

VPI Immingham OCGT Project

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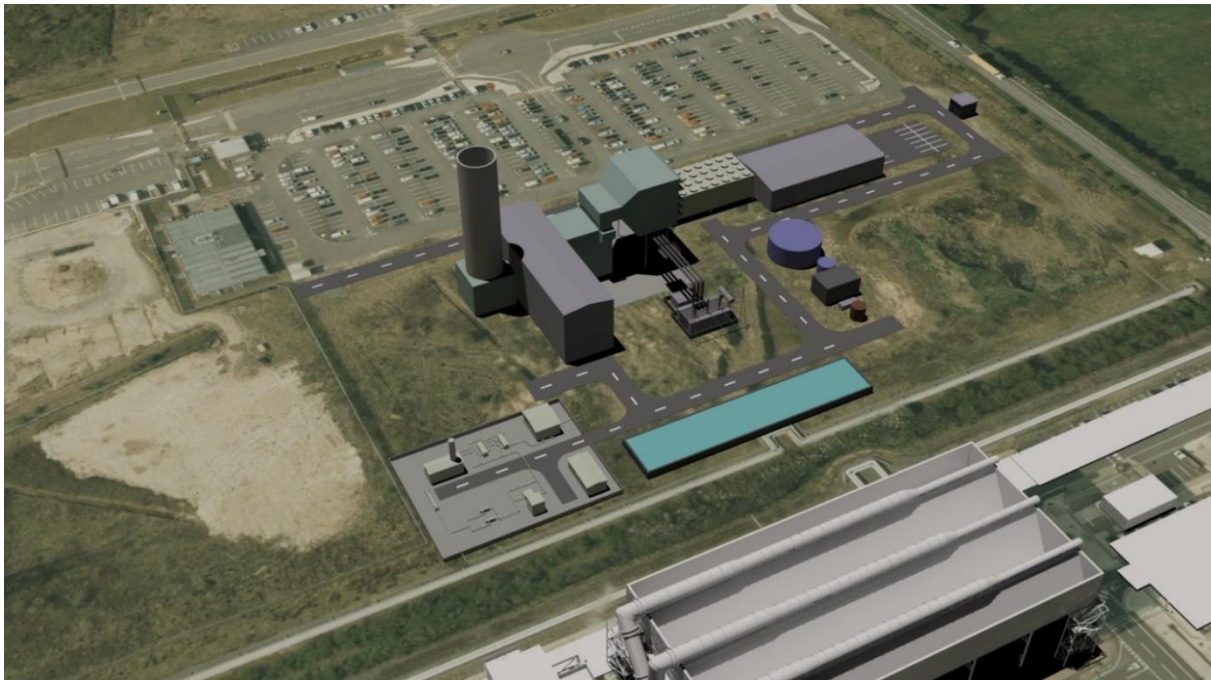
The Immingham Open Cycle Gas Turbine Order

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

Applicant's Comments on Relevant Representations

Examination Deadline 2

The Planning Act 2008



Applicant: VPI Immingham B Ltd
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GLOSSARY

Abbreviation	Description
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.
AGI	Above Ground Installation
AONB	Area of Outstanding Natural Beauty
APFP Regulations	The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009
Applicant	VPI Immingham B Ltd
Application	The Application for a Development Consent Order.
Application Documents	The documents that make up the Application (as defined above).
BEIS	Department for Business, Energy and Industrial Strategy.
CCR	Carbon Capture Ready
CCS	Carbon Capture and Storage
CEMP	Construction Environmental Management Plan
CHP	Combined Heat and Power
CO2	Carbon Dioxide
COMAH	Control of Major Accident Hazards
CTMP	Construction Traffic Management Plan
CWTP	Construction Workers Travel Plan
DCO	A Development Consent Order.
EA	Environment Agency
EIA	Environmental Impact Assessment
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.
EMF	Electromagnetic fields – a physical field produced by electrically charged objects.
EPA	Environmental Protection Act
ES	Environmental Statement
Existing AGI	The exiting AGI within the Existing VPI CHP Site.
Existing AGI Site	The land comprising the exiting AGI within the Existing VPI CHP Site.

Abbreviation	Description
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.
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.
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.
FRA	Flood Risk Assessment
Gas Connection	Work No. 4 – the new underground and overground gas pipeline
Gas Connection Site	The land required for Work No.4.
GW	Gigawatts – unit of power.
HA	Highways Agency (now known as Highways England) – government owned company responsible for managing the strategic road network in England.
ha	Hectare – unit of measurement.
HGV	Heavy Goods Vehicle – vehicles with a gross weight in excess of 3.5 tonnes.
km	Kilometre – unit of distance.
LVIA	Landscape and Visual Impact Assessment
LWS	Local Wildlife Site
m	Metres – unit of distance.
MW	Megawatts – unit of energy.
NELC	North East Lincolnshire Council
NG	National Grid
NGET	National Grid Electricity Transmission plc
NLC	North Lincolnshire Council
NPPF	The National Planning Policy Framework
NPS	National Policy Statements
NSIP	Nationally Significant Infrastructure Project
NSRs	Noise Sensitive Receptors – locations or areas where dwelling units or other fixed, developed sites of frequent human use occur.
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
PINS	Planning Inspectorate
PPG	Planning Practice Guidance

Abbreviation	Description
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.
PRoW	Public Right of Way
Site	The land required for the Proposed Development, and which is the same as the 'Order limits' (in the DCO).
SoS	Secretary of State
SPA	Special Protection Area
SoCG	Statement of Common Ground
SUDS	Sustainable Urban Drainage System
SWMP	Site Waste Management Plan (SWMP)
TCPA 1990	Town and Country Planning Act 1990 (as amended)
Temporary Construction and Laydown	Work No. 3
TLOR	Total Lindsey Oil Refinery
TTWA	Travel to Work Area
Utilities and Services Connections	Work No 6 – utilities and services connections to the OCGT Power Station.
Utilities and Services Connections Site	The land required for Work No.6 – the land required for the 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.
WebTAG	Web-based Department of Environment, Transport and Regions Document. Transport Analysis Guidance.
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
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').
WSI	Written Scheme of Investigation – a method statement or a project design to cover a suite of archaeological works for a site.

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1. INTRODUCTION

1.1 Overview

- 1.1.1 This 'Applicant's Comment on Relevant Representations' report 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 This document forms part of a package of documents submitted by the Applicant for Deadline 2 of the Examination. It sets out the Applicant's comments on the Relevant Representations – see Section 2 of this report.

2. THE APPLICANT'S COMMENTS

- 2.1.1 The Applicant's comments on the Relevant Representations are set out in **Table 2.1** on the following pages.

Table 2.1 – Applicant's comments on the Relevant Representations

Ref No.	Organisation	Relevant Representation	Applicant's Comments
1	Environment Agency - Lincolnshire	<p>1.1 The Environment Agency is an executive non-departmental public body established under the Environment Act 1995. It is an adviser to Government with principal aims to protect and improve the environment, and to promote sustainable development. It plays a central role in delivering the environmental priorities of central government through its functions and roles. It is also an adviser to local decision makers in its role as a statutory consultee in respect of particular types of development, as listed in Schedule 4 of the Development Management Procedure Order 2015. For the purposes of this Development Consent Order (DCO) application, we are a statutory interested party.</p> <p>1.2 The Environment Agency takes action to conserve and secure proper use of water resources, preserve and improve the quality of rivers, estuaries and coastal waters and groundwaters through pollution control powers and regulating discharge consents. We have a duty to implement the Water Framework Directive.</p> <p>1.3 We have regulatory powers in respect of waste management and remediation of contaminated land designated as special sites. We also encourage remediation of land contamination through the planning process.</p> <p>1.4 The Environment Agency is the principal flood risk management operating authority. It has the power (but not the legal obligation) to manage flood risk from designated main rivers and the sea. The Environment Agency is also responsible for increasing public awareness of flood risk, flood forecasting and warning and has a general supervisory duty for flood risk management. We also have a strategic overview role for all flood and coastal erosion risk management.</p> <p>2.0 Scope of these representations</p> <p>2.1 These Relevant Representations contain an overview of the project issues, which fall within our remit. They are given without prejudice to any future detailed representations that we may make throughout the examination process. We may also have further representations to make when supplementary information becomes available in relation to the project.</p> <p>2.2 We have reviewed the DCO application, Environmental Statement (ES) and supporting documents submitted as part of the above mentioned application, which we received on 17 May 2019. The comments are presented under topic headings.</p> <p>3.0 Foul water drainage</p> <p>3.1 We have had discussions with the applicant during the pre-application consultation period in respect of foul water drainage/disposal (in relation to sanitary or domestic wastewater from offices/administration/welfare facilities). We have advised the applicant that the discharge of effluent must be to the public sewerage system whenever it is reasonable to do so - the sewerage undertaker in this area is Anglian Water Services (AWS) and the applicant should liaise with them to establish if a public sewerage connection is feasible. For developments where the existing sewerage undertaker for an area is not willing or able to allow a development to connect to the existing public sewerage network it may be possible for any new sewage treatment plant and associated drains and sewers to be adopted as part of the public sewerage network - again, this is something that the applicant should discuss with AWS.</p> <p>3.2 Chapter 12, paragraph 12.8.20 states that "A septic tank or bioreactor is likely to be used for treatment of sanitary or domestic wastewater from offices/administration/welfare facilities. Solids from the septic tank will be emptied as required and tankered off site to a</p>	<p><u>Foul Water Drainage (RR Section 3)</u></p> <p>With regards to foul water drainage, it is recognised that the EA preference is for foul drainage to be to the public sewerage system whenever it is reasonable to do so. The Applicant has engaged with the local sewerage undertaker, Anglian Water Services, who have confirmed that they have no foul sewer or combined sewer infrastructure in the immediate vicinity of the Site.</p> <p>Further investigations into the possibility of discharging to the public sewerage system will need to be undertaken and it has been agreed that full justification will be provided if it is not possible to connect to the local foul sewer, following discussion with Anglian Water. It is agreed that the detailed scheme would be adequately secured through a requirement.</p> <p>The Environment Agency's ('EA') point that direct discharge of a septic tank outfall to surface water drainage is not permissible is accepted and the Applicant agrees to the EA's suggestion to install a package treatment plant in place of a bioreactor or septic tank. The outfall of the treatment plant would remain as described in the Environmental Statement ('ES') – see Volume I, Chapter 4 (Proposed Development) (Application Document Ref: 6.2.4). It is proposed that any plant would meet British standards BS EN 12566 and meet the general binding rules or that the discharge will be controlled through a separate standard discharge permit.</p> <p>The Applicant agrees to split Requirement 10 in order that surface water and foul water are addressed and the relevant requirement discharged separately. The Draft DCO submitted for Deadline 2 of the Examination has been amended accordingly (Document Ref: 2.3).</p> <p><u>Land Contamination (RR Section 4)</u></p> <p>The Applicant welcomes the EA's confirmation on the adequacy of the information provided in the DCO Application and the agreement of the wording of Requirement 12.</p> <p><u>Flood Risk (RR Section 5)</u></p> <p>The Applicant welcomes the EA's confirmation on the adequacy of the information provided in the Application and the agreement to the wording of Requirement 12. The EA has been removed as a consultee on the Flood Emergency Response Plan (Requirement 12(6)) as per the request. The Draft DCO submitted for Deadline 2 of the Examination has been amended accordingly (Document Ref: 2.3).</p> <p><u>Environmental Permit (RR Section 6)</u></p> <p>The Applicant welcomes the EA's confirmation of receipt of the Environmental Permit application and notes that further assessment may be required as part of the determination of that application. The Applicant welcomes the EA's confirmation that no major permitting concerns have been identified.</p>

Ref No.	Organisation	Relevant Representation	Applicant's Comments
		<p>waste treatment plant. Clean water from the septic tank or bioreactor will combine with other site clean water including surface water to drain off site via a local land drain".</p> <p>3.3 This would not be permitted. It is not clear what is meant by a bioreactor, but effluent from a septic tank can only go to an infiltration system (soakaway). If (having investigated the possibility of discharging to the public sewerage system as outlined in paragraph 3.1 above and concluded this is not feasible) they wish to discharge the effluent to a surface drain i.e watercourse or a sealed pond, they will be required to have a package treatment plant. This will treat the effluent to a quality to which they can then discharge to a surface drain/pond. The plant will need to meet British standards BS EN 12566 and meet the general binding rules.</p> <p>3.4 We note that Schedule 2, Requirement 10, covers the issue of foul water drainage and states under sub-paragraph (4) that "the details submitted and approved pursuant to sub-paragraphs (1) and (3) of this requirement must be in accordance with the principles set out in Chapter 12....of the environmental statement..." As mentioned in paragraph 3.3 above, the proposal in Chapter 12 of the ES would not be permitted and therefore this wording is not acceptable to us.</p> <p>3.5 It is out view that it would be prudent to consider redrafting Requirement 10 to firstly separate out the issues of surface and foul water drainage. This would also assist the local planning authority with more focused consultation during discharge of the Requirement as the Environment Agency is no longer a consultee for surface water systems, and the lead local flood authority and drainage board may not wish to be consulted on the foul water system details.</p> <p>3.6 Secondly, the redrafting in respect of foul drainage should include the requirement to connect to a public (mains) sewerage system (unless it is demonstrated that this is unfeasible to do so), or provide further details to demonstrate than a non-mains system can be provided that will not cause harm to the water environment. The following wording is suggested:</p> <p>Requirement: Foul water drainage</p> <p>(1) No part of the authorised development may commence, save for the permitted preliminary works, until full details of a scheme, for the connection, conveyance, treatment and disposal of mains foul water drainage on and off site has been submitted to, and after consultation with the Environment Agency and Anglian Water Services, approved by the relevant planning authority.</p> <p>(2) If, and only when, it is demonstrated that it is unfeasible to connect to a mains system, an alternative strategy for the provision and implementation of wastewater treatment shall be submitted to, and after consultation with the Environment Agency and Anglian Water Services, approved by the relevant planning authority. Any non-mains drainage proposal must include a management and maintenance plan to ensure it will not cause pollution to the water environment.</p> <p>(3) The scheme approved must be implemented as approved and maintained throughout the operation of the authorised development unless otherwise agreed with the relevant planning authority.</p> <p>4.0 Land contamination</p> <p>4.1 We have reviewed Chapter 11 of the ES and the associated Appendices, 11A-D, in so far as it relates to issues within our remit, i.e. the protection of controlled waters.</p>	

Ref No.	Organisation	Relevant Representation	Applicant's Comments
		<p>4.2 The recommendations made in the Supplementary Phase 1 Assessment (10 October 2018 - Appendix 11B) for additional investigation of the VPI facility, were made subsequent to the Phase 2 Geotechnical and Geo-environmental Interpretative Report (Rev.02, 19 September 2018 - Appendix 11D). The findings of all previous ground investigations were referenced in the Supplementary Phase 1 Assessment (Section 6).</p> <p>4.3 We acknowledge that the data gaps identified in the Supplementary Phase 1 Geo-Environmental Assessment relate to the existing VPI facility rather than the proposed OCGT Power Station Site development land. In so far as it relates to the proposed development land to the north of the current VPI site, we do not consider that further risk assessment for controlled waters is required at this time.</p> <p>4.4 However, should any redevelopment be undertaken in the area of the existing VPI facility, further work may be required to fully assess the potential risk to controlled waters from the potential mobilisation of contamination during construction. The Supplementary Phase 1 Assessment has identified potential risks from contamination associated with the VPI site.</p> <p>4.5 We can confirm that Requirement 12 of the DCO is sufficient to ensure that these risks are appropriately managed during development to protect controlled waters.</p> <p>5.0 Flood risk</p> <p>5.1 We have reviewed the flood risk assessment (FRA) contained in Appendix 12A (ES Volume III). The proposed lifetime of the development has been identified as 40 years (paragraph 5.2.10). However, for the purpose of the assessment it has been assumed that the lifetime of the development is 100 years, providing a worst case scenario. The appropriate flood levels for this scenario have been considered. We also note that the assessment has used the UKCP18 climate change predictions, as required by paragraphs 4.8.5 to 4.8.12 of the Overarching National Policy Statement for Energy (EN-1).</p> <p>5.2 We can confirm that the assessment is appropriate for the scale, nature and location of the development and makes appropriate recommendations for mitigation. We concur with the recommendations that:</p> <ul style="list-style-type: none"> - critical equipment to be set no lower than 6.7m above Ordnance Datum (AOD); - flood resilience and resistance measures be incorporated into the proposed development; - any internal floor level providing a safe place of refuge for the occupiers of the proposed development area within the site would need to be elevated above a level of 6.7m AOD; and - a Flood Emergency Response Plan be developed. <p>5.3 We are pleased to note a Flood Emergency Response Plan has been proposed but we would highlight that the Environment Agency does not normally comment on or approve the adequacy of proposed flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network. The Planning Practice Guidance (Flood Risk and Coastal Change section, paragraphs 56-58) provides information on producing an evacuation plan for the development as part of the flood risk assessment. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.</p>	

Ref No.	Organisation	Relevant Representation	Applicant's Comments
		<p>5.4 The DCO contains (in Schedule 2) Requirement 12, which requests the submission and approval of flood risk mitigation schemes, which need to be in accordance with the principles set out in Chapter 12 of the ES. We confirm that we support the inclusion of this Requirement to ensure that appropriate mitigation is included in the development and subsequently maintained throughout the lifetime of the development. However, as outlined in paragraph 5.3 above, the Environment Agency does not comment on Flood Emergency Response Plans and therefore requests being removed as a consultee to Requirement 12(6).</p> <p>5.5 Please note that our advice relates to flood risk from fluvial and tidal sources only; we have not considered the risk of flooding from ground water, drainage systems, reservoirs, canals or ordinary watercourses. We recommend that further advice on these issues is sought from the relevant flood risk management authorities.</p> <p>6.0 Environmental permit</p> <p>6.1 The proposed combustion installation will require an operating permit from us under Schedule 1.1 Part A of the Environmental Permitting Regulations 2010. We will be including the following key areas of potential harm when making an assessment for the Permit:</p> <ul style="list-style-type: none"> - Management - including general management, accident management, energy efficiency, efficient use of raw materials and disposal/recovery of wastes. - Operating activities and techniques including the use of Best Available Techniques (BAT) for design and management. - Emissions to air and discharges to water, land and groundwater along with odour, noise and vibration. <p>6.2 Whilst we note that the applicant has undertaken a detailed air quality impact study, we have not currently reviewed this. A detailed assessment of the air quality impacts is required as part of the environmental permit application, and we will therefore undertake a review of this during our determination process for the permit. Cumulative impact modelling due to the presence of the neighbouring oil refineries and the neighbouring power station may also be required to support the permit application.</p> <p>6.3 We also note that the applicant has not formalised the arrangements for the offsite discharge of process waters from the proposed activity, and therefore this will be assessed during the permit determination process.</p> <p>6.4 Based on the information submitted with the planning application, we have not identified any major permitting concerns. An application for the environmental permit has been received at our National Permitting Service. At present we cannot provide any details relating to our determination of this permit, although we may be able to provide an update on progress as your Examination proceeds.</p> <p>7.0 Further Representations</p> <p>7.1 We will submit further detailed Written Representations in due course. We reserve the right to add or amend these representations, including requests for DCO Requirements and protective provisions should further information be forthcoming during the course of the examination on issues within our remit.</p>	
2	Hornsea 1 Limited	<p>This relevant representation is submitted on behalf of Hornsea 1 Limited ("Hornsea 1").</p> <p>Hornsea 1 is the developer of the Hornsea One Offshore Windfarm and its associated onshore transmission infrastructure ("HOW01").</p> <p>Hornsea 1 holds a generation licence under Section 6 of the Electricity Act 1989 and is a statutory undertaker. Following completion of construction Hornsea 1 will have to divest</p>	<p>The Applicant notes the representation made by Hornsea 1 and confirms that Hornsea 1 has beneficial interests in various parcels of land across the Existing Gas Pipeline and relating to a proposed underground electrical cable – these interests affect plots 59 to 64, 68 to 70, 72 to 83 and 90 to 92 as detailed within the Book of Reference (Application Document Ref: 3.1).</p>

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		<p>its interest in the transmission infrastructure to an Offshore Transmission Owner ("OFTO") who will be appointed through the statutory process contained within the Electricity (Competitive Tender for Offshore Transmission Licences) Regulations 2015. The chosen OFTO will hold a transmission licence under Section 6 of the Electricity Act 1989 and will also be a statutory undertaker.</p> <p>HOW01 is a Nationally Significant Infrastructure Project, authorised by the Hornsea One Offshore Wind Farm Order 2014 (as amended). Hornsea 1 is an undertaker authorised under that Order. A variety of other consents and commercial/property agreements and rights have also been obtained to deliver HOW01. Construction of the HOW01 onshore transmission infrastructure has been completed and there is now HOW01 infrastructure in situ within the order limits of the draft VPI Immingham OCGT Development Consent Order (the "VPI DCO").</p> <p>In terms of the VPI DCO there will be a number of areas of interface between the VPI Immingham OCGT project and HOW01. Hornsea 1 has had constructive discussions with VPI Immingham B Limited ("the Applicant") in advance of the VPI DCO application being made. Hornsea 1 is happy to continue discussions with the Applicant to seek to agree the form and content for appropriate restrictions and protections that are necessary to protect HOW01 and would allow this objection to be withdrawn.</p> <p>Hornsea 1 may wish to participate in the Examination of the DCO application. Hornsea 1 also reserves the right to make further representations on the potential adverse effects of the VPI DCO project on HOW01 and the need for restrictions and protections (including but not limited to seeking protective provisions).</p>	<p>While there would be no works authorised by the DCO which could impact upon Hornsea 1's proposed apparatus, the Applicant has offered to enter into a crossing agreement with Hornsea 1 which would (i) regulate future interactions between Hornsea 1's apparatus and the Existing Gas Pipeline (to the extent that there are any) and (ii) contain a commitment by VPIB not to exercise any compulsory acquisition powers in respect of Hornsea 1's interests. The Applicant is also willing to include a protective provision in the DCO restricting the exercise of compulsory acquisition powers in respect of Hornsea 1's property provided that this agreement has been entered into.</p> <p>Discussions with Hornsea 1 in relation to the proposed crossing agreement and the interactions between the respective DCOs are ongoing, and VPIB anticipates that it will be possible to reach agreement with Hornsea 1 on the terms of the agreement.</p>
3	Natural England	<p>Summarised and only mention Part II: Natural England's relevant representations in respect of VPI Immingham OCGT Project below:</p> <p>3.1 Natural England's advice is that in relation to identified nature conservation issues within its remit there is no fundamental reason of principle why the project should not be permitted but that the applicant has provided insufficient evidence to establish that there will be no impact on the wintering bird assemblage of the Humber Estuary SPA and Ramsar site.</p> <p>3.2 Natural England's headline points are that on the basis of the information submitted:</p> <p>3.2.1 Natural England is satisfied that there is no potential for impact on the Humber Estuary SAC as a result of the project.</p> <p>3.2.2 Natural England is satisfied that there are not likely to be significant water quality impacts on the Humber Estuary SSSI, SPA, SAC or Ramsar site as a result of the project.</p> <p>3.2.3 Natural England is satisfied that there are not likely to be significant air quality impacts on the Humber Estuary SSSI, SPA, SAC or Ramsar site as a result of the project.</p> <p>3.2.4 Natural England is satisfied that there are not likely to be impacts on European Protected Species as a result of the project.</p> <p>3.2.5 Natural England is not satisfied that it can be excluded beyond reasonable scientific doubt that the project would not have a likely significant effect on the Humber Estuary SPA or Ramsar site.</p> <p>3.2.6 Natural England is not satisfied that the proposal is not likely to damage features of interest of the Humber Estuary SSSI.</p>	<p>The Applicant notes that Natural England ('NE') raises no fundamental reason(s) of principle as to why the Proposed Development should not be permitted. However, further evidence is requested in respect of potential impact on the wintering bird assemblage of the Humber Estuary Special Protection Area ('SPA') and Ramsar site.</p> <p>The Applicant has responded below to the comments where NE is 'not satisfied'; although, it is noted that NE considers that these matters can be overcome:</p> <p><u>Applicant's response to comments in section 3.3.1 and 3.3.3</u></p> <p>The Applicant considers that the potential impacts on the qualifying species of the Humber Estuary SPA as a result of noise has been adequately addressed in the ES and relevant appendices.</p> <p>The single noise sensitive receptor ('NSR') identified in the noise assessment chapter of the ES (Application Document Ref. 6.2.8) is considered a reasonable proxy for the qualifying species of the SPA / Ramsar due to its proximity to the Proposed Development and the lack of potential noise attenuation over and above that present in the Rosper Road fields themselves. However, in recognition that the qualifying bird species could potentially occupy any area of the fields themselves, a qualitative soundscape assessment was conducted of the fields with the results presented in the No Significant Effects Report ('NSER') (Application Document Ref. 5.10). It was this assessment that was used to support the conclusion that the Proposed Development would have no impact on the qualifying species of the SPA / Ramsar site.</p> <p>The Applicant recognises that bird species, in particular the qualifying species of the SPA / Ramsar sites may be sensitive to sudden, impulsive noises; however, no activities likely to produce such noises have been identified in connection with the Proposed Development at this time. Accordingly, no noise sources exceeding the equivalent continuous A-weighted sound pressure levels ('LAeq') reported in the ES have been considered. However, it is recognised that some construction activities may have the potential to produce sudden, loud or impulsive noises, such as piling. Should piling or any other construction activity with the</p>

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		<p>3.2.7 Natural England advises that, if approved, the project must be subject to all necessary and appropriate requirements which ensure that unacceptable environmental impacts either do not occur or are sufficiently mitigated.</p> <p>3.3 Natural England's advice is that there are a number of matters which have not been resolved satisfactorily as part of the pre-application process that must be addressed by VPI Immingham B Limited and the Examining Authority as part of the examination and consenting process before development consent can be granted. Some of these matters are important enough to mean that if they are not satisfactorily addressed it would not be lawful to permit the project due to its impacts on the SAC, SPA, Ramsar and SSSI interests. However, Natural England's advice is that all these matters are capable of being overcome. The specific concerns in relation to each are outlined below.</p> <p>3.3.1 A noise sensitive receptor at a residential property (Hazeldene) has been provided to form the basis of the noise assessment. Natural England requires further information to determine if this noise receptor provides a representative location for SPA/Ramsar/SSSI bird species using the functionally linked land at "Roper road fields". Additionally we note that ambient noise levels have been assessed, however, bird species are particularly susceptible to loud, sudden noises and therefore we recommend that peak noise levels (LA_{peak}) are also included in addition to ambient noise levels (LA_{eq}) in the noise assessment. Furthermore, the ES concludes at Chapter 9, 9.9.13 that "none of the construction activities will generate noise that would be discernible above the ambient noise environment of the industrial sites surrounding the Rosper road fields." However, the assessment of how this has been determined has not been provided.</p> <p>3.3.2 In addition, Natural England considers that assessment of noise/visual disturbance impacts at Rosper Road Pools LWS should also be carried out as this site may also provide a functional habitat for SPA/Ramsar/SSSI bird species.</p> <p>3.3.3 The ES describes that piling activities may occur and that currently no noise assessment has taken place to determine any impacts on designated sites from potential piling activities. Therefore Natural England considers that further assessment will be required, if piling becomes a future requirement. Natural England would welcome the opportunity to make comments on a more detailed CEMP at the appropriate stage.</p>	<p>potential to cause noises likely to result in disturbance of sensitive receptors be required, selection of the specific technique and the application of the best practice measures (e.g. BS 5228: 2014) are considered sufficient to avoid any significant impact.</p> <p>Details of the techniques and the proposed control measures would be set out in and secured by the detailed Construction Environmental Management Plan ('CEMP'). This approach is indicated by Table 5.4A of the Framework CEMP included with ES Volume III (Application Document Ref. 6.4.3), and it is noted that Requirement 14 secures that the final CEMP must be in accordance with the Framework CEMP.</p> <p>It is therefore considered that the Proposed Development can be appropriately screened out from further stages of Habitats Regulations assessment because significant effects are unlikely to occur on any European designated site, either alone or in combination with other known plans/projects, and not taking into account any proposed measures required to mitigate impacts on those European sites.</p> <p><u>Applicant's response to comments in section 3.3.2</u></p> <p>Rosper Road Pools was not included as a specific receptor in either the noise or the ecology assessments conducted as part of the ES. This is because of to the distance of the Pools from the Proposed Development (approximately 700m at its closest point) and its location in relation to the infrastructure of the Existing VPI CHP Plant. As Rosper Road Pools are further from the Proposed Development than the aforementioned NSR identified, the noise experienced at that location would be less. Hence, the aforementioned NSR is considered a reasonable proxy for Rosper Road Pools and therefore no significant noise impact has been identified. In addition, the Rosper Road Pools would be almost entirely screened from the Proposed Development by the Existing VPI CHP Plant; therefore, visual impacts were not considered due to this lack of a direct line of sight.</p>
4	North East Lindsey Internal Drainage Board	<p>Thank you for the opportunity to comment on the above application. The site is within the North East Lindsey Drainage Board area.</p> <p>The Board has no objection to the proposed development provided it is constructed in accordance with the submitted details and Drainage Strategy. It is noted the proposed surface water discharge from the site is to be attenuated to 10.8l/s. However should anything change in relation to the method of surface water disposal and/or in relation to the flood risk assessment etc then this Board would wish to be reconulted.</p> <p>The Board would support the use of SuDS.</p> <p>Under the terms of the Land Drainage Act 1991 the prior written consent of the Board is required for any proposed temporary or permanent works or structures within any watercourse including infilling or a diversion. The Applicant is aware of this and consulted the Board directly.</p>	<p>The Applicant acknowledges the response from the North East Lindsey Internal Drainage Board and confirms that the Proposed Development would be constructed in accordance with the submitted details and/or any requirements that are subsequently discharged.</p>
5	Optimus Wind Limited	<p>This relevant representation is submitted on behalf of Optimus Wind Limited, Breesea Limited, Sonningmay Wind Limited and Soundmark Wind Limited (together the "Hornsea 2 Companies").</p> <p>The Hornsea 2 Companies are the developer of the Hornsea Two Offshore Windfarm and its associated onshore transmission infrastructure ("HOW02").</p>	<p>The Applicant notes the representation made by Optimus Wind, Breesea, Sonningmay Wind and Soundmark Wind (the "Hornsea 2 Companies"). VPIB agrees that the Hornsea 2 Companies have beneficial interests in various parcels of land across the Existing Gas Pipeline and relating to a proposed underground electrical cable – these interests affect plots 59 to 64, 68 to 70, 72 to 83 and 90 to 92 as detailed within the Book of Reference (Application Document Ref: 3.1).</p>

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		<p>The Hornsea 2 Companies hold generation licences under Section 6 of the Electricity Act 1989 and are statutory undertakers. Following completion of construction the Hornsea 2 Companies will have to divest their interest in the transmission infrastructure to an Offshore Transmission Owner ("OFTO") who will be appointed through the statutory process contained within the Electricity (Competitive Tender for Offshore Transmission Licences) Regulations 2015. The chosen OFTO will hold a transmission licence under Section 6 of the Electricity Act 1989 and will also be a statutory undertaker.</p> <p>HOW02 is a Nationally Significant Infrastructure Project, authorised by the Hornsea Two Offshore Wind Farm Order 2016 (as amended). The Hornsea 2 Companies are undertakers authorised for the purposes of that Order. A variety of other consents and commercial/property agreements and rights have also been obtained to deliver HOW02. Construction of the HOW02 onshore transmission infrastructure has commenced and works are in progress.</p> <p>In terms of the draft VPI Immingham OCGT Development Consent Order (the "VPI DCO") there will be a number of areas of interface between the VPI DCO project and HOW02. The Hornsea 2 Companies have had constructive discussions with VPI Immingham B Limited (the "Applicant") in advance of the VPI DCO application being made. The Hornsea 2 Companies are happy to continue discussions with the Applicant to seek to agree the form and content for appropriate restrictions and protections that are necessary to protect HOW02 and would allow this objection to be withdrawn. The Hornsea 2 Companies may wish to participate in the Examination of the DCO application. The Hornsea 2 Companies also reserve the right to make further representations on the potential adverse effects of the VPI DCO project on HOW02 and the need for restrictions and protections (including but not limited to seeking protective provisions).</p>	<p>While there will be no works authorised by the DCO which could impact upon the Hornsea 2 Companies' proposed apparatus, the Applicant has offered to enter into a crossing agreement with the Hornsea 2 Companies which would (i) regulate future interactions between the Hornsea 2 Companies' apparatus and the Existing Gas Pipeline (to the extent that there are any) and (ii) contain a commitment by VPIB not to exercise any compulsory acquisition powers in respect of the Hornsea 2 Companies' interests. The Applicant is also willing to include a protective provision in the DCO restricting the exercise of compulsory acquisition powers in respect of the Hornsea 2 Companies' apparatus provided that this agreement has been entered into.</p> <p>Discussions with the Hornsea 2 Companies in relation to the proposed crossing agreement and the interactions between the respective DCOs are ongoing, and the Applicant anticipates that it will be possible to reach agreement with the Hornsea 2 Companies on the terms of the agreement.</p>
6	Nottinghamshire County Council	<p>Thank you for your letter dated 16th May 2019 requesting strategic planning observations on the above application. Given the location of the proposed development, the County Council does not have any significant issues to raise in relation to the proposal for the project. Should you require any further assistance in relation to any of these matters please do not hesitate to contact me. Yours faithfully Emma Brook Planning Officer Nottinghamshire County Council.</p>	<p>The Applicant acknowledges the response from Nottinghamshire County Council and notes that no significant issues or specific comments have been raised.</p>
7	Humberside Fire & Rescue Service	<p><u>Access for Fire Service</u></p> <p>It is a requirement of Approved Document B5, Section 16 Commercial Properties or B5, Section 11 for Domestic Premises that adequate access for fire fighting is provided to all buildings or extensions to buildings.</p> <p>Where it is a requirement to provide access for high reach appliances, the route and hard standing should be constructed to provide a minimum carrying capacity of 24 tonnes.</p> <p><u>Water Supplies for Fire Fighting</u></p> <p>Adequate provision of water supplies for fire fighting appropriate to the proposed risk should be considered. If the public supplies are inadequate it may be necessary to augment them by the provision of on-site facilities. Under normal circumstances hydrants for industrial unit and high risk areas should be located on 90m intervals. Where a building which has a compartment of 280m² or more in the area is being, erected more than 100m from an existing fire hydrant, hydrants should be provided within 90m of an entry point to the building and not more than 90m apart. Hydrants for low risk and residential areas should be located at intervals of 240m.</p>	<p>The Applicant will comply with the stated requirement relating to access for fire and rescue services as part of the detailed design of the Proposed Development.</p> <p>The Applicant will also comply with the requirement relating to water supplies for fire fighting, including the provision of on-site facilities if public supplies are inadequate. Again, this will be set out as part of the detailed design of the Proposed Development.</p> <p>It should be noted that ES Volume I, Chapter 4 (Application Document Ref: 6.2.4) includes the provision of above ground raw water and fire water storage tanks at section 4.2.2.</p> <p>The detailed design of the Proposed Development is reserved by relevant requirements at Schedule 2 of the Draft DCO (Application Document Ref: 2.3). These are summarised in Table 8.1 of the Design and Access Statement (Application Document: 5.6).</p> <p>The Applicant notes that the Humberside Fire and Rescue Service reserves the right to comment further.</p>

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		<p><u>General Comments</u></p> <p>As this is a National Infrastructure project Humberside Fire and Rescue Service will also comment under the Town and Country Planning Act 1990 once the application has been formally received by the Local Planning Authority.</p>	
8	The Coal Authority	I have checked the proposed development area (Figure 4.1 – Location Plan) for the proposed new gas-fired power station at Land to the West of Rosper Road, South Killingholme, against the information held by the Coal Authority and can confirm that the proposed development site is located outside of the defined coalfield. Accordingly, I can confirm that the Coal Authority has no comments or observations to make on this proposal. In the spirit of efficiency of resources and proportionality, it will not be necessary for you to consult the Coal Authority at any future stages of the Project. This letter can be used as evidence for the legal and procedural consultation requirements.	The Applicant acknowledges the response from the Coal Authority and notes that no further dialogue is deemed necessary.
9	NATS Ltd	Dear Sirs, we refer to the further consultation received from DWD. Having assessed the proposal, NATS do not anticipate any impact, our nearest infrastructure being over 10km away. Accordingly we have no comments to make on the application. Regards S. Rossi NATS Safeguarding Office.	The Applicant acknowledges the response from the NATS and notes that no further dialogue is deemed necessary.
10	National Grid Electricity Transmission PLC and National Grid Gas Plc	<p>Representation by the National Grid Electricity Transmission Plc and National Grid Gas Plc (together “National Grid”) to the VPI Immingham OCGT Project (“the Project”) National Grid wishes to make a relevant representation to the Project in order to protect its position in relation to infrastructure and land which is within or in close proximity to the proposed Order limits. National Grid’s rights to retain their apparatus in situ and rights of access to inspect, maintain, renew and repair such apparatus located within or in close proximity to the Order limits should be maintained at all times and access to inspect and maintain such apparatus must not be restricted. The documentation and plans submitted for the Project have been reviewed in relation to impacts on National Grid’s existing apparatus and land interests located within this area.</p> <p>National Grid electricity infrastructure within the vicinity of the proposed works</p> <p>The following assets, which form an essential part of the electricity transmission network in England and Wales are within, or in close proximity to, the Order limits:</p> <ul style="list-style-type: none"> • Overhead Lines • 2AD Over Head Line • 2AJ Over Head Line • Above and below ground associated apparatus Substation • Humber Refinery 400kV Sub Station <p>National Grid gas infrastructure within the vicinity of the proposed works</p> <p>National Grid Gas has an Above Ground Installation (AGI) and high pressure gas transmission pipeline located within or in close proximity to the proposed order limits. The AGI and transmission pipeline form an essential part of the gas transmission network in England, Wales and Scotland:</p> <ul style="list-style-type: none"> • Thornton Curtis ‘A’ AGI and offtake; • Feeder Main 9 (Paull to Hatton and associated apparatus). <p>National Grid will liaise with the Promoter in relation to the protective provisions for inclusion within the DCO, along with any supplementary agreements which may be required. National Grid will keep the Examining Authority updated in relation to these discussions. As a responsible statutory undertaker, National Grid’s primary concern is to meet their statutory obligations and ensure that any development does not impact in any</p>	<p>The Applicant notes the representation by National Grid Electricity Transmission plc (‘NGET’) and National Grid Gas plc (‘NGG’, together ‘National Grid’) and agrees that the NGET apparatus listed is located within or close to the Order Limits (in respect of NGET) and that the NGG apparatus is within or close to the Existing Gas Pipeline Site.</p> <p>The Applicant notes National Grid’s requirement for protective provisions to be included within the DCO, which the Applicant has done (National Grid’s standard protective provisions, with required amendments).</p> <p>The Applicant is discussing the terms of the protective provisions and a side agreement with National Grid, and anticipates that it will be possible to reach agreement on the terms of these. VPIB will update the Examining Authority on the progress of negotiations.</p> <p>Reference should also be made to the draft Statement of Common Ground with National Grid (Document Ref: 8.5), also submitted at Deadline 2.</p>

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		adverse way upon those statutory obligations. National Grid reserves the right to make further representations as part of the examination process but in the meantime will negotiate with the Promoter with a view to reaching a satisfactory agreement.	
11	Defence Infrastructure Organisation	This application relates to a site outside of Ministry of Defence (MOD) statutory safeguarding areas (SOSA). We can therefore confirm that the MOD has no safeguarding objections to this proposal. In the interests of air safety, the MOD requests the single proposed exhaust stack is fitted with aviation warning lighting. The stack should be fitted with a minimum intensity 25 candela omni directional flashing red light or equivalent infra-red light fitted at the highest practicable point of the structure. Whilst we have no safeguarding objections to this application, the height of the development will necessitate that aeronautical charts and mapping records are amended. Defence Infrastructure Organisation (DIO) Safeguarding therefore requests that, as a condition of any planning permission granted, the developer must notify UK DVOF & Powerlines at the Defence Geographic Centre with the following information prior to development commencing: A. Precise location of development. B. Date of commencement of construction. C. Date of completion of construction. D. The height about ground level of the tallest structure. E. The maximum extension height of any construction equipment. F. Details of aviation warning lighting fitted to the structure(s). This information can be sent by e-mail to the Defence Geographic Centre at: dvofof@mod.gov.uk or post it to: D-UKDVOF & Power Lines Geospatial Air Information Team Defence Geographic Centre EGIA Elmwood Avenue Feltham Middlesex TW13 7AH.	<p>The Applicant's approach to lighting including the installation of aviation warning lights is presented in the Indicative Lighting Strategy (Application Document Ref: 5.6).</p> <p>The requirements to fit aviation warning lights is legally mandated on structures exceeding 150m in height (under Article 219 of the UK Air Navigation Order). At 45m, the proposed stack is considerably under this threshold. The completed stack without warning lights fitted would not result in any additional risk to air safety as it would not represent the highest structure in the area. Approximately 250m south of the proposed stack location is the existing exhaust stack associated with the Existing VPI CHP Plant, which stands at 90 m in height. In addition, there are numerous higher taller structures to the west and south associated with the Lindsey and Humber Oil Refineries, all within 1 to 2km of the proposed stack location. Accordingly, the height of the stack or position relative to other structures is not considered likely to represent a risk to aviation safety, hence no warning light system is proposed.</p>
12	Charles Russell Speechlys LLP on behalf of Air Products (BR) Limited (Air Products (BR) Limited)	These representations are made on behalf of Air Products (BR) Limited ("APBR"), in response to the application for a Development Consent Order ("DCO Submission") submitted by VPI Immingham B Ltd ("Applicant") to the National Infrastructure Directorate on 15 April 2019. APBR has interests in and in the vicinity of the area proposed for a Development Consent Order ("DCO"). The Development Consent Order Pre-Application Consultation Response submitted by APBR on 30 November 2018 is referred to as PCR. Concerns raised in the PCR by APBR have not been properly addressed by the DCO Submission. Whilst some amendment to the proposals has been made, it does not in any way fully satisfy APBR's concerns, and APBR formally objects to the DCO Submission both for the reasons set out in the PCR and those summarised below (and which will be supplemented by further more detailed representations in due course). APBR has failed to address many of the issues raised by APBR in its PCR and in particular but not restricted to the following:- 1) The documentation provided by the Applicant falls short of demonstrating that the DCO will be delivered in a way that supports the needs of the DCO whilst not compromising or risking the integrity and/or maintenance needs of APBR's own gas pipeline infrastructure and/or such infrastructure in respect of which it has rights (and which is vital to the local energy industry); 2) The compulsory acquisition of land and rights in the terms proposed is not proportionate, or even necessary, and fails to properly account for the existence of the infrastructure belonging to and/or otherwise used by APBR and fails to ensure that APBR is granted sufficient rights and interest to maintain the use already established. It also fails to ensure that suitable protective provisions are provided to ensure that the consistency of supply, safe use and maintenance of the infrastructure can be safeguarded. 3) The construction process, disturbance and duration is not properly addressed in the DCO Submission. In the longer term, it is wholly unclear as to the impact that the DCO may have on the ability of APBR to continue its operations safely and economically (bearing in mind the stated intention that the underlying project would remain operational for at least 40 years). 4) Technical questions raised in the PCR involving the extent of rights sought, the anticipated construction process and timing, the impact on APBR's existing infrastructure and the method by which suitable protections will be put in place for such infrastructure have not been considered (whether adequately or at all). APBR is concerned that if terms cannot be agreed, the DCO in its present form would enable the Applicant to acquire property and rights that may impact APBR's business negatively and the case for this is not properly addressed. APBR also claims an indemnity in	<p>The Applicant notes the representation made by APBR and confirms that APBR has interests in respect of underground nitrogen and oxygen pipelines located within the Order Land in plots 33, 41 – 45 and 47 – 50 as detailed in the Book of Reference (Application Document Ref: 3.1). These plots are within the Existing Gas Pipeline Site.</p> <p>The Applicant responds to the specific concerns raised by APBR as follows:</p> <ol style="list-style-type: none"> 1. The Applicant disagrees that the documentation provided to APBR falls short of demonstrating how the integrity and/or maintenance of APBR's infrastructure will be protected. Schedule 1 (Authorised Development) of the DCO (Document Ref: 2.1) and the DCO Works Plans (Application Document Ref: 4.3) do not extend to the Existing Gas Pipeline, and therefore the DCO would not authorise any works within it. Accordingly, there would be no interaction between the Proposed Development and APBR's apparatus. On that basis, the Applicant disagrees that the Proposed Development would have a detrimental impact on APBR's undertaking. 2. The Applicant disagrees with APBR that compulsory acquisition rights in the terms proposed in the draft DCO (Application Document Ref: 2.1) are not proportionate or necessary, and fail to properly take into account APBR's interests. The Statement of Reasons (Application Document Ref: 3.2) fully explains why it is necessary, proportionate and justifiable for the Applicant to seek powers of compulsory acquisition within the Order land and why there is a compelling case in the public interest for the Applicant to be granted these powers. <p>The Applicant notes that it made substantial amendments to the Proposed Development, which means that a potential direct interaction with APBR's apparatus is avoided. Following receipt of APBR's consultation response (dated 30 November 2018) and further consideration of the project design, VPIB removed the option of constructing a new gas pipeline to the west of the Existing VPI CHP Plant, where APBR's apparatus is located. The Gas Connection (as proposed in the Application) is to be constructed from the Existing AGI, through the Existing VPI CHP Plant Site to the OCGT Power Station Site – this route has no interaction with or impact upon APBR's apparatus. APBR acknowledges in its relevant representation that the Applicant has made "some amendment to the proposals" – the Applicant considers that this was a significant amendment, as regards APBR's apparatus.</p>

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		<p>respect of its costs. In accordance with Sections 42, 47, 48 and 49 of the Planning Act 2008, the Applicant has a "duty to take account of responses to consultation and publicity" (Section 49). For the reasons set out above and in the PCR, APBR considers that inadequate consultation has taken place Referring to the 'Advice Note 9: Rochdale Envelope' published by Infrastructure Planning Commission February 2011, APBR considers that Advice Note 9 has not been followed in the DCO process and the application now made. APBR is willing to engage in constructive dialogue with the Applicant for early agreement in respect of the DCO. However, until this process has been completed or negotiations have been exhausted, APBR (and its associated entities) objects to the DCO in its present form for the reasons set and reserves its rights to provide further submissions (beyond those provided to date) during the course of the DCO examination process.</p>	<p>Notwithstanding the inclusion of compulsory purchase powers in the DCO, the Applicant's intention remains to secure all rights it requires by agreement. Although there will be no works authorised by the DCO which could impact upon APBR's apparatus, the Applicant has offered to enter into a crossing agreement with APBR which would (i) regulate future interactions between the APBR's apparatus and the Existing Gas Pipeline (to the extent that there are any) and (ii) contain a commitment by the Applicant not to exercise any compulsory acquisition powers in respect of APBR's interests. The Applicant is also willing to include a protective provision in the DCO restricting the exercise of compulsory acquisition powers in respect of APBR's property provided that this agreement has been entered into.</p> <p>A draft of the crossing agreement was issued to APBR, and discussions in relation to it are ongoing. The Applicant anticipates that it will be possible to reach agreement with APBR on the terms of the agreement.</p> <p>3. The Applicant notes APBR's concerns that construction matters are not properly addressed in the DCO, albeit these are general in nature and do not identify any specific matters. The Requirements in Schedule 2 of the DCO (Application Document Ref: 2.1) include satisfactory measures to regulate the construction of the authorised development and minimise disturbance within the locality of the Proposed Development. The Framework Construction Environmental Management Plan (Application Document Ref: 6.4.3), Framework Construction Traffic Management Plan (Application Document Ref: 6.4.7) and Framework Worker Travel Plan (Application Document Ref: 6.4.6) contain further information on how VPIB intends to mitigate the construction impacts of the Project. The proposed crossing agreement would also, as noted, regulate any future interactions between APBR's apparatus and the Existing Gas Pipeline.</p> <p>4. The Applicant notes APBR's comments that technical questions raised in its consultation response dated 30 November 2018 have not been adequately addressed. VPIB considers that these matters have been satisfactorily addressed by its responses at 1, 2 and 3 above, and through the discussions which the Applicant has had directly with APBR. To the extent that APBR retain concerns over the interaction between its interests and the Proposed Development, the Applicant is confident that these matters can be satisfactorily addressed through the parties entering into a crossing agreement.</p> <p>The Applicant notes APBR's request for an indemnity to cover its costs. The Applicant has provided an undertaking for APBR's legal fees in relation to the crossing agreement, as is standard for such negotiations.</p> <p>The Applicant strongly disagrees with APBR that it has carried out "inadequate consultation" under the Planning Act 2008 and the advice notes published by the Planning Inspectorate. The Applicant has, in summary, carried out the following consultation:</p> <ul style="list-style-type: none"> • Initial non-statutory consultation and engagement with key stakeholders was carried out from April 2018 – June 2018. • An EIA Scoping Request was submitted to the Secretary of State on 5 June 2018. • Preparation of the Statement of Community Consultation ('SOCC') and consultation on it under Section 47 of the Planning Act 2008 was carried out from 5 September 2018 - 3 October 2018. • A Stage 1 (non-statutory) consultation which included engagement with potentially affected land ownership interests and statutory undertakers was carried out from 5 July 2018 - 6 August 2018. • The final SOCC and SOCC Notice were published in accordance with Section 47 of the Planning Act 2008 on 11 October 2018. • A Stage 2 (statutory consultation) pursuant to Sections 42, 47 and 48 of the Planning Act 2008 was carried out between 23 October 2018 and 3 December 2018.

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			<ul style="list-style-type: none"> In discharging its duties under Section 49 of the Planning Act 2008, the Applicant took account of the consultation and publicity carried out in accordance with sections 42, 47 and 48 of the Planning Act 2008 between December 2018 and March 2019. <p>Further information on the Applicant's consultation activities are set out in the Consultation Report (Application Document Ref: 5.1). The Applicant is not clear on the relevance of Advice Note 9 (Rochdale Envelope, July 2018) to the matters raised in ABPR's relevant representation, and in any case considers that it has had regard to and has complied with Advice Note 9 in preparing the Environmental Statement (Application Document Refs: 6.1 – 6.4) and structuring the Proposed Development within the DCO application.</p> <p>In discharging its duties under the Planning Act 2008, the Applicant has proactively engaged with APBR and others with apparatus potentially affected by the Proposed Development with a view to identifying issues of concern and addressing such matters in the preparation of its application.</p> <p>The Applicant consulted APBR as part of the Stage 1 and Stage 2 consultations, and has continued to engage with APBR since receipt of its consultation response dated 30 November 2018. As set out above, the Applicant has also made a substantial change to the Proposed Development, in part with a view to addressing APBR's concerns regarding potential interaction with its apparatus.</p> <p>The Applicant is in the process of negotiating a crossing agreement with APBR and welcomes comments from ABPR that it is also willing to engage in constructive dialogue.</p>
13	Total Lindsey Oil Refinery Limited	Our priority is to ensure any risks to the safety of our staff or contractors, the integrity of our assets, or to the continuation of our own operations are suitable mitigated or managed, our concerns relate to both the construction phase and subsequent operations of the OCGT. Our main concerns are predominantly linked to ensuring the applicant makes sufficient provision to ensure that... 1: Any of our occupied buildings which lay within any potential blast zone of the completed OCGT facility are suitably relocated or reinforced by the applicant at their cost. 2: Any of our access roads / car parks / other land that are proposed to be used for access or laydown areas are able to take the maximum loads required during the construction phase and are protected from damage and / or are fully reinstated by the applicant at their costs (this includes checking utility lines beneath roads are suitably protected from damage). 3: The method of construction and operational use of the proposed 700 mm diameter natural gas pipeline from the existing VPI site to the OCGT site does not interfere with the use of our hydrocarbon pipeline between Total Lindsey Oil Refinery and South Killingholme Jetty / Immingham Gas Jetty. 4: There is no damage to the Total Lindsey Oil Refinery to Hemel Hempstead hydrocarbon pipeline known as "The Finaline" or interruption to the safe operation thereof. This pipeline runs in, alongside or close to the No 9 feeder pipeline between plot number 39 and plot number 52. 5: A suitable traffic management plan is developed, agreed and followed so that we have continuous safe access to our land, plant, buildings and car parks so our operations are not unduly impacted.	<p>VPI LLP (the Applicant's sister company) has had a long-term relationship with Total Lindsey Oil Refinery ('TLOR'), providing steam and receiving process condensate via a bi-lateral Energy Supply Agreement since 2003. In 2017 VPI discussed the potential for new build projects with TLOR on land adjacent the VPI site and which is owned by TLOR. As a result of the discussions VPI entered into an option agreement with TLOR on 13 December 2017, allowing VPI to lease around 5 hectares of land owned by TLOR for the purposes of power projects. The OCGT Power Station Site is wholly within the land that is the subject of the option agreement, with the remainder to be used for VPI's separate gas engines project (for which planning permission was granted in 2018).</p> <p>Regular dialogue and meetings have continued between VPI and TLOR, and TLOR has been kept directly informed regarding development of the projects, and also as a consultee through the pre-application stages of the Proposed Development. During the joint meeting in May 2019, TLOR raised several technical questions regarding the design, layout and construction of the OCGT and has submitted a relevant representation encompassing those queries. VPI has responded directly to TLOR on these matters, addressing the points and offering TLOR further involvement through the design and construction planning, as a number of them are matters which involve and depend on details known only at that stage.</p> <p>The points made in the relevant representation are addressed below (using the same numbering).</p> <p>1. Any of our occupied buildings which lay within any potential blast zone of the completed OCGT facility are suitably relocated or reinforced by the applicant at their cost.</p> <p>The Applicant's response – TLOR's concerns regarding the proximity of the OCGT to their existing facilities are acknowledged. Although explosion is a real risk in petrochemical and refinery facilities, it is not such a risk in gas fired electricity generation plants. Gas turbines are commonplace in industrial locations where there are typically large numbers of workers nearby. Fire and explosion mitigation is inherent in the design and strict standards are employed by the design and build contractor to identify safety issues and minimise risk to people, the environment and equipment.</p>

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			<p>The contractor would be required to comply with various health and safety codes and design the plant to the latest safety standards, undertaking risk assessments to determine whether the gas turbine and associated equipment can cause injury to people, the environment or can cause significant collateral damage. It requires that hazardous area classification is undertaken and appropriate precautions taken against explosions in accordance with various international standards.</p> <p>When the design and build contractor has been appointed a full detailed design process will be undertaken and VPI will involve TLOR in those discussions as appropriate.</p> <p>2. Any of our access roads / car parks / other land that are proposed to be used for access or laydown areas are able to take the maximum loads required during the construction phase and are protected from damage and / or are fully reinstated by the applicant at their costs (this includes checking utility lines beneath roads are suitably protected from damage).</p> <p>The Applicant response – once a contractor is appointed, the Applicant would propose to discuss TLOR's existing infrastructure and road design (i.e. loading capability) and identify any load movements that risk damaging their infrastructure. The Applicant proposes that it would then agree mitigations such as road protection methods, alternative routing or alternative transport methods with TLOR, to mitigate the risk of any damage. These actions and measures are commonplace for projects like the Proposed Development.</p> <p>3. The method of construction and operational use of the proposed 700 mm diameter natural gas pipeline from the Existing VPI CHP Plant Site to the OCGT Power Station Site does not interfere with the use of our hydrocarbon pipeline between TLOR and South Killingholme Jetty / Immingham Gas Jetty.</p> <p>The Applicant's response – it is agreed that the bridge crossing will span the TLOR pipelines. The length of the span and the loadings on the bridge are common and are well within modern design capabilities. For example, the Existing VPI CHP Plant has two existing bridges of a similar construction in the immediate vicinity, and the new bridge will be designed to provide full access to existing pipelines.</p> <p>Construction of the bridge would be carefully planned to minimise risk associated with working above and adjacent existing pipelines. This would likely be facilitated by sectional construction whereby the towers are installed first and the deck is lifted as a single piece into place on to the towers. This would minimise any work directly above the pipelines, and if required protective covers would be temporarily placed over the existing pipelines to prevent any impact.</p> <p>The design of gas infrastructure of this size is common, and it is governed and controlled by various bodies including the Health and Safety Executive. Design of the pipeline and power station will be the subject of numerous safety and design standards, and the Applicant will where appropriate involve TLOR in the process and discussions with the appointed contractor.</p> <p>4. There is no damage to the TLOR to Hemel Hempstead hydrocarbon pipeline known as "The Finaline" or interruption to the safe operation thereof. This pipeline runs in, alongside or close to the No 9 feeder pipeline between plot number 39 and plot number 52.</p> <p>The Applicant's response – the existence of the Finaline is acknowledged by the Applicant and although it is within the Order Land, no consent for works within the area where it is located is sought in the DCO. Therefore, there would be no damage caused to it, or interruption to its safe operation as a result of the construction or operation of the Proposed Development. The Applicant will continue to discuss the Proposed Development with TLOR to identify and deal with any potential future implications for TLOR's assets.</p>

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			<p>5. A suitable traffic management plan is developed, agreed and followed so that we have continuous safe access to our land, plant, buildings and car parks so our operations are not unduly impacted.</p> <p>The Applicant's response – once a contractor is appointed, the Applicant would propose to discuss with TLOR, their use of the site and access requirements, so that all parties can identify any issues and agree construction site usage, traffic routing and management, and safe working methods to mitigate any conflicts or safety issues.</p> <p>In respect of all of the above points, as the Proposed Development would, during construction and operation, need to co-exist and interact with TLOR's operations, the Applicant proposes to establish a site liaison group. This would include representatives of TLOR, the Applicant and respective contractors, with the overall intention of providing a forum to discuss the respective projects and ensure the smooth-running of everyone's undertakings.</p> <p>In addition to addressing TLOR's concerns raised during meetings and through the relevant representation, the Applicant has proposed to TLOR that the points above are addressed where necessary through an amendment to the option for lease. This would provide a legal framework of controls and mitigations to give confidence to TLOR that its issues are considered and dealt with. The amendment would also provide for additional rights required by the Applicant and which were not envisaged by / included in the option agreement, to the east and south of the OCGT Main Site.</p> <p>The Applicant will continue discussions with TLOR with a view to resolving matters to all parties' satisfaction.</p>
14	Cadent Gas Limited	<p>Representation by Cadent Gas Limited (Cadent) to the VPI Immingham OCGT DCO Introduction Cadent is a licensed gas transporter under the Gas Act 1986, with a statutory responsibility to operate and maintain the gas distribution networks in North London, Central and North West England. Cadent's primary duties are to operate, maintain and develop its networks in an economic, efficient and coordinated way. Cadent is making a relevant representation to the VPI Immingham OCGT DCO in order to protect its position in light of infrastructure and land interests which are located within or in close proximity to the proposed DCO boundary. Cadent's rights to retain its apparatus in situ and rights of access to inspect, maintain, renew and repair such apparatus located within or in close proximity to the order limits should be maintained at all times and access to inspect such apparatus must not be restricted. Apparatus Cadent has intermediate pressure and high pressure (major accident hazard) gas pipelines and associated below and above ground apparatus including an Above Ground Gas compound (Thornton Curtis PRS) located within the order limits which are affected by proposals to acquire rights compulsorily. The DCO does not currently contain a form of protective provisions for the protection of Cadent's apparatus and land interests that are to Cadent's satisfaction. Furthermore VPI Immingham B Limited (the "Promoter") is seeking to acquire rights over Cadent's operational land at Thornton Curtis PRS, identified by Plots 107 and 111. As part of its statutory duties, Cadent is required to undertake essential security fence upgrades at this site and therefore due to operational and security concerns, Cadent objects to the compulsory acquisition of rights over these plots. In the absence of appropriate protective provisions Cadent is not satisfied that rights over its land can be acquired, without serious detriment to the carrying on of Cadent's undertaking. As a responsible statutory undertaker, Cadent's primary concern is to meet its statutory obligations and ensure that any development does not impact in any adverse way upon those statutory obligations. As such, Cadent requires adequate protective provisions to be included within the DCO to ensure that its apparatus and land interests are protected and to include compliance with relevant safety standards. Engagement with the Promoter Cadent provided the Promoter with its standard form protective provisions on 24 May 2019. To date Cadent has received no comments back</p>	<p>The Applicant notes the representation by Cadent Gas Limited ('Cadent') and agrees that the apparatus listed in its RR is located within the Order Limits in plots 78, 79, 80, 86 and 107 to 111 and as detailed in the Book of Reference (Document Ref: 3.1). These plots are within the Existing Gas Pipeline Site.</p> <p>The Applicant notes Cadent's request for protective provisions to be included within the DCO. However, VPIB has not sought consent for works within the Existing Gas Pipeline Site and therefore does not consider the inclusion of protective provisions in relation to Cadent's apparatus to be necessary.</p> <p>While there will be no works authorised by the DCO which could impact upon Cadent's apparatus, the Applicant has offered to enter into a crossing agreement with Cadent which would (i) regulate future interactions between the Cadent's apparatus and the Existing Gas Pipeline (to the extent that there are any) and (ii) contain a commitment by the Applicant not to exercise any compulsory acquisition powers in respect of Cadent's interests. The Applicant is also willing to include a protective provision in the DCO restricting the exercise of compulsory acquisition powers in respect of Cadent's property provided that this agreement has been entered into.</p> <p>The Applicant has been discussing the interaction between the Order Land and Cadent's operational AGI site, and the parties have arranged for a survey of the exact position of the Existing Gas Pipeline to be carried out (by the contractor on site at the Cadent / National Grid AGI). The results of the survey are awaited, and will then be discussed with Cadent.</p> <p>Discussions with Cadent in relation to the proposed crossing agreement are ongoing, and the Applicant anticipates that it will be possible to reach agreement with Cadent on the terms of the agreement. VPIB will update the Examining Authority at the earliest opportunity once terms are agreed.</p>

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		regarding these. Cadent encourages engagement by the Promoter at the earliest opportunity and is seeking to reach satisfactory agreement with it. Cadent wishes to reserve the right to make further representations as part of the examination process.	
15	Public Health England	Thank you for your consultation regarding the above development. Public Health England (PHE) welcomes the opportunity to comment on your proposals at this stage of the project and can confirm that:- With respect to Registration of Interest documentation, we are reassured that earlier comments raised by us on 3rd December 2018 have been addressed. In addition, we acknowledge that the Environmental Statement (ES) has not identified any issues which could significantly affect public health. PHE is satisfied with the methodology used to undertake the environmental assessment. Emissions from the proposed development will be controlled via the Environmental Permitting regime, under the provisions of the Environmental Protection Act 1990. The permitting regime is administered by the Environment Agency (EA), separately from Nationally Significant Infrastructure Planning and PHE will be formally consulted by the EA as part of the permitting process. We will provide detailed comments at that stage. We have no additional comments to make at this stage and can confirm that we have chosen NOT to register an interest with the Planning Inspectorate on this occasion. Please do not hesitate to contact us if you have any questions or concerns.	The Applicant notes that earlier comments from Public Health England ('PHE') have been addressed and that the Environmental Statement ('ES') has not identified any issues which could significantly affect public health. Furthermore, that PHE reserves the right to comment further as part of the environmental permitting process, but has no further comments to make as part of the DCO process.
16	West Lindsey District Council	Thank you for the consultation on the above application for a Nationally Significant Infrastructure Project. I note the details contained within the Environmental Statement and supporting documents. West Lindsey District Council have the following comments to make: Heritage The heritage assets at Brocklesby Park, including the wider setting of the Historic Park and Garden, could be affected by this proposal, in particular, the relationship with the Pelham Pillar at Cabourne High Wood which has views to the Humber. The proposal could affect an area of great landscape value (AGLV) designated under Policy LP17 of the Central Lincolnshire Local Plan. The AGLV and historic park and garden boundaries can be seen on the PDF entitled "00-Central Lincs Policies Map A0" and associated key entitled "Legend-CLLP Policies" from the following link https://www.n-kesteven.gov.uk/central-lincolnshire/policies-map-and-interactive-map/ . Air Quality, Traffic, Noise and Vibration The proposed development should not have adverse impacts on sensitive receptors at Brocklesby and Keelby during construction and operation of the development. Consideration should also be given to the proposed route of construction traffic to ensure the settlements of Brocklesby and Keelby are not subjected to undue impacts through increase construction traffic trying to access the site.	<p>Assessment of visual impact through the use of representative viewpoints has been undertaken and reported in ES Volume I, Chapter 10 (Landscape and Visual) (Application Document Ref: 6.2.10).</p> <p>A representative viewpoint in the Brocklesby area was identified (viewpoint J), visited and considered as part of the assessment. This viewpoint was discounted due to the lack of visibility to the Proposed Development.</p> <p>It should be noted that the views of the Proposed Development other than those assessed are acknowledged to exist. The viewpoints are not intended to provide an exhaustive or fully comprehensive catalogue of views of the Proposed Development; rather they provide a representative sample for the purpose of the landscape and visual impact assessment. This is in line with normal EIA practice. It should also be noted that the methodology has been agreed with NLC and NELC – see the Statements of Common Ground submitted as part of the Deadline 2 submission (Application Document Refs: 8.1 and 8.2).</p> <p>Accordingly, viewpoint J is considered to be representative of the closest Area of Great Landscape Value ('AGLV') identified in the Central Lincolnshire Local Plan. A list of all the potential viewpoints is detailed within Appendix10B (ES Volume III, Application Document Ref: 6.4) and illustrated on Figure 10.4 (ES Volume II, Application Document Ref: 6.3).</p> <p>Assessment of construction traffic impacts is considered within ES Volume I, Chapter 7 (Traffic and Transport) (Application Document Ref: 6.2.7), the scope of which was informed through consideration of the consultation responses. Construction traffic would approach the site using the A road network, in particular, the A160 and A180. The assessment reported in Chapter 7 concludes that there would be no significant impact on these roads. By extension, impacts on the road network further afield would also be expected to be not significant.</p>
17	Able UK Limited	Able UK Limited (as UK Asset Manager) is acting on behalf of Able Humber Ports Limited and the DCO (2014 No 2935) for the proposed Able Marine Energy Park (AMEP). ABLE not wish to object to the VPI project in principle and consider that it should have little impact on the AMEP project. However, given the overlap of order limits and the general proximity of the scheme to AMEP, we do seek to ensure that adequate protective provisions are included in the VPI Immingham Order and have decided to submit a relevant rep to seek to ensure that Able can participate in the examination process further if necessary. 1. Overlap of the order limits – The order limits of the draft Development Consent Order (dDCO) for the proposed VPI Immingham OCGT project	<p>The Applicant notes the representation made by Able UK Limited ('Able') and welcomes Able's confirmation that it does not wish to object to the Proposed Development, and that Able considers that it should have little impact on the AMEP Project.</p> <p>The Applicant agrees with Able's identification of where the overlap in the Order limits with the AMEP Project would occur, i.e. within plots 2 and 6 to 9 (as detailed in the Book of Reference, Application Document Ref: 3.1); and also confirms that Able's understanding of the works proposed by VPIB within those overlapping areas and as listed in Able's representation is correct. As detailed in the Statement of Reasons (Application Document</p>

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		<p>overlap with those of the AMEP DCO in three places. All three areas of overlap appear to be over Rosper Road and land either side of the highway . Our understanding is that VPI want this land included in their order limits so they can undertake three specific works: a. works to the extent of the existing bellmouth entrance to the existing VPI CHP Plant where parts of the proposed project will be located; b. works to the extent of the existing bellmouth entrance to the Total Lindsey Oil Refinery from Rosper Road which VPI propose will be the main entrance to the proposed project; and c. works to connect the proposed development to the existing water main within Rosper Road. Given the overlap, there is therefore the potential for the two orders and the relevant powers to conflict and Able is concerned that this overlap will affect the Able's ability to deliver the Able Marine Energy Park scheme (the AMEP). 2. Protective Provisions for Able Humber Ports Limited – Schedule 9 of the dDCO for the VPI Immingham OCGT Project contains draft protective provisions for the protection of Able Humber Ports Limited. Our concern is that as currently drafted these do not provide adequate protection for Able and will need to be amended to ensure Able can deliver the AMEP scheme. 3. Modifications to the AMEP Order – Schedule 13 of the dDCO for the VPI Immingham OCGT project contains modifications to the Able Marine Energy Park Development Consent Order 2014. The purpose of these modifications is to include protective provisions for VPI Immingham B Limited in the AMEP Order. To do this, the modifications restrict Able's ability to exercise its powers contained in the AMEP Order. As above, our concern is that these modifications will affect the ability for Able to deliver the AMEP scheme. 4. Construction impacts – The Environmental Statement submitted with the application for the VPI Immingham OCGT Project states that the site preparation and construction programme is anticipated to take 21 months. Following our discussions with the applicant, we understand that the majority of the anticipated construction impacts will not affect Able. However, there is the potential for increased traffic in the area to have an effect. Chapter 7 (Traffic and Transportation) of the Environmental Statement assumes that all materials will be delivered and removed by road and estimates that at peak periods, there will be 26 HGV and 85 cars/LGVs arrivals and departures on site each day. If this could impact on Able's ability to access its site and effectively deliver the AMEP scheme, we suggest the relevant rep should include reference to this. Given current discussions with VPI and Pinsent Masons on these issues Able will continue to engage with the Promoter to understand the impact the above will have on Able and the AMEP scheme and agree suitable protective provisions to ensure the deliverability of the AMEP scheme is not affected.</p>	<p>Ref: 3.2), the areas of overlap are solely within Rosper Road, and this land is not (and will not be, after implementation of the Able DCO), operational land of Able.</p> <p>The Applicant agrees with Able's comments that the overlap could result in potential conflict between the two projects, and the Applicant has therefore included provisions within the Draft DCO (Application Document Ref:2.1) to protect Able and to govern the interaction of the two projects and the powers in each DCO, (articles 37 and 41, Part 8 of Schedule 9, and Schedule 13). The Applicant has also proposed an amendment to the AMEP DCO to provide similar protection to the Applicant. The relevant provisions in the Applicant's DCO are explained in the Explanatory Memorandum (Application Document Ref: 2.2) and the interactions are explained in the Planning Statement (Application Document Ref: 5.3).</p> <p>The Applicant notes Able's comments on the adequacy of the protective provisions at Part 8 of Schedule 9 and the implications of the proposed modifications to the AMEP Order as set out in Schedule 13 of the DCO. The Applicant has received comments from Able on the form of the protective provisions, and whilst there are a small number of drafting points to resolve, the principles and approach were not questioned by Able.</p> <p>The Applicant notes Able's comments on the construction traffic impacts and its acknowledgment that the majority of the construction impacts will not affect Able. The Applicant does not anticipate that the Proposed Development's traffic impacts would have any material impact on Able's ability to access its site and deliver the AMEP Project, given the level of traffic that the Proposed Development would generate and given the protective provisions secured by the Draft DCO. ES Volume I, Chapter 7 (Traffic and Transport) (Application Document Ref: 6.2.7), the Transport Assessment (Application Document Ref: 6.4.5) and ES Volume 1, Chapter 17 (Cumulative and Combined Effects) (Application Document Ref: 6.2.17) do not identify any likely significant adverse construction traffic impacts related to the Proposed Development and/or in combination with AMEP and other developments.</p> <p>Discussions with Able in relation to the protective provisions are ongoing, and VPIB anticipates that it will be possible to reach agreement with Able on the provisions shortly.</p>
18	Savills on behalf of Centrica PLC	<p>The Planning Act 2008 – Section 37 'Applications for Orders Granting Development Consent VPI Immingham OCGT Project - Application for a New Gas-Fired Power Station and Associated Development - Land to the West of Rosper Road, South Killingholme, Lincolnshire, DN40 3DZ We are instructed by Centrica plc ('Centrica') to submit representations in respect of the recent Development Consent Order (DCO) by VPI Immingham B Limited (VPIB) for the "construction, operation and maintenance of a new gas-fired electricity generating station, comprising an 'open cycle gas turbine' ('OCGT'), with a gross output capacity of up to 299 megawatts ('MW'), including electrical and gas supply connections, and other associated development" on land to the north of the existing VPI Immingham Power Station, Rosper Road, South Killingholme, North Lincolnshire, DN40 3DZ. We responded to the 'Request of Information' form on 11 January 2019 confirming that Centrica Storage Limited (CSL) which is a subsidiary of Centrica Plc has a gas pipeline running down Rosper Road within the Highway boundary, drawings were submitted alongside the form to identify the pipe location. Rosper Road fronts onto and is part of the indicative order limits for the VPI Immingham OCGT Project. We have reviewed the information submitted with the application and Centrica wishes to ensure there will be no adverse impacts on Centrica's pipeline as a result of this DCO application. Background Centrica is one of the world's leading international integrated energy and services company with operations in the UK, Europe and North America and is a FTSE 100 company. Centrica is the largest supplier of gas to domestic customers in the UK and one of the largest suppliers of electricity, operating</p>	<p>The Applicant notes the representation by Centrica PLC (on behalf of Centrica Storage Limited, 'Centrica') and agrees that its gas pipeline runs down Rosper Road and is located in plots 7, 8 and 9 as detailed in the Book of Reference (Application Document Ref: 3.1). These plots are within Work No. 2 (access works comprising access to the OCGT Power Station Site and access to Work Nos. 3, 4, 5 and 6); and Work No. 6 (utilities and service connections). The Applicant has included powers to carry out works within highways as necessary within the Draft DCO (Application Document Ref: 2.1).</p> <p>Centrica has requested confirmation of the pipeline route and clarification on how Centrica's pipeline will be protected during construction. The Applicant has contacted Centrica's agents and confirmed the likely route of the proposed services connections. With regard to the protection of Centrica's pipeline during construction of the Proposed Development, the Draft DCO contains protective provisions in favour of Centrica at Part 7 of Schedule 9.</p> <p>The Applicant also notes Centrica's request that protection of its apparatus is specifically addressed in the Construction Traffic Management Plan ('CTMP'). This protection is already included within Requirement 16 (CTMP) of Schedule 2 of the draft DCO, which specifically requires the Applicant's CTMP to include "necessary measures for the protection of statutory undertakers' plant and equipment". The Applicant has proposed to Centrica that the protective provisions in Part 7 should be updated to require the Applicant to provide a copy of</p>

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		<p>under the trading names "Scottish Gas" in Scotland and "British Gas" in the rest of the UK. Centrica secure and supply gas and electricity for millions of homes and businesses and offer a distinctive range of home energy solutions and low carbon products and services. CSL operate at the Easington Gas Terminal located on Dimlington Road, which is one of the six main gas terminals in the UK. In August 2018, CSL has been awarded a contract by the Tolmount joint venture and infrastructure partners (Premier Oil, Dana Petroleum and Humber Gathering System Limited), worth £120m, to process gas from the Tolmount field in the Southern North Sea. The contract will extend the life of CSL's gas terminal at Easington, Yorkshire, until 2030 (Centrica, 2018). Representations Centrica requests confirmation of the pipeline route and requests clarification on how Centrica's pipeline will be protected during construction. We request this matter is specifically addressed in the Construction Traffic Management Plan that may form part of the DCO application. Our client would be grateful to receive continued updates on the above points and how this will be addressed in the application. We would be grateful if you could acknowledge receipt of this letter. We reserve a right to supplement these comments at a later date if necessary. Should you have any queries or wish to discuss any aspect of this representation, please do not hesitate to contact either myself or Emma Andrews. Yours faithfully Raveen Matharu Graduate Planner.</p>	<p>the CTMP and CEMP to Centrica, and this change has been included in the Draft DCO submitted at Deadline 2 (Document Ref: 2.3).</p> <p>The Applicant will continue to liaise with Centrica and to provide updates on those discussions and anticipates that agreement on the terms of the DCO can be achieved.</p>
19	Veale Wasbrough Vizards LLP on behalf of CLH Pipeline System (CLH-PS) Limited (CLH Pipeline System (CLH-PS) Limited)	<p>Dear Sirs CLH Pipeline System (CLH-PS) Limited (CLH) and its agents, Fisher German, have been engaging with VPI Immingham B Limited (VPI) in relation to their proposals for the construction and operation of a new Open Cycle Gas Turbine power station at a site at and adjacent to the existing VPI Immingham Power Station, Rosper Road, Immingham, since 31 October 2018. The Project potentially impacts and interferes with CLH's existing pipeline which runs in close proximity to the site. This pipeline is one of a network of fuel distribution pipelines that form a critical part of the UK's fuel supply network. Please note that CLH operates this pipeline as a private company and not pursuant to any statutory undertaker powers. Construction works near or over the CLH pipeline can damage the pipeline or affect its future operation for the following reasons: 1. Restriction of future access by surcharging the pipeline easement, thus rendering the pipeline unsafe should a fault or feature be identified by future in line inspections; 2. Third party damage during construction including strikes and pipeline failure due to repeated heavy plant crossing; and 3. Stress to the pipeline by overburdening without correct support. Subject to the comments below, CLH has concerns over any impact to the operation of its pre-existing pipeline. CLH therefore objects to any interference with, extinguishment or suspension of the land rights relating to the pipeline or any Project activity that risks the operation of the pipeline. Barring infrequent maintenance, the pipeline operates on a continual 24/7 basis and interruption to its operation will have a significant impact CLH's business of fuel supply which includes supplying the Ministry of Defence - for which CLH must guarantee continuous supply in some circumstances - and will have serious financial consequences for CLH. There is a risk to the pipeline if VPI carries out works within 15 metres of the pipeline, especially if CLH is not given the opportunity to supervise the works. CLH needs to carry out protective works to minimise this risk. All works to CLH's apparatus, whether diversion or protective works, must be carried out by CLH. VPI and CLH will therefore need to enter a Protective Provisions Agreement to regulate how VPI will work in proximity to the pipeline asset. CLH fully expects these works to be at VPI's cost and in addition CLH expects, in the usual way, that VPI will cover its advisor's costs in preparing and negotiating the PPA. CLH's lawyers, VWV, first approached Pinsent Masons (PM), VPI's lawyers, for a costs undertaking on 3 January 2019. VWV finally received an undertaking for the PPA on 15 May 2019. VWV is in the final stages of drafting the PPA and will send it to PM as soon as possible. Due to VWV not receiving the undertaking until this point, CLH has been unable to progress at this stage the necessary documentation or state it is close to an agreed position with VPI. CLH is confident that the parties, acting responsibly, will be able to progress matters but at this stage CLH must make a relevant representation regarding the risk to its pipeline asset and CLH objects to any interference or risk by the Project to this asset and its related land rights. CLH looks forward to updating the</p>	<p>The Applicant notes CLH's representation and agrees that it owns a high pressure pipeline which is located along the southern edge of the OCGT Power Station Site, (plot 5 in the Book of Reference, Applicant Document Ref: 3.1) and also runs along Rosper Road, (plot 6). In respect of CLH's pipeline in plot 5, the DCO seeks authorisation for Work No. 1 (the Main OCGT Power Station); and in respect of that part of the pipeline which lies within plot 6, the DCO seeks authorisation for Work No. 6 (Utilities and Services Connections). CLH also owns an underground high pressure pipeline which crosses the Existing Gas Pipeline Site (plots 108 to 110).</p> <p>The Applicant notes that CLH is not a statutory undertaker, and the Applicant therefore also notes that sections 127 and 138 of the Planning Act 2008 are not applicable to CLH and its land/apparatus. The Applicant acknowledges CLH's concerns in relation to the integrity and continued operation of its pipeline and has sought to address these concerns by the inclusion of specific protective provisions in Part 6 of Schedule 9 of the DCO (Application Document Ref: 2.1).</p> <p>As confirmed in its representation, the Applicant and CLH have been engaging on the DCO proposals since October 2018. The Applicant is content to adopt CLH's preferred approach to addressing its concerns by seeking to enter into a Protective Provisions Agreement ('PPA'). The Applicant has received CLH's draft PPA and like CLH, is confident that the PPA can be agreed. The Applicant is also willing to include a protective provision in the DCO restricting the exercise of compulsory acquisition powers in respect of CLH's property provided that this agreement has been entered into, if required by CLH.</p>

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		Planning Inspectorate upon the state of negotiations and, if necessary, detailing continued concerns in subsequent written representations to the Planning Inspectorate.	
20	Addleshaw Goddard LLP on behalf of Network Rail Infrastructure Limited	<p>Application by VPI Immingham B Limited for an order granting development consent for the VPI Immingham Open Cycle Gas Turbine (OCGT) project planning inspectorate reference ENO10097 Section 56 Planning act 2008: relevant representation of network rail infrastructure limited. This is the section 56 representation of Network Rail Infrastructure Limited (Network Rail) provided in respect of VPI Immingham B Limited's (VPIB) application for a Development Consent Order (Order) which seeks powers to enable the construction, operation and maintenance of a new open cycle gas turbine plant of up to 299 megawatts gross capacity, including electrical and gas supply connections and other associated development (Scheme). Network Rail is a statutory undertaker and owns, operates and maintains the majority of the rail infrastructure of Great Britain. The Book of Reference (BoR) identifies land plan plots 41, 104, 105 and 106 (Plots) as land owned by Network Rail in respect of which compulsory acquisition powers to acquire new rights are sought. The compulsory acquisition powers sought are described in the BoR as: "new rights to be compulsorily acquired and in relation to which it is proposed to extinguish easements, servitudes and other private rights: 1) rights to pass and repass on foot, with or without vehicles, plant and machinery; and 2) rights to retain, use, maintain, inspect, alter, remove, refurbish, reconstruct, replace, protect and improve an underground gas pipeline, control systems and cables and any other ancillary apparatus and any other works as necessary" (Compulsory Powers). Network Rail notes that the Compulsory Powers are sought in relation to operational railway land forming part of the operational railway being the Barton Line. Network Rail objects to the inclusion of the Plots 41, 104, 105 and 106 in the Order and to the acquisition of Compulsory Powers in respect of those Plots. Plots 41, 104, 105 and 106 constitute land acquired by Network Rail for the purpose of its statutory undertaking and, accordingly, this representation is made under section 56 and sections 127 and 138 of the Planning Act 2008. Network Rail considers that there is no compelling case in the public interest for the acquisition of the Compulsory Powers and Network Rail considers that the Secretary of State, in applying section 127 of the Planning Act 2008, cannot conclude that new rights and restrictions over the railway land can be created without serious detriment to Network Rail's undertaking; no other land is available to Network Rail which means that the detriment cannot be made good by them. Network Rail also objects to all other compulsory powers in the Order to the extent that they affect, and may be exercised in relation to, Network Rail's property and interests. In order for Network Rail to be in a position to withdraw its objection Network Rail requires: (a) agreements with the Applicant that regulate: - the manner in which rights over Plots 41, 104, 105 and 106 and any other railway property are carried out including terms which protect Network Rail's statutory undertaking and agreement that compulsory acquisition powers will not be exercised in relation to such land; and - the carrying out of works in the vicinity of the operational railway network to safeguard Network Rail's statutory undertaking. (b) the inclusion of protective provisions in the DCO for its benefit. To safeguard Network Rail's interests and the safety and integrity of the operational railway, Network Rail objects to the inclusion of the Compulsory Powers and any other powers affecting Network Rail in the Order. Network Rail requests that the Examining Authority treat Network Rail as an Interested Party for the purposes of the Examination.</p>	<p>The Applicant notes Network Rail's representation and agrees that it is (1) a statutory undertaker for the purpose of the Planning Act 2008 (2) owns operational land within which the Existing Gas Pipeline lies and (3) that the location of Network Rail's interests/operational land lie within plots 41, 104, 105 and 106 as detailed in the Book of Reference (Application Document Ref: 3.1). The Existing Gas Pipeline crosses operational railway lines twice and grassland adjacent to the railway line within the identified plots.</p> <p>The Applicant has not sought consent to undertake works in relation to the Existing Gas Pipeline and on that basis disagrees that the Proposed Development would have a detrimental impact on Network Rail's undertaking. The Applicant has included proposed powers of compulsory acquisition over Network Rail's interests on the basis that whilst VPI LLP has an existing Deed of Easement over those interests, this cannot be relied on in respect of the Proposed Development. Whilst it is the Applicant's intention to secure all rights it requires by agreement, it is seeking compulsory acquisition powers to ensure that it can deliver and operate the Proposed Development.</p> <p>In order to deliver and operate the Proposed Development, the Applicant is seeking rights from Network Rail, (outside of the DCO), to use and maintain the Existing Gas Pipeline on the same terms as the existing Deed of Easement. On this basis, the Applicant is seeking to enter into a voluntary agreement in the form of a new easement between it and Network Rail on the same terms as the existing Deed of Easement with VPI Immingham LLP.</p> <p>The Applicant notes Network Rail's request that its standard protective provisions are included within the draft DCO. However, as no works are proposed to, or in the vicinity of, Network Rail's apparatus or property, the Applicant does not consider that the standard protective provisions are necessary or appropriate. However, the Applicant is willing to include a protective provision restricting the exercise of compulsory acquisition powers in respect of Network Rail's property provided that a voluntary agreement has been entered into.</p> <p>Discussions with Network Rail in relation to the voluntary agreement are ongoing, and the Applicant anticipates that it will be possible to reach agreement with Network Rail on the terms of the agreement.</p>
21	North East Lincolnshire Council	<p>I write on behalf of North East Lincolnshire Council as Local Planning Authority. In principle, it is considered that the development is acceptable and we support the economic investment of the area, in particular supporting the development of the Humber as the 'Energy Estuary'. We have engaged with the applicant significantly and have presented comments from our own internal consultations. Issues that are required to be pursued are in relation to highway impacts and air quality. The applicant is fully aware of this. The specific issues in relation to highways including the review of the full final Construction Traffic Management Plan and Transport Assessment. The Council's Highways Officer would also like to see the flow diagrams of how trips will arrive/depart the site at peak times for reference as a 'committed development'. In terms of air quality,</p>	<p>The Applicant has now reached agreement with NELC in respect of highways and air quality – see the Statement of Common Ground submitted for Deadline 2 of the Examination (Document Ref: 8.2).</p>

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		it is considered important that the scope impact and actions be agreed with North East Lincolnshire Council Environmental Health Officers. The highways and air quality issues have been raised with the applicant, and we understand that they are acting on these matters raised. I trust the above is of value, and we will look forward to submitting our Local Impact Report in due course.	
22	North Lincolnshire Council	North Lincolnshire Council, as a host local authority, was consulted on this project at the pre-application stage in accordance with Section 42 of the Planning Act 2008 and provided a pre-application response dated 16 January 2019. Having reviewed the application documents, the proposed development does not appear to have altered significantly following the pre-application stage and as such the comments raised in the council's previous response are considered to still be relevant. I can confirm that North Lincolnshire Council does not wish to raise any objection to the principle of the proposed scheme. The main issues of potential impact identified during the pre-application stage, and which still apply, in respect of this scheme are as follows: - Air Quality; - Ecology (particularly with regards to potential impact on the Humber Estuary SAC, SPA and/or Ramsar site); - Flood Risk/Drainage; and - Cultural Heritage (archaeological investigation/mitigation) North Lincolnshire Council will produce a Local Impact Report and as such do reserve the right to raise additional issues/concerns following full consideration of the application documents.	<p>The Applicant notes that North Lincolnshire Council ('NLC') does not object to the principle of the Proposed Development. However, that officers still wish to comment further on the topics of air quality, ecology, flood risk/drainage and cultural heritage.</p> <p>The Applicant and NLC have now reached agreement on all relevant matters other than cultural heritage – see the Statement of Common Ground submitted for Deadline 2 of the Examination (Document Ref: 8.1).</p>
23	Phillips 66 Limited	<p>Application: DCO for VPI Immingham OCGT Planning Inspectorate Reference: EN010097 Applicant: VPI Immingham B Limited S.52 Letter: Letter from the Applicant under S.52 of the Infrastructure Planning (Applications and Prescribed Forms and Procedure) Regulations 2009 Works: The works identified as Works no's 1 -6 in the S.52 Letter. Existing Arrangements: A lease of the VPI Immingham Power Station, a lease of car parking and lease of the Existing Gas Pipeline Site all entered into between Phillips 66 Limited and VPI Immingham LLP as amended and varied. Representation Phillips 66 Limited (Phillips) own and operate the Humber Refinery which sits on a 480-acre site at South Killingholme on the Humber Estuary. Preliminary Statement Phillips are currently in discussions with the Applicant to agree a position acceptable to both the Applicant and Phillips to enable the Works to be carried out within the framework of the Existing Arrangements and to enable the Applicant to benefit from the rights currently existing for the benefit of VPI Immingham LLP (VPI). The Applicant, together with VPI, has made a proposal to Phillips in this respect which is currently being considered by Phillips. Phillips object to any Works which have the effect of increasing or adversely affecting the COMAH (Control of Major Accident Hazards) risk profile of the Humber Refinery. Comments on the Works 1 Work No 2 Access routes are contained within land let to VPI under the Existing Arrangements. Consent will be required under the Existing Arrangements to Work No 2 and appropriate amendment to the Existing Arrangements to enable the Applicant to carry out the Works. Phillips oppose any acquisition of the land for Work No 2 as the Applicant has indicated that, with amendment, these works can be carried out under the Existing Arrangements. 2 Work No 3 Land required for Work no 3 is again let to VPI under the Existing Arrangements. The comments above relative to Work no 2 are repeated and P66 oppose any acquisition of the land. 3 Work Nos 4, 5 and 6 3.1 Phillips operate 3 pipelines (the Pipelines) on land required for these works. The pipelines are a continuous operation for the passage of multi-purpose hydrocarbon fuels. The Pipelines run above ground. 3.2 Phillips oppose the acquisition of the land and consider that the consents for these works could be documented as ancillary to the Existing Arrangements. 3.3 the Applicant must not interfere with or damage the Pipelines or interfere with, impede or obstruct Phillips' access to them. 3.4 agreement of a method statement for working and supervision within the vicinity of the Pipelines is required before any work commences; it is essential that the safety and the integrity of the Pipelines and those working on the Pipelines is taken into account during the construction process. 3.5 access to the Pipelines is required at all times both for routine maintenance and emergencies. 4 Work to the Existing Gas Pipeline, as referred to in the S.52 Letter Phillips oppose the proposed acquisition of the Existing Gas Pipeline Site. The gas pipeline runs through Phillips' operational land and any further sterilisation of that land would have a serious impact on the business operated by Phillips at the</p>	<p>VPI LLP (the Applicant's sister company) has had a long term relationship with Phillips 66 Limited (Phillips), providing power, steam and other services, and receiving process condensate and refinery off-gas through a bi-lateral Energy Supply Agreement since 2003. VPI has engaged with Phillips throughout the development of the Proposed Development, in the form of regular update meetings (every 3 months) and as a pre-application consultee. VPI also engaged with Phillips in relation to a pipe bridge and an associated easement, required to connect the VPI gas engines project to the Existing VPI CHP Plant Site.</p> <p>Dialogue regarding the Proposed Development has focussed on property matters as the Project Land includes various areas of land owned by Phillips, including parts of the Existing Gas Pipeline, the freehold of the Existing VPI CHP Plant Site (within which the majority of Work Nos. 2, 4, 5 and 6 sit) and the freehold of one of the temporary construction and laydown sites (Work No. 3).</p> <p>At the quarterly update meeting on the 3rd May 2019, VPI met with Phillips and presented a proposed approach and timescale to deal with the various property agreements, with a view to agreeing the approach and following which VPIB would issue drafts of the agreements. On the 8th May VPI issued a summary plan and document property schedule, and minutes of the meeting to Phillips for their consideration.</p> <p>A further meeting was held with Phillips on the 2nd July 2019 during which discussions focussed on the structure of the property agreements. Phillips noted that they had no issues in principle with the Proposed Development project and they raised a number of queries in relation to the legal structure. It was agreed that a legal meeting should be held in order to further explain and discuss the structure of the proposed agreements. That meeting took place on 13th August 2019. There were various discussions on aspects of the proposed legal structure and agreements, and Phillips did not indicate any fundamental concerns regarding the approach. The Applicant issued a suite of draft property agreements and an offer to Phillips, encompassing all the required land / rights required for the Proposed Development, on 11 September 2019. The Applicant remains committed to achieving the land and rights it requires from Phillips by agreement.</p> <p>The Applicant agrees with Phillips that the Existing Arrangements (as defined in Phillips' relevant representation) are capable of providing the framework for the legal agreements required between the parties. However, without agreement on the structure and the detailed terms, the Applicant has no certainty of the delivery of the Proposed Development and its benefits would not be realised. The powers of compulsory acquisition are required, and are proportionate and reasonable, in order to secure that those benefits can come forward.</p>

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		Humber Refinery. No alterations are to be made to the pipeline and it is considered that use of the pipeline can be accommodated within the Existing Arrangements. Phillips 66 Limited 25 June 2019.	With regard to COMAH; the operations proposed by the Applicant on site are not significantly different from those already occurring on the adjacent Existing VPI CHP Plant (combustion of natural gas in a gas turbine), and it is not anticipated that sufficient volumes of dangerous substances would be stored such that the Proposed Development would be subject to the Control of Major Accidents and Hazards Regulations 2015 ('the COMAH Regulations'). In addition, accidental events (such as fuel spillages and fires) were considered as part of the environmental impact assessment (see the Environmental Statement, Application Document Refs: 6.1 to 6.4), and no significant effects were identified. The only potential risk would be associated with the operation of the gas pipeline required for the Proposed Development. However, the project utilises the same gas pipeline as has been used by the adjacent Existing VPI CHP Plant since 2003, and which has run through Phillips' refinery site since that time. The proposed Gas Connection to connect to the Existing Gas Pipeline would be built to the same standards and in accordance with the Pipeline Safety Regulations 1996, the Gas Safety (Management) Regulations 1996, and the risks associated with it are considered to be negligible. As such it is highly unlikely that the construction and operation of the Proposed Development would affect the COMAH risk profile or status of the Phillips Humber Refinery. Notwithstanding that VPIB will continue to discuss the Proposed Development with Phillips to identify and address any potential future implications on Phillips' assets and operation.
24	Boston Borough Council	<p>I refer to the above scheme which was subject a letter from DWD dated 16 May 2019 received in a Development Management on 17 May 2019 seeking the views of Boston Borough Council on the proposed development.</p> <p>We have consulted with Amber Hill Parish Council and Swineshead Parish Council who have responded with no comments.</p> <p>Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Boston Borough Council has concluded that the proposed development is acceptable and accordingly, does not wish to object to this application.</p> <p>This advice relates only to planning and does not cover or relate to any other acts or legislation.</p>	The Applicant acknowledges the response from Boston Borough Council and notes that the Proposed Development is deemed acceptable.