

Viking CCS Pipeline

**9.60 Applicant's
Summary of Oral
Submissions at the
Issue Specific Hearing 3
(ISH3) 17 July 2024**

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Applicant: Chrysaor Production (U.K.) Limited,
a Harbour Energy Company
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The Infrastructure Planning (Applications: Prescribed Forms
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Date: July 2024

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Applicant's Summary of Oral Submissions Issue Specific Hearing 3



This note summarises the submissions made by Chrysaor Production (U.K.) Limited (the “Applicant”) at Issue Specific Hearing 3 (“ISH3”) on 17 July 2024. This document does not purport to summarise the oral submissions of parties other than the Applicant; summaries of submissions made by other parties are only included where necessary in order to give context to the Applicant’s submissions.

[Post-hearing note: During the discussion of major accident hazards (see section 6 below) there was discussion of the implications of the pipeline being buried shallower than the 1.2m target depth and the implications this could have on pipeline integrity due to impact from machinery used in agricultural activities.

The Applicant wished to clarify that this risk would be avoided through restrictions being placed on the activities that landowners could undertake over the pipeline, if those activities could impact its safe operation. Table 3 (Permanent acquisition of land for pipeline) within the Statement of Reasons [AS-069] sets out a number of restrictive covenants that would be placed on land above the pipeline. This includes *inter alia* to:

- (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;*
- (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);*
- (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.*

The Applicant would engage with owners/occupiers to ensure that as far as possible they can continue their existing operations once the pipeline is installed. Where this is not possible, and restrictions placed on the land prevent those operations re-commencing, the owner/occupiers will be entitled to compensation.

The Applicant will undertake regular monitoring of the pipeline route and considers that the risk of damage through impact will be avoided through these control mechanisms.]

1 HABITATS REGULATIONS ASSESSMENT (“HRA”)

- 1.1 The ExA invited the Applicant to provide an update on the current position with Natural England asking whether they have reached a point where an adverse effect on integrity for the Humber Estuary designations can be ruled out.
- 1.2 The Applicant explained that it has been in detailed discussions with Natural England over recent weeks. Natural England have confirmed to the Applicant that they have only 5 minor concerns remaining which largely concern clarification/improvement of wording in the HRA (e.g. operational phase mitigation and the method by which the ecological clerk of works determines when further noise mitigation is required). The Applicant anticipates these issues are capable of agreement. The Applicant has provided Natural England with a revised version of the HRA and Natural England have committed to provide the Applicant with draft wording to further amend the document by the end of the week. Once the draft wording is received, the Applicant will provide a further revised HRA to Natural England.

- 1.3 The Applicant explained that it is working to a target of deadline 4 to provide an updated HRA and for Natural England to be able to confirm that all matters are resolved, but it cannot commit to it as it is ultimately outwith the Applicant's control.
- 1.4 The Applicant confirmed that it is highly confident that adverse effect on integrity on any European sites can be ruled out. Natural England sent the Applicant an email on Monday 15 July which set out that the issues were minor/clarificatory, but the Applicant will ultimately need to wait to see what Natural England have to say.
- 1.5 The ExA asked the Applicant to confirm whether Natural England are potentially removing their objection in relation to potential harm to the Humber Estuary SSSI.
- 1.6 The Applicant explained that the issue has 'fallen off the radar' slightly as the Applicant is currently focusing on the HRA and dealing with designations of a higher status (European sites). The Applicant's team will be speaking with Natural England over the next week and will raise the issue again to seek assurance that the matter has been overtaken by updates to the HRA.
- 1.7 The ExA noted that Natural England's written representation **[REP2-041]** suggested that a holistic onshore/offshore HRA may be required in the future and noted that the Applicant had previously disputed this. The ExA noted that Work No 48A in the DCO refers to laying of electronic cables along the LOGGS pipeline, which goes to mean low water springs, and suggested there may be a greater interaction between the onshore/offshore works than what was presented. The ExA invited the Applicant to provide its thoughts on that issue and on Natural England's proposition.
- 1.8 The Applicant clarified that Work No. 48A runs from the Dune Valve (Work No 48) to the Theddlethorpe Facility (Work No 44). Therefore, the cable would not be installed through the intertidal area. The Applicant also noted that the electrical cable would be installed via a mole plough, which is already considered in the report to inform the HRA.
- 1.9 The ExA invited the Applicant to explain the type and height of noise fencing that is under discussion and asked whether its noise reduction performance would be sufficient to drop disturbance levels below known thresholds for bird disturbances.
- 1.10 The Applicant's assumption was that the height would be similar to the height of fencing used to reduce noise for residential properties. The fencing will break line of sight between the noise source and receptor (in this case foraging birds) and so it would likely be a similar height to a Heras fence. The Applicant is confident that it would reduce noise levels to a level that would remove the risk of disturbance to the foraging birds. **[Post hearing note – the height of the proposed fencing is 2.4m which is the same as proposed for reducing noise effects on residential properties]**

2 TRAFFIC AND TRANSPORT

Thoroughfare, Thacker Bank and Washingdales Lane

- 2.1 The ExA invited the Applicant to explain the routes that all construction related HGVs and other vehicles will take to access the Thoroughfare block valve station and the nearby pipeline construction works.
- 2.2 The Applicant explained that some construction traffic will use Thoroughfare and recognises that there are constraints along the road. There is a strategy for passing places and using the width of the road, which should keep disturbances to a minimum.
- 2.3 The Applicant explained that there will be some HGV movement using Thoroughfare during delivery of materials for the block valve, but this will be for a short and minimal period of time during the construction period. The Applicant confirmed that it will be respectful of capacity along the route and appreciates it is narrow. There will be a suitable contingency plan and, on the rare occasion HGVs need to pass each other, there would be passing places which could be used. The Applicant noted that HGVs using

Thoroughfare will be limited to flat fixed body trucks - low loaders and construction plant will not be delivered via Thoroughfare and will use the haul road.

- 2.4 The Applicant explained that it will provide traffic management with either escort vehicles or traffic lights systems, if necessary to do so on highway safety grounds.
- 2.5 The Applicant confirmed that they have deployed a team to look at Thacker Bank, Thoroughfare and Washingdales Lane to finalise proposals for passing bays within the next two weeks. The Applicant was unable to confirm that this would be ready before Deadline 4. It would be shared with Lincolnshire County Council as soon as possible.
- 2.6 The Applicant confirmed that Article 9 of the draft DCO provides the power to alter the layout of streets, including land outside the order limits. This includes the ability seek the consent of the Highway Authority to modify streets/roads outside the order limits, which would include the provision of passing places. Some passing places will be within order limits but are not currently within Schedule 3 of the DCO as areas where street works are proposed - in each case the Applicant would approach the local authority to obtain their consent for the works.
- 2.7 The ExA asked the Applicant to explain how traffic would be managed at the exit point for Thoroughfare.
- 2.8 The Applicant explained that it is reviewing the junction and will look for a design that satisfies the Local Authority. The Applicant will assess whether the junction is suitable with its current arrangement. If it is not, then appropriate traffic management will be used. The Applicant explained that traffic management measures will be decided at the time depending on level of severity, level of traffic on the road and the agreement with the local council.
- 2.9 The ExA noted that Work No 48B describes the cutting back of trees to provide visibility splays at the entrance immediately adjacent to Swallow Park as improvement of an existing junction and asked that the draft DCO is updated to better reflect the works taking place. The Applicant agreed to review the issue and revisit the wording.

Transport Assessment

- 2.10 The ExA noted that the Applicant had revised the Transport Assessment which had resulted in some marginal changes in traffic number forecasts on certain links. Alex Booth KC for the applicant explained that he would need to take instructions on whether there is any need for further assessment of noise impacts to reflect the changes.
- 2.11 In response to submissions from National Highways, the Applicant confirmed that it is aware of National Highways' position on the issues raised and that there have been recent discussions.
- 2.12 The Applicant's position is that it is not appropriate for National Highways to be identified as approving consultee for the CTMP or DEMP. The Applicant considers National Highways appropriate role is as a key stakeholder to be consulted by the relevant Local Authority. This is well established practice and would be the position in relation to a planning application, an application for approval of reserved matters pursuant to condition, and ordinarily in relation to the Planning Act 2008 and DCOs. The Applicant is aware that the applicant for the Immingham Eastern Ro-Ro Terminal DCO has agreed to make National Highways an approving consultee, but the Applicant does not know the context as to why that was agreed. In the context of the Proposed Development, there is nothing to justify moving away from the ordinary process and it would not be efficient to require multiple approvals. The Applicant should be able to make a submission to the relevant Local Authority who can then seek National Highways' views as a consultee - this provides a single line of approval (failing approval a potential appeal to SoS).
- 2.13 Regarding National Highways' request to be an approving consultee in relation to the northern compound, the Applicant noted that the compound was previously used by National Highways in the construction of the A160.

- 2.14 The Applicant sees no basis for National Highways to be identified as an approving consultee for CWTP. The Plan will be bound in the CTMP and National Highways will be a consultee in that process.
- 2.15 The Applicant can tighten the wording in the draft CTWP regarding the arrival of workers as the Applicant appreciates that National Highways does not want to see shift change occur between 7am-10am and 4pm-6pm (the peak weekday highway network hours). The Applicant can offer National Highways comfort that the shift pattern will not provide for workers to arrive during the peak periods and minibuses, transporting workers will arrive before and depart after those periods.

Network Rail

- 2.16 The Applicant explained that there have been recent discussions with Network Rail. The Applicant provided additional information over a month ago in respect of traffic movements at level crossings, but it hasn't been a topic of recent discussions. The Applicant explained that it will raise the issue with Network Rail.

3 LANDSCAPE AND VISUAL IMPACT

National Landscape

- 3.1 The ExA referred to the Applicant's National Landscape technical note **[REP3-025]** and invited the Applicant to explain how long the construction compound would impact the National Landscape.
- 3.2 The Applicant explained that the compound would be there for 6-8 months.
- 3.3 The Applicant explained that site selection for the compound was influenced by views from the Natural Landscape looking east, but the temporary nature of the compound was considered to be a mitigating factor. The Applicant ran an exercise to look for potential compound locations and looked initially for brownfield sites. At this point in the route, the Applicant was very concerned about the potential impacts on communities at the brownfield site locations and concluded that a temporary compound in a less problematic location was preferable.
- 3.4 The ExA noted that the Applicant's technical note suggests that the special quality of peace and tranquillity in the Natural Landscape is disturbed locally by the A18 and asked whether the assessment of the impact as a minor significant effect is appropriate given the status of the National Landscape.
- 3.5 The Applicant explained that the AONB management plan notes that the A18 locally affects peace and tranquillity within the National Landscape. The Applicant relied on this statement when considering the Proposed Development's effects on peace and tranquillity. The Applicant considers the assessment conclusion appropriate.
- 3.6 The ExA made reference to Natural England's written response **[REP1-079]** regarding mitigation measures taken to reduce harm to the Natural Landscape and invited the Applicant to explain whether HDD or equivalent was considered for use within the National Landscape to reduce visual impacts.
- 3.7 The Applicant explained that the incursion into the Natural Landscape is 2.5km. Notwithstanding the question of the National Landscape and the various weightings regarding preserving the special character, a sensible and realistic judgement must be taken regarding the effect and duration of effects. In terms of the construction period within the National Landscape, it is anticipated that it will take 6-8 weeks to lay the pipeline across the 2.5km of the Natural Landscape, with a potential best case of 5 weeks. That limited duration of effects needs to be balanced against more significant activity which would be involved in a HDD of 2.5km. The Applicant explained that a 2.5km trenchless crossing would require another 2.5km of land or multiple pulls for the HDD string, which means the time in the area and the visual impact on the National Landscape would have

a longer duration. The Applicant explained that it could provide further information in writing if the ExA were to put the question as an ExQ.

- 3.8 The ExA noted that the technical note on the National Landscape **[REP3-025]** refers to an anticipated duration of 7 months for each km and asked where the 6-8 weeks figure comes from.
- 3.9 The Applicant explained that there is a distinction between the actual construction activities of 6-8 weeks and the further activities which take place outside of construction where there will be a presence in the location. The 7-month period per km would cover the period from when first person arrives on site until the last person leaves. The construction event which will involve the most productivity will be around the mainline welding area. The trench will be opened ahead of the welding area, the pipe will be strung, welded, lowered, laid, and backfilled. The Applicant is aiming for 600m of progress in each activity per day which provides the 5 weeks best case in the area.
- 3.10 The Applicant explained that the 7-month period had been used to assess the impact on the National Landscape since it reflects the totality of presence in the location. The ES chapter dealing with the landscape and visual impact assessment refers to and relies upon a period of 7 months when considering effects on National Landscape (i.e. a worst case assessment).
- 3.11 The Applicant noted that it had some policy considerations that it would draw to the ExA's attention in writing following ISH3.
- 3.12 The Applicant made some additional observations regarding the National Landscape:
- (a) Firstly, the compound sits outside the National Landscape and is not a 'management compound' where there would be continuing activity. The compound is a "pipe dump" – this is a storage area for sections of pipe until they are taken to be laid along the pipeline corridor (the Applicant referred the ExA to the layout for the compound **[APP-023]**). The location of the compound adjacent to the pipeline corridor in part informed the selection of the site.
 - (b) Secondly, the Applicant explained that the small 2.5km incursion into the National Landscape has been the subject of some discussion with Natural England and is subject to ongoing discussion. The Applicant has prepared a technical note for Natural England which provides further clarification on the justification for the route alignment. It has been submitted to Natural England and the Applicant is awaiting comments/observations before submitting it to the ExA, but it will be submitted into examination at deadline 4.

Outline LEMP

- 3.13 The Applicant explained that the change request is largely a reduction in the proposed order limits and does not take away any land which was proposed for mitigation. The Applicant therefore did not anticipate any need to update the Outline LEMP.

4 ECOLOGY

Reptile Surveys

- 4.1 The ExA invited the Applicant to explain what is being done regarding reptile surveys which were undertaken in 2021, which East Lindsey District Council's representation notes are out of date.
- 4.2 The Applicant confirmed that the 2021 survey showed that there were no protected species of reptile in the Order Limits. The Applicant is preparing a reptile method statement which should be sufficient to address any potential impacts to reptiles. Further surveys will be undertaken before construction to check that there are no protected species of reptile - the reptile method statement will apply to any other reptile species.
[Post hearing note: The Applicant notes that requirement 12 of the DCO states that

“no stage of the authorised development may commence until it has been established by survey work whether any European protected species are present within the Order limits or may be affected by that stage of the authorised development.”]

Lincolnshire DCOs - Cumulative effects

- 4.3 Lincolnshire County Council explained that Lincolnshire is seeing a high number of nationally significant infrastructure projects coming forward and requested that the cumulative effect of these projects is kept under review as the various projects progress.
- 4.4 The Applicant acknowledged that Lincolnshire County Council is seeking to put a marker down for future projects. The assessment of cumulative impacts will take place as and when those projects come forward and in the context of those applications. It is not directly relevant for the purposes of the examination.

5 NOISE

Noise Assessment – Guidance used

- 5.1 The Applicant explained that there is a dispute between the Applicant’s and East Lindsey District Council’s noise experts regarding the appropriate approach to assessing noise impacts in the context of the Proposed Development. The council’s noise expert relies on the DMRB and the Applicant’s noise experts have adopted the Association of Noise Consultants (“**ANC**”) Construction Noise Guide. The Applicant commented that the DMRB is primarily a tool for assessing noise in the context of highways construction projects and the ANC guide has a wider application. The Applicant noted that the text relied upon by the Council’s noise expert is Annex E of BS 5228, which sets out that *“This annex gives examples only. It does not comprise an exhaustive set of provisions regarding noise effects.”* and *“The examples cited in this annex offer guidance that might be useful in the implementation of discretionary powers for the provision of off-site mitigation of construction noise arising from major highways and railway developments”*. It also states, *“A pragmatic approach needs to be taken when assessing the noise effects of any construction project”*. The ANC approach was derived from the practices adopted in the context of the Thames Tideway Tunnel and HS2 and was used in the ES for Manston Airport. The Applicant considers that the assessment in the ES is robust and fit for purpose and that there is simply a difference of professional approach between experts.
- 5.2 The Applicant explained that there was a meeting with the council’s noise expert last week. The position appears to be that, whilst the council maintains their approach is appropriate, East Lindsey District Council may be content to accept that there are no significant effects in circumstances where the duration of works is short. The duration of effects is important, as construction of the pipeline will not be slow moving and will progress up to 600m a day for open trench installation. There will be a series of construction operations as the pipeline moves through. The period that the council’s noise expert refers to and that is noted in BS 5228 is a month; however, there will be no situation where there will be a continual sustained activity for a month. Under the pragmatic and flexible approach stated in BS 5228 the particular project and particular activities inherent in the construction of that project must be assessed and in this context, there will be no sustained period of noisy activity that should give rise to any material concern.
- 5.3 The Applicant has committed to provide further detail regarding the periods and durations of activity because it wants to reach common ground with East Lindsey District Council. The Applicant will provide the detail and anticipates that it will allow agreement to be reached. However, where East Lindsey District Council has a residual concern about a particular receptor, there can be further discussions regarding appropriate mitigation for the particular receptors.
- 5.4 The ExA asked the Applicant whether there were any other technical reasons for not using DMRB.

- 5.5 The Applicant explained that it is not a case of justifying a departure from DMRB. DMRB is not the only 'correct' approach for the Proposed Development and there is a well-established precedent for using the ANC guidance approach.

Noise Assessment – NPS EN-1 requirements

- 5.6 The Applicant explained that the construction noise assessment provides a prediction of noise levels that would occur due to the temporary construction activities and as a result of laying the pipeline. In addition to construction noise predictions, the Applicant has undertaken baseline surveys of sensitive receptors to determine the representative baseline ambient noise conditions. The Applicant has provided that information within the Noise and Vibration Chapter of the ES which shows how the temporary noise levels will change due to construction activities. This accords with the requirements in NPS EN-1.
- 5.7 The Applicant explained that the noise assessment, at present, assesses what the level of noise would be if construction took place at the closest point of the order limits to a receptor. The Applicant is in the process of updating the noise assessment with additional information and will revisit any requirements for additional mitigation, which will be discussed with East Lindsey District Council.
- 5.8 The Applicant explained that it will provide a greater level of detail in relation to noise levels having regard to distance between receptors and activity and duration of activity. Referring to the property which is 5m from the order limits, these matters will be the subject of discussion and comment in the further note which will provide greater detail in relation to duration and distance. **[Post-hearing note: The Applicant notes that whilst there are two noise sensitive receptors identified within 5m of the Order limits, in each case they are not within 5m of the main pipeline construction works. R45 is within 5m of the start of the electrical connection for Block Valve Station 1 and R46 is within 5m of the access track to the Dunes Valve.]**

6 MAJOR ACCIDENT HAZARDS

- 6.1 The ExA referred to the venting technical note **[REP3-029]** and asked whether permanent venting stacks are required at the block valve station. The Applicant confirmed they are not required.
- 6.2 The Applicant explained that the vents are purely for maintenance purposes, to relieve pressure from the system and allow works on it. It is not envisaged that major work will be needed on the block valve stations in the Proposed Development's lifetime and so there is no need for a system of de-pressuring the pipeline in the area.
- 6.3 The Applicant confirmed that it does not envisage any venting would be required at the block valves in an emergency situation.
- 6.4 The Applicant explained that the only time it will vent down the pipeline in full is at final decommissioning. There is no need for an emergency vent for the pipeline and it is likely the Applicant would opt to vent down the pipeline offshore, as it is the most remote location for the CO₂ to be dispersed.
- 6.5 The ExA asked what is within the DCO (having regard to Requirement 4) that allows a temporary stack to be erected.
- 6.6 The Applicant explained that Table 1 of Requirement 4 sets the maximum parameters for any permanent infrastructure built under the DCO, including height.
- 6.7 The Applicant explained that infrastructure needed for maintenance would be covered by the definition of further associated development in Schedule 1. However, this does not give the Applicant the power to undertake any temporary works. There is a control in the drafting in schedule 1 that it only relates to works for part of the authorised development which "do not give rise to any materially new or materially different environmental effects to those assessed in the ES". Therefore, any maintenance works are controlled by what has been assessed in the ES, which will be a certified document as part of the DCO.

- 6.8 The ExA asked the Applicant to explain what would happen to the gas in the event of a hypothetical rupture between Washingdales Lane and Louth where the valve at Washingdales Lane was closed to prevent any more gas going down the pipeline.
- 6.9 The Applicant explained that the vents are to depressurise equipment where the vents are sited. The vents at Immingham and Theddlethorpe depressurise the pig launchers, catchers and equipment at the sites, to make it safe for workers to work on the equipment.
- 6.10 The Applicant confirmed that it could provide an updated set of indicative layout drawings of the block valve stations, which would be certified documents.
- 6.11 The ExA noted that the outer casing of the pipe would be at least 1.2m below ground but could rise to 0.7m in certain places. The ExA invited the Applicant to explain what depth is used for the worst-case scenario at ES Chapter 19 and to explain whether the likelihood or magnitude of a major accident increases based on depth.
- 6.12 The Applicant explained that the calculations for the work carried out to show the pipeline was ALARP were done using a 1.2m depth.
- 6.13 The Applicant explained that, in the event that a section of pipeline was at a 0.7m depth, it would consider if any further design mitigations were needed to ensure it was not accidentally damaged. This could include using concrete slabbing, for example. The Applicant explained that it is a more important factor that the entirety of the pipeline, at any depth, is being laid as a thick pipe (30mm) throughout its length. The thickest pipeline that has ruptured to date in the UK was 11mm and so the pipeline is more robust than anything else that has of yet experienced a significant failure.
- 6.14 The Applicant explained that the pipeline and its proposed insulation are compliant with BS PD 8010, HSE guidance and the relevant safety guidance. The landform for the pipeline is a flat, stable landform which is optimal for laying a pipeline because, to the extent there is any risk of rupture, that would be more likely to come from issues of landform (e.g. landslip) which is not an issue in this location. In terms of the risk of the pipeline being struck, the pipeline will be monitored and a strike on a pipeline of this thickness by agricultural equipment would not damage it.
- 6.15 The Applicant explained the protection measures that are there to prevent rupture (a highly improbable scenario): the route selection process, the use of thick wall pipe, pressure control and monitoring of the pressure of the pipe, the fluid specification allowed through the pipeline, routine inspections to look for unusual activity over the pipeline, burial of the pipeline and the possibility of slabbing above the pipeline if required (which is part of BS PD 8010). Additionally, the pipeline will be marked by pipeline markers which is a standard technique to show future construction workers where the pipeline is.
- 6.16 The ExA asked whether, in respect of unusual activity, the ExA and SoS be reassured and rely on discussions taking place with landowners, and restrictions being imposed through Heads of Terms as mitigation for potential major accident hazards.
- 6.17 The Applicant confirmed that the ExA and SoS can be reassured. The Applicant has every reason to wish for the Proposed Development to be constructed and operated safely. Both the ExA and SoS can be reassured that those discussions with landowners will take place. **[Post hearing note – see note at the start of this summary.]**
- 6.18 The ExA invited the Applicant to provide a response to the written representation of the Residents of Corner Farm concerning the idea that the pipeline should be routed away rather than using an engineered solution.
- 6.19 The Applicant explained that under the ALARP principles, the aim is for the risk to be ALARP. Where the pipeline is currently situated runs in the broadly acceptable range, which is the lowest ranking of risk under ALARP. There is no lower risk and therefore the HSE do not normally require additional measures to be taken other than the drafting of

emergency response plans. The risk is broadly acceptable in the area of Corner Farm and so other criteria have been used for the routing of the pipeline, including avoiding excursions into the flood plain. **[Post hearing note: see also oral summary of submissions at ISH 2 re ALARP principles]**

- 6.20 The Applicant explained that there is obviously a considerable degree of concern in the Corner Farm representation, which focuses on what the consequences would be in the event of a rupture. However, a risk analysis must have regard to both consequences and likelihood. The likelihood of catastrophic event/rupture is a pertinent consideration and must inform the analysis of risk. The Corner Farm representation is not a full analysis because it has regard to the consequences only.
- 6.21 The Applicant further confirmed that the approach it has undertaken is correct. The pipeline safety regulations require a risk assessment and BS PD 8010 includes criteria for routing and minimum distances to occupied buildings. It requires a risk assessment which takes account of the probability of failure and consequences. The probability of failure is based on the UKOPA database which can be used to look at the function of depth of burial and wall thickness - the wall thickness has a much larger influence over the probability of failure than depth of burial. The target risks are set out in the HSE document 'Reducing risks protecting people' (R2PR) and the pipeline has been approached in accordance with that. It is below the ALARP threshold, in the 'broadly acceptable' region.
- 6.22 The Applicant explained that the emergency response plan has been given due consideration and is a matter the Applicant has taken seriously. The Applicant is an experienced and responsible operator of high-pressure pipelines and is already responsible for 3,500 km of high-pressure pipelines in the UK. Safety is not a matter where corners have been cut, and to the extent there have been any discrepancies from standards, they have been over specification. For example, the full length of the pipeline being 30mm rather than part of it being lesser at 12/13mm.

7 HISTORIC ENVIRONMENT

- 7.1 The Applicant explained that, there is a good and constructive relationship with Lincolnshire County Council and they have been working closely together. The Applicant has also been working with Historic England who are supportive of the position the Applicant is in and has agreed the content of an SoCG which will be provided at deadline 4. Historic England's endorsement of the approach adopted by the Applicant is significant as they are statutory consultee on all matters heritage related. Regarding the WSI for mitigation, the detailed archaeological mitigation strategy is being prepared/finalised and will be submitted by the Applicant to Lincolnshire County Council by mid-August. The Applicant's expectation is that it would be submitted by deadline 5 with issues resolved by deadline 6, although it cannot confirm this with certainty.
- 7.2 The Applicant explained that, regarding the reference by the County Council to NPS EN-3, footnote 94, that footnote does not apply to the Proposed Development. That part of the NPS is concerned with solar farms, as a specific form of renewable development. It does not apply to the Proposed Development (a pipeline). The Applicant considers that relevant guidance for the Proposed Development is found in section 5.9 of NPS EN-1.
- 7.3 The ExA asked the Applicant whether the CEMP will be revisited, bearing in mind the recommended changes from the County Archaeologist.
- 7.4 The Applicant explained that the CEMP includes 12 measures for archaeological mitigation and provisions. One query raised relates to point D3 in the draft CEMP, which concerns targeted archaeological monitoring. The County Council has commented that it is concerned about the applicability of targeted archaeological monitoring and the circumstances for it. Targeted archaeological monitoring is described at D2 of the CEMP and D3 expands on the circumstances in which it would be undertaken. It says "*targeted archaeological monitoring would be undertaken in areas where prior archaeological evaluation indicates this approach is appropriate, and/or in areas where archaeological*

investigation and recording in advance of construction are not feasible due to safety or logistical considerations, or undesirable due to environmental or engineering constraints.” Targeted archaeological monitoring is just one component of the Detailed Archaeological Mitigation Strategy (“**DAMS**”) and accompanying Outline WSI that would constitute the WSI sought by the Council. The DAMS and WSI will provide for targeted archaeological monitoring where it would be a reasonable mitigation response. The Applicant does not consider that the CEMP needs to be amended in terms of how it provides mitigation at this stage, as the DAMS, Outline WSI and subsequent documents which will be approved by Lincolnshire County Council.

- 7.5 The ExA noted that there is a haul road which will run next to the moat of the medieval village, which is not designated. The ExA invited the Applicant to explain the practical steps will be taken to ensure anything is carefully monitored and looked after.
- 7.6 The Applicant explained that targeted archaeological monitoring utilises an understanding of the context of the part of the route. For example, taking in aspects of the historic landscape and environment that indicate some potential. If trial trenching has not been undertaken where there is undefined potential, that is an area where targeted archaeological monitoring could apply. The CEMP states that, *“The works contractor’s preferred method of working would be controlled as necessary by the supervising archaeologist to allow archaeological recording to take place to the required standard.”* This is a constraint placed on the works to ensure there is an opportunity for archaeological remains to be identified and properly recorded if present. In the case of unexpected archaeological finds, there will be provision in the DAMS that ensures the County Archaeologist is consulted on the nature and significance of the finds and agrees how the mitigation strategy should be applied.