

National Gas Transmission Plc Response to Examining Authority’s Second Written Questions in respect of the Viking CCS Pipeline DCO

This response is submitted on behalf of National Gas Transmission Plc (“**NGT**”) in respect of Chrysaor Production (UK) Limited's (“**Applicant**”) Viking CCS Development Consent Order (“**Viking CCS DCO**”).

ExA Question	NGT Response
<p>2.5.16</p> <p>Section 127 of the Planning Act 2008</p> <p><i>The Applicant stated at CAH2 that it was ‘unarguable’ that the land at Theddlethorpe Gas Terminal does not constitute statutory undertaker land. In response to ExA action points, the Applicant provided submissions at Deadline 4 [REP4-034] setting out why that is the case. Irrespective of whether or not an agreement has been reached between National Gas Transmission Plc (NGT) and the Applicant, the ExA still needs to inform the SoS whether s127 of PA2008 is engaged and whether there is any objection on these grounds. Since the ExA was unable to get your views at previously scheduled Hearings, please provide as full and as comprehensive a response as possible, citing PA2008, to the Applicant’s submissions</i></p>	<p>NGT refers to its Relevant Representation and its response to the Examining Authority's Request for Further Information, which have covered this issue in detail.</p> <p>The Applicant's conclusion in its Deadline 4 submission ("Submission") that s.127 is not engaged relies on its contention that an interest in the Theddlethorpe Gas Terminal ("TGT") is not held for the purposes of NGT's undertaking. The reasons the Applicant advances in support of this conclusion are misconceived, and its discussion of the issue therefore proceeds from false premises.</p> <p>NGT has been clear that its plans for the TGT site will include the transmission of natural gas and hydrogen (both of which are "gas" within the meaning of the Gas Act 1986) via NGT's national transmission system ("NTS"). Indeed, a large part of the rationale for the development of an energy park in this location is due to its direct connectivity to the NTS, which will allow the transportation of gas through the existing pipelines. The Applicant's suggestion in paragraph 4.6 of its Submission that NGT's "<i>intention to redevelop the site for use as an energy park would seem to indicate that it is in fact surplus land, which is no longer required or held for the purposes of their undertaking as a gas transporter</i>" is, therefore, simply wrong. NGT's plans for the site plainly do accord with the purposes of its statutory undertaking as a gas transporter. An interest in the TGT site is held for those purposes, and s.127 is thus engaged.</p>
<p>2.5.18</p> <p>Position of NGT in respect of extant permissions</p> <p><i>The ExA made specific reference in CAH2 to the planning condition on an extant planning permission requiring NGT to reinstate the site to agricultural land and indeed a specific question was asked of Lincolnshire County Council</i></p>	<p>NGT agrees with the Examining Authority that, to the extent that it is under such an obligation pursuant to an extant planning permission, this would satisfy the relevant requirement under s.127.</p>

<p>concerning this. They confirmed that the condition (linked to an application for demolition) was still valid. As this is the case, NGT would appear to satisfy the requirement (as set out in paragraph 3.5 of [REP4-034]) that the land is in fact land “they intend to use in the future for the purpose of their own undertaking.” Do NGT still retain an obligation in the land that engages their statutory undertaker status and why was no reference made to the planning condition in the Response note?</p>	
<p>2.5.19</p> <p>Agreements in place</p> <p><i>It is acknowledged that the issue becomes less pressing if an agreement is reached with NGT and the objection is withdrawn and the Statement of Reasons (SoR) is updated. However, the Examination will close in little more than a month. What is the latest position with the long running negotiations with NGT as the Applicant did say at ISH2 that it was expected that the Agreement between the parties would have formal approval and completion before Deadline 4?</i></p>	<p>Terms have been agreed between the parties for a voluntary agreement. The agreed terms are currently going through the Applicant's and NGT's respective corporate approval processes prior to signature. Unfortunately, it was not possible to complete this prior to Deadline 4, but NGT anticipates that the process will be complete before the end of the examination. The parties will update the Examining Authority as soon as the agreement is completed.</p> <p>For the avoidance of doubt, in the meantime NGT maintains its objection pending the satisfactory resolution of its concerns.</p>