



To:

Our Ref: EN070008

Chrysaor Production (UK) Limited
Lincolnshire County Council

Date: 28 January 2025

Dear Sir or Madam,

Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010

Application by Chrysaor Production (UK) Limited (“the Applicant”) for an Order granting Development Consent for the proposed Viking CCS Carbon Dioxide Pipeline Project (“the Proposed Development”)

REQUEST FOR INFORMATION

1. Following the completion of the Examination on 26 September 2024, the Examining Authority (“ExA”) submitted a Report and Recommendation in respect of its findings and conclusions on the above application to the Secretary of State on 5 December 2024. In accordance with section 107 of the Planning Act 2008, the Secretary of State has three months to determine the application.
2. The Secretary of State requests the **Applicant** and **Lincolnshire County Council** to provide further information on the following matters below.

Draft DCO: Articles and Schedule 2 (Requirements)

3. Without prejudice to the Secretary of State’s decision, the **Applicant** is requested to review the following provisions in the draft DCO submitted at Deadline 6 [Rev H, REP6-002] and confirm whether it wishes to make any corrections / amendments in respect of the following:
 - a) In paragraph (4) of Article 11 (application of the 1991 Act), the inclusion of what appear to be footnote references after the references to the sections of the 1991 Act, without corresponding footnotes.
 - b) In paragraph (6) of Article 13 (temporary restriction of use of streets), the cross-reference to applications for consent under paragraph (5).

- c) In paragraph (4) of Article 17 (traffic regulation), the apparent duplication of wording in and after sub-paragraph (a)(ii) (beginning “and the instrument by which it is effected...”)
- d) In paragraph (5) of Article 20 (authority to survey and investigate the land), the location / formatting of the words beginning “which authority may attach...”, which are currently included as sub-paragraph (c).
- e) In paragraph (2) of Article 26 (statutory authority to override easements and other rights), the location / formatting of the words beginning “caused by the carrying out or use...”, which are currently included in sub-paragraph (b).
- f) In paragraph (2) of Article 31 (modification of Part 1 of the 1965 Act), the wording of section 4A(1) of the 1965 Act, which was updated in January 2024.
- g) In paragraph (4) of Article 44 (planning legislation), the reference to “the authorised project” and whether this should be to “the authorised development”.
- h) In paragraph 21(1) of Part 2 of Schedule 2 (requirements), the references in (a) and (b) to “requirement 22”, on the basis there does not appear to be a requirement 22.
- i) In paragraph 23(1) of Part 2 of Schedule 2, the reference to “requirement 20”, on the basis requirement 20 does not refer to applications being made.
- j) In paragraphs 24(2)(b) and 25(1)(b) of Part 2 of Schedule 2, the references to “requirement 22”, on the basis there does not appear to be a requirement 22.
- k) In paragraphs 26(1) and (2) of Part 2 of Schedule 2, the references to “requirement 24”, on the basis there does not appear to be a requirement 24.

Draft DCO: Article 44 (Planning Legislation)

4. In respect of paragraph (6) of Article 44 (planning legislation), the Secretary of State is concerned that as drafted, this paragraph would operate to enable development that would otherwise normally require development consent to be authorised by planning permission under the Town and Country Planning Act. It would also have the effect of allowing a breach of the Order to effectively be authorised by obtaining planning permission. As drafted, this would apply to any development within the Order limits (as opposed, for example, to a specific development under an existing planning permission, or to development that is not a nationally significant infrastructure project or part of a nationally significant infrastructure project, including the authorised development).
5. The Secretary of State notes that the Explanatory Memorandum [REP6-004] contains only a brief explanation of why paragraph (6) is included. The Secretary of State notes that the Applicant has referred to the Drax Power Station Order 2024 as providing precedent for Article 44, but that Order does not appear to contain any wording equivalent to paragraph (6).
6. The **Applicant** is requested to provide a full explanation of why paragraph (6) is required in addition to the other provisions of Article 44, including any specific

precedent for paragraph (6) in previous orders, and to present any revised wording it considers would address the Secretary of State's concerns about the effect and broad scope of this provision. The **Applicant** is also requested to comment on the implications of the potential deletion of this paragraph.

7. It would assist the Secretary of State for **Lincolnshire County Council** to engage with the Applicant and provide its comments on any proposed amended wording and also on the potential deletion of paragraph (6).
8. Responses to the requested information should be submitted by email only to vikingccspipeline@planninginspectorate.gov.uk by **23.59 on 7 February 2025**.
9. Responses will be published on the Viking CCS Carbon Dioxide Pipeline project page of the National Infrastructure Planning website: <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN070008> as soon as possible after **7 February 2025**.
10. This letter is without prejudice to the Secretary of State's consideration of whether to grant or withhold development consent for the Proposed Development or any part of the project. Nothing in this letter is to be taken to imply what the eventual decision might be or what final conclusions the Secretary of State may reach on any particular issue which is relevant to the determination of the application.

Yours faithfully

John Wheadon

Head of Energy Infrastructure Planning Delivery

On behalf of the Secretary of State for Energy Security and Net Zero