

Viking CCS Pipeline

9.65 Response to Examining Authority's Proposed Schedule of Changes of the dDCO

Document Reference: EN070008/EXAM/9.65

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)
Date: September 2024

PINS Reference	Document Reference	Document Revision	Date
EN070008		Version 1	August 2024

Prepared by	Checked by	Verified by	Approved by

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 response to the Examining Authority's schedule of proposed changes to the draft DCO.

Table 1-1: Responses to the Examining Authority’s schedule of changes to the draft DCO

Reference No.	Provision	Proposed Change	ExA reasoning	Applicant response
PC001	Requirement 2	Addition of new clause: (3) The authorised development must not commence unless and until the necessary offshore consents have been fully obtained from the appropriate authorities.	The ExA note that the construction programme appears to have slipped and there are enduring concerns over the approach to offshore consents. In addition, to ensure certainty over the delivery of the benefits for the Viking Carbon Capture and Storage (CCS) Pipeline project as a whole, the ExA proposes adding this clause into the Requirement.	<p>The Applicant has not made this change to the draft DCO.</p> <p>The Applicant considers such a requirement to be unnecessary, contrary to the policy in National Policy Statement EN-1 and out of step with precedent from other DCOs for similar development. The Applicant’s position is set out in more detail in the Position Statement on the Benefits of the Proposed Development and in its responses to section 2.05 (Compulsory Acquisition) of the ExA’s second written questions.</p> <p>As set out in response to WQ 2.5.15, in the event that the ExA and the Secretary of State disagree with the Applicant’s position and determine that such a requirement is necessary, the Applicant would suggest the below wording, which is provided on a <u>without prejudice</u> basis. This wording is similar to Requirement 33(1) of the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022. The Applicant considers that the wording below is clearer on what consents are required prior to commencement of works for the onshore pipeline.</p> <p>Defined terms to be added to paragraph 1 of Part 1, Schedule 2 (Requirements) of the draft DCO:</p> <p>“carbon dioxide storage permit” means any carbon dioxide storage permit granted in terms of The Storage of Carbon Dioxide (Licensing etc.) Regulations 2010 or such other licence, authorisation or consent as may replace it;</p> <p>“offshore pipeline and storage works” means works for the offshore carbon dioxide transportation and storage infrastructure into which the authorised development will connect.</p> <p>Without prejudice requirement to be added to Schedule 2 (Requirements) of the draft DCO:</p> <p>(1) No part of the authorised development may commence until details of the following have been submitted to and approved by the relevant planning authority-</p> <p>(a) evidence that a carbon dioxide storage permit for the offshore pipeline and storage works is in place;</p> <p>(b) evidence of any pipeline works authorisation required by section 14 of the Petroleum Act 1998 for the offshore pipeline and storage works.</p>

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PC002	Interpretation, Article 2	Delete and replace reference to “outline operational and maintenance environmental management plan” with “operational phase mitigation.”	There is no document in the Examination Library labelled outline operational and maintenance environmental management plan. The closest equivalent is the document identified [REP2-014], as referenced in Article 44(1)(n).	The Applicant has updated the draft DCO (Revision G) as requested.
PC003	Interpretation, Article 2	Update the definition of “general arrangement plans” to refer, as necessary, to any updated plans or documents for each of the respective facilities.	To ensure no ambiguity in what constitutes a “general arrangement plan.” A cross reference to article 44 may be appropriate.	The Applicant has updated the draft DCO (Revision G) as requested.
PC004	Article 8(1)	Replace “may without the consent of the street authority” with “following advance notification to the street authority, but without the need for express consent, may –“.	In response to Lincolnshire County Council’s sustained objection. This still removes the need for consent but provides some means of managing works within the public highway across the network.	The Applicant has not made this change to the draft DCO. The Applicant considers that the intention of this amendment is already secured by other articles in the draft DCO (Revision G). Article 11 (Application of the 1991 Act) applies certain provisions of the New Roads and Street Works Act 1991 (“1991 Act”) to any works carried out under article 9 (street works) or article 10 (power to alter layout etc. of streets). This includes applying section 55 of the 1991 Act, which requires advance notice to the street authority prior to undertaking certain works. Furthermore, the Applicant has added a new article 8 (application of the permit schemes) to the draft DCO that applies Lincolnshire County Council’s permit scheme to any street works to address their concern.
PC005	Article 32 (4)(c)	Add ‘;’ at end of sentence.	Typographical.	The Applicant has updated the draft DCO (Revision G) as requested.
PC006	Article 32(8)	Change “precluded from” to “precluded from –“.	For formatting consistency with other similar articles drafted.	The Applicant has updated the draft DCO (Revision G) as requested.
PC007	Article 33(13)	Merge with Article 33(12) preceding it.	The ExA question whether Article 33(13) has been misnumbered as it appears to be a follow on from 33(12) in terms of relevance and formatting.	The Applicant has updated the draft DCO (Revision G) as requested.
PC008	Schedule 1	Under work number 11, delete (g).	Typographical error.	The Applicant has updated the draft DCO (Revision G) as requested.
PC009	Schedule 1	Under work number 36, delete (g).	Typographical error.	The Applicant has updated the draft DCO (Revision G) as requested.
PC010	Requirement 3	Remove ‘ – ‘.	Typographical error.	The Applicant has not been able to identify the typographical error referred to and has therefore not made any update to the draft DCO in respect of this item.
PC011	Requirement 8	Rewrite 8(1).	The formatting and sentence structure in the first line has misplaced punctuation.	The Applicant has updated the draft DCO (Revision G) as requested.
PC012	Requirement 16(2)	After the word “include” delete the ‘ - ‘	Typographical error.	The Applicant has updated the draft DCO (Revision G) as requested.
PC013	Requirement 22(3)	Replace “within 21 days of receipt of the application” with text “within 20 business days of receipt of the application.”	The ExA consider the slightly longer period, as originally advocated by the Environment Agency [REP2-038] [REP4-104], to be fairer when a consultee is engaged within the Requirement	The Applicant has updated the draft DCO (Revision G) as requested.

Reference No.	Provision	Proposed Change	ExA reasoning	Applicant response
			discharging process.	
PC014	Requirement 25(7)	Change “sub-paragraph (7)” to “sub-paragraph (8)”.	The ExA query as to what “sub-paragraph (7)” relates to in this context and is believed to be a reference to sub-paragraph (8) below in relation to costs claims	The Applicant confirms that the ExA's understanding is correct, and has updated the draft DCO (Revision G) as requested.