

## **VPI Immingham OCGT Project**

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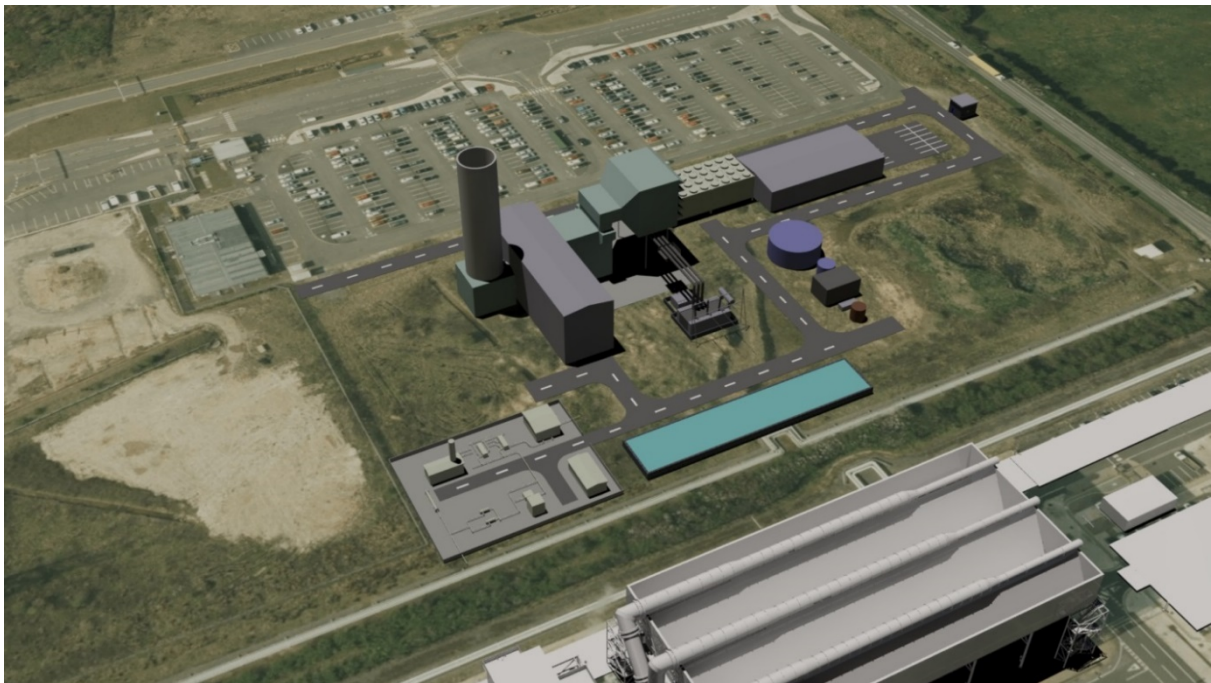
### **The Immingham Open Cycle Gas Turbine Order**

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

## **Statement of Common Ground with the Environment Agency**

**The Planning Act 2008**

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**Applicant: VPI Immingham B Ltd**

**Date: September 2019**

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## DOCUMENT HISTORY

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<b>Author</b>	Malcolm Sangster (MS)		
<b>Signed</b>	MS	<b>Date</b>	September 2019
<b>Approved By</b>	Richard Lowe (RL)		
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<b>Document Owner</b>	AECOM		

## GLOSSARY

<b>Abbreviation</b>	<b>Description</b>
Access	Work No. 2 – access works comprising access to the OCGT Power Station Site and access to Work Nos. 3, 4, 5 and 6;
Access Site	The land required for Work No.2.
AGI	Above Ground Installation
Applicant	VPI Immingham B Ltd
Application	The Application for a Development Consent Order made to the Secretary of State under Section 37 of the Planning Act 2008.
CEMP	Construction Environmental Management Plan
CHP	Combined Heat and Power
DCO	Development Consent Order
EA	Environment Agency protection and enhancement of the environment in England.
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.
ES	Environmental Statement – a report in which the process and results of an Environmental Impact Assessment are documented.
Existing AGI	The exiting AGI within the Existing VPI CHP Site.
Existing AGI Site	The land comprising the existing AGI within the Existing VPI CHP Site.
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	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.

Abbreviation	Description
km	Kilometre – unit of distance.
m	Metres – unit of distance.
MW	Megawatts – unit of energy.
NELC	North East Lincolnshire Council
NG	National Grid
NLC	North Lincolnshire Council
NSIP	Nationally Significant Infrastructure Project
OCGT	Open Cycle Gas Turbine
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.
PA 2008	Planning Act 2008
PINS	Planning Inspectorate
Project Land	The land required for the Proposed Development (the Site) and the land comprising the Existing Gas Pipeline Site. The Project Land is the same as the 'Order land' (in the DCO).
Proposed Development	The construction, operation and maintenance of a new gas-fired electricity generating station with a gross output capacity of up to 299 MW, including electrical and gas supply connections, and other associated development.
Site	The land required for the Proposed Development, and which is the same as the 'Order limits' (in the DCO).
SoS	The Secretary of State
Temporary Construction and Laydown	Work No. 3
Temporary Construction and Laydown Site	Land Required for Work No. 3.
Utilities and Services Connections	Work No 6
Vitol	Vitol Group – the owner of VPI LLP and VPIB.
VPIB	VPI Immingham B Limited – the Applicant
VPI LLP	VPI Immingham LLP – the owner and operator of the Existing VPI CHP Plant.
Work No.1	An OCGT power station (the 'OCGT Power Station') with a gross capacity of up to 299MW.
Work No.2	Access works (the 'Access Site'), comprising access to the Main OCGT Power Station Site and access to Work Nos. 3, 4, 5 and 6.
Work No.3	Temporary construction and laydown area
Work No.4	An underground and overground gas pipeline
Work No.5	An electrical connection (the 'Electrical Connection') of up to 400 kilovolts and control systems.
Work No.6	Utilities and services connections (the 'Utilities and Services Connections').

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## **1. INTRODUCTION**

### **1.1 Overview**

- 1.1.1 This Statement of Common Ground ('SoCG') (Document Ref: 8.3) has been prepared on behalf of VPI Immingham B Ltd. ('VPIB' or the 'Applicant') in respect of its application (the 'Application') for a Development Consent Order (a 'DCO') under the Planning Act 2008 (the 'PA 2008').
- 1.1.2 The Application has been submitted to the Secretary of State (the 'SoS') for Business, Energy and Industrial Strategy 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 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 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 electrical output capacity of up to 299MW;
- Work No. 2 – access works (the 'Access'), comprising access to the OCGT Site;
- 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 ES Volume 1, Chapter 4 'The Proposed Development' (Application Document Ref: 6.2.4).

1.5.4 The areas within which each of the main components of the Proposed Development are to be built are shown by the coloured and hatched areas on the Works Plans (Application Document Ref: 4.3).

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

1.6.1 The purpose of this SoCG is to set out the agreement that has been reached between the Applicant and the Environment Agency ('EA') in respect of the following matters:

- Requirement for an Environmental Permit for the proposed combustion installation, including effects on air quality, noise and emissions;
- Flood risk;
- Foul and surface water drainage;
- Groundwater and land contamination and
- Use of a Construction Environmental Management Plan ('CEMP').

1.6.2 Section 2 of this SoCG sets out the role of the EA, Section 3 sets out the details of the consultation with the EA, Sections 4 sets out the areas of agreement in relation to the above matters, and Section 5 sets out any areas of disagreement between the parties.



## **2. THE ROLE OF THE ENVIRONMENT AGENCY**

- 2.1.1 The EA is a non-departmental public body, the purpose of which is ‘to protect or enhance the environment taken as a whole’, so as to contribute to ‘the objective of achieving sustainable development’.
- 2.1.2 The EA is a statutory consultee in respect of all DCO applications that are likely to affect land in England. Annex D of Advice Note 11 ‘Working with Public Bodies’ produced by the Planning Inspectorate (‘PINS’) sets out in detail the role of the EA in the DCO process, including the level of input and agreement that might be expected from the EA.

### 3. CONSULTATION WITH THE ENVIRONMENT AGENCY

3.1.1 The consultation that has taken place with the EA in relation to the issues raised within this SoCG is summarised in Table 3.1 below.

**Table 3.1: Consultation with the EA**

Date	Details
June / July 2018	EA consulted by PINS in respect of a request made by the Applicant for an EIA Scoping Opinion in respect of the Project. Response provided by EA on 3 July 2018. Response provided advice on ground conditions and hydrogeology, flood risk, water quality and water resources, and the Environmental Permit.
November 2018	EA consulted in accordance with Section 42 of the PA 2008 and with consultation documents including copy of the Preliminary Environmental Information Report (PEIR). EA response received 23 November 2018 including advice on environmental permitting, air quality, ground contamination and hydrogeology, flood risk, foul and surface water drainage and general environmental protection comments. A number of DCO Requirements were recommended and a recommendation was made to contact the National Permitting Service and to undertake parallel tracking of the Environmental Permit and DCO Application.
December 2018	Teleconference to discuss the Environment Permit. Topics covered include a discussion of the approach to Environmental Permitting in respect of the discharge of surface and foul water drainage and information to be included in the Environmental Permit application.
February 2019	The Applicant issued the draft DCO, works plans and access plans to the EA for review on 8 February 2019 prior to submission of the Application. The EA responded on 22 February 2019. The EA requested some changes to the draft DCO, primarily to the proposed requirements. The Applicant subsequently discussed the amendments with the EA and the necessary amendments have been made and agreed.
June 2019	Relevant representation received from the EA on the DCO application. Topics covered include foul water drainage, land contamination, flood risk and Environmental Permitting.

## 4. MATTERS AGREED

### 4.1 Environmental Permits

4.1.1 It is agreed that the Proposed Development will be subject to the environmental permitting regime under the Environmental Permitting Regulations 2016 (as amended) ('EPR'). The proposed combustion installation will require an operating permit from the Environment Agency under Schedule 1.1 Part A of the EPR. It is further agreed that the preferred approach to permitting the Proposed Development is to apply for a separate standalone permit, as opposed to varying the existing Environmental Permit held by VPI Immingham Ltd for the Existing VPI CHP Plant.

4.1.2 It is agreed that the SoS must be satisfied that potential releases from the Proposed Development can be adequately regulated under the EPR, as outlined in paragraph 4.10.7 of EN-1. It is agreed by both parties that emissions to air could arise from the operation of the Proposed Development, primarily from combustion sources within the plant, principally via the main emissions stack for the OCGT unit. The EA will examine information on air quality (including the air dispersion modelling), noise and other emissions to the environment which will be provided by the Applicant as part of the Environmental Permit application. At this point in time the EA is not aware of any reason why it would not be possible to address these matters as part of the EPR application process and issues that may arise. Having considered the general content of the ES for the Proposed Development, the EA is satisfied and agrees that it is of a type and nature that should be capable of being adequately regulated under EPR.

4.1.3 At this point the EA is not aware of anything that would preclude the granting of an Environmental Permit, noting that the Environmental Permit application has been submitted to the National Permitting Service and is currently under determination. Only once the EPR application has been technically assessed can the EA decide whether it would be appropriate to grant an Environmental Permit and if so, the conditions that should be attached to the Permit.

### 4.2 Water environment effects (including foul water drainage)

#### Flood Risk

4.2.1 The assessment of effects of the Proposed Development in terms of flood risk and surface water are set out in ES Volume 1, Chapter 12 'Surface Water, Flood Risk & Drainage' (Application Document Ref: 6.2.12) and ES Volume 3, Appendix 12A (Application Document Ref: 6.4.26).

4.2.2 It is agreed that the assessment undertaken is appropriate for the scale, nature and location of the development and makes appropriate recommendations for mitigation and therefore that sufficient information has been provided by the Applicant in relation to flood risk and no further mitigation is necessary beyond that set out in the DCO application.

4.2.3 It is agreed that:

- critical equipment 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.

4.2.4 It is understood that the EA does not normally comment on or approve the adequacy of proposed flood emergency response procedures, as they do not undertake these roles during a flood, and that the EA should therefore be removed as a consultee from Requirement 11(6); however, it is agreed that the inclusion of Requirement 11 in the draft DCO (Application Document Ref. 2.1), which requires the submission and approval of flood risk mitigation schemes and which need to be in accordance with the principles set out in Chapter 12 (surface water, flood risk and drainage) of the ES, is appropriate to ensure that appropriate mitigation is included in the development and subsequently maintained throughout the lifetime of the development.

#### **Surface and Foul Water Drainage**

4.2.5 It is agreed that relevant information, sufficient for the DCO process, has been provided by the Applicant in respect of outline pollution prevention aspects of surface water drainage and that the proposed approach to surface water drainage is acceptable in so far as it relates to the EA's remit (the EA's remit does not cover issues relating to surface water flooding).

4.2.6 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.

4.2.7 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.

4.2.8 It is agreed that control of surface water and foul water drainage from the Proposed Development should be secured through two requirements (replacing the current Requirement 10, Draft DCO, Application Document Ref. 2.1). The split is necessary because the control of surface water in this respect does not fall within the EA's remit. It is agreed that the following text for the foul water drainage requirement is sufficient:

4.2.9 Requirement: Foul water drainage

- (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 foul water drainage on and off site has been submitted to,

and after consultation with the Environment Agency and Anglian Water, approved by the relevant planning authority.

- (2) If it is demonstrated as part of the information submitted pursuant to sub-paragraph (1) that it is not practicable or reasonable 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, approved by the relevant planning authority. Any non-mains drainage proposal must include a management and maintenance plan to ensure that it will not cause pollution to the water environment.
- (3) The schemes approved pursuant to sub-paragraph (1) and (where relevant) sub-paragraph (2) must be implemented and maintained throughout the operation of the authorised development unless otherwise agreed with the relevant planning authority.

### **Groundwater and Land Contamination**

- 4.2.10 It is agreed that relevant information, sufficient for the DCO process, has been provided by the Applicant in respect of contaminated land and groundwater.
- 4.2.11 It is further agreed that Requirement 12 (draft DCO, Application Document Ref. 2.1) would be adequate to sufficiently address the risks associated with contaminated land and groundwater: In particular it is agreed that further risk assessment for controlled waters is not required at this time.
- 4.2.12 It is also agreed that should any redevelopment be undertaken in the area of the Existing VPI CHP Plant Site, further work may be required to fully assess the potential risk to controlled waters from the potential mobilisation of contamination during construction, although no such works are envisaged at this time.
- 4.2.13 If piling is deemed necessary, this has the potential to create preferential pathways for contaminants to migrate to controlled waters. It is agreed that should piling be required a written piling and penetrative foundation design method statement, including a Piling Risk Assessment, will be provided to the EA for consultation before submission to the relevant planning authority. This is secured by and will be in accordance with Requirement 20 of the Draft DCO. It is agreed that the requirement is fit for purpose.

### **4.3 Construction Environmental Management Plan (CEMP)**

- 4.3.1 It is agreed that the framework Construction Environmental Management Plan (CEMP) (draft DCO, Application Document Ref. 6.4.3) that accompanies the DCO application includes the necessary principal controls to adequately manage environmental risks associated with the construction of the Proposed Development. It is also agreed that Requirement 14 of the draft DCO securing the need to prepare and agree a detailed CEMP prior to construction of the Proposed Development is appropriate for controlling the environmental effects of construction.

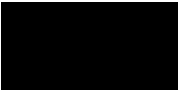
### **4.4 Additional Aspects**

- 4.4.1 It is agreed that the EA has identified no further concerns in relation to the Proposed Development but reserves the right to make further representations during the course

of the Examination if any aspect of the Proposed Development is amended or new information is submitted.

## **5. MATTERS TO RESOLVE**

5.1.1 There are no outstanding matters to resolve.

Signed: 

Print name and position: Annette Hewitson, Principal Planning Adviser

**On behalf of Environment Agency:**

Date: 4<sup>th</sup> September 2019

Signed: 

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

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

Date: 4<sup>th</sup> September 2019