

Mr J Wheadon  
Department for Energy Security  
and Net Zero  
3-8 Whitehall Place  
London  
SW1A 2AW

**Document reference:**  
**EN070008/01/25**

Dear Mr Wheadon,

**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”)  
Ref: EN07008**

**Response to Request for Information**

This letter is submitted on behalf of Chrysaor Production (UK) Limited (“the Applicant”) in connection with its application for an Order granting Development Consent for the proposed Viking CCS Carbon Dioxide Pipeline Project (“the Proposed Development”). This letter responds to the Secretary of State’s request for further information dated 8<sup>th</sup> January 2025.

The requested information is set out below.

The Applicant has also included with this letter an update to the Secretary of State in respect of the status of negotiations with statutory undertakers, where an objection remained outstanding at the close of the Examination based on protective provisions not being agreed.

**Offshore Elements – paragraphs 3 and 4 of the request for information**

The Applicant notes that it proposed “without prejudice” wording for a requirement of this nature in its response to ExA Question 2.5.15 (the Applicant’s response is within document [REP5-063]).

If the Secretary of State determines that such a requirement is necessary, the Applicant is content with the wording proposed by the Secretary of State in its letter of 8<sup>th</sup> January 2025. The Applicant notes that the difference between what was proposed by the Applicant and that is proposed by the Secretary of State is that the Secretary of State would be the discharging authority, rather than the relevant planning authority. The Applicant agrees this is an appropriate change.

For the avoidance of doubt, the Applicant maintains that such a requirement is unnecessary for the reasons set out in (i) its response to the Examining Authority’s second written

questions – section 2.05 and in particular question 2.5.11 [REP5-063] and (ii) the Position Statement on the Benefits of the Proposed Development (Revision A) [REP5-058].

### **Compulsory Acquisition of Land and Rights – paragraph 5 of the request for information**

Within the Book of Reference, the Applicant included Lincolnshire County Council (LCC) and Lindsey Marsh Internal Drainage Board (LMIDB) as having an interest in a number of plots where they were identified as having a statutory function (e.g. as highway authority, in respect of public right of way, or in respect of drains). Consultation with LCC and LMIDB prior to and during the DCO examination phase established that LCC and LMIDB do not consider they hold any land interest in those parcels, but the Applicant continued to include them within the Book of Reference out of an abundance of caution.

For plots where LCC and LMIDB have a statutory function only, no lease (or other land agreement) would be necessary. As a result, both the LCC and LMIDB were removed from the Schedule of Negotiations at the Examination Deadline 6. Compulsory acquisition powers are still sought over those plots to acquire the necessary rights in land to build and operate the Proposed Development.

In respect of plots 29/11, 29/13, 30/20 where LCC were listed as assumed freehold owner as these areas were common land, and LCC was the relevant local authority. LCC advised the Applicant that they do not consider they hold such an interest, and therefore there is no ongoing lease discussion. LCC advised the Applicant that they do not consider they hold a freehold interest, and therefore there is no ongoing lease discussion. In respect of plots 9/3, 9/6, these form part of the adopted highway and the proposed temporary access works (for visibility splays) would be undertaken through streets powers. As such, no lease is required and there is no discussion in respect of this.

Neither LCC nor LMIDB have indicated any objection to the grant of those powers for any plots in which they have an interest identified within the Book of Reference.

### **Special Category Land – paragraph 6 of the request for information**

The Applicant has reviewed the Statement of Reasons (Revision D) and agrees that additional wording should be included in the preamble of the DCO to reflect all forms of special category land included in the Order Limits. In particular, wording should be added that addresses that rights are sought through compulsory acquisition powers over common land.

The following paragraph should be added:

*“The Secretary of State is satisfied that common land within the Order land, when burdened with any new rights authorised for compulsory acquisition under the terms of this Order, will be no less advantageous than it was before such acquisition, to the persons whom it is vested, other persons, if any, entitled to rights of common or other rights, and the public, and that, accordingly, section 132(3) of the 2008 Act applies. The Secretary of State is satisfied that common land within the Order land does not exceed 200 square metres in extent and the giving of other land in exchange for the order right is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public, and that, accordingly, section 132(5) of the 2008 Act applies.”*

### **Update on statutory undertaker positions**

The Applicant has set out below an update on negotiations with various statutory undertakers that maintained an objection at the close of the Examination.

#### **Section 135 Consent – the Crown Estate**

The Applicant and Crown Estate Commissions entered an Agreement of Undertaking on the 3 December 2025 and, following this, consent under section 135 of the Planning Act 2008 was

provided by the Crown Estate. The Crown Estate confirmed to the Applicant that it had notified the Secretary of State on the 9 December 2024 that section 135 consent had been issued.

National Gas Transmission Plc

The Applicant and National Gas Transmission Plc agreed protective provisions further to the completion of a legal agreement. National Gas Transmission Plc confirmed the withdrawal of its objection on 13 November 2024. The Applicant submitted an updated form of protective provisions that the parties agree should be used in the Development Consent Order, if granted.

Network Rail Infrastructure Limited

The Applicant and Network Rail have agreed protective provisions further to the completion of a legal agreement. Both the Applicant and Network Rail notified the Secretary of State of this on 26 November 2024 and Network Rail withdrew its objection.

Air Products (BR) Limited

The Applicant and Air Products (BR) Limited have agreed protective provisions further to the completion of a legal agreement. Air Products (BR) Limited withdrew its objection on 11 December 2024.

Cadent Gas Limited

The Applicant and Cadent Gas Limited have agreed protective provisions further to the completion of a legal agreement. In accordance with the legal agreement, there are two paragraphs 7 (Removal of Apparatus) and paragraph 11(3)(c) (Indemnity) of the protective provisions included within the draft DCO (Revision H) for the benefit of Cadent Gas Limited that the parties agree should be determined by the Secretary of State. Cadent Gas Limited have confirmed that they have withdrawn their objection.

IOT Operators (Associated Petroleum Terminals (Immingham) Limited and Humber Oil Terminals Trustee Limited)

The Applicant has agreed terms with Associated Petroleum Terminals (Immingham) Limited and Humber Oil Terminals Trustee Limited ("**the IOT Operators**") in respect of protective provisions and a legal agreement. The Applicant has submitted the agreed form of protective provisions to the Planning Inspectorate by separate cover, which it requests be included within the Development Consent Order, if granted. The IOT Operators have now withdrawn their objection to the application.

Kind regards

Adam Wilson  
Associate Director  
AECOM Limited