

Ref HOR2-SP125 – VPI Immingham LLP

Attn - Katherine Chapman – Case Manager

Further to the letter on the notification of the Preliminary meeting on the above project, we confirm that we (W S Peters) will be attending the meeting on Tuesday 16th June 2015.

We also wish to advise that we would like to submit “Statements of Common Ground” as we did with the Highways Agency (see copy attached), this was not done for the Hornsea-1 project due to our discussion with the Highways Agency overlapping the process, however we did submit several communications with our concerns and these have been addressed in Schedule 12 Part 8 of the DCO, these provisions have been transposed into the DRAFT DCO for Hornsea-2. We Vitol have concerns that the design set out in paras-82 & 83 provide some protection under the works, however the crossing method to cross the pipeline needs to be acceptable to Vitol and the 28day notification period may not, depending on the design be acceptable.

Vitol would like to ensure that a SofCG document is provided to be discussed during the DCO process and if all points are not agreed during the process that we have the ability to continue the discussions with the developers designers before any final design is made. We did not have this ability with the Hornsea-1 project and are now having to engage with the New owners to ensure the pipeline protection is in accordance with Statutory Code requirements.

We require a formal SofCG format similar to the attached for the A160 project to complete and if not agreed during the DCO hearings, to be part of the final DCO document in Schedule 12 . We notice from the documents received that we need to have SofCG submitted by 15th July 2015 and as such we require the formal documentation for the project in time to make the submission.

With regard to the formal notifications can we request that in addition to sending hard copy to Belgrave House London, that a hard copy is also sent to **VPI Immingham LLP, Rosper Road, Immingham , North Lincolnshire, DN40 3DZ Attn. Plant Manager**. The e-mail contact is still myself as the formal contact at the plant.

We will be communicating the above in hard copy letter from the Plant Manager.

Please note the e-mail address 'Hornsea2@infrastructure.gsi.gov.uk' does not provide a correct location and we get a “failure to deliver” return, can you check this mail is live?.



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Statement of Common Ground

between the Highways Agency and
Vitol Pipeline Immingham

A160/A180 Port of Immingham Improvement

Planning Act 2008	
Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009	
Regulation Number:	n/a
Author:	Highways Agency
Document Reference:	TR010007/SoCG/xxx

Revision	Date	Description
0.1	0 Month 2014	xxxxxx

Comment [HS1]: Version control – level 2 incremented based on internal revisions between SOCG parties. Level 1 Increment where released to PINs.

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Appendices

Appendix A Appendix Title

May include here the latest cross section drawings? *Vitol require to see the attachments before the document is submitted*

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1 Introduction

1.1 Purpose of this Statement of Common Ground

- 1.1.1 This Statement of Common Ground (“SoCG”) relates to an application made by the Highways Agency (“the HA”) to the Planning Inspectorate under Section 37 of the Planning Act 2008 (“the Application”).
- 1.1.2 The Application is for an order granting development consent (the “DCO”). The draft DCO is referred to as The A160/A180 (Port of Immingham Improvement) Development Consent Order 201[]. The DCO would grant powers to upgrade the existing single carriageway section of the A160 to dual carriageway, with associated junction improvements along the length of the route. The proposed development is referred to in this SoCG as “the Project”.
- 1.1.3 The Application was submitted to the Planning Inspectorate on the 8 January 2014, and the Planning Inspectorate accepted the progression of the Application to examination on the 27 January 2014.
- 1.1.4 Guidance about the purpose and possible content of SoCGs is given in paragraphs 57-62 of the Department for Communities and Local Government’s “Planning Act 2008: examination of applications for development consent” (April 2013).
- 1.1.5 Paragraph 57 confirms the basic function of SoCGs:
“A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it may also be useful for a statement to identify areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence.”
- 1.1.6 SoCGs are a useful and established means of ensuring that the evidence provided at examination focuses on the material differences between the parties, and aim to facilitate a more efficient examination process.

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by the HA as the Applicant, and (VPI Immingham LLP). This SoCG is a statement of the current status and is not intended to and shall not, create or reflect any binding contract, or other form of financial or legal relationship or obligation between the Parties.
- 1.2.2 The HA is an Executive Agency of the Department for Transport, and is responsible for operating, maintaining and improving the strategic road network in England on behalf of the Secretary of State for Transport. The A160 and A180 in North Lincolnshire and North East Lincolnshire are part of the trunk road network for which the HA is responsible.
- ~~1.2.3~~ VPI Immingham is the owner and operator of a Power Station that provides process steam and electricity to the Phillips66 and Total oil processing refineries that provide approximately 30% of the processed hydrocarbon fuels in the UK. The Nat Gas pipeline that feeds the power station passes under the present A160 and requires that the parties concerned will work towards implementing suitable modifications to provide further protection of the pipeline during Construction and Operation to meet the Gas Pipeline Regulations for operation & safety of the transmission of HP(90barg) Natural Gas.

1.3 Summary of the Project

- 1.3.1 The Project proposes to provide better access to the Port of Immingham (“the Port”) and the surrounding area by improving the A160 between the junction with the A180 at Brocklesby interchange and the Port. Improvements to this 5km strategic link road will help to stimulate growth and unlock economic benefits in the area.
- 1.3.2 The main aspects of the Project include:
- upgrade of the Brocklesby Interchange to an oval two bridge roundabout layout, including a dedicated left turn lane for vehicles travelling from the eastbound A180 to the A160;
 - upgrade the existing single carriageway section of the A160 between Brocklesby Interchange and Habrough Road Roundabout to dual carriageway standard;
 - relocate the Habrough Road Roundabout with new link roads provided from the A160 to Ulceby Road, Top Road and Habrough Road;
 - provision of a new road bridge over the A160 at Town Street to provide vehicular and pedestrian access between the two sides of South Killingholme following the central reserve closure;
 - closure of the central reserve gap of the A160 at the junction with Town Street and partial closure of the central reserve gap of the A160 at the entrance to the Humber oil refinery, to only allow vehicles travelling westbound to right turn across the central reserve;
 - the provision of a new gyratory carriageway system between Manby Road Roundabout, Rosper Road Junction and the Port of Immingham, requiring the construction of a new link road and bridge beneath the railway (known as Immingham New Rail Bridge); and
 - localised diversion of third-party gas pipelines that cross beneath the existing A160.
 - Further details of the Project can be found within the DCO application documents. [Include references to key application documents that may be required for cross reference]

1.4 Structure of this Statement of Common Ground

- 1.4.1 This SoCG has been structured to reflect matters of interest to VPI in relation to the Project.
- 1.4.2 Section 2 of this SoCG provides an overview of consultation with VPI and Section 3 provides details of the main areas covered by this SoCG.
- 1.4.3 Throughout this SoCG:
- where a sentence begins “It is agreed” this signifies a matter that has been specifically stated as agreed by the HA and VPI.
 - where a sentence begins “It is not agreed”, this signifies a matter that has been specifically stated as not agreed by the HA and VPI.
 - where a sentence begins “It is under discussion” this signifies a matter that is still under discussion by the HA and VPI.

2 Overview of previous engagement

2.1.1 A summary of key meetings and correspondence between the HA and VPI can be found in the table below:

Table 2.1: Previous Engagement

Date	Form of Contact	Summary
February 13	Meeting	With VPI. Update on scheme programme and discussions on proposals and way forward
July 2013	Meeting	Joint meeting with VPI and E.ON
October 2013	Meeting	Joint meeting with VPI, E.ON and National Grid to take forward co-ordinated approach to diversion/protection of adjacent gas services
November 2013	Meeting	Joint meeting to progress co-ordinated diversion/protection proposals
Feb 2014	Meeting	Joint meeting to progress co-ordinated diversion/protection proposals and output from Risk Assessment.

2.1.2 [It is agreed that this is an accurate record of the meetings and correspondence between the HA and VPI in relation to the matters recorded in Section 3.]

2.1.3

2.1.4 It should be noted that most discussions regarding the 5 gas mains to the west of Poplar Farm have been carried out in a joint forum, (with VPI, E.ON and National Grid using a common design consultancy) to ensure a co-ordinated and consistent approach.

2.1.5 The meetings above have been supported by regular email and telephone correspondence between VPI and the HA, together with the HA's contractor (Costain) and VPI's consultant Penspen. This includes engineering details such as proposed layouts, drainage designs, and cross section drawings showing highway proposals relative to the VPI pipeline, and where known supported by recent results of surveys by trial hole.

2.1.6 To facilitate the above work, the HA agreed a Preliminary Works Agreement with VPI. This has enabled VPI to engage the Consultants – Penspen – to carry out a preliminary Quantitative Risk Assessment with regard to the requirement to divert or protect the existing pipeline and provide technical assistance with regards to the engineering design solution.

3 Matters agreed, matters not agreed and matters under discussion

3.1.1 It is agreed that this is [a draft document that provides an accurate record of the current situation and a record of progress towards agreeing a final SoCG / an approved SoCG. Signatures on behalf of the HA and VPI can be found at Section 5.

3.2 Agreed matters

3.2.1 It is agreed that neither party wishes to divert the VPI apparatus unless for operational or safety reasons it is necessary to do so.

3.2.2 It is agreed that a Quantitative Risk Assessment (QRA) has been carried out by VPI considering the implications of diversion, or not, with regards the proposed highway scheme. The output of this QRA is that it is recommended not to divert, subject to sufficient measures being put into place.

3.2.3 It is agreed that VPI and the Highways Agency have had sufficient discussion and engineering detail to agree that the VPI pipeline crossing the A160 to the west of Poplars Farm does not need to be diverted, subject to sufficient protection measures being in place to protect the main from harm from both the temporary construction works and longer term maintenance of the improve A160 highway and associated drainage networks.

3.2.4 It is agreed that whilst less than Code guideline minimum 800mm of clearance exists from the invert of proposed drainage channels and the crown of the VPI pipe- in the revised road layout design, an engineering solution can be agreed between the parties to provide adequate protection. Construction will be subject to detailed method statements and on-site supervision by VPI and their Consultants to ensure all conditions are complied with.

3.2.5 It is agreed that protection works necessary can be carried out within the Limits of Deviation set out on the Work Plans.

3.2.6 It is agreed that VPI's existing legal provisions (way leaves etc.) need to be maintained/re-established after the works/any diversions, and can be established within the Limits of Deviation set out on the Work Plans. *(this requires further discussion the way-leaves for the construction are now "spent" and do not exist, the only access VPI have is an inspection way-leave at 1.0Mts each side of the pipe route. In one of the meetings I recall that the H.A. were to provide under their overall access provisions enough area for the VPI modifications to be constructed?.*

3.3 Matters not agreed

3.3.1 None

3.4 Matters Under Discussion

3.4.1 It is still to be agreed the final protection detail where proposed highway drainage crosses the VPI pipeline with less than 800mm cover, or alternatively if the QRA does not allow for the drainage to be re-designed to provide the clearance.

3.4.2 Vitol and their Consultants have with the QRA study have to obtain acceptance from the Health & Safety Executive that the proposals meet the Gas Safety Codes for pipelines IGEM/TD/1 edition 5, IGEM/TD/2 edition 2 & PD 8010-1 2004 "Code of Practice for Pipelines" before we can sign up to a Final Document.

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- 3.4.3 It is still to be agreed the detail and extents of protection measures required elsewhere on the proposed site. These discussions will only be finalised once detailed site plans and proposals are known..
- 3.4.4 It is still to be agreed which party will carry out the construction of the protection measures.
- 3.4.5 It is still to be agreed that the Protected Provisions included in the draft DCO are sufficient for VPI.
- 3.4.5 The document has been signed by VPI Immingham as a DRAFT only with the condition that the final document will be fully approved following the clearance of the points above in particular the reference in 3.4.2 that refers to the acceptance of the QRA with the Health & Safety Executive.

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4 Summary

4.1.1 To provide an overview of the matters discussed in this SoCG, the tables below provide a list of each point that is agreed and not agreed.

Table 4.1: Matters agreed

Matter	Paragraph reference	Statement
1	3.2.1	Neither party wishes to divert the pipelines
2	3.2.2 to 3.2.4	A Quantitative Risk Assessment has been carried out and, subject to sufficient protective measures being put into place, there is no need to divert the pipeline
3	3.2.5	Protection measures can be carried out within the Limits of Deviation
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Table 4.2: Matters not agreed

Matter	Paragraph reference	Statement
1	None	None
2		
3		
4		
5		

Table 4.3: Matters under discussion

Matter	Paragraph reference	Statement
1	3.4.1	Agreement to final protection details at ditch and other locations
2	3.4.2	
3	3.4.3	Who will construct the protective measures
4	3.4.4	Protective Provisions for VPI.
5		

5 Agreement of Statement of Common Ground

5.1.1 The status of this document is [final/draft – if being submitted as a draft document with agreement of the stakeholder note here and in Section 3 with relevant explanation].

Signed on behalf of Vitol Power Immingham

Name	David Brignall
Role	Plant Manager / Director
Date	
Signature	

Signed on behalf of the Highways Agency

Name	
Role	
Date	
Signature	

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Appendix A Appendix Title

[Include relevant minutes, consultation responses etc if required and not available online]

May include here the latest cross section drawings?