

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

Document reference:
EN070008/02/25

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 28th January 2025.

The requested information is set out below.

Draft DCO: Articles and Schedule 2 (Requirements)

The Applicant encloses an updated Word and PDF version of the draft DCO (Revision I) correcting typographical or formatting errors noted by the Secretary of State. The Applicant has also enclosed a track change version compared against the draft DCO submitted at Deadline 6 [Rev H, REP6-002]. The Applicant has also updated the draft DCO (Revision I) to include the amendment to the pre-amble suggested in the Applicant’s response [C1-002] to paragraph 6 of the Secretary of State’s first request for information.

The Applicant has set out in the table below how it has addressed each of the points raised.

Reference	Secretary of State comment	Applicant response
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	The Applicant has reviewed these footnote references and confirms that they were included in error.

	1991 Act, without corresponding footnotes.	The references have been deleted in the draft DCO enclosed.
b)	In paragraph (6) of Article 13 (temporary restriction of use of streets), the cross-reference to applications for consent under paragraph (5).	The cross-reference referred to should be to paragraph (4). The cross-reference has been corrected in the draft DCO enclosed.
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...”)	The duplication of wording is an error. The wording has been deleted where it appeared in sub-paragraph (a)(ii) within the draft DCO enclosed.
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).	The formatting of this provision was an error. It should not have been a standalone sub-paragraph (c). This has been corrected in the draft DCO enclosed.
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).	The formatting of this provision and the identified wording should not have been within sub-paragraph (b). This has been corrected in the draft DCO enclosed.
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.	The wording of paragraph (2) should reflect the 1965 Act as updated in January 2024. This is corrected in the draft DCO enclosed.
g)	In paragraph (4) of Article 44 (planning legislation), the reference to “the authorised project” and whether this should be to “the authorised development”.	This is an error and should have referred to “the authorised development”. This is corrected in the draft DCO enclosed.
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.	The references in (a) and (b) to “requirement 22” should be amended to “paragraph 23”. This is corrected in the draft DCO enclosed.
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.	The reference in paragraph 21(1) to “requirement 20” should be amended to “paragraph 21”. This is corrected in the draft DCO enclosed.

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.	<p>The reference in paragraph 24(2)(b) to “requirement 22” should be amended to “paragraph 21”.</p> <p>The reference in paragraph 25(1)(b) to “requirement 22” should be amended to “paragraph 21” and “paragraph 23”.</p> <p>This is corrected in the draft DCO enclosed.</p>
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.	<p>The references in paragraphs 26(1) and (2) to “requirement 24” should be amended to “paragraph 25”.</p> <p>This is corrected in the draft DCO enclosed.</p>

Draft DCO: Article 44 (Planning Legislation)

Paragraph (6) or Article 44 provides that development carried out pursuant to a planning permission following coming into force of the draft DCO would not result in breach of the Order, removing the risk of criminal liability pursuant to sections 160 and 161 of the 2008 Act in circumstances where a development which has been appropriately assessed and consented can be carried out on land within the Order limits, without impact on the Proposed Development. This includes any development authorised by a general development order as well as an express planning permission. The article has its basis on provisions included in the Northampton Gateway Rail Freight Interchange Order 2019 (see Article 45(3)) and West Midlands Rail Freight Interchange Order 2020 (see Article 44(3)).

The Applicant does not consider that this 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. Sub-paragraph (6) would only apply to a permission that was lawfully granted under either a general development order or an express planning permission. It does not disapply section 31 of the Planning Act 2008, which sets out that development consent is required for development to the extent that the development is or forms part of a nationally significant infrastructure project. A lawful planning permission under the Town and Country Planning Act 1990 could not be granted for such development.

The Applicant considers that this article is desirable to bring clarity that other developments (with relevant planning permissions) can be undertaken within the Order limits without constituting a breach of the Order. The Applicant therefore respectfully submits that this sub-paragraph should not be deleted.

The Applicant has discussed this point with Lincolnshire County Council (“LCC”) and shared its proposed response, as set out above. LCC confirmed that it agreed in principle with the Applicant’s position. LCC noted the existing precedent, and that Article 44(6) would bring clarity that other developments (with relevant planning permissions) can be undertaken within the Order limits without constituting a breach of the Order. LCC also noted that it would have no objections to the potential deletion of paragraph (6) by the Secretary of State.

Kind regards

Adam Wilson
Associate Director
AECOM Limited