

Viking CCS Pipeline

**9.69 Applicant's
Comments on the
Responses to the
Report on Implications for
European Sites (RIES)**

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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)
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Table of Contents

1	Introduction	1
1.1	Purpose of this Document	1
1.2	The DCO Proposed Development.....	1
2	Applicant's comments on responses to the questions within the ExA's Report on the Implications for European Sites	2

Tables

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

2.1.1 This section provides the Applicant's comments on Interested Party's responses the ExA's questions raised in the RIES.

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

ID	Question to	Question	Interested Party Response	Applicant's Comments
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.	No response received.	N/A
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>Natural England:</p> <p>At the time of ISH3, there were 6 issues outstanding:</p> <ul style="list-style-type: none"> - NE3 - NE6 - NE9 - NE12 - NE16 - NE24 <p>Following review of the latest version of the HRA following ISH3, but prior to Deadline 4, only issue NE16 remained. See our D4 response for Natural England's updated position on each of these issues. Issue NE30 was also added as a result of the presence of Natterjack Toad.</p> <p>As it stands, Natural England's understanding is that there are now only two HRA issues outstanding at this stage. These were outlined as 'amber' issues in our Deadline 4 response dated 29 July 2024 [RER4- 092]:</p> <ul style="list-style-type: none"> - NE16: requests further clarity on the proposed mitigation for noise and visual disturbance to non-breeding birds within functionally linked. - NE30: requests further information on impacts to Natterjack Toad during construction. 	<p>The Applicant has continued to work with Natural England with a view to closing out the final two 'amber' points in relation to the Report to Inform the HRA (Revision E) (document reference 6.5), these being NE16 (acoustic fencing mitigation) and NE30 (natterjack toad). The Applicant has now had confirmation from Natural England that there are no 'amber' issues remaining based on the responses set out below.</p> <p>NE16 - The Report to Inform HRA (Revision E) (document reference 6.5) (and draft CEMP (Revision F) (document reference 6.4.3.1) has been updated to include the following revised mitigation in respect of acoustic and visual careening:</p> <p><i>“Core’ mitigation will be required to address potential noise and visual disturbance in areas where more than 1% of the Humber Estuary SPA / Ramsar population of curlew (wintering i.e. October to March, as per the SPA data sheet) or pink footed goose have been recorded.</i></p> <p><i>Noise fencing will be included for works within 500m of the relevant survey fields, to minimise the area of noise exposure. The relevant fields based upon pre-application surveys are survey fields 27a in FLL North and 54 in FLL South, which supported more than 1% of the Humber Estuary SPA / Ramsar population of non-breeding curlew, and survey fields 86, 92, 94, 95a, and 96a, which supported more than 1% of the Humber Estuary SPA / Ramsar population of pink-footed goose in FLL South.</i></p> <p><i>In these locations the fencing will be 2.4m high close-board acoustic fencing or an equally effective alternative, which could either include 2.4m Heras fencing with an overlapped acoustic blanket/mattress attached, or else the use of the topsoil bund itself, which would be a minimum of 2.4m high on the most appropriate edge of the working width (typically that which faces the relevant field). The indicative fence location based upon the surveys to inform the application are provided as Appendix I of document 6.7 Report to Inform HRA (Application Document 6.7)).</i></p> <p><i>If the topsoil bund is to be used, consideration will be given to the need for temporary acoustic fencing to be erected to screen activities to be undertaken before and after topsoil removal. This will be decided by the EcOW, based upon the timing of the works, and will use the pre-application survey data and the</i></p>

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				<p><i>nearest WeBS sector data to determine the months that significant numbers of SPA species are likely to occur in proximity to the works.”</i></p> <p>NE30 - The Report to Inform HRA (Revision E) (document reference 6.5) (and draft CEMP (Revision F) (document reference 6.4.3.1) has been updated to reflect Natural England's advice regarding habitat manipulation and has been submitted at deadline 6. The new wording is as follows:</p> <p><i>“Prior to the installation of the electrical cable or works to the Dune Valve habitat manipulation would be undertaken. This would involve sensitively managing the habitat along the route of the cable installation prior to works (and prior to the Natterjack Toad Breeding Season) to reduce the likelihood of Natterjack Toad using the area, but ensuring they are still able to commute across it.</i></p> <p><i>Immediately prior to installation of the electrical cable or commencement of the works on the Dune Valve the ECoW would undertake a fingertip search for natterjack toad. The habitat manipulation methods should reduce the likelihood of Natterjack Toads being present in the cable installation area, and where the fingertip search indicates no presence of Natterjack Toads, the construction work in this area (including mole ploughing) is unlikely to cause an adverse effect on the Natterjack Toad population associated with the Ramsar Designation and would remove the likelihood of committing an offence under the Habitat Regulations.</i></p> <p><i>In the unlikely event that natterjack toad is found within the works area during the fingertip search works will stop, and Natural England will be consulted for further advice and / or a licence sought, based on the most recent season of natterjack toad survey data available.”</i></p>
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	<p>Natural England</p> <p>Natural England concur with para 6.2.99 of the HRA, which states that the installation of electrical cabling to the Dune Valve has the potential to kill or injure Natterjack Toads within Viking Fields associated with the Humber Estuary Ramsar designation. Thus, there is potential for an LSE without mitigation.</p> <p>The mitigation proposals outlined in HRA paragraphs 7.3.55-57, include the installation of fencing to avoid damage to habitats likely to be used by Natterjack Toads, and a fingertip search by an ECoW immediately prior to construction.</p> <p>Natural England would advise that the installation of fencing may in itself cause harm to this species, and/or form a barrier to the movement of the species. As such, we would advise that the approach is amended to be based around a habitat manipulation approach. This would involve sensitively managing the habitat along the route of the cable installation prior to works (and prior to the Natterjack Toad Breeding Season) to reduce the likelihood of Natterjack Toad using the area, but where they are still able to</p>	Please refer to the Applicant's response to Natural England's comments on RIESQ2 above.

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			<p>commute across it. The fingertip search & presence of an ECoW would still be required.</p> <p>The habitat manipulation methods should reduce the likelihood of Natterjack Toads being present in the cable installation area. Where the fingertip search indicates no presence of Natterjack Toads, the construction work in this area (including Mole Ploughing) is unlikely to cause an adverse effect on the Natterjack Toad population associated with the Ramsar Designation, and removes the likelihood of committing an offence under the Habitat Regulations.</p> <p>Nonetheless, there still remains a possibility of Natterjack Toads being present in the cable installation area. Where the DCO specifies that works must stop should Natterjack Toad be found during the ECoW fingertip search, until such a time as a mitigation licence is agreed, NE consider an adverse effect on the Natterjack Toad population associated with the Ramsar Designation could also be ruled out. In this scenario, licencing options are available; whilst Natural England cannot advise at this stage whether any licence would be issued, should the habitat manipulation method be used, any licence should only require the relocation of Natterjack Toads out of the working area, with no further complex mitigation or compensation necessary.</p> <p>Natural England have been in discussion with the applicant regarding Natterjack Toads, and have been advised that further survey will also be undertaken prior to construction. This is welcomed & would be necessary to inform a licence application should this be required.</p>	
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).	No response received.	N/A
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>Natural England</p> <p>Natural England's advice on this matter remains unchanged since our Written Representations & response to the Examiners First Written Questions (REP2-041).</p>	The Applicant has set out its position in detail on this matter in previous written submissions and has nothing further to add.
Humber Estuary SPA and Ramsar				
RIESQ7	The Applicant Natural England	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	<p>Natural England</p> <p>Natural England has not reviewed the assessment of impacts to breeding birds (and any associated mitigation), except where species are features of a nationally/internationally designated site. The CEMP only</p>	<p>The Applicant can confirm that the conclusions of the Report to Inform HRA (Revision E) (document reference 6.5) do not rely upon the timing of works outside the breeding season for birds associated with the SPA/Ramsar.</p> <p>In all instances there are mitigation measures proposed to allow works to take place during the bird breeding season. Applicant does not consider there to be any</p>

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		<p>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>appears to indicate a restriction on timing of works at one location for the protection of Hobby (Mitigation Reference Number B32), which are not a feature of the Humber Estuary SPA/Ramsar.</p> <p>We understand that potential impacts from the pipe laying works to Humber Estuary SPA birds during construction have been assessed in the HRA and advise that any mitigation measures relied upon in the HRA should be adequately secured. Conversations with the Applicant are ongoing regarding the suite of mitigation measures proposed for disturbance to functionally linked land during construction (NE16).</p> <p>The shadow HRA [REP4-017] states in paragraph 7.3.11 that the main pipe laying works are predominantly planned between April and July. Paragraph 7.3.32 states periods of noisy construction activity will be approximately 20 days in duration in any one area.</p> <p>The HRA conclusions do not appear to rely upon the timing of works outside the breeding season for birds associated with the SPA/Ramsar. However, we advise that for clarity, the Applicant provides clarification on whether there are any seasonal restrictions required to support the HRA conclusions and how mitigation for disturbance to SPA birds using functionally linked land interacts with mitigation for breeding birds under the Wildlife and Countryside Act 1981. It is noted that this information may be provided in the applicant's response to this question.</p>	<p>incompatibility between the measures proposed in relation to functionally linked land and measures mitigation proposed for breeding birds under the Wildlife and Countryside Act 1981.</p>
RIESQ8	The Applicant Natural England	Please provide any further comments on this matter.	<p>Natural England</p> <p>As per comment NE16 in our Deadline 4 response dated 29 July 2024 [RER4-092] we still consider this issue to be outstanding. However, based on ongoing conversations with the Applicant, we are expecting that the next iteration of the mitigation proposal will address our concerns.</p>	<p>The Applicant held a meeting with Natural England on 16 September during which a final position on the mitigation in relation to acoustic and visual screening was agreed. This revised wording is included in the updated Report to Inform HRA (Revision E) (document reference 6.5) as well as the revised draft CEMP (Revision F) (document reference 6.4.3.1).</p>
RIESQ9	Natural England	Please confirm what information is required in relation to mitigation measures and triggers for implementation.	<p>Natural England</p> <p>Natural England have been engaging with the Applicant on this matter. We welcome the indicative locations for noise mitigation has now been provided. However, we have suggested that this could be refined, using bird data and project knowledge of potentially disturbing works, to identify specific locations for acoustic fencing or topsoil bunding. In relation to triggers, we have suggested that pre-application survey data and pre-construction survey data can both be used to inform the likely presence/absence of SPA birds.</p>	<p>The Applicant has revised the proposed mitigation in relation to acoustic and visual screening to reflect the advice of Natural England. Please refer to the Applicant's response to Natural England's comments on RIESQ2 above.</p>

ID	Question to	Question	Interested Party Response	Applicant's Comments
RIESQ10	Local Authorities	The Local Authorities attention is drawn to question RIESQ1 at paragraph 2.5.6 above in relation to this matter.	No response received.	N/A
RIESQ11	Local Authorities	The Local Authorities attention is drawn to question RIESQ1 at paragraph 2.5.6 above in relation to this matter.	No response received.	N/A

