



Viking CCS Pipeline Project Case Team
Planning Inspectorate
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(Email only)

MMO Reference: DCO/2024/00006
Planning Inspectorate Reference: EN070008
Identification Number: 20047160

19 September 2024

Dear Sir or Madam,

1. **Planning Act 2008, Chrysaor Production (UK) Limited, Proposed Development Consent Order for the Viking Carbon Capture and Storage (CCS) Pipeline.**

- 1.1. This document comprises the Marine Management Organisation's (MMO) comments in respect of the above Development Consent Order application (DCO Application).
- 1.2. This is without prejudice to any future representation the MMO may make about the DCO Application throughout the examination process. This is also without prejudice to any decision the MMO may make on any associated application for consent, permission, approval or any other type of authorisation submitted to the MMO either for the works in the marine area or for any other authorisation relevant to the proposed development.

2. **The MMO's role in Nationally Significant Infrastructure Projects (NSIPs)**

- 2.1. The MMO was established by the Marine and Coastal Access Act 2009 (MCAA 2009) to make a contribution to sustainable development in the marine area and to promote clean, healthy, safe, productive and biologically diverse oceans and seas.
- 2.2. The responsibilities of the MMO include the licensing of construction works, deposits and removals in English inshore and offshore waters and for Northern Ireland offshore waters by way of a marine licence. Inshore waters include any area which is submerged at mean high water spring ("MHWS") tide. They also include the waters of every estuary, river or channel where the tide flows at MHWS tide. Waters in areas which are closed permanently or intermittently by a lock or other artificial means against the regular action of the tide are included, where seawater flows into or out from the area.



2.3. In the case of NSIPs, the Planning Act 2008 (the 2008 Act) enables DCOs for projects which affect the marine environment to include provisions which deem marine licences.

As a prescribed consultee under the 2008 Act, the MMO advises developers during pre-application on those aspects of a project that may have an impact on the marine area or those who use it. In addition to considering the impacts of any construction, deposit or removal within the marine area, this also includes assessing any risks to human health, other legitimate uses of the sea and any potential impacts on the marine environment from terrestrial works.

2.4. Where a marine licence is deemed within a DCO, the MMO is the delivery body responsible for post-consent monitoring, variation, enforcement and revocation of provisions relating to the marine environment. As such, the MMO has a keen interest in ensuring that provisions drafted in a deemed marine licence (“DML”) enable the MMO to fulfil these obligations.

2.5. Further information on licensable activities can be found on the MMO’s website [here](#). Further information on the interaction between the Planning Inspectorate and the MMO can be found in our joint advice note 11 Annex B [here](#).

3. The Proposed Development

3.1. The Applicant seeks authorisation for the construction and operation of a CCS pipeline comprising of a 55.5 kilometre (km), 24-inch diameter onshore pipeline commencing at the Immingham Facility and ending at the Theddlethorpe Facility. The onshore pipeline will connect into the existing 36-inch Lincolnshire Offshore Gas Gathering System (LOGGS) offshore pipeline by means of a crossover. The pipeline will transport carbon dioxide.

3.2. The offshore elements of the Viking CCS Project, including the transportation of Carbon Dioxide through the LOGGS pipeline to the Viking gas fields under the North Sea are subject to a separate consenting process, through the Offshore Petroleum Regulator for Environment and Decommissioning (OPRED) and the North Sea Transition Authority (NSTA).

4. Deadline 6 Submission

4.1. The MMO has received the questions from the Examining Authority regarding the Viking CCS Bridging Document (APP-128).

4.2. The MMO have undertaken a review of the Viking CCS Bridging Document (APP-128).

4.3. The MMO note the Viking CCS Project consists of two main components:



- The Viking CCS Pipeline: an onshore transportation system comprising a buried approximately 55.5 kilometre (km) 24 inch (") diameter onshore pipeline commencing at the Immingham Facility, connecting to the Theddlethorpe Facility, which would include a pipeline crossover to the existing Lincolnshire Offshore Gas Gathering System (LOGGS) offshore pipeline to Mean Low Water Springs (MLWS) tide mark;
- The Viking CCS Offshore Development Project: An offshore system repurposing the existing decommissioned 36" diameter LOGGS pipeline, a new 23 km offshore extension of 36" diameter pipeline and a new Not Permanently Attended Installation (NPAI) with facilities to inject the conveyed CO2 into the depleted gas reservoirs under the Southern North Sea.

4.4. The MMO understand that the 'Proposed Development' is the Viking CCS Pipeline which PINS are considering to consent as a Development Consent Order. The MMO understand The Viking CCS Offshore Development Project is subject to a separate consenting process, through the Offshore Petroleum Regulator for Environment and Decommissioning (OPRED) and the North Sea Transition Authority (NSTA).

4.5. Therefore, to date the MMO have provided relevant representations solely relating to the Proposed Development (Viking CCS Pipeline).

4.6. The bridging document the applicant has provided is a summary of the environment assessment produced for the Proposed Development and the Viking CCS Offshore Development Project.

5. Question 1 Reference: 2.5.11 – Marine Licensable Activities

5.1. PINS Question: 'The Marine Management Organisation (MMO) submitted a representation at Deadline 4 (REP4-103] which reminded "the Applicant that it is their responsibility to identify any marine licensable activities."

The Applicant's proposal for the offshore pipeline is explained in the Bridging Document [APP-128] which will include (paragraph 5.2.5) the construction of a four-legged steel jacket hosting facility which will (paragraph 1.1.2) "inject the conveyed CO2 into the depleted gas reservoirs."

The Applicant is of the opinion that a Marine Licence is not required because of the exemption contained in section 77(1)(d) of the Marine and Coastal Access Act 2009, but it occurs to the ExA that the construction of a 28km new pipeline in addition to the new installation would undoubtedly involve a considerable number of "marine activities". Can the MMO explain how it will be involved in the consideration of these?'

5.2. The MMO has reviewed the bridging document and consider the applicant should update the document for clarity. The Examining Authority's question (2.5.11) relates to works that will be consented by the Offshore Petroleum, Regulator for Environment and Decommissioning (OPRED) as part of the Viking CCS Offshore Development Project (see Table 1).



Table 1: MMO comments on bridging document (APP-128)

<p>5 Viking CCS Development Project</p> <p>5.1 Overview</p> <p>5.1.1 The Viking CCS Development Project will include the following construction activities:</p> <ul style="list-style-type: none"> • Repurposing of the existing 118 km long, 36” diameter offshore LOGGS pipeline; • Installation of a new 28km long, 36” diameter offshore pipeline spur; • Installation of a new offshore not permanently attended installation (NPAI) at the Victor Field; • Drilling of CO2 injector wells. 	<p>The MMO note this section is referring to the works outlined in Section 1.1.2:</p> <p>‘The Viking CCS Offshore Development Project: An offshore system repurposing the existing decommissioned 36” diameter LOGGS pipeline, a new 23 km offshore extension of 36” diameter pipeline and a new Not Permanently Attended Installation (NPAI) with facilities to inject the conveyed CO2 into the depleted gas reservoirs under the Southern North Sea’.</p>	<p>This section should be updated to Viking CCS Offshore Development Project for clarity.</p>
<p>The MMO also notes that Table 1 states that the MMO is the regulator of the Habitats Regulations Assessment.</p>	<p>The MMO do not have a regulatory role as no deemed marine licence is within this DCO application and to date no standard marine licence application has been applied for. If a standard marine licence application is applied for the MMO will undertake a Habitat Regulation Assessment if required.</p>	<p>This table should be updated to clarify the role of each regulator, for all <i>confirmed</i> consents that will be applied for.</p>

5.3. The Marine and Coastal Access Act 2009 – Exemptions for Marine Licences.

5.3.1. Part 4 of Marine and Coastal Access Act (2009) details the provisions relating to marine licensing. The regime replaces and extends the provisions of The Food and Environment Protection Act 1985, Part II Deposits in the Sea, and marine licences are required for the following activities:

- To deposit any substance or object within the UK marine licensing area, either in the sea or on or under the sea bed;
- To scuttle any vessel or floating container in the UK marine licensing area;



- To construct, alter or improve any works within the UK marine licensing area either in or over the sea, or on or under the sea bed;
- To use a vehicle, vessel, aircraft, marine structure or floating container to remove any substance or object from the sea bed within the UK marine licensing area;
- To carry out any form of dredging within the UK marine licensing area (whether or not involving the removal of any material from the sea or sea bed);
- To deposit or use any explosive substance or article within the UK marine licensing area either in the sea or on or under the sea bed; and
- To incinerate any substance or object on any vehicle, vessel, marine structure or floating container in the UK marine licensing area.

5.3.2. Section 77 of the Act specifically excludes offshore energy activities relating to oil and gas exploration and production, gas unloading and storage, and carbon dioxide storage from the marine licensing provisions, where the activities fall into the following categories:

- Anything done in the course of carrying on an activity for which a licence under section 3 of the Petroleum Act 1998 (c. 17) or section 2 of the Petroleum (Production) Act 1934 (c. 36) (licences to search for and get petroleum) is required;
- 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;
- Anything done for the purpose of establishing or maintaining an offshore installation (within the meaning of Part 4 of the Petroleum Act 1998 (c. 17)); and
- Anything done in the course of carrying on an activity for which a licence under section 4 or 18 of the Energy Act 2008 (c. 32) is required (gas unloading, storage and recovery, and carbon dioxide storage), with the exception of activities where there is devolved competence.

5.3.3. The applicant has stated within their application that they consider a Marine Licence Application is not required for the Viking CCS Offshore Development Project as the project is exempt under Section 77(1)(d) of the Marine and Coastal Access Act.



- 5.3.4. This exemption includes infrastructure related to the gas unloading, storage and recovery and carbon dioxide storage, such as the construction of a four-legged steel jacket hosting facility which will inject the conveyed CO₂ into the depleted gas reservoirs.
- 5.3.5. Therefore, the MMO are not the Regulator for the Viking CCS Offshore Development Project and are not involved in the licensing of this project. An exemption under the Marine and Coastal Access Act 2009 means that a marine licence application is not required. Therefore, the MMO are not involved in the consenting process for projects that fall under Section 77(1)(d) of the Marine and Coastal Access Act.
- 5.3.6. Please note additional exemptions from the marine licensing provisions are contained in the Marine Licensing (Exempted Activities) Order 2011 (as amended).
- 5.3.7. As a consequence of the exclusions and exemptions noted above, most offshore energy activities that are the responsibility of the Offshore Petroleum Regulator for Environment and Decommissioning (OPRED) are not subject to the MCAA marine licensing regime. However, the exclusions do not apply to activities that do not fall into the categories detailed above, and the most significant activities that aren't excluded are any licensable activities relating to decommissioning operations and the use of explosives for ordnance clearance or during decommissioning.
- 5.3.8. Where there is a licensing requirement, OPRED is the licensing authority for reserved offshore energy activities, acting on behalf of the Secretary of State.
- 5.3.9. Further information on consenting under the Petroleum Act can be found in section 77 of the Marine and Coastal Access Act, further guidance is also available here: <https://www.gov.uk/guidance/oil-and-gas-offshore-environmental-legislation#marine-and-coastal-access-act-2009>.

6. Question 2 Reference: 2.5.12 – Marine Environment

- 6.1. PINS Question: 'In paragraph 2.4.5 of the Bridging Document [APP-128], it was stated that a Marine Licence was required from the MMO.

A summary of the potential impacts on the marine environment is set out at Table 3 of the Bridging Document.

The requirement for a Marine Licence is repeated in Appendix B of the Consents and Agreements Position Statement [REP1-018]. It is not helpful to see the Applicant taking a different position at this stage of the Examination especially as whichever licensing regime applies, they will need to address the impact on the marine setting caused by their construction works and thereafter any impacts arising from the facility outlined in the previous question. Has there been any update on the potential impacts shown in Table 3 mentioned above as that



document was prepared 10 months ago and it would be expected that this Table would be regularly updated’.

- 6.2. The MMO note that no Deemed Marine Licence is within the DCO application and therefore consider that no marine licensable activities will be consented under this DCO. If there are no marine licensable activities being applied for within a DCO application, then the relevant Statutory Nature Conservation Body (Natural England or the Joint Nature Conservation Committee) will advise PINS on any marine impacts.
- 6.3. The MMO has informed the applicant that if they require a marine licence in the future they can apply for this separately, as there is no Deemed Marine Licence within their DCO application. The applicant should set this out clearly within the DCO documents to avoid confusion. The MMO cannot comment on any unknown marine licensable activities.
- 6.4. To date no marine licence applications have been submitted to the MMO regarding Viking CCS Pipeline or Viking CCS Offshore Development Project. The MMO note that applicants can apply for a marine licence outside of the other consenting processes, although it is recommended the applicant applies for everything collectively.

7. Question 3 Reference: 2.5.14 – Timeline and construction programme

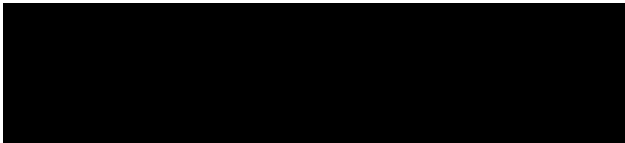
- 7.1. PINS Question: ‘It is noted that the construction programme as outlined in [REP4-036] is now acknowledging that construction works are unlikely to commence until 2026 and that the pipeline will not be ready for use until the last quarter of 2028 after commissioning has taken place. However, this assumes that all necessary consents will be obtained by the end of 2025. In view of the range of impacts to the marine environment identified at Table 3 of the Bridging Document [APP-128] this timeline seems highly optimistic. Can both the Applicant and the MMO comment further’.
- 7.2. The MMO have no comments to make as no marine licensable activity has been applied for either to date with the MMO or as part of the DCO application process (as a deemed marine licence).
- 7.3. The MMO would like to remind the applicant of our timeframes for any future marine licence applications which can be found here:
<https://www.gov.uk/guidance/the-marine-licence-application-timeline>
- 7.4. The MMO do not guarantee a positive determination.



8. Additional Comments:

8.1. The Environmental Statement provided discusses the relevant East Marine Plan. It is noted that Table 1, which gives an overview of the legislation and required consents, states that a marine licence is required for the Viking CCS Development. The MMO note that no application has been made for a marine licence to date and no Deemed Marine Licence is within the DCO application. The MMO do not have the regulatory function to comment on future Marine Licence Applications with no information of what they will amount to.

Yours Sincerely



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