleansing, re-laying, diverting, making safe, making incapable of operation, replacing and removing the pipeline and ancillary equipment;</p> <p>(g) use, inspect, modify, maintain, adjust, alter, support, renew, repair, improve, extend, test or cleanse and to connect in to existing drainage, watercourses, sewers or culverts and to manage water flows in existing drains, watercourses and culverts, including by way of damming and overpumping within that part of the land over which the new rights are acquired;</p> <p>(h) alter, re-lay, maintain, adjust or remove existing pipes, cables or conduits or service media and associated apparatus (including</p>

Book of Reference and Land Plan plot number	Required for Work No.	Purpose for which land is required	Purpose for which rights may be acquired
			<p>apparatus of statutory undertakers) within that part of the land over which the new rights are acquired;</p> <ul style="list-style-type: none"> (i) install, construct, maintain, use, improve, cleanse, repair, replace and remove new pipes, cables, conduits, service media and associated apparatus that are used for the purposes of transmitting or distributing electricity, communications, carbon dioxide, gas, oil, water supply, sewerage and drainage (including apparatus of statutory undertakers) within that part of the land over which the new rights are acquired; (j) erect, maintain and remove temporary fencing for site safety and to create, retain and remove temporary secure works compounds within that part of the land over which the new rights are acquired; (k) remove fences, hedges, gates or other barriers during any period during which laying down, construction, installation, adjusting, altering, testing, maintaining, repairing, renewing, upgrading, cleansing, relaying, diverting, making safe, making incapable of operation, replacing and removing the pipeline and ancillary equipment to include cathodic protection (subject to the prior erection of any temporary stock proof fencing as is reasonably required and the replacement, replanting or re-instatement of fences, hedges or other barriers following the exercise of the new rights); (l) install, maintain, use, inspect, modify, improve, adjust, repair, replace, extend, test, cleanse and remove temporary and permanent drainage; (m) carry out environmental surveys, mitigation works, maintenance and enhancement works within that part of the land over which the new rights are acquired; (n) enter for the purposes of intrusive surveys including for site investigation and environmental surveys, making of boreholes, trial

Book of Reference and Land Plan plot number	Required for Work No.	Purpose for which land is required	Purpose for which rights may be acquired
			<p>pits and archaeological trenches, auger hole sampling and the taking of soil and other samples, and to reinstate the land to its condition prior to commencement of such works;</p> <ul style="list-style-type: none"> (o) benefit from continuous vertical and lateral support for the pipeline and associated apparatus; and (p) erect temporary signage and provide measures for benefit of public and personnel safety. <p>A restrictive covenant over the Land for the benefit of the remainder of the Order land to:</p> <ul style="list-style-type: none"> (a) prevent any activity being undertaken on the Land which would interfere with the vertical or lateral support of the pipeline; (b) prevent anything being done which may interfere with free flow and passage of carbon dioxide along the pipeline or telecommunications through the cables ancillary to the pipeline, or support for the authorised development; (c) prevent anything to be done in or upon the Land or any part thereof for the purpose of the erection of any buildings or construction erection or works of any kind (including the foundations or footings thereto); (d) prevent anything to be done by way of hard surfacing of the Land with concrete of any kind or with any other material or surface whatsoever without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed if the proposed surfacing would not cause damage to relevant part of the authorised development nor make it materially more difficult or expensive to maintain the authorised development); (e) prevent anything to be done by way of mole draining or excavation of any kind in the Land nor any activities which would alter, increase or decrease ground cover or soil levels in any manner

Book of Reference and Land Plan plot number	Required for Work No.	Purpose for which land is required	Purpose for which rights may be acquired
			<p>whatsoever without the consent in writing of the undertaker save as are reasonably required for agricultural activities (being ploughing to no deeper than 0.7m for the purposes of arable farming);</p> <p>(f) prevent the planting or growing within the Land of any trees, shrubs or underwood without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed provided that the proposed trees, shrubs or underwood would not cause damage to the relevant part of the authorised development nor make it materially more difficult or expensive to access the relevant part of the authorised development);</p> <p>(g) prevent, without the written consent of the undertaker, the carrying out operations or actions (including but not limited to blasting and piling) which may obstruct, interrupt, or interfere with the exercise of the rights or damage the authorised development; and</p> <p>(h) prevent any activity which would in the reasonable opinion of the undertaker result in the disturbance of the drainage works, ecological mitigation areas or areas of habitat creation including any ploughing or grazing without the prior written consent of the undertaker.</p>

9.4 Temporary Possession Only

9.4.1 The Applicant requires temporary possession of land for the construction phase of the Proposed Development. Table 5 comprises the Plots where land is sought on a temporary basis during construction as construction compounds, working areas and for construction access.

Table 5 – Temporary Possession of Land

Book of Reference and Land Plan plot	Required for Work No.	Purpose for which land is acquired
1/57	1a	Working area
4/1, 4/2, 4/3, 4/4, 4/5, 4/6, 4/7, 4/8, 4/9, 4/10, 4/11, 4/12, 4/13, 4/14, 4/15	7, 7a, 7b	Construction compound (Northern)
6/1, 6/2	9a	Construction access only
9/1, 9/3, 9/6	12a	Construction access only
9/13	12b	Construction access only
12/6, 12/8	16b, 16c	Construction compound (Central)
13/6	17b	Construction access only
14/3, 14/4, 14/5	18a	Construction access only
16/9	21c	Construction access only
20/6, 20/7, 20/9	25a	Construction access only
20/10, 20/11, 20/13, 20/14	25b	Construction access only
24/4, 24/5	29a	Construction access only
24/6, 24/7	29b	Construction access only
28/7, 28/9, 28/10, 28/11	34b	Construction access only
29/3, 29/4, 29/5, 29/7	34c	Construction access only
30/3, 30/4, 30/5	36a	Construction access only
30/13, 30/14, 30/15	36d	Construction access only
35/2, 35/3, 35/4, 35/6,	41a	Construction access only
35/42, 36/1	47	Construction compound (Southern)
36/9, 36/10	48c, 48d	Working areas

9.4.2 Three main construction compounds are proposed during the construction phase of the Proposed Development. Each will include pipe storage area, welfare facilities, and plant storage and maintenance areas. The Northern Compound is located to the south of Habrough Roundabout and the A160 and is Work Nos. 7, 7a, 7b (plots 4/1, 4/2, 4/3, 4/4, 4/5, 4/6, 4/7, 4/8, 4/9, 4/10, 4/11, 4/12, 4/13, 4/14, 4/15 on the Lands Plan). This would be used as a main construction compound and pipe storage area. The Central Compound is located near Welbeck Hill to the east of Barton Street (A18) and is Work Nos. 16b, 16c (plots 12/6, 12/8 on the Lands Plan). This would be used as a construction compound and would act as the main pipe / material storage area. The Southern Compound is located at the car park on the former TGT site and is Work No 47 (plot 35/42 and 36/1 on the Lands Plan). This would be used predominantly as a pipe storage area.

10 Special Considerations

10.1 Crown Land

- 10.1.1 Section 135 of the Planning Act 2008 allows for the DCO, if made, to authorise the compulsory acquisition of Crown land (excluding any Crown interests in that land) or other provisions relating to rights benefitting the Crown where the appropriate Crown authority consents to the acquisition.
- 10.1.2 The Order Land includes land owned by the Crown or subject to Crown interests. This land is described in Part 4 of the Book of Reference and is shown on the Crown Land Plan.
- 10.1.3 The Book of Reference clearly states that any interests owned by the Crown are excluded from the ambit of the compulsory acquisition powers being sought.
- 10.1.4 Under section 135 of the Planning Act 2008, a DCO may include provisions authorising the compulsory acquisition of an interest in Crown land, or any other provisions relating to the Crown land only if the Crown consents to the inclusion of the provisions.
- 10.1.5 The Applicant is in discussion with the Crown Estate and the Driver and Vehicle Standards Agency and will request their consent to the inclusion of the Crown land as required under section 135 of the Planning Act 2008. It is not anticipated that there will be any difficulty in securing this agreement.

10.2 National Trust Land

- 10.2.1 No National Trust land is included in or affected by the Order Land.

10.3 Special Category Land

- 10.3.1 As shown in Part 5 of the Book of Reference (Application Document 3.3) and the Special Category Land Plans (Application Document 4.5) the draft DCO (Application Document 2.1) includes provisions for the compulsory acquisition of land and rights to which the provisions of the Planning Act 2008 relating to special category land apply.
- 10.3.2 No land has been identified that forms part of a fuel or field allotment.
- 10.3.3 Three plots of land have been identified as common land: plots 29/11, 29/13 and 30/23.
- 10.3.4 Open space land has been identified at two different sections within the Order Limits. The first is at the northern end of the Order Limits and is made up of plots 2/7, 2/9 and 2/12. The second is at the southern end of the order limits and is made up of plots 30/20, 36/12, 36/13, 36/14, 36/15 and 36/16.
- 10.3.5 Sections 131 and 132 of the Planning Act 2008 require special parliamentary procedure to be followed where a development consent order authorises the compulsory acquisition of land, or rights over land forming part of a common, open space or fuel field garden allotments.
- 10.3.6 A DCO is exempt from special parliamentary procedure where the Secretary of State is satisfied that one of the exceptions apply.

Section 131 Criteria

- 10.3.7 Section 131 of the Planning Act 2008 relates to the compulsory acquisition of “any land forming part of a common, open space or fuel or field garden”. The draft DCO proposes the compulsory acquisition of subsurface land where the surface above that strata is common land (plots 29/11, 29/13 and 30/23) or open space (plots 2/7, 2/9 and 2/12).

- 10.3.8 Both the registration of common land and the classification of land as open space relate to its surface use. The acquisition of the subsurface will not result in any interference with that use.
- 10.3.9 In respect of the open space land where subsurface will be acquired, plots 2/7, 2/9 and 2/12 relate to a section of woodland that is privately owned, but to which the public have access via a permissive right of way. The Applicant proposes to use trenchless installation techniques to construct the pipeline in that location without interfering with the recreational use of the surface. The pipeline for which powers of acquisition are sought would therefore not impede the open space use. The Applicant is also seeking rights over the open space land for access and maintenance, which is considered under section 132 criteria below.
- 10.3.10 In respect of the common land, plots 29/11, 29/13 relate to a ditch at the side of an existing track. Plot 30/23 forms part of a track. The Applicant proposes to install the pipeline via open cut methods at this location, which would be a short-term interference with the surface. However, it remains the case that no surface land would be acquired and result in long-term interference. Furthermore, in respect of these plots, the total area of the subsurface acquired would be less than 200m², engaging one of the exceptions to special parliamentary procedure in section 131(5) of the Planning Act 2008. The Applicant is also seeking rights over the common land for access and maintenance, which is considered under section 132 criteria below.
- 10.3.11 The powers sought are necessary for the construction, operation and decommissioning of the pipeline. The current decommissioning proposal for the pipeline at the end of its operational life is to make it safe and leave it in situ. Decommissioning of the pipeline in the common land and the open space plots would accordingly not require interference with their use.
- 10.3.12 The proposal for powers of acquisition therefore do not impede or interfere with the common land or open space use section 131 seeks to protect.

Section 132 Criteria

- 10.3.13 Section 132 of the Planning Act 2008 applies to the compulsory acquisition of rights over common land or land forming open space. It requires special parliamentary procedure to be followed where a DCO authorises the compulsory acquisition of rights over such land unless the Secretary of State is satisfied that one of the exceptions in sections 132(3) to (5) applies.
- 10.3.14 Section 132(3) applies if the order land, when burdened with the order right, will be no less advantageous than it was before to (a) the persons in whom it is vested, (b) other persons, if any, entitled to rights of common or other rights and (c) the public.
- 10.3.15 The DCO will engage section 132 as the acquisition of rights are being sought for access and maintenance during the operation phase. The Applicant considers that the exemption to the application of the special parliamentary procedure which is provided by section 132(3) would apply.
- 10.3.16 In respect of the common land plots (29/11, 29/13 and 30/23), these areas will be fully reinstated when construction is complete. In the unlikely event that maintenance was required at this location of the pipeline following completion of construction, any interference with the land would as a result of such maintenance activities would be temporary in nature.
- 10.3.17 In respect of the open space land at the northern end of the Order Limits (plots 2/7, 2/9 and 2/12), as noted above the installation method for the pipeline would be trenchless and therefore there would be no interference with its use during construction. For the area of open space at the southern end of the Order Limits (plots 30/20, 36/12, 36/13, 36/14, 36/15 and 36/16), this comprises part of the foreshore, beach and public footpath. The existing LOGGS pipeline is located within these plots and the Applicant seeks to acquire land rights that would authorise the use of the LOGGS pipeline for the purposes of the Proposed

Development. There are no works proposed in the construction phase of the Proposed Development relating to this area of open space land. Access over the area will be maintained throughout the construction phase. Following completion of the construction, there may be occasional future maintenance activities associated with the pipeline in this location. Any interference with public recreational use of the open space land as a result of such maintenance activities would be temporary in nature.

10.3.18 The Applicant therefore considers that the common land and the open space land when burdened with the rights sought in the draft DCO will be no less advantageous to its owner, those with rights in common, or the public than it was before, and therefore the test set out in Section 132(3) of the Planning Act 2008 is satisfied.

10.4 Statutory Undertakers' Land and Apparatus

10.4.1 There is land and apparatus owned by statutory undertakers within the Order Land.

10.4.2 Section 127 of the Planning Act 2008 allows for the DCO, if made, to authorise the compulsory acquisition of land held by statutory undertakers. If any of the statutory undertakers object to the Application and this is not withdrawn, then special parliamentary procedure would apply to the approval of the Application in certain circumstances.

10.4.3 Section 138 of the Planning Act 2008 provides that a DCO may include provision for the extinguishment of a relevant right or removal of relevant apparatus only if the SoS is satisfied that this is necessary for the purpose of carrying out the development to which the order relates.

10.4.4 The Applicant has, during preparation of the Application, been in discussions with relevant undertakers about the proposed permanent compulsory acquisition and compulsory acquisition of rights. The Applicant has identified statutory undertakers or utility providers that may have land or apparatus belonging to them within the Order Limits.

10.4.5 The draft DCO includes protective provisions in respect of statutory undertakers (see Schedule 9). The Applicant is seeking to agree the form of protective provisions with the affected undertakers.

National Gas Transmission plc Land

10.4.6 As set out in section 9 above, the Applicant's preferred location in respect of the Theddlethorpe Facility is the site of the former Theddlethorpe Gas Terminal, which would provide for the easiest connection into the LOGGS pipeline. The former TGT site is owned by NGT.

10.4.7 NGT is a statutory undertaker for the purposes of the Planning Act 2008. Section 127 of the Planning Act 2008 includes additional protections on 'statutory undertakers' land'. Land falls within this definition if:

- a. the land has been acquired by statutory undertakers for the purposes of their undertaking,
- b. a representation has been made about an application for an order granting development consent before the completion of the examination of the application, and the representation has not been withdrawn, and
- c. as a result of the representation the Secretary of State is satisfied that—
 - i. the land is used for the purposes of carrying on the statutory undertakers' undertaking, or
 - ii. an interest in the land is held for those purposes.

10.4.8 The Applicant considers that the TGT site does not meet the requirement (c) and therefore cannot be considered statutory undertakers' land for the purposes of section 127(1).

- 10.4.9 Prior to its decommissioning in 2021 the site was used as the Theddlethorpe Gas Terminal. Since then, it has not been in use and is currently a brownfield site. In early discussions about the use of the site for the Proposed Development, the Applicant was advised by NGT that they were exploring plans for its future development.
- 10.4.10 The Applicant considers that even if the Secretary of State concluded that the land is statutory undertakers' land for the purposes of section 127(1), the land could be purchased or a right in it acquired without causing serious detriment to the carrying on of NGT's undertaking. The Secretary of State can be satisfied that they can grant the DCO including the powers sought by the Applicant over the land.

11 Human Rights

- 11.1.1 The Human Rights Act 1998 (the HRA 1998) incorporated into domestic law the European Convention on Human Rights (the Convention). The Convention includes provisions in the form of Articles which aim to protect the rights of the individual.
- 11.1.2 Of particular relevance when considering matters of compulsory acquisition are the following Articles:
- Article 1 of the First Protocol to the Convention protects the right to peaceful enjoyment of possessions. No one shall be deprived of those possessions except where it is in the public interest and where relevant provisions of law allow for it.
 - Article 6 of the Convention protects the right to a fair and public hearing.
 - Article 8 of the Convention protects the right to respect for private and family life, home and correspondence. No one shall be deprived of that except in cases where it is in accordance with the relevant laws and necessary in the interests of, amongst other things, national security, public safety or the economic wellbeing of the country.
- 11.1.3 Section 6 of the HRA 1998 prohibits public authorities from acting in a way which is incompatible with rights protected by the Convention and the Secretary of State is therefore under a duty to have due regard to the HRA 1998 and the Convention.
- 11.1.4 The DCO has the potential to infringe the rights of the affected parties. Such infringement has to be weighed against the public benefit in allowing the DCO. The need for the Proposed Development has been set out in the Planning Statement and Needs Case and is summarised in section 7 of this Statement. The Applicant considers that there is a compelling case in the public interest for granting of the DCO and that the DCO, if granted, would strike an appropriate balance between public and private interest. The Applicant has had due regard to the requirement to minimise interference wherever possible and is only seeking to acquire the minimum land take reasonably necessary to allow the Proposed Development to proceed.
- 11.1.5 In relation to Article 6 rights, those who are affected have the ability to engage with the Application, either through formal consultation at the pre-application stage (as detailed in the Consultation Report) or by making representations during the examination. Representations can be made in response to any notice given under Section 56 of the Planning Act 2008. Additional opportunities to make representations may also arise at the direction of the Examining Authority.
- 11.1.6 Those who are affected also have the right to claim compensation in accordance with the statutory compensation code. Compensation has been factored into consideration of funding for the Proposed Development (see the Funding Statement).

- 11.1.7 In the event the DCO is granted, a person affected has the right to challenge the decision via a claim for judicial review if there are grounds for claim made out pursuant to Section 118 of the Planning Act 2008. This could include grounds relating to the decision to include compulsory acquisition powers within the DCO.
- 11.1.8 The Applicant has weighed the potential infringement against the public benefits that would arise from the Proposed Development if the DCO is made. The Applicant considers that there would be significant public benefit arising from the grant of development consent. That benefit is only likely to be realised if the DCO includes powers of compulsory acquisition. The significant public benefits on balance outweigh the effects upon persons who own property and rights within the Order Land.
- 11.1.9 As such, the Applicant considers that the approach taken is proportionate and legitimate. Inclusion of compulsory acquisition powers in the DCO would not amount to unlawful infringement of the HRA 1998 or the Convention.
- 11.1.10 For the reasons given above, it would be appropriate and proportionate for the Secretary of State to include the proposed compulsory acquisition powers in the DCO.

12 Funding

- 12.1.1 The Applicant has taken expert advice from specialist consultants on the potential costs of funding the acquisition of all those interests and rights, in land identified and described in the Book of Reference including potential cost of claims under Part 1 of the Land Compensation Act 1973. The Applicant has sufficient funding to compensate those with an interest in the Order Land. Further detail of this is included in the Funding Statement (Application Document 3.1).

13 Absence of impediments

- 13.1.1 The Applicant is submitting with the DCO application a document setting out the Consents and Agreements Position Statement (Application Document 7.2). This document provides details consents and licences that may be required for the Proposed Development beyond the consents permitted under the DCO and how the Applicant proposes to deal with each of these.
- 13.1.2 It is considered that none of these other consents or licences represents an impediment to the delivery of the Proposed Development.
- 13.1.3 The Bridging Document [APP-128] includes details of further infrastructure that would require to be built as part of the wider Viking CCS Project. Table 1 and section 5 of that document sets out the detail of the new infrastructure that would be constructed offshore and the consenting regimes that would apply to that. The Applicant does not consider there to be any reason to consider that those consents will not be granted. In practice, the Applicant would not construct the Proposed Development without certainty that it will be able to store the carbon dioxide offshore. The Applicant will therefore not in practice exercise its compulsory purchase powers within the draft DCO until it is certain that the Proposed Development and the wider Viking CCS project will proceed.

14 Conclusion

- 14.1.1 The Planning Act 2008 includes provisions allowing development consent orders to be granted which include powers of compulsory acquisition where the conditions are satisfied, namely that the Order Land is required for the development of the NSIP or ancillary to that purpose and that there is a compelling case in the public interest. The Applicant has taken into consideration the conditions of Section 122 Planning Act 2008 and this Statement demonstrates they are satisfied.
- 14.1.2 The Order Land includes only that land which is necessary for the development of the Proposed Development. The extent of Order Land affected has been reduced through the rigorous process of site selection, responding to consultation responses and the efforts to reach negotiated settlement with affected persons. The compulsory acquisition powers will be exercised in pursuit of development of the Proposed Development for which a clear need has been set out in national legislation and policy, which clearly sets out the UK's ambitions to tackle climate change by reducing carbon dioxide emissions. National policy identifies that CCS is essential to meeting these ambitions.
- 14.1.3 Beyond the benefits to the UK's climate ambitions, the Proposed Development brings benefits to the economy through the creation of jobs and total spend on the Proposed Development, much of which will benefit the area local to the site. In combination, these significant benefits outweigh the private loss of those impacted by exercise of the compulsory acquisition powers.
- 14.1.4 The funding required to meet any costs of land acquisition and compensation payable as a result of the use of powers of compulsory acquisition has been included in the budget for the Proposed Development.
- 14.1.5 The Applicant therefore respectfully submits, for the reasons explained in this Statement, that the inclusion of powers of compulsory acquisition in the DCO meet the conditions of Section 122 of the Planning Act 2008. For the reasons summarised in this Statement, the Applicant considers the draft DCO (Application Document 2.1) to be within the necessary statutory powers and that a compelling case exists in the public interest which justifies the making of the DCO.

15 Further Information

15.1 Inspection of documents

- 15.1.1 Electronic copies may be inspected at The National Infrastructure Planning website: www.infrastructure.planninginspectorate.gov.uk

15.2 Funding

- 15.2.1 The Application is also accompanied by a Funding Statement (Application Document 3.1) to explain how the proposed compulsory acquisition for which the Applicant seeks authorisation in the DCO is proposed to be funded. For the reasons set out above and in the Funding Statement, the availability of funding is not an impediment to the implementation of the Proposed Development or any part of it.

15.3 Negotiation of Sale

15.3.1 The Applicant believes it is in contact with all relevant owners and occupiers. Owners and occupiers of property affected by the DCO who believe they are affected and wish to negotiate a sale should contact the Applicant:

15.3.2 by email: vikingCCS.lands@gateleyhamer.com

15.3.3 By telephone to the Applicant's agents, Gateley Hamer: 0161 836 7844 / 0161 836 7764

15.4 Compensation

15.4.1 Compensation for the compulsory acquisition of land is governed by statute. The Department for Levelling Up, Housing and Communities has a series of booklets (updated in December 2021) on compensation which may be of interest to affected persons:

- Booklet No. 1 - Compulsory Purchase Procedure;
- Booklet No. 2 - Compensation to Business Owners and Occupiers;
- Booklet No. 3 - Compensation to Agricultural Owners and Occupiers; and
- Booklet No. 4 - Compensation for Residential Owners and Occupiers.

15.4.2 Copies of these booklets are obtainable, free of charge, from: www.gov.uk/government/collections/compulsory-purchase-system-guidance

Appendix A Land Referencing Methodology