

Mr J Wheadon
Department for Energy Security
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**Document reference:
EN070008/03/25**

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

1 INTRODUCTION

- 1.1 The Secretary of State for Energy Security and Net Zero (“SoS”) issued a request for information from Chrysaor Production (UK) Limited (the “Applicant”) by way of letter dated 7 March 2025. This letter sets out the Applicant’s response. Section 2 sets out the Applicant’s response to the questions posed by the SoS in relation to shipping movements, as set out in paragraphs 5 and 6 of the letter. Section 3 addresses the question raised in paragraph 6 of the letter in connection with the definition of ‘Pipeline’ in the draft DCO.

2 SHIPPING MOVEMENTS

- 2.1 The questions posed by the SoS in relation to shipping movements are set out in paragraphs 5 and 6 of the letter and state:

“The Secretary of State notes, from the Environmental Statement, that vessels may transport liquified CO₂ to Immingham for onward transport by the Proposed Development, but that any potential environmental effects associated with operational shipping movements have not been defined or assessed in the Environmental Statement.

The Applicant is requested to clarify the extent to which vessels may import CO₂. The Applicant is requested to explain whether it considers updates to the Environmental Impact Assessment and Habitats Regulations Assessment are necessary to include the assessment, alone and cumulatively, of any potential indirect upstream effects of operational shipping movements, including any

greenhouse gas emissions of the ships, and to provide updated documents as necessary.”

- 2.2 For the reasons set out below, the Applicant does not consider any updates to be required to the Environmental Impact Assessment (“EIA”) or Habitats Regulations Assessment (“HRA”) submitted with the application documents. The Applicant does not consider ship movements to be a direct or indirect effect of the Viking CCS Pipeline project (the “Proposed Development”) that would require an assessment of greenhouse gas (“GHG”) emissions as part of the EIA or HRA.

LEGAL REQUIREMENT FOR ENVIRONMENTAL ASSESSMENT

- 2.3 The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the “EIA Regulations”) set out the requirements of an EIA that accompanies an application for development consent. An EIA must identify, describe and assess in an appropriate manner, in light of each individual case, the direct and indirect significant effects of the proposed development.¹ Regulation 5 and schedule 4 set out the information that must be included in an environmental statement. This must include a description of the likely significant effects of the proposed development on climate, which will include an assessment of GHG emissions arising from the project.
- 2.4 The scope and extent of the assessment of GHG emissions in an EIA context was recently considered by the UK Supreme Court in *R (on the application of Finch on behalf of the Weald Action Group) v Surrey County Council and others* [2024] UKSC 20. The question for the court in *Finch* was whether GHG emissions arising when oil is extracted from a well and, after being refined, is subsequently burnt as fuel, needed to be included in the EIA as indirect effects on climate (i.e. assessment of scope 3 emissions²).
- 2.5 The key question was whether such emissions were “effects of the project”. Lord Leggatt stated that whether something is an effect of a project is a matter of causation³, i.e. it requires evaluation of whether there is a sufficient causal connection between the project and the putative effect. Several possible tests of legal causation were noted (without a specific one being considered the preferred test in an EIA context), including:
- (a) the “*but for*” test: “*would event Y have occurred but for the occurrence of event X?*”⁴;
 - (b) is “*the occurrence of event X...both a necessary and sufficient condition for the occurrence of Y?*”⁵; and
 - (c) “*whether the intervening act or event was a matter of ordinary occurrence or was something extraordinary.*”⁶
- 2.6 The Court also considered how it should be determined whether a potential effect is “likely”, stating:
- “Whatever the precise meaning of the term, to determine that a potential effect is “likely” requires evidence on which to base such a determination. If evidence is lacking so that a possible future occurrence is a matter of speculation or conjecture, then a rational person would not feel able to judge that it is “likely”. ”*⁷
- 2.7 The process of identifying likely significant effects takes an evidential based approach and should not involve conjecture or speculation.⁸ The intent of the EIA regime is to allow

¹ Regulation 5(2) Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

² As set out in the Greenhouse Gas Protocol Corporate Accounting and Reporting Standard as all other indirect emissions [that are not scope 1 or scope 2].

³ Paragraph 65

⁴ Paragraph 68

⁵ Paragraph 69

⁶ Paragraph 70

⁷ Paragraph 74

⁸ Paragraph 77

the relevant decision maker to reach a reasoned conclusion on the likely significant effects of a proposed development on the environment to assist their decision-making process.

APPLICATION TO THE VIKING CCS PIPELINE

Scope of the Viking CCS Pipeline Project

- 2.8 The Applicant submitted an Environmental Statement with its application for development consent for the Proposed Development. The scope and extent of the Proposed Development is set out in the Environmental Statement Chapter 3: Description of the Proposed Development (APP-045). That chapter describes the Proposed Development for the purposes of identifying and reporting the potential environmental impacts and likely significant effects. The EIA, as reported on in the Environmental Statement, and the Report to Inform the Habitat Regulations Assessment (APP-118) are based on the description set out in that chapter.
- 2.9 Paragraph 3.1.8 of Chapter 3 of the Environmental Statement states that the overall Viking CCS Project intends to transport compressed and conditioned CO₂ received at the Immingham Facility to store in depleted gas reservoirs in the Southern North Sea. The Proposed Development constitutes part of the infrastructure that would form the overall Viking CCS Project, being the onshore transportation system to connect the point of receipt of CO₂ at the Immingham Facility to the Theddlethorpe Facility and the existing LOGGS pipeline. Paragraph 3.4.1 of chapter 3 of the Environmental Statement sets out the key components of the Proposed Development as follows:
- (a) The Immingham Facility;
 - (b) Approximately 55.5km buried 24 inch onshore steel pipeline (including cathodic protection);
 - (c) Three Block Valve Stations;
 - (d) The Theddlethorpe Facility;
 - (e) Existing LOGGS Pipeline to the extent of the DCO Site Boundary and the Dune Isolation Valve;
 - (f) Temporary Works (construction compounds, temporary access points); and
 - (g) Other Works (permanent access, mitigation works, landscaping).
- 2.10 All of those components are more fully described in chapter 3 of the Environmental Statement.
- 2.11 The objectives of the Proposed Development are set out in the Need Case for the Scheme (APP-131) that was submitted with the application. This sets out that the key aim is to give industries in the Humber region a route to secure CO₂ storage. The Need Case highlights the regional need for the project in the Humber region, which has an existing large industrial base through refining, petrochemicals, manufacturing and power generation. Paragraph 2.2.2 states that the Proposed Development “*will play a pivotal role in enabling decarbonisation of the strategic industries located in the Humber and Lincolnshire regions. The Viking CCS Pipeline provides a unique, low-cost opportunity to connect customers at Immingham to a repurposed offshore pipeline routing to the depleted Viking gas fields, which recently had their 300 million tonnes of CO₂ storage capacity independently verified*”.
- 2.12 Neither Chapter 3 of the Environmental Statement nor the Need Case identify a specific source of CO₂ that will utilise the Proposed Development. The Need Case notes that existing emitters in the Humber area, such as Phillips 66 Limited and VPI Immingham, are developing carbon capture infrastructure and propose the Viking CCS Pipeline as

the offtake route (see paragraphs 1.5.4 and 1.5.5; 2.2.5 and 2.2.6 of the Need Case). The Need Case also refers to potential future projects that could be enabled by the Proposed Development, such as the construction of a new gas-fired power station at Stallingborough, close to the Humber estuary, with carbon capture infrastructure (see paragraph 2.2.7).

- 2.13 Section 1.1 – 1.6 of the Need Case for the Scheme includes a description of the approach being taken by the UK Government to the development of carbon capture and storage ‘clusters’ throughout the UK. As this sets out, the Department for Energy Security and Net Zero will ultimately decide on which emitters are to be sequenced to the Proposed Development. Whilst the Applicant is working with a number of parties with a view to having them sequenced to the Proposed Development, at this time there has been no decision on who the eventual users would be of the Proposed Development.
- 2.14 The Proposed Development and associated application documents were deliberately agnostic on the eventual users of the pipeline. The Proposed Development seeks to fulfil an identified need for carbon capture and storage infrastructure being connected to the Humber region, rather than targeting decarbonisation of specific emitters.
- 2.15 There is no mention within Chapter 3 of the Environmental Statement or the Need Case of CO₂ being imported by ship for onward transmission to the Proposed Development. The Proposed Development does not connect to the Port of Immingham (or any other port) where CO₂ could be imported by ship.

Import of CO₂ by ship

- 2.16 As noted above, the Proposed Development does not contain any proposal to develop the facilities necessary to import CO₂ to the Port of Immingham for onward connection to the Viking CCS Pipeline. The Applicant is aware that The Associated British Ports (Immingham Green Energy Terminal) Order 2025 was granted on 6 February 2025 and included *inter alia* a proposal to develop infrastructure at the Port of Immingham that would facilitate the import of CO₂.
- 2.17 The Immingham Green Energy Terminal is a separate project, that undertook its own EIA as part of the application for development consent. Within the EIA for the Immingham Green Energy Terminal project, the developer undertook an assessment of effects on climate change, including GHG emissions. The Applicant notes that assessment included consideration of shipping movements, as based on the scope of that project there is a causal link between the development of the infrastructure and shipping movements in the operation phase. They are a necessary consequence of the operation of the development.
- 2.18 The Applicant notes that whilst the Immingham Green Energy Terminal includes infrastructure that would allow CO₂ to be imported to Immingham, that project does not propose to build a connection between the Port of Immingham and the Viking CCS Pipeline. Such a connection (i.e. a connecting pipeline) would need a separate consent to be built. Any future infrastructure required to facilitate such a connection would require its own environmental assessment.

Greenhouse Gas Emissions Assessment

- 2.19 The Applicant included an assessment of direct and indirect GHG emissions from the Proposed Development within Environmental Statement Chapter 15: Climate Change (REP4-029). The Applicant considers that the scope of that assessment was suitable and that it is correct that it did not include any assessment of ship movements connected with import of CO₂ to Immingham.
- 2.20 The Applicant does not consider that ship movements can be considered an indirect “effect of the project”. There is no causal link between the Proposed Development and vessel movements that would require assessment. The Proposed Development does

not include the infrastructure that would be necessary to allow CO2 import to occur. Any such development would be a separate project in EIA terms, requiring its own assessment. The Proposed Development does not induce ship movements, and such movements are not an inevitable consequence of the Proposed Development.

- 2.21 The Applicant considers that the scope and extent of the Proposed Development can be contrasted with that of the Immingham Green Energy Terminal. It is clear that the latter, being the development of port infrastructure, has a causal link to increased ship movements. The purpose of that development is to provide port capacity that supports import and export of liquid bulk energy products. It is correct that emissions from ship movements would be considered indirect effects of that project, as they are a necessary consequence of the development. The same cannot be said for the Proposed Development.
- 2.22 GHG emissions resulting from shipping movements are therefore not considered to be a direct or an indirect upstream effect of the Proposed Development, and therefore should not be included in the GHG emissions assessment that forms part of the EIA. Similarly, as there is no causal link between the Proposed Development and GHG emissions resulting from shipping movements, they would not fall within the scope of the HRA. The Applicant therefore does not consider any updates to be required to the EIA or HRA submitted with the application documents.

3 DRAFT DCO: 'PIPELINE' DEFINITION

- 3.1 The Secretary of State has asked the following question in connection with the definition of 'pipeline' within the draft DCO (Revision I) submitted on 7 February 2025:

"The draft DCO defines the term 'pipeline' as "the existing pipeline and the new pipeline and includes all of the authorised development including all AGIs and BVSS". The Secretary of State considers this definition to be problematic. If the term 'pipeline' includes all the authorised development, it is not clear why this definition is needed in addition to the definition of 'authorised development'. The Secretary of State notes, for example, that Article 6 (limits of deviation) refers to "pipeline works" and "works other than the pipeline", but given the way 'pipeline' is defined, it is unclear what each of these terms includes. The Secretary of State also notes the extensive references to 'pipeline' in e.g. Schedule 1, where it appears that in many places it is the 'new pipeline' (as defined) that is being referred to. The Applicant is asked to reconsider the current definition of 'pipeline' and to propose any amended wording it considers would address these issues."

- 3.2 The Applicant has considered the wording within the draft DCO and agrees that the clarity of the drafting could be improved by amendment to this definition. The Applicant encloses an updated draft DCO (Revision J) that makes the following amendments to address this matter:
- (a) The definition of 'pipeline' has been deleted. Where the term 'pipeline' is used in the draft DCO it will now have its ordinary English meaning. The Applicant considers that this removes the uncertainty where there is extensive reference to 'pipeline' in Schedule 1, for example.
 - (b) The Applicant has added a definition of 'pipeline works' to improve the clarity of what is being referred to in each sub-paragraph of article 6 (limits of deviation). This definition and the drafting in article 6 is based on similar drafting in articles 2 and 6 of The Thorpe Marsh Gas Pipeline Order 2016.
- 3.3 The Applicant considers that these amendments provide suitable clarity to the definitions within the draft DCO.
- 3.4 As the Applicant was updating the draft DCO at this point, it has made the following minor amendments for clarity:

- (a) The registered office of the Applicant has been updated where it appears in the definition of 'undertaker' in article 2 (interpretation) and the Explanatory Note.
- (b) A new Part 14 has been added to Schedule 9 (For the Protection of Uniper UK Limited). At Deadline 7 of the Examination, the Applicant's Response to the Rule 17 Letter included at Annex A protective provisions in its preferred form for Uniper UK Limited, and noted the differences between the version preferred by Uniper UK Limited. The Applicant did not have an opportunity to incorporate these into the Final Draft DCO submitted during the Examination, and has therefore done so now. For the avoidance of doubt, the Applicant does not consider this new information that the Secretary of State would need to be consulted on, as the relevant interested party has commented on the terms of the protective provisions through the Examination process (see RR-114, AS-120, REP1-094, REP5-089, REP6-071).

Kind regards



Associate Director
AECOM Limited