



# The Planning Inspectorate

National Infrastructure Planning  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

Customer  
Services:

0303 444 5000

email:

[VikingCCSPipeline@planninginspectorate.gov.uk](mailto:VikingCCSPipeline@planninginspectorate.gov.uk)

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Your Ref:

To the Applicant, North East  
Lincolnshire Council

Our Ref:

EN070008

Date:

20 September 2024

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Dear Sir/ Madam

## **Planning Act 2008 (as amended) (PA2008) – and The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 17**

### **Application by Chrysaor Production (UK) Limited for an Order Granting Development Consent for the Viking Carbon Capture and Storage (CCS) Pipeline**

#### **Request for Further Information**

We are writing under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended). Specifically, we request the following:

#### Response to Additional Submissions

**Applicant** - Submissions from Masons Rural on behalf of R Caudwell (Produce) Ltd [[AS-091](#)] [[AS-093](#)] and from A E Graves and Son [[AS-092](#)] were submitted just prior to Deadline 6. The Applicant is invited to respond to these submissions as necessary.

#### Responses to Deadline 6 Outstanding Matters

**North East Lincolnshire Council** – Please confirm whether, as a result of seeing the Road Safety Audit results, you consider there to be a severe residual impact on the highway network having regard to the National Planning Policy Framework [[PD-021](#), Q2.16.8]. Please also confirm whether your role as an approving body in respect of Requirements 6 and 7 in the draft Development



Consent Order (dDCO) would provide sufficient scope for such safety issues to be resolved at the detailed design stage should the Secretary of State be minded to grant consent.

**Applicant** – please provide the Road Safety Audit (RSA) and supplementary justification as to why you consider it to be immaterial as suggested by North East Lincolnshire Council. How do you propose to overcome the concerns raised in the RSA?

**Applicant** – It is acknowledged the issues raised by Stallingborough Energy Project Limited have been brought to the Examination very late in the process. However, the Interested Party (IP) is making reference to the recently decided Development Consent Orders (DCO) at Gate Burton Energy Park and Cottam Solar Park and has adapted the Protective Provisions from those projects to the Viking Carbon Capture Storage (CCS) project. The IP refers to an Interface Agreement being negotiated. What is the position concerning this and please comment on the IP's proposal for the Protective Provisions.

**Applicant** – A number of updates are promised regarding closing positions with numerous Statutory Undertakers and organisations. Provide an update on whether agreement has been reached, or the objections still stand, for:

- Uniper UK Limited.
- IOT operators.
- Network Rail.

**Applicant** – In the reply [[REP5-063](#)] to question 2.5.19 of The Examining Authority's Second Written Questions (ExQ2) [[PD-021](#)], the Applicant stated that completion of the agreement with National Gas Transmission Plc (NGT) was "*due imminently*" and "*in advance of Deadline 6.*" Yet no further update at all is provided in the Deadline 6 submissions and the close of the Examination is now less than a week away. What is the present position?

In addition, please refer to question 2.5.16 of ExQ2 [[PD-021](#)] and the latest response provided. If agreement is reached with NGT then paragraphs 10.4.7 to 10.4.10 of the Statement of Reasons will need to be amended whilst if agreement is not reached, then the ExA will need to consider the overall position under section 127(3) Planning Act. The difficulty is that the Applicant is seeking Compulsory Acquisition (CA) of the entire NGT site whilst accepting that it only needs a relatively small part for its operation. Please comment?

**Applicant** – The Schedule of Changes to dDCO does not capture what has changed to Articles 14 and 17 (as per National Highways' requests) despite assurances that such amendments have been made. Please update accordingly.



**Applicant** – The Deadline 6 cover letter refers to a number of Statements of Common Ground (SoCG) that remain unsigned. Provide final versions of these SoCG, signed or unsigned as the case may be.

### Crown Estate

**Applicant** – In the reply to question 2.5.30 of ExQ2 [PD-021], the Applicant said that obtaining the section 135 consents “*will remain a priority in the remaining weeks of the Examination.*” The CA Guidance at paragraph 40 says that the discussions should start before the application is submitted and the consents should be obtained “*at the very latest, this should be by the time the Examination phase of the project is completed.*” Please comment?

In addition, the ExA have also asked about progress concerning the necessary lease for the offshore pipeline. The Applicant back in April 2024 indicated in their reply to the Examining Authority’s First Written Questions (ExQ1) [REP1-045] that the “*Applicant and Crown Estate are now progressing lease discussions, but no further progress has been reported at Deadline 6.*” Bearing in mind the delays with obtaining the s135 consents for the onshore Crown Land, it is difficult to see that the negotiations for a commercial lease will be completed quickly. What reassurance can be provided concerning this?

**Applicant** – Please explain why the offshore application is being lodged at least 15 months after the onshore application when the Applicant’s own Need Case for the Scheme [APP-131] stresses the absolute urgency of the need for carbon capture storage projects?

**All of the above material should be submitted by Deadline 7 (Thursday 26 September 2024).**

Should you have any questions about the contents of this letter, please do not hesitate to contact the case team:

[Vikingccspipeline@planninginspectorate.gov.uk](mailto:Vikingccspipeline@planninginspectorate.gov.uk).

Yours sincerely

*David Wallis*

**Lead Member of the Examining Authority**

