

Our Ref: RD/209087/00055

Charles Russell Speechlys LLP
5 Fleet Place
London EC4M 7RD

T: +44 (0)20 7203 5000

F: +44 (0)20 7203 0200

DX: 19 London/Chancery Lane

[charlesrussellspeechlys.com](https://www.charlesrussellspeechlys.com)

The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

rachael.davidson@crsblaw.com

D: +44 (0)20 7438 2109

F: +44 (0)20 7203 0200

29 July 2024

**Application by Chrysaor Production (UK) Limited ("the Applicant") for the Viking CCS Pipeline
Planning Inspectorate Reference: EN070008
Air Products (BR) Limited (Interested Party Reference Number: 20047092)
Deadline 4 submission concerning Protective Provisions**

1 INTRODUCTION

- 1.1 This submission is made on behalf of Air Products (BR) Limited (**Air Products**) in respect of the application for development consent for the Viking CCS Pipeline (the **Project**) submitted by the Applicant to the Planning Inspectorate which was Accepted for Examination on 17 November 2023.
- 1.2 Air Products made a Relevant Representation [RR-003] on this Application on 8 January 2024 and submitted a Written Representation [REP1-085] on 26 April 2024.
- 1.3 As set out in its Written Representation [REP1-085], Air Products has a Category 2 interest in a number of plots over which powers of compulsory acquisition are sought. To the extent that the Applicant seeks powers in the draft DCO to either (a) compulsorily acquire land (including subsurface) or rights or (b) to extinguish, suspend or override existing rights, Air Products' ability to maintain and operate its existing infrastructure must be preserved.
- 1.4 Accordingly, Air Products' representations seek to ensure it can protect its existing infrastructure and assets within Order Limits.

2 ASSET PROTECTION

- 2.1 Since submitting its Written Representation [REP1-085], there has been progress with the Applicant in negotiating Protective Provisions and an asset protection agreement in favour of Air Products in respect of its assets within the proposed Order Limits, with the most recent mark up of the Protective Provisions and a draft asset protection agreement being provided to the Applicant's solicitors on 5 July for their review and comments.
- 2.2 In light of that progress, Air Products has been maintaining a watching brief of the Examination and did not attend Issue Specific Hearing 2 (**ISH2**). In agenda item 3(c) for ISH2, the Examining Authority requested an update on Protective Provisions, however, at the hearing the position as regards Air

WKS/334854653.1

Products was not covered. For completeness, therefore, Air Products wishes to confirm that notwithstanding the progress that has been made in relation to its requested Protective Provisions and asset protection agreement, unless and until those documents are agreed, Air Products maintains its objection to compulsory acquisition powers being granted over land in which it has an interest.

2.3 Air Products looks forward to continuing productive engagement with the Applicant to resolve these outstanding matters.

Yours faithfully

Charles Russell Speechlys LLP

Charles Russell Speechlys LLP