

Viking CCS Pipeline

9.63 Applicant's Response to Questions Within the Examining Authority's Report on the Implications for European Sites

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Applicant: Chrysaor Production (U.K.) Limited,
a Harbour Energy Company
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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 questions raised by the Examining Authority (ExA) in the Report on the Implications for European Sites, as published on Monday 12 August.

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 3 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 ExA Questions Raised in the RIES

- 2.1.1 This section provides the Applicant’s response to the ExA’s questions raised in the RIES.
- 2.1.2 Within the table, 4 columns are provided as follows:
- Column 1 sets out the unique reference number to each question which starts with ‘RIESQ1’ (indicating that it is from the RIES).
 - Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to.
 - Column 3 provides a written description of the question to be answered by Deadline 1; and
 - Column 4 provides a written response to the question(s) raised.
- 2.1.3 Where deemed necessary, additional information has been provided in support of specific questions by the Applicant, which is presented in the appendices within this document.

Table 2-1: Responses to the questions within the ExA's Report on the Implications for European Sites

| Question ID | Question to | Question | Applicant response | | | | | | | | | |
|--|---|---|--|-----------|-------|------------------|-----|---|---|-----|---|--|
| Habitats Regulations Assessment | | | | | | | | | | | | |
| RIESQ1 | Host Local Authorities | The ExA requests that the five host local authorities provide a summary of any HRA matters that they consider to be outstanding. | | | | | | | | | | |
| RIESQ2 | The Applicant Natural England | The ExA requests that the Applicant and NE provide information to confirm what are the five issues the Applicant consider are outstanding (as detailed in paragraph 1.2 of [REP4-052]). | <p>There were six outstanding issues at the time of the ISH3, which were as follows:</p> <table border="1"> <thead> <tr> <th>Issue No.</th> <th>Issue</th> <th>Current Position</th> </tr> </thead> <tbody> <tr> <td>NE3</td> <td>NE3 - We note that the significance of qualifying bird populations has been assessed on a per field basis. We advise there is potential for cumulative impacts to SPA birds using functionally linked land across the project area. The HRA should therefore consider the significance of bird numbers across the project area and the potential for cumulative impacts (see key issue NE12 below). Natural England welcomes that the baseline survey data will be reviewed in order to provide further clarification (SoCG ref. 37). Further detail should be provided on the sequence / timing of works and the availability of roost and feeding sites within the study area to provide context on the proportion of suitable habitat that would be affected at any one time. Natural England welcomes the commitment to update the Report to Inform the HRA to provide further justification for conclusions on loss of functionally linked land (SoCG ref. 37) and will review this once submitted. Discussions are ongoing with the applicant regarding this.</td> <td> <p>The HRA was updated to respond to this point. In response Natural England suggested this statement in 7.3.9 be removed/amended:</p> <p><i>“However, there was no evidence that these fields support regularly occurring populations which could be considered to be significant”</i></p> <p>And noted that <i>“although birds were recorded irregularly during the surveys, the presence of SPA species over 1% of the estuary population indicates significance and has triggered the need for an appropriate assessment”</i>.</p> <p>The Applicant removed <i>“which could be considered to be significant”</i> from paragraph 7.3.9.</p> <p>In their Deadline 4 submission [REP4-093], Natural England confirmed that based on the information provided they agreed with the assessment conclusions and that no further information was required.</p> </td> </tr> <tr> <td>NE6</td> <td>However, Figures 13-31 of Appendix 6-7 indicate other qualifying SPA bird species, including lapwing and pink-footed goose, have been recorded in numbers greater than 1% of qualifying populations in proximity to the red line boundary. We advise that likely significant effects for lapwing and pink-footed goose cannot be screened out and</td> <td> <p>The HRA was updated to respond to this point.</p> <p>Natural England requested additional information regarding the potential worst case duration of works.</p> <p>The Applicant confirmed that the worst-case scenario has been assessed as approximately 20</p> </td> </tr> </tbody> </table> | Issue No. | Issue | Current Position | NE3 | NE3 - We note that the significance of qualifying bird populations has been assessed on a per field basis. We advise there is potential for cumulative impacts to SPA birds using functionally linked land across the project area. The HRA should therefore consider the significance of bird numbers across the project area and the potential for cumulative impacts (see key issue NE12 below). Natural England welcomes that the baseline survey data will be reviewed in order to provide further clarification (SoCG ref. 37). 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| | | | <p>should be included in the list of species in Table 7-1 for further assessment.</p> <p>Natural England welcomes that lapwing and pink-footed goose will be added into Table 7-1 in the updated Report to Inform the HRA (SoCG ref. 37). We advise that the appropriate assessment should consider the potential cumulative impact on these species across the project area (as per key issue NE3).</p> | <p>days of 'noisy' works per location (i.e. per field). This has been added into the HRA.</p> <p>In their Deadline 4 submission [REP4-093], Natural England confirmed that based on the information provided they agreed with the assessment conclusions and that no further information was required.</p> | |
| | | | <p>NE9 We note from Table 7-1 of the HRA that likely significant effects from noise and visual disturbance to SPA breeding birds during operation has been screened out. However, section 4.2.30 of the Environmental Statement Volume I – Non-Technical Summary states maintenance to the Dune Isolation Valve is required. We advise that further assessment is required to determine potential impacts to SPA breeding birds at 'Viking Fields' during maintenance visits. The applicant has clarified that maintenance visits will require a maximum of two workers using hand tools or small powered hand tools. The applicant considers it unlikely that the minor maintenance works necessary to maintain the dune valve would create a disturbance event greater than existing baseline levels (SoCG ref. 37). The applicant has verbally confirmed it is expected that visual inspection of the dune valve will occur once per month and maintenance visits will occur annually. Natural England welcomes that clarity will be provided in the updated Report to Inform the HRA. However, although the maintenance visits are expected to occur infrequently, there is still a possibility that works will be undertaken in proximity to nests and have the potential to cause disturbance and nest abandonment. We advise that further assessment should be made on the suitability of habitat near to</p> | <p>The Applicant made a commitment that all routine maintenance of the dune valve would occur outside the breeding season which was added to both the HRA [EN070008/APP/6.5] and the Operational Phase Mitigation report [REP2-014].</p> <p>Measure Op21 states that:</p> <p><i>“Routine maintenance visits to the Dune Isolation Valve will be undertaken outside of the bird breeding season (that is, 1st March 31st August inclusive).”</i></p> <p>In their deadline 4 submission Natural England agreed that this issue was now closed.</p> | |

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| | | | <p>the dune valve, to assess if there is potential for SPA birds to nest to in close proximity to the working area. We will review this once submitted.</p> | |
| | | | <p>NE12 Justification is provided in section 7.3.8 of the HRA as to why the temporary loss of land will not have negative implications at the population level of SPA bird species. Natural England does not agree that the assessment is sufficient to rule out adverse effects on the Humber Estuary SPA in this case, due to the location of proposed works and number of SPA birds recorded within/adjacent to the construction area. Therefore, we advise that further assessment is required regarding the potential impacts to Humber Estuary SPA birds, in particular curlew, from temporary loss of functionally linked land during construction.</p> <p>Natural England highlights that loss of habitat may result in an increase in local bird densities and have consequences for individual bird fitness in terms of increased energy expenditure for flight, competition with other birds for food, and lack of knowledge of foraging resources in other areas which might make it more difficult to find food (Mander et al., 20211). Consequently, this may lead to effects on breeding productivity and ultimately population size (Baker et al., 20042; Piersma et al., 20163; Studds et al., 20174).</p> <p>Satellite tagging of curlews on the Humber has demonstrated that individuals are highly site faithful and forage within a short distance of their high tide roost sites. During the study period, curlew home ranges were found to be between 4.4 and 9.6 km² (Cook et al, 20165). Displacement from foraging sites will therefore have consequences for the birds' fitness in terms of increased energy expenditure for</p> | <p>The Applicant addressed most issues through updates to the HRA. In particular, the Applicant provided further detail of how pipeline construction activities are undertaken as a matter of practice. This would result in the works being undertaken sequentially, rather than simultaneously across the Order Limits.</p> <p>Natural England noted in its deadline 4 submission [REP4-093] that further information had been provided, and went on to state: <i>"Based on the information provided we agree with the assessment conclusion"</i>. Natural England also confirm that they consider no further information is required to secure mitigation measures in the DCO.</p> |

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| | | | <p>flight, competition with other birds for food, and lack of knowledge of foraging resources in other areas which might make it more difficult to find food. Therefore, we advise further consideration should be given to potential impacts on curlew associated with displacement from known foraging areas.</p> <p>We advise further assessment is required on the scale and timing of construction (i.e. if cable works happening sequentially or simultaneously across the project area) during sensitive periods to understand cumulative impacts. We advise further assessment of available alternative roosting/feeding sites in proximity to the works areas is required.</p> <p>If impacts cannot be ruled out, it may be necessary to consider mitigation measures such as restrictions on the timing/extent of works at sensitive times of the year.</p> <p>Natural England welcomes that the baseline survey data will be reviewed in order to provide further clarification (SoCG ref. 37). Further detail should be provided on the sequence / timing of works and the availability of roost and feeding sites within the study area to provide context on the proportion of suitable habitat that would be affected at any one time. As detailed above (NE6), we advise that the assessment should include pink-footed geese and lapwing. Natural England welcomes the commitment to update the Report to Inform the HRA to provide further justification for conclusions on loss of functionally linked land (SoCG ref. 37) and will review this once submitted. Discussions are ongoing with the applicant regarding this.</p> | |
| | | | <p>NE16 Section 7.3.16 of the HRA states that, with mitigation, average construction noise would be below the baseline. Section 7.3.19 of the</p> | <p>Further information including potential acoustic fence locations were provided in the updated</p> |

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| | | | <p>HRA states 'noise fencing will be included for works within 500m of the relevant survey fields'. We advise that further detail is provided regarding the locations at which noise mitigation is required, taking into consideration our advice on functionally linked land assessment above (NE12).</p> <p>Natural England welcomes that additional information will be provided in the updated Report to Inform the HRA outlining the sectors where noise fencing will be required (SoCG ref. 38) and we will review this once submitted.</p> | <p>HRS Report.</p> <p>Natural England confirmed that <i>"for general pipeline construction works, it is unlikely that erection of fencing is going to be beneficial if a) it increases the timescale of potential disturbance/loss b) it increases the presence of personnel on site. For general pipeline construction works, within the agreed timeframes, we do not consider that mitigation in the form of fencing is required"</i>.</p> <p>Further to a meeting held on 25 July the Applicant provided more detail regarding how locations for acoustic fencing would be determined. This revised text has been largely agreed by Natural England other and it is anticipated that the next iteration will resolve this matter.</p> |
| | | | <p>NE24 We welcome the noise assessment in Appendix 13-4 of the HRA. We advise it would be beneficial to include a noise contour plan or table for the in-combination assessment, presenting in-combination noise data for the proposed development and other projects in proximity to Rosper Road Pools.</p> | <p>The Applicant did not consider it was feasible to undertake noise modelling that included other developers' proposals.</p> <p>Natural England advised that #NLC CULM-19 - PA/2023/502 has the potential to create noise and visual disturbance to Rosper Road Pools but that "with the proposed noise fencing as mitigation, adverse effects from the Proposed Development can be ruled out".</p> <p>The Applicant provided additional text into the HRA regarding Additional text added to #NLC CULM-19 - PA/2023/502.</p> <p>In their Deadline 4 submission [REP4-093], Natural England confirmed that based on the information provided they agreed with the assessment conclusions and that no further information was required.</p> |

| Question ID | Question to | Question | Applicant response |
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| Humber Estuary SPA and Ramsar | | | |
| RIESQ3 | The Applicant | Can the Applicant confirm how the mitigation measure of sequential rather than simultaneous pipeline construction is secured within the dDCO? | The additional information that the Applicant provided on how the works would be undertaken sequentially, rather than simultaneously, along the pipeline route is a description of what is an inherent aspect of pipeline construction rather than a form of mitigation. The practicalities of constructing a pipeline would preclude simultaneous work in all areas at the same time, as that is not how the various work 'crews' operate when moving along the pipeline route to complete each phase of work. The Applicant therefore doesn't believe there needs to be a specific reference to this within the draft DCO or controlling documents |
| Humber Estuary Ramsar | | | |
| RIESQ4 | The Applicant Natural England | Please provide an updated assessment and a conclusion on whether there is the potential for LSE when mitigation is not taken into account. Where an LSE cannot be excluded please provide the information needed to support an appropriate assessment including an assessment of effects, any mitigation that is required and how this is to be secured | An updated Report to Inform HRA [EN070008/APP/6.5] has been submitted at deadline 5, which identifies LSE without mitigation and then identifies necessary mitigation that is required to ensure there are no AEol. The measures set out in the Report to Inform HRA are all secured within the draft CEMP [EN070008/APP/6.4.3.1]. |
| RIESQ5 | East Lindsey District Council | East Lindsey District Council is invited to comment on any outstanding concerns in relation to the assessment of Lamprey (including matters raised in EXQ 1.12.22 and 1.12.26). | |
| Matters applicable to all sites / General HRA reporting matters | | | |
| RIESQ6 | The Applicant Natural England | Please provide any further comments in relation to this matter. | <p>The Applicant re-iterates that the fundamental point in respect of HRA is that the separation distance and nature of the onshore and offshore works means that there is no potential for a cumulative/in-combination effect on the same receptors. There is sufficient environmental information available now about the offshore works to be able to reach that conclusion beyond reasonable scientific doubt. As such, it can be ruled out that there would be any adverse effect on integrity on any European Site.</p> <p>The Applicant has made a number of submissions relating to the suggested requirement to link the onshore and offshore works but would note for completeness that a number of these are in the context of compulsory acquisition and policy. The reason that this is unnecessary from an HRA perspective, is that a robust conclusion can be reached now based on information available.</p> |
| Humber Estuary SPA and Ramsar | | | |
| RIESQ7 | The Applicant Natural England | <p>The ExA notes that paragraph 7.3.11 refers to pipe laying works taking place between April and July, which appears to be within the nesting bird season and contrary to commitments in the CEMP [REP4-027] and Operational Phase Mitigation [REP2-014] in relation to avoiding nesting bird season for some elements of the Proposed Development.</p> <p>Can the Applicant and NE provide further information on this matter, in particular in relation to whether any restrictions on timings of works are required for the pipe laying where these are in proximity to functionally linked land.</p> | <p>In the draft CEMP [EN070008/APP/6.4.3.1] there are several references to specific species that could be disturbed during the breeding season, however, in each case mitigation is also identified for situations where works are undertaken in the breeding season. An example is provided below:</p> <div style="border: 1px solid black; padding: 5px;"> <p>B36 Cetti's Warbler - Rosper Road Pools & Waithe Beck:</p> <ul style="list-style-type: none"> • Undertake all the site clearance and construction works outside of the breeding bird season (March – September). This will avoid contravention of the Wildlife </div> |

| Question ID | Question to | Question | Applicant response |
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| | | | <p>and Countryside Act 1981 (as amended) by avoiding disturbance to breeding Cetti's warbler breeding outside the construction footprint.</p> <ul style="list-style-type: none"> • <u>If site clearance and/or construction works are within or close to the breeding season at these locations, then appropriate mitigation should be implemented to ensure that nesting Cetti's warbler is not disturbed prior to any works commencing.</u> A suitably experienced ornithologist should carry out a breeding bird survey prior to works, with the aim of determining the breeding status and location of Cetti's warbler at Waithe Beck. An Ecological Clerk of Works (ECoW) should be appointed to supervise operations during the breeding bird season, with an agreed threshold of disturbance response beyond which working practices/locations can be amended as required, or if necessary, works can be temporarily halted, under advisement of the ECoW and where safe to do so. If Cetti's warbler is found breeding, works should stop immediately and advice sought from Natural England to agree suitable mitigation measures. Suitable mitigation measures to ensure legal compliance might include erection of an environmental barrier between the nest site and the construction footprint to prevent any noise and visual disturbance to nesting avocet. <p>In the Operational Phase Mitigation report [REP2-014] a commitment is made to undertake routine maintenance of the Dune Isolation Valve outside of the bird breeding season to avoid any potential effects on breeding avocet. This is specific to routine maintenance of the Dune Isolation Valve and is not related to pipeline construction, which will not take place in this area (the fields to the east of the former TGT site). A similar commitment is made regarding the initial electrical cable installation and the Dune Valve Replacement works in this location, which is set out in measure B38 in the CEMP [EN070008/APP/6.4.3.1].</p> |
| RIESQ8 | The Applicant Natural England | Please provide any further comments on this matter. | This matter has been the subject of further discussion between the applicant and Natural England and the applicant has set out a more structured approach to how decisions regarding acoustic fencing would be decided in the updated Report to inform HRA submitted. |
| RIESQ9 | Natural England | Please confirm what information is required in relation to mitigation measures and triggers for implementation. | |
| RIESQ10 | Local Authorities | The Local Authorities attention is drawn to question RIESQ1 at paragraph 2.5.6 above in relation to this matter. | |
| RIESQ11 | Local Authorities | The Local Authorities attention is drawn to question RIESQ1 at paragraph 2.5.6 above in relation to this matter. | |

