

## **VPI Immingham OCGT Project**

**Document Ref: 8.6**  
**PINS Ref: EN010097**

### **The Immingham Open Cycle Gas Turbine Order**

**Land to the north of and in the vicinity of the VPI Immingham Power Station, Rosper Road, South Killingholme, Lincolnshire, DN40 3DZ**

## **Statement of Common Ground with Highways England**

**The Planning Act 2008**



**Applicant: VPI Immingham B Ltd**

**Date: September 2019**

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## DOCUMENT HISTORY

|                       |                        |             |                |
|-----------------------|------------------------|-------------|----------------|
| <b>Document Ref</b>   | 8.6                    |             |                |
| <b>Revision</b>       | 2.0                    |             |                |
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| <b>Signed</b>         | CR                     | <b>Date</b> | September 2019 |
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| <b>Signed</b>         | JBG                    | <b>Date</b> | September 2019 |
| <b>Document Owner</b> | DWD                    |             |                |

## GLOSSARY

| <b>Abbreviation</b>        | <b>Description</b>   |
|----------------------------|--|
| Access                     | Work No. 2 – access works comprising access to the OCGT Power Station Site and access to Work Nos. 3, 4, 5 and 6;  |
| Access Site                | The land required for Work No.2.   |
| APFP Regulations           | The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009   |
| Applicant                  | VPI Immingham B Ltd  |
| CHP                        | Combined Heat and Power – A technology that puts to use the residual heat of the combustion process after generation of electricity that would otherwise be lost to the environment.   |
| CTMP                       | Construction Traffic Management Plan – a plan outlining measures to organise and control vehicular movement on a construction site so that vehicles and pedestrians using site routes can move around safely.  |
| CWTP                       | Construction Workers Travel Plan – a plan managing and promoting how construction workers travel to a particular area or organisation. It aims at promoting greener, cleaner travel choices and reducing reliance on the private car.  |
| DCO                        | A Development Consent Order made by the relevant Secretary of State pursuant to The Planning Act 2008 to authorise a Nationally Significant Infrastructure Project. A DCO can incorporate or remove the need for a range of consents which would otherwise be required for a development. A DCO can also include powers of compulsory acquisition. |
| EIA                        | Environmental Impact Assessment – a term used for the assessment of environmental consequences (positive or negative) of a plan, policy, program or project prior to the decision to move forward with the proposed action.  |
| Electrical Connection      | Work No. 5 – an electrical connection of up to 400 kilovolts and controls systems.   |
| Electrical Connection Site | The land required for Work No.5.   |
| ES                         | Environmental Statement – a report in which the process and results of an Environmental Impact Assessment are documented.  |
| Existing Gas Pipeline      | An existing underground gas pipeline owned by VPI LLP connecting the Existing AGI Site to an existing tie in the National Grid (NG) Feeder No.9 located to the west of South Killingholme.   |

| <b>Abbreviation</b>         | <b>Description</b>   |
|-----------------------------|--|
| Existing Gas Pipeline Site  | The land comprising the Existing Gas Pipeline and a stand-off either side of it.   |
| Existing VPI CHP Plant      | The existing VPI Immingham Power Station. This facility is a gas-fired combined heat and power ('CHP') plant near Immingham providing steam and electricity to the neighbouring refineries and electricity to the National Grid.   |
| Existing VPI CHP Plant Site | The land comprising the Existing VPI CHP Plant, located immediately to the south of the Main OCGT Power Station Site.  |
| Gas Connection              | Work No. 4 – the new underground and overground gas pipeline   |
| Gas Connection Site         | The land required for Work No.5.   |
| MW                          | Megawatts – unit of energy.  |
| NELC                        | North East Lincolnshire Council  |
| NLC                         | North Lincolnshire Council   |
| OCGT                        | Open Cycle Gas Turbine – a combustion turbine plant fired by gas or liquid fuel to turn a generator rotor that produces electricity.   |
| OCGT Power Station          | Work No. 1 – an OCGT power station with a gross capacity of up to 299MW.   |
| OCGT Power Station Site     | The land required for Work No.1.   |
| Order limits                | The area in which consent to carry out works is sought in the DCO, the area is split into different Work Numbers which are set out Schedule 1 to the DCO and shown on the Works Plans. The Order limits is the same area as the Site.  |
| PA 2008                     | Planning Act 2008. An Act which provides the need for and the powers to apply for and grant development consent orders ('DCO') for nationally significant infrastructure projects ('NSIP').  |
| PINS                        | Planning Inspectorate – executive agency of the Ministry of Housing, Communities and Local Government of the United Kingdom Government. It is responsible for examining applications for NSIPs, and reporting to the Secretary of State who makes a final decision on such applications. |
| Project Land                | The land required for the Proposed Development (the Site) and the land comprising the Existing Gas Pipeline Site. The Project Land is the same as the 'Order land' (in the DCO).   |
| Proposed Development        | The construction, operation and maintenance of a new gas-fired electricity generating station with a gross output capacity of up to 299 MW, including electrical and gas supply connections, and other associated development.   |
| Site                        | The land required for the Proposed Development, and which is the same as the 'Order limits' (in the DCO).  |
| SoS                         | The Secretary of State – the decision maker for DCO applications and head of a Government department. In this case the SoS for the Department for Business, Energy & Industrial Strategy (formerly the Department for Energy and Climate Change).  |
| SoCG                        | Statement of Common Ground   |
| TA                          | Transport Assessment   |
| Temporary Construction      | Land Required for Work No. 3.  |

| Abbreviation                       | Description  |
|------------------------------------|--|
| and Laydown Site                   |  |
| Utilities and Services Connections | Work No 6 – utilities and services connections to the OCGT Power Station.  |
| Vitol                              | Vitol Group – the owner of VPI LLP and VPIB.   |
| VPIB                               | VPI Immingham B Limited – the Applicant.   |
| VPI LLP                            | VPI Immingham LLP – the owner and operator of the Existing VPI CHP Plant.  |
| Work No.1                          | An OCGT power station (the 'OCGT Power Station') with a gross capacity of up to 299MW.   |
| Work No.2                          | Access works (the 'Access Site'), comprising access to the Main OCGT Power Station Site and access to Work Nos. 3, 4, 5 and 6.   |
| Work No.3                          | Temporary construction and laydown area (the 'Temporary Construction and Laydown') comprising hard standing, laydown and open storage areas, contractor compounds and staff welfare facilities, vehicle parking, roadways and haul routes, security fencing and gates, gatehouses, external lighting and lighting columns. |
| Work No.4                          | An underground and overground gas pipeline (the 'Gas Connection') of up to 600 mm (nominal internal diameter) for the transport of natural gas to Work No. 1.  |
| Work No.5                          | An electrical connection (the 'Electrical Connection') of up to 400 kilovolts and control systems.   |
| Work No.6                          | Utilities and services connections (the 'Utilities and Services Connections').   |

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## 1. INTRODUCTION

### 1.1 Overview

- 1.1.1 This Statement of Common Ground (Document Ref: 8.6) has been prepared on behalf of VPI Immingham B Ltd ('VPIB' or the 'Applicant'). It forms part of the application (the 'Application') for a Development Consent Order (a 'DCO') submitted to the Secretary of State (the 'SoS') for Business, Energy and Industrial Strategy under section 37 of the Planning Act 2008' (the 'PA 2008').
- 1.1.2 VPIB is seeking development consent for the construction, operation and maintenance of a new gas-fired electricity generating station with a gross output capacity of up to 299 megawatts ('MW'), including electrical and gas supply connections, and other associated development (the 'Proposed Development'). The Proposed Development is located primarily on land (the 'Site') to the north of the existing VPI Immingham Power Station, Rosper Road, South Killingholme, North Lincolnshire, DN40 3DZ.
- 1.1.3 A DCO is required for the Proposed Development as it falls within the definition and thresholds for a 'Nationally Significant Infrastructure Project' (a 'NSIP') under section 14(1)(a) and sections 15(1) and 15(2) of the PA 2008. The DCO, if made by the SoS, would be known as the 'VPI Immingham OCGT Order' (the 'Order').

### 1.2 VPI

- 1.2.1 VPI Immingham LLP ('VPI LLP') owns and operates the existing VPI Immingham Power Station, one of the largest combined heat and power ('CHP') plants in Europe, capable of generating 1,240 MW (about 2.5% of UK peak electricity demand) and up to 930 tonnes of steam per hour (hereafter referred to as the 'Existing VPI CHP Plant'). The steam is used by nearby oil refineries to turn crude oil into products, such as gasoline. The land comprising the Existing VPI CHP Plant is hereafter referred to as the 'Existing VPI CHP Plant Site'.
- 1.2.2 VPI LLP is a wholly owned subsidiary of the Vitol Group ('Vitol'), founded in 1966 in Rotterdam, the Netherlands. Since then Vitol has grown significantly to become a major participant in world commodity markets and is now the world's largest independent energy trader. Its trading portfolio includes crude oil, oil products, liquid petroleum gas, liquid natural gas, natural gas, coal, electricity, agricultural products, metals and carbon emissions. Vitol trades with all the major national oil companies, the integrated oil majors and independent refiners and traders. For further information on VPI LLP and Vitol please visit:

<https://www.vpi-i.com/>

- 1.2.3 VPIB has been formed as a separate entity for the purposes of developing and operating the Proposed Development.

### 1.3 The Site

- 1.3.1 The Site is primarily located on land immediately to the north of the Existing VPI CHP Plant Site, as previously stated. Immingham Dock is located approximately 1.5 kilometres ('km') to the south east of the Site at its closest point. The Humber ports facility is located approximately 500 metres ('m') north and the Humber Refinery is located approximately 500m to the south.

- 1.3.2 The villages of South Killingholme and North Killingholme are located approximately 1.4 km and 1.6 km to the west of the Site respectively, and the town of Immingham is located approximately 1.8 km to the south east. The nearest residential property comprises a single house off Marsh Lane, located approximately 325 m to the east of the Site.
- 1.3.3 The Site comprises the following main parts:
- OCGT Power Station Site;
  - Access Site;
  - Temporary Construction and Laydown Site;
  - Gas Connection Site;
  - Electrical Connection Site; and
  - Utilities and Services Connections Site.
- 1.3.4 The Site is located entirely within the boundary of the administrative area of North Lincolnshire Council ('NLC'), a unitary authority. The different parts of the Site are illustrated in the Works Plans (Application Document Ref: 4.3).
- 1.3.5 The Site has been selected by the Applicant for the Proposed Development, as opposed to other potentially available sites, for the following reasons:
- it comprises primarily of previously developed or disturbed land, including land within the operational envelope of the Existing VPI CHP Plant Site;
  - it is situated in an industrial setting with few immediate receptors and is not particularly sensitive from an environmental perspective;
  - it is primarily located adjacent to the Existing VPI CHP Plant, which provides visual screening and synergies in terms of the existing workforce, and utilities and service connections;
  - it benefits from excellent grid connections (gas and electricity) on the Existing VPI CHP Plant Site; and
  - it benefits from existing highway accesses onto Rosper Road, with the latter providing a direct connection (via a short section of Humber Road) to the Strategic Highway Network (A160) a short distance to the south of the Site.
- 1.3.6 A more detailed description of the Site is provided in Environmental Statement ('ES') Volume 1 Chapter 3 'Description of the Site' (Application Document Ref: 6.2.3).

## 1.4 The Existing Gas Pipeline

- 1.4.1 In addition to the Site, the Application includes provision for the use of an existing gas pipeline (the 'Existing Gas Pipeline') to provide fuel to the Proposed Development. The Existing Gas Pipeline was originally constructed in 2003 to provide fuel to the Existing VPI CHP Plant. The route of the pipeline runs from a connection point at an above ground installation (the 'Existing AGI Site') within the Existing VPI CHP Plant Site to a tie in point at the existing National Grid ('NG') Feeder No.9 pipeline located to the west of South Killingholme.

- 1.4.2 A small part of the Existing Gas Pipeline Site lies within the administrative area of North East Lincolnshire District Council ('NELC'), the neighbouring local authority.
- 1.4.3 The Applicant is not seeking consent to carry out any works to the Existing Gas Pipeline and, as a result, it does not form part of the Site or Proposed Development. It is included in the Application on the basis that the Applicant is seeking rights to use and maintain the pipeline and it is therefore included within the DCO 'Order land' (the area over which powers of compulsory acquisition or temporary possession are sought). The area of land covered by the Existing Gas Pipeline, including a 13 m stand-off either side of it to provide for access and any future maintenance requirements, is hereafter referred to as the 'Existing Gas Pipeline Site'.
- 1.4.4 The Site and the Existing Gas Pipeline Site are collectively referred to as the 'Project Land'. The area covered by the Project Land is illustrated in the Location Plan (Application Document Ref: 4.1).
- 1.4.5 The Existing Gas Pipeline has not been assessed as part of the Environmental Impact Assessment ('EIA') carried out in respect of the Application. This is on the basis that it is a pre-existing pipeline and the Applicant is not seeking consent to carry out any works to it. Further explanation in respect of this matter is provided in ES Volume 1, Chapter 1 'Introduction' and Chapter 3 'Description of the Site' (Application Document Ref: 6.2.3).

## **1.5 The Proposed Development**

- 1.5.1 The main components of the Proposed Development are summarised below, as set out in the draft DCO (Application Document Ref: 2.1):
- Work No. 1 – an OCGT power station (the 'OCGT Power Station') with a gross capacity of up to 299MW;
  - Work No. 2 – access works (the 'Access'), comprising access to the OCGT Power Station Site and access to Work Nos. 3, 4, 5 and 6;
  - Work No. 3 – temporary construction and laydown area ('Temporary Construction and Laydown') comprising hard standing, laydown and open storage areas, contractor compounds and staff welfare facilities, vehicle parking, roadways and haul routes, security fencing and gates, gatehouses, external lighting and lighting columns;
  - Work No. 4 – gas supply connection works (the 'Gas Connection') comprising an underground and/or overground gas pipeline of up to 600 millimetres (nominal internal diameter) and approximately 800 m in length for the transport of natural gas from the Existing Gas Pipeline to Work No. 1;
  - Work No. 5 – an electrical connection (the 'Electrical Connection') of up to 400 kilovolts and associated controls systems; and
  - Work No 6 – utilities and services connections (the 'Utilities and Services Connections').
- 1.5.2 It is anticipated that subject to the DCO having been made by the SoS and a final investment decision by VPIB, construction work on the Proposed Development would commence in early 2021. The overall construction programme is expected to last approximately 21 months and is anticipated to be completed in late 2022, with the



Proposed Development entering commercial operation later that year or early the following year.

- 1.5.3 A more detailed description of the Proposed Development is provided at Schedule 1 'Authorised Development' of the draft DCO (Application Document Ref: 2.1) and ES Volume 1, Chapter 4 'The Proposed Development' (Application Document Ref: 6.2.4).
- 1.5.4 The areas within which each of the main components of the Proposed Development are to be built are shown by the coloured and hatched areas on the Works Plans (Application Document Ref: 4.3).

## **1.6 The purpose and structure of this document**

- 1.6.1 The purpose of this SoCG is to set out the agreement (see Sections 2 of this report) that has been reached between VPIB and Highways England ('HE') in respect of the following matters relating to the Proposed Development:
- whether matters arising through consultation have been addressed;
  - highways access;
  - the effects of the construction and decommissioning of the Proposed Development in terms of highway capacity (and functionality) and safety, including the routing of heavy goods vehicles ('HGVs'). The Abnormal Indivisible Loads (AIL) routing has been accepted given the current position of the DCO application, but it is agreed that the DCO should include provision to ensure that HE approves the AIL procedures for the development proposals to ensure the operation and safety of the Strategic Road Network (SRN) is not compromised. This is secured already in Requirement 16;
  - the effects of the operation of the Project in terms of highways capacity, functionality and safety;
  - whether the framework construction traffic management plan ('CTMP') submitted as part of the Application contained acceptable measures to control construction stage traffic; and
  - whether the Transport Assessment and Environmental Statement ('ES') Volume 1, Chapter 7 'Traffic and Transport have been carried out appropriately.
- 1.6.2 In addition, this SoCG also sets out where any matters remain to be resolved (see Section 3 of this report).

## **2. MATTERS AGREED**

## 2.1 Consultation

- 2.1.1 The Applicant engaged with HE on the Project during the pre-application stage, by way of formal consultation carried out pursuant to Section 42 of the PA 2008.
- 2.1.2 HE was consulted by the Planning Inspectorate ('PINS') during the production of the Environmental Impact Assessment ('EIA') Scoping Opinion, following submission of the Applicant's Scoping Report in June 2018. HE provided comments on the Applicant's Scoping Report on 18 June 2018. This is included at **Appendix 1** to this SoCG.
- 2.1.3 HE provided comments on the Preliminary Environmental Information Report ('PEIR') produced for the section 42 consultation on 14 November 2018. This is included at **Appendix 2** to this SoCG.
- 2.1.4 It is agreed that Table 2.1 below provides an accurate record of the meetings and key correspondence between the Applicant and HE, and that relevant matters arising through consultation have been addressed.

**Table 2.1 – Consultee comments**

| ACTIVITY  | HE COMMENT  | APPLICANT RESPONSE   |
|---|---|--|
| <b>Letter 18<sup>th</sup> June 2018</b>                           | Justification will be required by VPI in advance of the submission of the Transport Assessment and Environmental Statement not to include issues relating to operational traffic of the development proposals.  | The operational staff numbers have been provided in Section 7.9 of the ES Chapter 7 (Application Document Ref: 6.2.7). |
| <b>Letter 18<sup>th</sup> June 2018</b>                           | It is considered that the Transport Assessment should robustly assess the impact of the construction phase – and potentially the operational phase – of the development proposals. As a minimum, the study area should include the A160/Rosper Road junction, the A160 /Habrough Road junction and the A160 /A180 junction, paying due cognisance to the '30 two-way trips' threshold in Guidance on Transport Assessments as a starting point for discussion when identifying further junctions at the SRN for inclusion. In addition, the Transport Assessment should be compliant with DfT Circular 02/2013. | Noted and the suggested scope of highway network has been fully covered within this assessment.                        |
| <b>Stage 2 Consultation – letter 28<sup>th</sup> October 2018</b> | <b>Summary</b><br>In broad terms, we agree with the contents, the approaches undertaken, and assumptions made. In addition, it is noted that a Transport Assessment, Construction Traffic Management Plan and Construction Workers Travel Plan  | DfT Circular 02/2013 has been used in the accompanying Transport Assessment. The TA is provided in                     |

| ACTIVITY  | HE COMMENT   | APPLICANT RESPONSE  |
|---|--|---|
|   | <p>are all to be produced which will provide Highways England with further opportunities to engage and comment as the DCO process progresses. It is noted that justification should be provided regarding the approach used for the assessment of magnitude at to the lack of use of DfT Circular 02/2013 to ascertain the level of impact at the SRN.</p> <p>Furthermore, it is expected that DfT Circular 02/2013 should be used in the aforementioned Transport Assessment.</p> <p><b>Conclusion</b></p> <p>In principle, Highways England will not offer any objections to the development proposals, but we will not be able to do this until we have reviewed and agreed;</p> <ul style="list-style-type: none"> <li>• A Transport Assessment,</li> <li>• Construction Traffic Management Plan and;</li> <li>• Construction Workers Travel Plan.</li> </ul>  | <p>Appendix 7A of the submitted application (ES Volume III). These have been included as part of Appendix 7A, 7B and 7C (ES Volume III).</p>  |
| <p><b>Consultation on the PEIR – letter 14<sup>th</sup> November 2018</b></p> | <p><b>Summary</b></p> <p>We provided comments on the initial EIA Scoping Report in July 2018, and the transport documentation that has been reviewed has been informed by our previous comments, addressing the conclusions drawn up as part of the scoping process.</p> <p>In broad terms, we agree with the contents, the approaches undertaken, and assumptions made. In addition, it is noted that a Transport Assessment, Construction Traffic Management Plan and Construction Workers Travel Plan are all to be produced which will provide Highways England with further opportunities to engage and comment as the DCO process progresses.</p> <p>It is noted that justification should be provided regarding the approach used for the assessment of magnitude and to the lack of use of DfT Circular 02/2013 to ascertain the level of impact at the SRN. Furthermore, it is expected that DfT Circular 02/2013 should be used in</p> | <p>DfT Circular 02/2013 has been used and referenced in ES Volume I, Chapter 7 (Application Document Ref. 6.2.7) and the Transport Assessment (ES Volume III, Appendix 7A – Application Document Ref. 6.4.5).</p> |

| ACTIVITY   | HE COMMENT  | APPLICANT RESPONSE  |
|--|---|---|
|  | <p>the aforementioned Transport Assessment.</p> <p><b>Conclusion</b></p> <p>In principle, Highways England will not offer any objections to the development proposals, but we will not be able to do this until we have reviewed and agreed:</p> <ul style="list-style-type: none"> <li>• A Transport Assessment,</li> <li>• Construction Traffic Management Plan and;</li> <li>• Construction Workers Travel Plan.</li> </ul>  |   |
| <p><b>Review of Draft DCO and Requirements</b></p> | <p><b>Transport Assessment</b></p> <p>Highways England are content that the applicant will submit a full Transport Assessment as part of the DCO application.</p> <p><b>Construction Workers Travel Plan</b></p> <p>Highways England are content that the applicant will name Highways England as a consultee for the Construction Workers Management Plan.</p> <p><b>2x Crossings of the A160</b></p> <p>We note that the A160 Pipeline crossings are in fact existing crossings and that therefore no construction works will take place.</p> <p>We note also the desire to seek compulsory acquisition over this pipeline.</p> <p>This will only affect Highways England if there are already any legal arrangements in place which will need to be revised for change of ownership.</p> <p>At such a time as that happens, would you please consult</p> | <p>A full Transport Assessment and Framework Construction Workers Travel Plan and Framework Construction Traffic Management Plan have been submitted as part of the Application.</p> <p>Engaged with Land Enquiries Team regarding Land ownership and access.</p> |

| ACTIVITY | HE COMMENT  | APPLICANT RESPONSE |
|----------|---|--------------------|
|          | <p><a href="mailto:LandEnquiries@highwaysengland.co.uk">LandEnquiries@highwaysengland.co.uk</a> over any legal documentation.</p> <p>If the change of ownership of this pipeline alters the way it is inspected and maintained, then at that time please consult us on the revised details.</p> <p>Since the present pipeline might have been installed by a Statutory Undertaker, a new operator may require a Section 50 licence so that they have the same rights to inspect, operate and maintain the apparatus which a Statutory Undertaker already has.</p> <p>There may also be access arrangements to the Highways England Estate which you should consult us on as part of the pipeline operation arrangements.</p> <p>These matters are all likely to be subject to consultations and agreements outside of the DCO process at a local level.</p> |                    |

## 2.2 Assessment and management measures

2.2.1 The following matters are agreed between HE and the Applicant:

- The Environmental Statement ('ES'), Transport Assessment, framework Construction Traffic Management Plan ('CTMP') and framework Construction Workers Travel Plan ('CWTP') submitted with the application demonstrate that the Proposed Development can be constructed and decommissioned without significant effects on the road network in terms of capacity, functionality and safety.
- The ES also demonstrates that the Proposed Development can be operated without significant effects on the road network in terms of capacity, functionality and safety.
- The Applicant will produce a detailed CTMP and CWTP, which will be based on the framework CTMP and framework CWTP submitted as part of the Application. The provision of these Plans will be secured through Requirements 16 and 17 of the draft DCO (Application Document Ref: 2.1).
- Requirements 16 and 17 contain suitable measures to ensure that construction traffic is suitably managed and controlled, including the routing of HGVs.

- The Applicant has submitted a full Transport Assessment as part of the Application and the assessment in the ES has been carried out appropriately.
- HE is content that the Applicant has named HE as a consultee for both the CTMP and CTWP in Requirements 16 and 17, respectively.

### 3. MATTERS TO BE RESOLVED

#### 3.1 Rights sought in respect of the Existing Gas Pipeline

- 3.1.1 VPI Immingham LLP (the Applicant's sister company) installed the Existing Gas Pipeline prior to the upgrade works to the A160. When the latter works were carried out by HE there was liaison between the parties to ensure that the highway works would not damage the pipeline, with protective provisions in favour of VPI Immingham LLP.
- 3.1.2 The Applicant is seeking rights to use and maintain the same pipeline, to ensure that it can deliver and operate the Proposed Development. Recognising that it is seeking compulsory acquisition powers in the DCO, the Applicant has proposed to HE that an agreement is entered into between the parties, to regulate the position between their respective infrastructure.
- 3.1.3 Pinsent Masons (the Applicant's solicitors) have made contact with HE in respect of this proposed agreement. They are about to commence liaising internally with the HE legal team.

Signature

Print name and position: DONNA NEWSOME, SPATIAL PLANNING MANAGER

**On behalf of Highways England:**

Date: 5/9/19

Signed:

Print name and position: Marvin Seaman, VPI-B Development Manager

**On behalf of VPI Immingham B Ltd:**

Date: 5/9/19

