

From: [REDACTED]
To: [Immingham OCGT](#)
Subject: Deadline 2 Submission - Written Representation from Total Lindsey Oil Refinery Limited
Date: 11 September 2019 19:51:31
Attachments: [REDACTED]

Dear Sir / Madam,

Immingham 'B' OCGT – EN010097

Our Reference – 20022376

Please find attached a Written Representation from Total Lindsey Oil Refinery Limited in respect of the Immingham "B" OCGT **EN010097**.

I would be grateful if you could confirm receipt.

Yours faithfully

Mark BELTON
Refining & Chemicals
Refining & Base Chemicals Europe
Total LOR Limited Corporate Services Manager

Tel: +44 (0)1469 563488
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Total Lindsey Oil Refinery Limited
North Killingholme
Immingham DN40 3LW

WE ARE TLOR
WE GO BEYOND

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TOTAL LINDSEY OIL REFINERY LIMITED

**VPI Immingham OCGT
Planning Inspectorate Reference:
EN010097**

**Written Representation by
Total Lindsey Oil Refinery Limited
Unique Reference Number: 20022376**

TOTAL LINDSEY OIL REFINERY LIMITED
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Registered Office: Eastfield Road, North Killingholme, Immingham, North Lincolnshire DN40 3LW
Registered in England No. 00564599 VAT Registration GB 232 6481 73

1. Total Lindsey Oil Refinery Limited

- 1.1. Total Lindsey Oil Refinery Limited (**TLOR**) makes a significant contribution to the energy security and economic prosperity of the UK. As a major industrial facility the safety of our staff, contractors and neighbours is and shall always be our primary concern. Our priority is to ensure any risks to the integrity of our assets and operations are suitable mitigated or managed.
- 1.2. As one of the six oil refineries operating in the UK, we currently treat approximately 7 million tonnes of crude oil and other feedstocks per annum to produce gasoline, diesel, heating oil, jet fuel and bitumen. Our production represents in the region of 1/7th of UK indigenous production for inland sales.
- 1.3. Our site covers approximately 500 acres in North Killingholme, Immingham. The site is bounded by Eastfield Road to the west, Chase Hill Road to the north, Rosper Road to the East and the Immingham Docks rail line and the applicant's main site to the South.
- 1.4. Our site is designated as an upper tier COMAH site under the Control of Major Accident Hazards Regulations 2015 (**COMAH15**) and we have a statutory obligation to take all measures necessary to prevent major accidents and to limit their consequences for human health and the environment.
- 1.5. We also own or operate various overland and sub-surface hydrocarbon pipelines that are in the vicinity of the proposed development. As statutory operator of these pipelines we have a legal obligation to comply with The Pipeline Safety Regulations 1996 (**PSR**).

2. Option to Lease Agreement with Applicant

- 2.1. TLOR entered into an "Option to Lease" agreement with VPI Immingham B Limited in December 2017.
- 2.2. The agreement provides the applicant with the option to lease up to 49,420m² of property where TLOR is the freeholder on which to develop and operate the proposed OCGT facility.
- 2.3. The agreement allows for the entire property or portions thereof to be leased to the applicant, if the applicant opts only to lease portions of the property, the agreement provide examples of "reasonable" and "unreasonable" plots defined thus...
 - 2.3.1. Reasonable plots shall mean plots which together comprise all of the property or where they do not comprise all of the property, the remaining part(s) of the property could still be utilised by the Landlord for its beneficial occupation and use.
 - 2.3.2. Unreasonable plots shall mean plots which leave remaining part(s) of the property which cannot be utilised by the Landlord for its beneficial occupation and use.

- 2.4. The agreement contains example plot plans which are deemed unreasonable due to...
 - 2.4.1. Plots not being continuous sequential sections so that intermediate land is made unsuitable for development.
 - 2.4.2. Plots where unleased portions of the property become land locked from the remainder of the Landlords retained land.
 - 2.4.3. Plots where the options taken do not make efficient use of the land but reasonable more a patchwork approach.
- 2.5. The agreement also includes a clause to the effect that if the applicant opts to exercise a portion of the property the is currently occupied by the Landlord's canteen and car park, the agreement requires the applicant to relocate at their cost to an equivalent specification said canteen and carpark

3. Current Land Plans & Impact on Continued Use of TLOR's Canteen

- 3.1. The current land plans published on the planning inspectorate website ([4.2 - Land Plans \(Key Plan and Sheets 1-4\) for the VPI Immingham OCGT Project](#)) shows the canteen building to be almost completely surrounded by temporary laydown and construction areas or access routes to these areas.
- 3.2. The proposed layout creates an island of unleased land on which TLOR's canteen is currently located, such a layout would place significant limitations on vehicular and pedestrian access to the canteen to the extent that it would be detrimental to TLOR's beneficial occupation and use of this portion of its land during the construction phase of the OCGT project.
- 3.3. The same plans show the north-west corner of the land to be used as the site for the proposed OCGT facility would be adjacent to the south-east corner of the land on which TLOR's canteen is sited.
- 3.4. Under section 10(2)(d) of the COMAH15 regulations we have a statutory duty to assess modifications to our establishment that may increase hazard or risk following a trigger event, we believe the siting of the OCGT in close proximity to our canteen would qualify as a trigger event under these regulations.
- 3.5. We are concerned that proximity of the OGCT facility to our canteen would make the occupied building vulnerable in the event of a major incident at the OCGT facility.

4. Current Plans & Impact on Continued Use of TLOR's Pipelines

- 4.1. The applicant proposes the construction and use of a New Natural Gas Pipeline from the existing VPI site to the OCGT site. This pipeline will transverse our existing hydrocarbon pipeline between TLOR and the South Killingholme Jetty / Immingham Gas Jetty.
- 4.2. The applicant is seeking rights to use and maintain the Existing Gas Pipeline between the National Grid Feeder No.9 pipeline located to the west of South

Killingholme and the existing VPI CHP Plant site. Our hydrocarbon pipeline between Immingham and Hemel Hempstead (**Finaline**) The Finaline runs in, alongside or in close proximity to the Existing Gas Pipeline between plot number 39 and plot number 52.

- 4.3. Under the PSR regulations we have a statutory duty to ensure the safe operation and maintenance of our pipelines.
- 4.4. We are concerned that the construction, use and maintenance of the proposed New Natural Gas Pipeline and Existing Gas Pipeline by the applicant could result in detrimental impacts on the safe operation of our pipeline and / or impact our ability to carry out maintenance on our pipelines in accordance with the PSR regulations.

5. Wording for Planning Condition

- 5.1. As a result of the issues raised above, TLOR respectively request that that the following conditions be attached to the Development Consent Order. These conditions will ensure TLOR's concerns will be resolved prior to the commencement of the development of the proposed OCGT facility and will mitigate the risks to our own on-going operations.

Condition X: Prior to the commencement of development, the Total Lindsey Oil Refinery Limited canteen currently located at the south-west end of the Rosper Road car park must be relocated at the cost to VPI Immingham B Limited (or its successor in title) to a location to be determined by Total Lindsey Oil Refinery Limited and approved by the Competent Authority as defined in the COMAH15 regulations..

Condition X: Prior to the commencement of development, a proposed method of construction, operational use and maintenance of...

- the 700 mm diameter natural gas pipeline from the existing VPI site to the OCGT site; and
- the Existing Gas Pipeline between in the vicinity of the Finaline

must be submitted to and approved by Total Lindsey Oil Refinery Limited according to the PSR regulations.