

Viking CCS Pipeline

9.48 Applicants Responses to Actions from Compulsory Acquisition Hearing (CAH) 2 held 25 June 2024

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Applicant: Chrysaor Production (U.K.) Limited,
a Harbour Energy Company
PINS Reference: EN070008
Planning Act 2008 (as amended)
The Infrastructure Planning (Applications: Prescribed Forms
and Procedure) Regulations 2009 - Regulation 5(2)(q)
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Table of Contents

1	Introduction	4
1.1	Purpose of this Document	4
1.2	The DCO Proposed Development.....	4
2	Applicant's response to actions set out by the ExA in ISH2 16 July 2024	5

Tables

Table 2-1: Applicant's response to actions set out by the Examining Authorities in ISH2 dated 16 July 2024.....	5
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1 Introduction

1.1 Purpose of this Document

- 1.1.1 This document has been prepared for the Viking CCS Pipeline (the 'Proposed Development') on behalf of Chrysaor Production (UK) Limited ('the Applicant'), in relation to an application ('the Application') for a Development Consent Order (DCO) that has been submitted under Section 37 of the Planning Act 2008 (PA 2008) to the Secretary of State (SoS) for Energy Security and Net Zero.
- 1.1.2 This document provides the Applicant's responses to the actions set out by the Examining Authorities at the Compulsory Acquisition Hearing 2 (CAH2) held on the 25 June 2024.

1.2 The DCO Proposed Development

- 1.2.1 The Proposed Development comprises a new onshore pipeline which will transport CO₂ from the Immingham industrial area to the Theddlethorpe area on the Lincolnshire coast, supporting industrial and energy decarbonisation, and contributing to the UK target of Net-Zero by 2050. The details of the Proposed Development can be found within the submitted DCO documentation. In addition to the pipeline, the Proposed Development includes a number of above ground infrastructure, including the Immingham Facility, Theddlethorpe Facility and three Block Valve Stations.
- 1.2.2 A full, detailed description of the Proposed Development is outlined in Environmental Statement (ES) Volume II Chapter 3: Description of the Proposed Development **[APP-045]**.

2 Applicant's response to actions set out by the ExA in CAH2 25 June 2024

2.1.1 This section provides the Applicant's response to actions set out by the Examining Authorities in CAH2 that was held on 25 June 2024.

Table 2-1: Applicant's response to actions set out by the Examining Authorities in CAH2 dated 25 June 2024

Action Ref.	Applicant Actions Raised in ISH2 16 th July 2024	Applicant's Response
1.	To contact Mr Shucksmith for an explanation of the signature position on his change request acceptance letter.	A letter signed by Mr Shucksmith showing his support for the Proposed Development is submitted as document EN070008/EXAM/9.50
2.	To prepare a written paper re-presenting the benefits in the context of the Viking CCS Pipeline compared to the Viking CCS Project.	The Applicant has submitted a Position Statement on the benefits of the Proposed Development (document reference EN070008/EXAM/9.49) to address this action.
3.	Associated Petroleum Terminals and Humber Oil Terminals Trustees to provide detail on the internal governance process regarding agreeing to Protective Provisions (and/or removal of an objection) and to give an indication whether the objection would be withdrawn prior to close of the Examination or not.	Not applicable to the Applicant.
4.	Phillips 66 to provide any comments (as and if necessary) in respect of land interests on plots 36/9 to 36/11 and any comments thereupon	Not applicable to the Applicant.
5.	DDM to formally state whether Mark Cassell objects to the development any detailed views on whether his intended development could co-exist with the Proposed Development	Not applicable to the Applicant.
6.	Confirmation of PD Ports position and details of the reassurances given to address their concerns.	<p>The outstanding point that PD Ports raised in their representation REP1-092 relates to access to their works on LaPorte Road.</p> <p>The Applicant met with PD Ports on the 7th July to discuss access to PD Port works on LaPorte Road, a point raised in REP1-092. The Applicant was able to share with PD Ports that no roads would be closed, and no weight limits imposed on the roads, as all road crossings would be trenchless. In addition, the Applicant was able to show that the pipeline works were over 3 Kilometres from PD Ports works and no construction traffic would be using LaPorte Road, as the closest road used by construction traffic, the A1173, was over one Kilometre from PD Ports works. Therefore, the Applicant was able to demonstrate there would be a negligible effect on access to PD Ports works.</p>
7.	Reasonable rebuttal to NGT's deadline 3 submissions regarding the application of PA2008 s127.	The Applicant has submitted a Response to NGT's Deadline 3 Submission (document reference EN070008/EXAM/9.54) to address this action.
8.	Update on DVSA meeting 26 June, and the latest position on their interests, including whether or not a change request would be made.	<p>The Applicant has held several meetings with the DVSA, their solicitors (VWV) and agents (Gerald Eve) in recent months. Alongside these meetings, the Applicant has exchanged numerous copies of the Heads of Terms and now have only a handful of points that need to be agreed in order to instruct solicitors and begin drafting the legal agreements. The Applicant had a further meeting with the DVSA and their advisors on Tuesday 23rd July to review the outstanding points. The Applicant and DVSA have a few points to discuss internally with a view to finalising Heads of Terms in the next two weeks.</p> <p>Given that the Applicant has agreed to remove 'DVSA's Operable Yard Area' from the Pipeline Construction Corridor, it is likely that we will be able to agree Heads of Terms before the close of examination.</p>

Action Ref.	Applicant Actions Raised in ISH2 16 th July 2024	Applicant's Response
		<p>Alongside the discussions for the voluntary acquisition of rights to construct and operate the scheme, the Applicant has also initiated discussions on s135 consent and are awaiting a response from DVSA's solicitors.</p>
9.	<p>To confirm whether or not a DCO application is needed for offshore works and, if not, what consents are required. This includes considerations about the marine licence</p>	<p>The Applicant confirms that a DCO application <u>is not</u> required for the offshore works for the wider Viking CCS Project. Section 31 of the Planning Act 2008 sets out that development consent is required for development to the extent that the development is or forms part of a nationally significant infrastructure project ("NSIP"). Part 3 of the Planning Act 2008 sets out when development will be an NSIP. The proposed offshore works for the Viking CCS Project do not fall within the scope of Part 3 of the Planning Act 2008.</p> <p>The four main consents required for the offshore works are:</p> <ol style="list-style-type: none"> 1. A carbon dioxide appraisal and storage licence granted by the North Sea Transition Authority ('the NSTA') under Section 18 of the Energy Act 2008. The Applicant already holds three licences (CS005, CS023 and CS024), copies of which were included in Appendix D to the Applicant's response to the Examining Authority's First Written Questions [REP1-045]. 2. A carbon dioxide storage permit from the NSTA under Regulations 6 to 8 of the Storage of Carbon Dioxide (Licensing etc.) Regulations 2010; 3. Authorisation for the construction or use of offshore pipelines from the NSTA under Section 14 of the Petroleum Act 1998; 4. Consent for the geological storage of carbon dioxide from the Offshore Petroleum Regulator for Environment and Decommissioning ('OPRED'), on behalf of the Secretary of State, in terms of the Offshore Oil and Gas Exploration, Production, Unloading and Storage (Environmental Impact Assessment) Regulations 2020. <p>The consideration of potential environmental impacts is undertaken under item 4. Consent granted under item 4 is a pre-requisite to being granted the carbon dioxide storage permit referred to in item 2.</p> <p>The requirement for a party to obtain a marine licence for certain activities in the marine environment is set out in Part 4 of the Marine and Coastal Access Act 2009 ("MCAA 2009"). Chapter 2 of Part 4 of the MCAA 2009 sets out certain exemptions that apply to the need to obtain a marine licence. Section 77(1) includes certain exemptions from the need to obtain a marine licence for carbon dioxide storage activities and pipeline construction activities where another licence or pipeline construction authorisation is in place. The following activities are exempted from the need to obtain a marine licence:</p> <p><i>"(b) anything done for the purpose of constructing or maintaining a pipeline as respects any part of which an authorisation (within the meaning of Part 3 of the Petroleum Act 1998) is in force;</i></p> <p>...</p> <p><i>(d) anything done in the course of carrying on an activity for which a licence under section 4 or 18 of the Energy Act 2008 is required (gas unloading, storage and recovery, and carbon dioxide storage)."</i></p> <p>By virtue of the exemptions in section 77 of the MCAA 2009, the Applicant does not anticipate requiring a marine licence granted by the Marine Management Organisation for the offshore works.</p>

Action Ref.	Applicant Actions Raised in ISH2 16 th July 2024	Applicant's Response
10.	Provide an update on the construction programme.	A schedule showing the construction programme for the onshore and offshore elements of the project has been submitted at deadline 4 (document reference EN070008/EXAM/9.59).
11.	To update the CA tracker with regards to leaseholder objections, not just freeholders.	The updated Compulsory Acquisition Tracker has been submitted for deadline 4 (document reference EN070008/APP/3.5 – Revision B).
12.	In the context of the project's benefits (in Action Point 2) the Applicant to provide commentary on the need or desirability of a Grampian-style requirement preventing onshore works commencing until offshore consents had been agreed.	As noted in respect of action point 2, the Applicant has submitted a Position Statement on the benefits of the Proposed Development (document reference EN070008/EXAM/9.49). This includes comment on the suggestion of a Grampian-style requirement.