

Viking CCS Pipeline

9.76 Applicant's Comments on Submissions by Interested Parties at Deadline 6

Document Reference: EN070008/EXAM/9.76

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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Appendix A - Bluestone Ludborough 2 Limited. Notification letter dated 22 November 2023 and delivery receipt.

Appendix B - Consent under section 135 of the Planning Act 2008 from the DVSA.

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 comments on submissions made at deadline 6.

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 three 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 The Applicant's comments on submissions made at Deadline 6

This section provides the Applicant's comments on submissions made at Deadline 6.

Table 2-1: North East Lincolnshire Council [REP6-065]

Ref	Topic	Interested Party Comment	Applicant's Response
2.1.1	Highways and transport matters	<p>NELC Highways Officers provided feedback on the Stage 1 Road Safety Audits (RSA) issued for their comment on 30 August 2024.</p> <p>NELCs closing statement included several comments on the Stage 1 RSA, with a particular focus on access points 11AA and 12AA.</p>	<p>Several discussions in respect of construction access positions and routes have taken place between the Applicant and NELC Highways Officers.</p> <p>Matters relating to construction access positions and the acceptability thereof will continue to be discussed with NELC Highways Officers. The Applicant recognises that NELC Highways Officers still have some significant concerns regarding specific accesses and the initial Stage 1 RSA issued to them on 30 August 2024. Some of the points raised in the NELC final statement have been addressed in the Stage 1 RSA submitted at Deadline 7.</p> <p>In a recent call with NELC Highways Officers it was agreed that further work would be required, which is likely to include NELC commissioning an RSA for access 12AA. It was also agreed that speed limits would likely be required for access point 11AA. It was further agreed that the parties would continue to engage until agreement is reached.</p> <p>It is recognised that the approval of NELC would be required for the temporary access points, which is secured by requirement 7 of the Development Consent Order.</p> <p>Although the parties are not in agreement at this stage, the availability of access point 13AA as an alternative to access 12AA, and the fact that NELC approval would be required prior to any access points being implemented, means the matter is not considered to be material to the grant of consent.</p>
2.1.2	Heritage and conservation	<p>The final wording for the Statement of Common Ground is agreed. However, I feel the response should be 'Agreed but not material' as although I am happy with this wording it does not/cannot assess the archaeology until the trial trenching report is finished in December and there are still changes that are required that haven't been made to the DAMS (which is why it is interim).</p> <p>However ideally evaluation is completely prior to any mitigation strategy being produced, even one at high level. The on-site excavation work, as far as I can assess, is being completed in a well organised methodological way and the short weekly updates which are being produced are very useful in keeping abreast of the progress. This is working very well and would be something that I would wish to use in other long linear schemes.</p> <p>However, excavation work aside, this scheme has lacked structured contact which is vital in understanding how a project is progressing and the short turnaround times – in this case a 200p+ report with a two weeks turn around for comments is not enough time – and this arrived and expired while I was on leave so I didn't even have the chance to comment on the initial stages – thankfully my curatorial colleagues in other LPAs did. This is not the first time this has happened and expecting LPA staff to turn around large documents with little notice and no considerations for our already full workloads is at best unhelpful and unprofessional.</p>	<p>The template for the SoCG does not have a category which states "agreed but not material". The wording in the SoCG states the heritage issues are "not agreed but not material".</p> <p>The comments provided here are noted, and as discussed with NELC and other LPA's, the Applicant has submitted an updated version of the DAMS at Deadline 6 [REP6-042]. This is a live document which will be updated further and shared directly with the LPA's for agreement following the completion of the trial trenching works.</p>

Ref	Topic	Interested Party Comment	Applicant's Response
2.1.3	Other matters	Due to the short time frame in which details have been provided by the applicant, the technical consultees have not been able to give this the due care and attention required and therefore are uneasy to agree all the matters as requested. Therefore, the SoCG reflects the position of the Council currently. It must be emphasized that the highways matters are of a significant concern regarding safety.	A finalised SoCG has been agreed with NELC which includes agreement on the approaches to heritage and transport. This has been submitted at Deadline 7 [EN070008/EXAM/8.1].
2.1.4	Conclusion	In conclusion, North East Lincolnshire Council can confirm that there are specific matters outstanding and these need to be resolved. We would be happy to advise and assist as necessary.	Discussions have continued to occur between the Applicant and NELC in order to address all outstanding issues, as detailed in the sections above.

Table 2-2: Natural England [REP6-062]

Ref	Topic	Interested Party Comment	Applicant's Response
2.2.1	Overall position at Deadline 6	<p>Natural England have continued to work with the applicant throughout the examination, in particular, NE have been working on the updated SoCG & the applicant's 'HRA & LWNL Key to Latest Updates', which the applicant will be submitting into this deadline. We have reached a position where there are no outstanding issues between the two parties. Please refer to Our Relevant Representations (RR-073), Written Representations (REP1-079), Deadline 4 Response (REP4-093), and the Applicant's 'HRA & LWNL Key to Latest Updates' document due to be submitted at Deadline 6 (Document ref TBC), for details of each issue and it's resolution.</p> <p>No issues remain 'amber' as defined in our representations: 'items where further information is required to determine the effects of the project and allow the Examining Authority to properly undertake its task and or advise that further information is required on mitigation/compensation'</p> <p>It should be noted that some items are labelled 'yellow' as defined in our representations: 'items where Natural England does not agree with the Applicant's position or approach. We would ideally like this to be addressed but are satisfied that for this particular project it is unlikely to make a material difference to our advice or the outcome of the decision-making process. However, we reserve the right to revise our opinion should further evidence be presented. It should be noted Page 2 of 4 by interested parties that whilst these issues/comments are not raised as significant concerns in this instance, it should not be understood or inferred that Natural England would be of the same view in other cases or circumstances'.</p> <p>For clarity, these are as below:</p>	<p>The Applicant is grateful to Natural England for their constructive engagement throughout the Examination phase, and is pleased that Natural England is now in a position to confirm that all items are marked as 'green' (items "successfully resolved") or 'yellow' (items where Natural England are satisfied for this project) in its updated position.</p> <p>A final version of the SoCG with Natural England was submitted at deadline 6 [REP6-028].</p>
2.2.2	Non-breeding bird survey frequency along the pipeline route	Ideally, NE would have recommended two surveys per month, however, Based on the temporary nature of construction works of the pipeline route, Natural England considers that the survey frequency is sufficient to inform the assessment in this case. (See NE's Relevant Representations Response - RR-073)	The Applicant welcomes this response and has no further comments.
2.2.3	Consideration of alternative land availability for Curlew	Ideally, it would have been beneficial to have further justification around alternative land availability for curlew and potential impacts from displacement from known foraging areas. However, further information on timing and duration of works has been provided & based on the information provided we agree with assessment conclusion. (See NE's Deadline 4 Response - REP4- 093)	The Applicant welcomes this response and has no further comments.
2.2.4	Timing of ALC survey	Ideally, full ALC survey would have been undertaken preconsent, however, for this development, with the commitment to undertake a detailed ALC survey post consent, and as a result of the small overall permanent land take (10.6.9, APP052), commitments for restoration of the pipeline corridor (4.7.10, APP-096), and implementation of a soil management plan, undertaking detailed ALC survey post-consent is unlikely to make a material difference to our advice or the outcome of the decision-making process. (See NE's Written Representations Response - REP1-079)	The Applicant welcomes this response and has no further comments.
2.2.5	Handling of soils in wet conditions	Whilst Natural England's general standpoint must remain that soils should only be handled when dry and friable, where the measures described are successfully implemented, and soils are returned to their pre-development ALC grading as described, with no difference in the restoration outcome between soils handled when wet and those handled when dry, Natural England raise no further concern. (See the Applicant's 'HRA & LWNL Key to Latest Updates' document due to be submitted at Deadline 6 - Document ref TBC).	The Applicant welcomes this response and has no further comments.
2.2.6	Assessment of Alternatives (Landscape)	Ideally, the cable route would avoid the Lincolnshire Wolds National Landscape, however, the Applicant's assessment of alternatives, and the relevant constraints identified, are noted. As significant adverse construction impacts (to the National Landscape) have been clarified as short term (NE29c), and all relevant mitigation/reinstatement plans are secured within the DCO (NE29b), NE agree with the conclusions of the	The Applicant welcomes this response and has no further comments.

Ref	Topic	Interested Party Comment	Applicant's Response
		Applicant's impact assessment. (See the Applicant's 'HRA & LWNL Key to Latest Updates' document due to be submitted at Deadline 6 - Document ref TBC).	
2.2.7	Natural England's response to the Examining Authorities Request for Further Information, dated 06/09/2024	Natural England's advice at Deadline 5 noted that 2 items regarding the HRA were yet to be agreed (NE16 - Acoustic Mitigation, and NE30 – Natterjack Toad Mitigation). Whilst at that time, the Page 3 of 4 information provided was not suitable to rule out an AEoI, Natural England advised that 'The two remaining outstanding issues are considered likely to be agreed subject to the final mitigation design', as discussions were ongoing with the applicant & progress was being made. This is the reason we advised that consideration of derogations and compensation were unlikely to be necessary. NE can now confirm that mitigation proposals have been agreed between the Applicant and NE on both of these matters. As such, NE advise that an AEoI can be ruled out, and consideration of derogations and compensation is not required. (See the Applicant's 'HRA & LWNL Key to Latest Updates' document due to be submitted at Deadline 6 - Document ref TBC).	The Applicant welcomes this response and has no further comments.
2.2.8	Additional update regarding the wording of DCO Article 19	<p>Since our previous response at D5 relating to ExQ2.8.6, Natural England have received further legal advice in relation to this matter. Whilst the article does not specifically seek to disapply the provisions of the Wildlife and Countryside Act 1981, when utilising the power specified in this article Natural England are concerned that works additional to those assessed in the DCO application could be done within or in close proximity to designated sites without appropriate permissions from Natural England.</p> <p>Natural England therefore advise that the DCO needs to be clear that any works which may impact a SSSI, SAC or SPA (whether due to being inside these designated areas or in the close vicinity of) should be subject to the usual consenting provisions in the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017, excepting the works that have been assessed as part of the DCO application.</p> <p>This matter has been raised with the Applicant, and commitment had been made to update this article accordingly for Deadline 7. An update by D6 was not possible due to the short timescale between receiving this updated advice & D6. Where this item is updated, NE have no further concern.</p>	<p>The Applicant wishes to clarify that it has not updated the draft DCO at Deadline 7. The Applicant does not consider that the drafting of article 20 (authority to survey and investigate the land) could be interpreted as disapplying the provisions of the Wildlife and Countryside Act 1981.</p> <p>It is not the Applicant's intention to disapply that legislation and if the Examining Authority of the Secretary of State shared Natural England's concerns, then the Applicant would not have any difficulty with the article being amended to that effect.</p>

Table 2-3: Bluestone Ludborough 1 Ltd [REP6-053] and Bluestone Ludborough 2 Ltd [REP6-054]

Ref	Topic	Interested Party Comment	Applicant's Response
2.3.1	Previous engagement	<p>It has only been brought to my attention yesterday (16 September 2024) by Lucy, that there is a proposed development of a carbon capture pipeline that will affect the said land that Bluestone proposes to develop the solar farm on and that representations need to be made. Pursuant to the relevant statutory requirements and various Planning Acts, I believe that the promoter is required to consult with us. Lucy has confirmed to me that she has informed the promoter on many occasions that Bluestone has Option Agreements in place in respect of the said land affected by the proposed carbon capture pipeline and that Bluestone should be contacted to commence discussions, but the promoter has not contacted us at all.</p>	<p>The Applicant wishes to confirm that Bluestone Ludborough 2 Limited was identified as a party with an interest in land at the point that the Application was made on 23 October 2023, and the Applicant notified them of acceptance of the application in accordance with section 56 of the Planning Act 2008. A copy of the notification letter dated 22 November 2023 and delivery receipt are included in Appendix A to this response. No response was received direct to that notification, or a representation made to the application for the Proposed Development.</p>
2.3.2	Impacts on development	<p>I consider that the proposed carbon capture pipeline development materially impacts our proposed development for the following reasons, which are not exhaustive:-</p> <ol style="list-style-type: none"> 1. The surface land can no longer be used for placing panels, which will reduce the amount of electricity that can be generated. 2. The construction costs will increase because: (a) the panel rows will have breaks in them; and (b) Bluestone's service media may have to be installed below the proposed pipeline, which will increase our initial construction costs and future maintenance costs. 3. Additional costs for the project will arise in having to seek the promoter's consent when crossing the pipeline, which will more than likely include legal costs in documenting that consent and monitoring costs, as the promoter will want someone to inspect the works, at construction and for future maintenance. <p>All of the above will adversely affect the proposed solar farm development. The above in combination or alone could therefore render the solar farm development uneconomic.</p>	<p>The Applicant considers that co-existence of the pipeline and a solar farm on this site could be possible. The solar farm development cannot be built in a way that might adversely impact the pipeline (e.g. by having panels directly on top of it), but the pipeline will not prevent development of the majority of the field. The Applicant will continue to engage with the developer on how both proposals might co-exist. The Applicant notes for completeness that, in the event that the pipeline prevents development coming forward in whole or in part, the landowner and any party with an interest in the land would be entitled to submit a claim for compensation.</p> <p>The Applicant notes that no application for development consent has been made for the solar projects at this stage, and the Applicant would therefore expect the solar farm developer to take account of the potential pipeline route in its design.</p> <p>The Applicant will continue to engage with both the developer and the landowner – a meeting has been arranged for 10 October 2024.</p>

Table 2-4: Marine Management Organisation [REP6-060]

Ref	Topic	Interested Party Comment	Applicant's Response						
2.4.1	<p>Question 1 - Marine Licensable Activities</p>	<p>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).</p> <p>Table 1</p> <table border="1" data-bbox="454 499 1908 1413"> <tr> <td data-bbox="454 499 943 1014"> <p>5 Viking CCS Development Project 5.1 Overview 5.1.1 The Viking CCS Development Project will include the following construction activities: • 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> </td> <td data-bbox="943 499 1427 1014"> <p>The MMO note this section is referring to the works outlined in Section 1.1.2: '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> </td> <td data-bbox="1427 499 1908 1014"> <p>This section should be updated to Viking CCS Offshore Development Project for clarity.</p> </td> </tr> <tr> <td data-bbox="454 1014 943 1413"> <p>The MMO also notes that Table 1 states that the MMO is the regulator of the Habitats Regulations Assessment.</p> </td> <td data-bbox="943 1014 1427 1413"> <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> </td> <td data-bbox="1427 1014 1908 1413"> <p>This table should be updated to clarify the role of each regulator, for all confirmed consents that will be applied for.</p> </td> </tr> </table>	<p>5 Viking CCS Development Project 5.1 Overview 5.1.1 The Viking CCS Development Project will include the following construction activities: • 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>	<p>The MMO note this section is referring to the works outlined in Section 1.1.2: '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 confirmed consents that will be applied for.</p>	<p>The Bridging Document [REP5-016] makes clear in paragraph's 1.1.2 and 2.1.1 that reference to the Viking CCS Pipeline is the Project for which this DCO application relates. It also clarifies in paragraphs 1.1.2 and 2.1.2 that all references to "Viking CCS Development Project/Viking CCS Development (Offshore)/ Viking CCS Offshore Development" specifically relate to the Offshore development, which does not form part of this application.</p> <p>The Applicant agrees that the MMO would not be a regulator for the Habitat Regulations Assessment, as a marine licence is not required for this DCO (Viking CCS Pipeline project).</p> <p>Based on these responses the Applicant does not propose to update the Bridging Document [REP5-016].</p>
<p>5 Viking CCS Development Project 5.1 Overview 5.1.1 The Viking CCS Development Project will include the following construction activities: • 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>	<p>The MMO note this section is referring to the works outlined in Section 1.1.2: '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 confirmed consents that will be applied for.</p>							
2.4.2	<p>Question 1 - Marine Licensable Activities</p> <p>The Marine and Coastal Access Act 2009 – Exemptions for Marine Licences.</p>	<p>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.</p> <p>This exemption includes infrastructure related to the gas unloading, storage and recovery and carbon dioxide storage, such as the construction of a fourlegged steel jacket hosting facility which will inject the conveyed CO2 into the depleted gas reservoirs.</p> <p>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.</p> <p>Please note additional exemptions from the marine licensing provisions are contained in the Marine Licensing (Exempted Activities) Order 2011 (as amended).</p>	<p>The Applicant welcomes this response from the MMO that confirms the Applicant's position that the exemptions under section 77 of the Marine and Coastal Access Act 2009 would apply to the construction of the Not Permanently Attended Installation and associated offshore pipeline.</p>						

Ref	Topic	Interested Party Comment	Applicant's Response
		<p>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.</p> <p>Where there is a licensing requirement, OPRED is the licensing authority for reserved offshore energy activities, acting on behalf of the Secretary of State.</p>	
2.4.3	Question 2 - Marine environment	<p>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.</p> <p>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.</p> <p>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.</p>	The Applicant confirms that no marine licensable activities would be undertaken as part of the Proposed Development for which this DCO application applies, and as such no deemed marine licence has been included in the draft DCO.
2.4.4	Question 3 - Timeline and construction programme	<p>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).</p> <p>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</p> <p>The MMO do not guarantee a positive determination.</p>	The Applicant notes this response and has no further comments.
2.4.5	Additional comments	<p>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.</p>	The Applicant notes this response and has no further comments.

Table 2-5: East Lindsey District Council [REP6-059]

Ref	Topic	Interested Party Comment	Applicant's Response																								
2.5.1		<p>A Technical Note from Royal HaskoningDHV was submitted to the ExA and the applicant on 12/09/2024 regarding Noise and Vibration. It is also submitted again along with this document referenced Technical Note – Noise and Vibration – ELDC.</p> <p>Appendix A of document REP4-051 does provide details of material quantities and fuel consumption by different plant during construction, along with a reference to the emission factors used, albeit in some cases the calculation process is not clear. The figures and calculations presented within this Appendix align with those in the updated Chapter 15 on Climate Change.</p> <p>The following observations of note are listed:</p> <ul style="list-style-type: none"> • Some of the data and sources in Appendix A are not presented in a clear or transparent manner, for example units of 'Total mass' and 'Emissions' are not provided in the embodied carbon table, and no description has been included regarding which emission factor has been used to calculate emissions from fuel consumption by plant. • From back calculations that have been undertaken on the data, it is clear that the units in the 'Total mass' column are not all consistent (i.e. the majority, but not all are in units of kg) • There are some minor inconsistencies in the table regarding embodied carbon, for example it appears that the emission factor for asphalt with 4.5% binder content was used, and not the 5% value as stated in the table. This would however have a negligible effect on emissions. • The lack of clarity on units means that there is some uncertainty on the approach with regard to some of the materials used. For example it is stated that there are 93.6 units of 'camera', which seems to be inaccurate as realistically a round number should be used. • Some of the emission factors in the embodied carbon table are derived from the National Highways Carbon Tool as the source for several emission factors. These are in units of tCO2e/t (or kg CO2e/kg) or tCO2e/unit, but no clarification is added to the table as to how the units have been derived. • With respect to fuel consumption, no information is provided for fuel use from on-site generators at the construction compounds (Table 15-25 of Chapter 15 on Climate Change). 	<p>The final line of the table in Appendix A of the "Applicants Comments on the Submissions made at Deadline 3" [REP4-051] (steel pipe) is in tonnes rather than kg for total mass, otherwise the entire table is in kg for total mass and tCO2e for emissions. The Applicant has amended the lines for cabling and steel piping below accordingly where there were minor issues spotted with the back calculations. There was an inconsistency in the emission factor for Asphalt which has been updated and would increase the overall emissions by 56tCO2e. This is immaterial to the overall footprint and conclusion of the assessment. The other inconsistencies mentioned have no effect on the overall emissions presented throughout ES chapter 15 [REP4-029].</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #008000; color: white;">Category</th> <th style="background-color: #008000; color: white;">Material Type</th> <th style="background-color: #008000; color: white;">Total Mass (kg)</th> <th style="background-color: #008000; color: white;">Emission Factor (kgCO2e/kg)</th> <th style="background-color: #008000; color: white;">Source</th> <th style="background-color: #008000; color: white;">Emissions (tCO2e)</th> </tr> </thead> <tbody> <tr> <td>Cabling</td> <td>Cable, Armoured cable / Power cable</td> <td>1,136.50</td> <td>1.86</td> <td>Ntl. Highways DB</td> <td>2.11</td> </tr> <tr> <td>Steel Pipe</td> <td>Steel, pipe</td> <td>25,166,493.43</td> <td>3.02</td> <td>ICE DB V3.0 (2019)</td> <td>76,002</td> </tr> <tr> <td>Asphalt</td> <td>Asphalt, 4.5% binder content</td> <td>1,208,000.00</td> <td>0.0532</td> <td>ICE DB V3.0 (2019)</td> <td>64.27</td> </tr> </tbody> </table> <p>The emission factor used for asphalt does represent 4.5% binder content, however this would have a negligible effect as stated. It has been updated in the table above. No other inconsistencies were found in the emission factors presented in Appendix A of [REP4-051] and there are no material effects on the figures presented through ES chapter 15 [REP4-029].</p> <p>All units have been converted into kg using the following methods:</p> <ul style="list-style-type: none"> – <i>Steel</i>: received in kg in bill of quantity so no conversion required – <i>Galvanised Steel</i>: received in kg in bill of quantity so no conversion required – <i>In-situ concrete</i>: m³ values multiplied by 2400kg/m³ to get mass in kg, taken from ICE DB V3.0 (2019). – <i>Precast Concrete</i>: received in kg in bill of quantity so no conversion required – <i>Aggregates</i>: either received in kg or densities from ICE DB V3.0 (2019) used where received in m³ – <i>Asphalt</i>: received in kg in bill of quantity so no conversion required – <i>GRP</i>: received in kg in bill of quantity so no conversion required – <i>Cabling</i>: received in kg in bill of quantity so no conversion required – <i>Lighting</i>: received in kg in bill of quantity so no conversion required 	Category	Material Type	Total Mass (kg)	Emission Factor (kgCO2e/kg)	Source	Emissions (tCO2e)	Cabling	Cable, Armoured cable / Power cable	1,136.50	1.86	Ntl. 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Ref	Topic	Interested Party Comment	Applicant's Response																																										
			<ul style="list-style-type: none"> - Camera emissions are converted to mass, hence the 93.6kg value rather than it representing 93.6 units. The emission factor of 3.206 represents an assumption of 90% plastic and 10% steel. - Cabinets have similarly been converted from units to mass, hence the 212.67kg value rather than it representing 212.67 cabinets. - Steel pipe: received in kg in bill of quantity so no conversion required <p>Below provides the information on generators on site compounds and their calculations. Full load consumption is used as a worst case conservative scenario with fuel consumption rates sourced from a generator supplier. (<i>Diesel Generator Fuel Consumption - Diesel Generators New and Used Generators FW Power</i>). The emission factor is taken from DESNZ 2023 emission factor for 100% mineral diesel blend, including well-to-tank.</p> <table border="1" data-bbox="1843 737 2837 1346"> <thead> <tr> <th>On-site generators</th> <th>no.</th> <th>Full load (ltr/hr)</th> <th>Total Hours Operating</th> <th>Emissions Factor (kg CO2e/ltr)</th> <th>Total emissions (t CO2e)</th> </tr> </thead> <tbody> <tr> <td>500 kVA Generator</td> <td>2</td> <td>106</td> <td>1440</td> <td>3.28</td> <td>1,002</td> </tr> <tr> <td>400 kVA Generator</td> <td>2</td> <td>90</td> <td>1440</td> <td>3.28</td> <td>851</td> </tr> <tr> <td>300 kVA Generator</td> <td>1</td> <td>75</td> <td>4320</td> <td>3.28</td> <td>1,064</td> </tr> <tr> <td>110 kVA Generator</td> <td>2</td> <td>25</td> <td>1440</td> <td>3.28</td> <td>236</td> </tr> <tr> <td>100 kVA Generator</td> <td>21</td> <td>25</td> <td>360</td> <td>3.28</td> <td>621</td> </tr> <tr> <td>30 kVA Generator</td> <td>15</td> <td>7</td> <td>1440</td> <td>3.28</td> <td>496</td> </tr> </tbody> </table> <p>Based on these responses, the Applicant does not determine it necessary to further update the ES Chapter 15 [REP4-029].</p>	On-site generators	no.	Full load (ltr/hr)	Total Hours Operating	Emissions Factor (kg CO2e/ltr)	Total emissions (t CO2e)	500 kVA Generator	2	106	1440	3.28	1,002	400 kVA Generator	2	90	1440	3.28	851	300 kVA Generator	1	75	4320	3.28	1,064	110 kVA Generator	2	25	1440	3.28	236	100 kVA Generator	21	25	360	3.28	621	30 kVA Generator	15	7	1440	3.28	496
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Table 2-6: National Highways [REP6-061]

Ref	Topic	Interested Party Comment	Applicant's Response
2.6.1	Bonds and the strategic road network	<p>The Applicant is proposing to carry out significant works beneath the highway. In line with all other applications for works which may affect the SRN National Highways requires that financial provision is put in place to ensure that in the event of the Applicant commencing works and falling into financial difficulty or defaulting on completion of the works, National Highways has the resources needed to put the SRN and the highway estate into the position it was in before the Applicant commenced work. In such cases, National Highways is exposed to a potentially significant financial burden in remedying the situation and ensure no ongoing safety issues for the SRN. National Highways is a public body funded by the taxpayer. It does not carry any budget for third party works and so must ensure that it, and therefore the public purse, is not exposed to any financial risk.</p> <p>Outside of the Planning Act 2008, National Highways requires bonds before permitting any works to take place that could impact the SRN (for example these are often secured when developers enter into agreements pursuant to section 278 of the Highways Act 1980). The protective provisions that National Highways require in respect of third party DCOs merely include security provisions which are consistent with the measures applying to developments carried out under other consenting regimes (e.g. Town and Country Planning Act 1990 and Highways Act 1980). The National Highways protective provisions are an appropriate mechanism to assure security such as a bond and without this National Highways would be faced with potentially significant financial liabilities for which it is not funded and has no budget. The potential issues that may arise in respect of the SRN as a result of third party works are no different regardless of consenting regime and therefore National Highways seeks to ensure consistency when protecting this asset.</p>	<p>The Applicant considers that the Protective Provisions included within the draft DCO (Revision H) [REP6-002] afford sufficient protection to the Strategic Road Network and National Highways' undertaking. The Applicant's position is set out in detail within the Applicants Response to Rule 17 Letter – Statutory Undertakers and Protective Provisions [REP6-046].</p>
2.6.2	Updates to draft DCO	<p>National Highways welcomes the Applicant's commitment to updating the protective provisions within the draft DCO to satisfy National Highways' request with regards to articles 14 and 17 (previously 13 and 16). On the assumption that these updates are made this satisfies all of National Highways' concerns with regards the articles of the draft DCO and National Highways offers no further objection in that regard.</p>	<p>The Applicant confirms that it updated the draft DCO (Revision H) [REP6-002] such that Articles 14 and 17 are now within the list of articles in paragraph 116(2) that cannot be exercised by the Applicant over the strategic road network without approval of National Highways.</p>
2.6.3	Outstanding issues	<p>Whilst National Highways is not in a position to withdraw its objection to this application in full at this deadline the issues between it and the applicant have narrowed considerably. The only outstanding issues for the ExA (and ultimately the Secretary of State) to adjudicate on are:</p> <ul style="list-style-type: none"> • The issue of a bond within the protective provisions for National Highways' benefit as detailed in section 2 • National Highways' request for inclusion within the protective provisions of a twelve month defects period following any works that may effect the SRN during which time the undertaker remains responsible for rectifying any issues within the prescribed timescales as set out. See National Highways' D5 submission for further detail. • The extent of a restriction the Applicant is seeking to impose on National Highways regarding the interaction between each party's assets. See National Highways D5 submission for further detail, in particular the suggested additional wording for inclusion at paragraph 116 (10) of the protective provisions. • National Highways' request for an approval role under Requirements 6 and 16 which to date has not been accepted by the Applicant. This relates to National Highways role in respect of the Construction Traffic Management Plan (CTMP) and Decommissioning Traffic Management Plan (DTMP). <p>National Highways repeats its request in this regard and refers to its D4 submissions. It should be noted that whilst on some occasions National Highways is content with the role of a consultee (rather than an approving body as requested here), this is usually because National Highways has early sight of sufficiently developed management plans and is confident that the measures set out would be appropriate to manage the effects of traffic on the SRN. Unfortunately, with regards to this application, the measures set out to date by the Applicant are insufficient to manage the effects of construction traffic on the SRN. The applicant has</p>	<p>The Applicant considers that the Protective Provisions included within the draft DCO (Revision H) [REP6-002] afford sufficient protection to the Strategic Road Network and National Highways' undertaking. The Applicant's position is set out in detail within the Applicants Response to Rule 17 Letter – Statutory Undertakers and Protective Provisions [REP6-046].</p> <p>The Applicant considers that updated Transport Assessment (Revision A) [REP3-013] provides sufficient information to understand the potential impacts on the SRN, based on traffic information available at this time. If necessary, updated information will be provided in the final CTMP, upon which National Highways will be consulted by the Local Planning Authority.</p> <p>The Applicant has set out its position in detail in response to WQ 2.16.11 [REP5-063] why it does not consider National Highways should be a discharging authority in respect of requirements 6 and 16.</p>

Ref	Topic	Interested Party Comment	Applicant's Response
		<p>not assessed their impact or safety on the SRN and National Highways has made it clear that further evidence is still required. If insufficient information is provided for National Highway at this juncture we would expect to be approvers of the relevant management plans to provide reassurance for a safe and smooth operation of the SRN. If the Applicant had provided sufficient information upfront, as National highways would ordinarily expect, then it may have not been necessary to make this request. Rather than holding the Applicant to task over information that should have already have been provided as part of their application National Highways sort a pragmatic solution by instead requesting this role in discharging the CTMP and DTMP.</p>	

Table 2-7: Stallingborough Energy Project Limited [REP6-066]

Ref	Topic	Interested Party Comment	Applicant's Response
2.7.1	Protective provisions	<p>Further to the virtual meeting between solicitors for Stallingborough Energy Project Limited (SEPL) and the Applicant on 27 August 2024, the Applicant confirmed on Friday, 13 September 2024 that it was willing to enter into an interface agreement with SEPL. SEPL's solicitors have commenced work on a draft agreement and SEPL looks forward to continued positive discussions with the Applicant.</p> <p>SEPL is, however, mindful that there is very limited time remaining in the Examination to enter into an agreement with the Applicant. Until an agreement to manage the interaction between the Viking CCS Pipeline (the Scheme) and the Grange Energy Park is entered into, there is no process to ensure the development of the Grange Energy Park and the Scheme can coexist. There is therefore a significant risk to SEPL that there will be a material impediment to the delivery of the Grange Energy Park as a direct result of the exercise of the powers included in the Order.</p> <p>In view of this risk, draft protective provisions for the benefit of SEPL are attached to this letter. SEPL considers that, unless and until an interface agreement is entered into with the Applicant, the attached protective provisions should be included in the Order. This will provide the necessary process is in place to enable the Grange Energy Park to be developed, and ensure that the Scheme does not unnecessarily impede or obstruct vital renewable energy generation and storage.</p> <p>The draft protective provisions are adapted from those included in the Gate Burton Energy Park Order 2024 and the Cottam Solar Project Order 2024 for the protection of the developers of different energy projects sharing land within the relevant Order limits. The protective provisions are consistent with standard protective provisions, and are considered to be appropriate for use in this situation where two projects are being developed on the same land.</p> <p>The draft protective provisions provided at this Examination deadline have also been provided to the Applicant today so that the Applicant has the opportunity to make comments upon them, notwithstanding SEPL's intention and hope that an interface agreement may be entered into as soon as practicable enabling SEPL to withdraw its objection.</p>	<p>The Applicant refers to its response to the Request for Further Information under Rule 17 (EN070008/EXAM/9.74).</p> <p>The Applicant confirms that it will continue to engage with Stallingborough Energy Project Limited on terms of an interface agreement.</p>

Table 2-8: North Lincolnshire Council [REP6-063]

Ref	Topic	Interested Party Comment	Applicant's Response
2.8.1	Biodiversity Net Gain	<p>NLC acknowledge that the delivery of BNG is not a mandatory requirement for NSIPs. However, this is proposed to become mandatory from November 2025. Section 4.6 of NPS EN-1 advises that energy NSIP proposals should seek to deliver net gains for biodiversity and the wider environment where possible. In addition policy CS17 of the North Lincolnshire Core Strategy seeks to deliver biodiversity enhancement in all new developments. Therefore, whilst not mandatory at this time, there is very clear policy support for the provision of BNG net gain in new developments at both the national and local level and as such NLC are of the view that a Requirement to secure such net gain would be appropriate in this instance.</p>	<p>The UK Government currently proposes that delivery of 10% BNG will become a mandatory for all terrestrial infrastructure projects, or terrestrial components of projects, accepted for examination by the Planning Inspectorate through the NSIP regime by November 2025. Projects accepted for examination before the specified commencement date of November 2025 would not be required to deliver mandatory biodiversity net gain. The Proposed Development was accepted for examination on 24 November 2023, two years prior to this date.</p> <p>There is currently no proposal from Government to link the construction date of NSIPs to the mandatory delivery of BNG. Despite there being no mandatory requirement to deliver BNG, the Applicant has volunteered to deliver 10% BNG for losses resulting from the AGIs.</p> <p>This commitment is secured via the oLEMP [REP5-014] and requirement 11 in the draft DCO requires that a final LEMP is developed in accordance with the oLEMP, and which will require the approval of the relevant planning authority.</p>

Table 2-9: Air Products

Ref	Topic	Interested Party Comment	Applicant's Response
2.9.1	Asset protection	<p>Since Deadline 4 there has been good progress with the Applicant such that the Protective Provisions to be submitted by the Applicant at this Deadline 6 now reflect the agreed position with Air Products.</p> <p>There are a small number of matters outstanding between the parties in respect of asset protection – with the parties negotiating a private side agreement that they are hopeful of reaching agreement on ahead of Deadline 7.</p> <p>Air Products looks forward to continuing productive engagement with the Applicant and, in the event the above outstanding matters are resolved prior to the close of Examination, will advise the Examining Authority accordingly.</p>	<p>The Applicant agrees that the Protective Provisions included in the draft DCO (Revision H) [REP6-002] represent an agreed position and the Examining Authority can therefore be satisfied that the draft DCO includes suitable protection for Air Products. The Applicant will continue to engage with Air Products in the remaining points in respect of asset protection to be settled via private agreement.</p>

Table 2-10: Driver and Vehicle Standards Agency

Ref	Topic	Interested Party Comment	Applicant's Response
2.10.1	Outstanding objection	<p>DVSA confirms that no Protective Provisions need to be included in the dDCO in respect of DVSA's site.</p> <p>The Applicant has confirmed to DVSA that the pipeline will not be routed through DVSA's operable site such that DVSA would need to relocate. Furthermore, Article 41 of the dDCO prevents interference with land belonging to a government department without consent. As a result, the dDCO does not need to include provision for DVSA's relocation.</p> <p>DVSA has agreed Heads of Terms with the Applicant for an Option Agreement and Lease to formalise the Applicant's use of DVSA's land.</p> <p>DVSA maintains its objection to the pipeline being routed through the operable part of DVSA's site. DVSA will be able to withdraw its objection once either:</p> <ol style="list-style-type: none"> 1. An option agreement is entered into by DVSA and the Applicant, the terms of which ensure that the Applicant's works will not affect the operable part of DVSA's site; or 2. The Order Limits are amended so as to exclude the operable part of DVSA's site. 	<p>The Applicant has now received consent under section 135 of the Planning Act 2008 from the DVSA. A copy of that consent is included in Appendix B to this submission.</p> <p>The Applicant will now progress a fully termed Option Agreement with the DVSA.</p>

Appendix A - Bluestone Ludborough 2 Limited. Notification letter dated 22 November 2023 and delivery receipt.

Bluestone Ludborough 2 Ltd
44-50 High Street
Rayleigh
SS6 7EA

Dear Consultee,

Date: 22/11/2023

Viking CCS Pipeline

Notice of acceptance of an application for a Development Consent Order (DCO) by the Planning Inspectorate (on behalf of the Secretary of State for Energy Security and Net Zero) under Section 56 of the Planning Act 2008.

We are writing to you as a Person with an Interest in Land under the Planning Act 2008, in relation to the acceptance of an application for a Development Consent Order ("DCO") for the Viking CCS Pipeline ("the Proposed Development").

Chrysaor Production (U.K.) Limited, a Harbour Energy company, is proposing to develop the Viking CCS Pipeline. The Proposed Development is a new 24" (609 mm) diameter onshore pipeline of approximately 55.5 km in length, which will transport Carbon Dioxide (CO₂) from the Immingham industrial area to the Theddlethorpe area on the Lincolnshire coast, where it will connect into the existing 36" (921 mm) diameter offshore LOGGS pipeline.

Persons with an interest in land

During the DCO pre-application process, we consulted with a variety of persons and organisations about our application in accordance with the requirements of the Planning Act 2008. In accordance with sections 42(1)(d) and 44 of the Act, this included people and organisations who have an interest in land.

We believe that you have, what we refer to in this letter as, an "interest" in land in respect of which the DCO includes powers of compulsory acquisition, temporary possession and/or that may otherwise be affected by the Proposed Development.

This could mean that you are considered to:

- Have a Category 1 interest in land or property in the area of the Proposed Development under section 44 of the Act. This means that we believe you are an owner, lessee, tenant (whatever the tenancy period), or occupier of this land; **and/or**
- Have a Category 2 interest in land or property in the area of the Proposed Development under section 44 of the Act. This means that we believe you have another type of interest in this land, (not covered by Category 1) or have the power to sell and convey the land, or to release the land.

The enclosed plan(s) detail where we understand your land or property interest is situated in relation to the project.

We aim to reach agreement for all the land rights and temporary possession powers required for the project through the negotiation of private treaty agreements. However, the DCO includes an application for compulsory acquisition and temporary use powers, to facilitate the construction, operation (including maintenance) and decommissioning of the project.

Representations to the DCO application

If you wish to make a representation regarding the Proposed Development, you can register with the Planning Inspectorate as an interested party. The enclosed notice, which we are providing in accordance with Section 56(2) of the Planning Act 2008, including details of how to register. Please note that representations must be received by the Planning Inspectorate **by 23:59 on 15 January 2024**.

Application documents

We submitted our application for a Development Consent Order (DCO) on 23 October 2023. An application for development consent is required because the Proposed Development is a cross-country pipeline that qualifies as a Nationally Significant Infrastructure Project under the Planning Act 2008.

Following submission, the Planning Inspectorate reviewed the application documents, and the application has been accepted for Examination. The Planning Inspectorate's website has been updated to reflect the acceptance of the application. You can access details of this decision, as well as the application documents here:

<https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/viking-ccs-pipeline/>


You can also find details about the examination process on the Planning Inspectorate's website.

Further information

You can find out about earlier stages of the project at pipeline.vikingccs.co.uk. For any other general enquiries regarding the Proposed Development, please contact the project team by using one of the contact methods provided below:

Email: vikingccspipeline@aecom.com

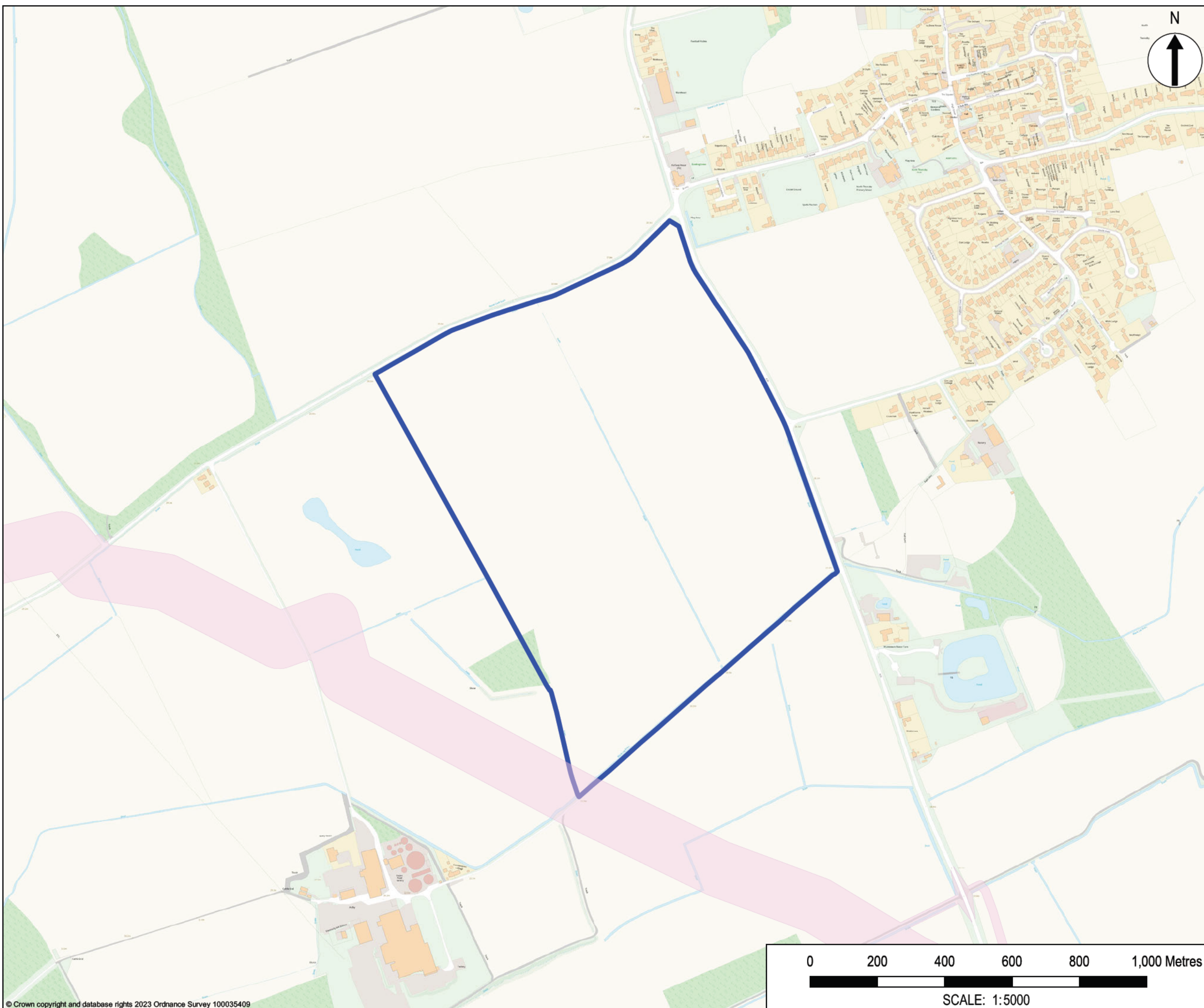
Post: Freepost VIKING CCS PIPELINE

Phone: Leave a voicemail message on 

Yours faithfully





Paul Davis
Viking CCS Onshore Development Manager
Harbour Energy



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- Notes**
- DO NOT SCALE FROM THIS DRAWING. USE ONLY PRINTED DIMENSIONS
 - ALL DIMENSIONS ARE IN METRES UNLESS STATED OTHERWISE
 - THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT DOCUMENTATION

Key to Symbols

	Area of Interest
	Proposed Scheme Boundary

P01	First Issue	22/11/2023	CG	SM	NF
Rev	Description	Date	By	Check	Approved

Purpose of Issue
S56 Notification

Gateley / HAMER
 One Eleven Edmund Street
 Birmingham B3 2HJ
 Tel: 0121 234 0000
 Web: gateleyhamer.com

Client
CHRYSAOR PRODUCTION (U.K.) LIMITED
 a Harbour Energy Company

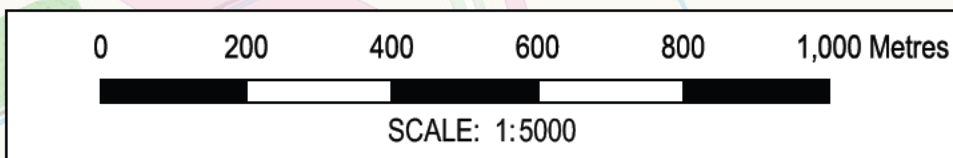
Project Title
 Viking CCS Pipeline


Drawing Title
 S56 PLAN
 PARCEL
 2455
 SHEET 1 OF 1

Drawn	Checked	Approved	Date
CG	SM	NF	22/11/2023

GH Project Number
 125724.008
 Scale at A3
 1:5000

Drawing Number
 GH-125724008-S56-2455
 Revision
 P01



 Right-click or tap and hold here to download pictures. To help protect your privacy, Outlook prevented automatic download of this picture from the Internet.
Royal Mail

Hi **Bluestone** Ludborough 2 Ltd

We delivered your parcel from Gateley Hamer today, Thursday, 23 November 2023.

Keep tabs on your parcel
with the **Royal Mail App**



[Download the App](#)

Want to
track your parcel?



QB768924127GB

[Track Parcel](#)

How did we do?



Please tell us with our short survey

Appendix B Consent under section 135 of the Planning Act 2008 from the DVSA.



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

Your ref: EN070008

24 September 2024

Dear Planning Inspectorate,

The Viking Carbon Capture and Storage (CCS) Pipeline

Application by Chrysaor Production (UK) Limited for a Development Consent Order under the Planning Act 2008

Consent under Section 135 of the Planning Act 2008

1. The Driver and Vehicle Standards Agency (“**DVSA**”) understands that Chrysaor Production (UK) Limited (“**Chrysaor**”) has applied for a development consent order (“**DCO**”) under the Planning Act 2008 (the “**Act**”) for the Viking CCS Pipeline. The Viking CCS Pipeline is classified as Nationally Significant Infrastructure Projects under Section 14(1)(g) and Section 21(1) of the Act.
2. Proposals for the Viking CCS Pipeline affect land in which the DVSA has an interest and which comes within the definition of 'Crown land' in section 227 of the Act. Such land comprises the following areas (together, the “**Land**”):
 - Plot 1/50 in the Book of Reference - approximately 2261 square metres of public roads (Ropser Road and Humber Road), private road, scrubland and hedgerow (South Killingholme)
 - Plot 1/60 in the Book of Reference - approximately 5 square metres of shrubland (south of Humber Road, South Killingholme)
 - Plot 1/67 in the Book of Reference - approximately 14379 square metres of private road, shrubland, hardstanding and hedgerow (north of Manby Road, A1173, South Killingholme)
 - Plot 1/71 in the Book of Reference - approximately 3500 square metres of hardstanding and hedgerow (north of Manby Road, A1173, South Killingholme)
3. Section 135(1) of the Act enables DCOs to authorise the compulsory acquisition of an interest in Crown land (which includes rights over land held by the relevant Crown

authority) where that interest is held by a party other than the Crown. If provisions to compulsorily acquire such interests are to be included in a DCO, then the consent of the appropriate Crown authority is needed before the DCO can be granted by the Secretary of State.

Section 135(2) of the Act allows a DCO to include any provision which applies "in relation to Crown land or rights benefiting the Crown", but only if the appropriate Crown authority consents to the inclusion of the provision.

4. Chrysaor seeks the consent of the DVSA to the inclusion of Crown land in the DCO and Book of Reference for Viking CCS Pipeline. As the owner of the Land], the DVSA is the appropriate Crown authority to give Crown land consent as prescribed by section 135 of the Act.
5. The Land is proposed to be included in the DCO on the basis that it would be subject to powers of compulsory acquisition and certain other provisions. Each of plots 1/50, 1/60, 1/67 and 1/71 would be areas used for the installation of the pipeline forming part of the development.

Section 135(1) Consent

6. In relation to any rights of compulsory acquisition which Chrysaor may seek in relation to interests in the Land plots noted above which are held otherwise than by or on behalf of the Crown falling within section 135(1) of the Act, I confirm that the DVSA grants its consent to the inclusion of such rights in the draft DCO for SEP and DEP, subject to Chrysaor obtaining DVSA's further consent in order to exercise such rights.

Section 135(2) Consent

7. I confirm that the DVSA is satisfied, in accordance with section 135(2) of the Act, with the following articles being applicable in relation to Crown land:
 - Article 3 (Development consent etc. granted by the order)
 - Article 4 (Operation and use of the authorised development)
 - Article 5 (power to maintain the authorised development)
 - Article 6 (Limits of deviation)
 - Article 20 (Authority to survey and investigate the land)
 - Article 22 (Removal of human remains)
 - Article 34 (Temporary use of land for maintaining the authorised development)
 - Article 42 (Crown rights)
 - Article 44 (planning legislation)
 - Article 47 (no double recovery)
8. The DVSA therefore consent to the inclusion of the articles in the draft DCO, as provided in section 135(2) of the Act.

Crown Article

9. The DVSA's consent provided in this letter is conditional on the inclusion of the following article within the draft DCO:

Crown rights

42.—(1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular, nothing in this Order authorises the undertaker or any licensee to take, use, enter upon or in any manner interfere with any land or rights of any description (including any portion of the shore or bed of the sea or any river, channel, creek, bay or estuary)—

(a) belonging to His Majesty in right of the Crown and forming part of The Crown Estate without the consent in writing of the Crown Estate Commissioners;

(b) belonging to His Majesty in right of the Crown and not forming part of The Crown Estate without the consent in writing of the government department having the management of that land; or

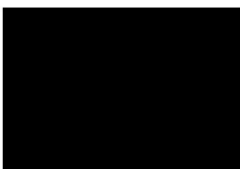
(c) belonging to a government department or held in trust for His Majesty for the purposes of a government department without the consent in writing of that government department.

(2) Paragraph (1) does not apply to the exercise of any right under this Order for the compulsory acquisition of an interest in any Crown land (as defined in the 2008 Act) which is for the time being held otherwise than by or on behalf of the Crown.

(3) A consent under paragraph (1) may be given unconditionally or subject to terms and conditions; and is deemed to have been given in writing where it is sent electronically.

The DVSA expects to be kept informed of Chrysaor's progress with the Scheme, both in relation to the application for the DCO and the implementation of that consent, should it be granted by the Secretary of State in due course.

Yours sincerely



Loveday Ryder
Chief Executive