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14 November 2019

Our ref KALG/RBHU/CAP/154863.00135

Dear Sirs

Application by VPI Immingham B Ltd for an Order Granting Development Consent for the VPI Immingham OCGT Project

Deadline 4 - ExA Further Written Questions

We act for Cadent Gas Limited. We address the ExA's further written questions directed at our client below.

QU	CADENT'S RESPONSE
Q2.2.3	<p>These plots fall within the security fence line of Cadent's operational land at Thornton Curtis PRS. We direct the ExA to Cadent's request for the submission of closed evidence which contains further detail as to how the compulsory acquisition of these plots would result in serious detriment to the carrying on of Cadent's undertaking.</p> <p>However, since the issuance of the ExA's written questions on 24 October 2019 and as indicated in our letter of 1 November, the Promoter has agreed to remove Plots 111, 107 from the Land Plans and to relocate the boundary of Plot 109. This is welcomed by Cadent.</p> <p>We attach the updated Land Plans which were provided to us by the Promoter. We would welcome confirmation from the Promoter that this will be the version that the Promoter will seek to have incorporated in the DCO.</p>

UK - 632686898.1

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<p>Q2.2.4 and Q2.2.5</p>	<p>Schedule 9, Part 1 of the dDCO does not contain the terms required by Cadent to sufficiently protect its Apparatus. They do not fully regulate the interaction between the Project and Cadent’s Apparatus. Cadent’s standard protective provisions fully regulate this interaction (for example including in relation to securing Cadent’s standards, and fully regulating approvals processes within an appropriate framework). In addition, the protective provisions included at Schedule 9, Part 1 do not adequately address the principle that Cadent should not be exposed to any liability as a result of a third party scheme which it derives no benefit from (a principle recognised by the Secretary of State in the Eggborough decision in respect of protective provisions). As such, Cadent is seeking the inclusion of its standard protective provisions. It has clearly communicated this requirement since April 2019.</p> <p>In the event that suitably worded protective provisions cannot be agreed then the exercise of unfettered compulsory purchase powers in respect of its Apparatus the following consequences may arise:</p> <ul style="list-style-type: none"> a) Failure to comply with industry safety standards, legal requirements and Health and Safety Executive standards create a health and safety risk. Cadent requires specific protective provisions in place for an appropriate level of control and assurance that the industry regulatory standards will be complied with in connection with works in the vicinity of Cadent’s Apparatus. Sufficient wording is not included within Schedule 9, Part 1 of the draft DCO. Cadent requires compliance with various industry standards to ensure that the integrity of the pipelines and as such distribution of gas is protected, the safety of the surrounding gas pipelines is protected, and the safety of personnel involved in working with gas pipelines is protected; b) Any damage to Apparatus potentially has serious hazardous consequences for individuals and property located in the vicinity of the pipeline / apparatus if it were to fail; and c) Potentially significant consequences arising from continuity of supply. <p>In the event that suitably worded protective provisions are agreed then Cadent considers this sufficient to remove any serious detriment to its undertaking.</p> <p>Cadent provided the Promoter with its standard form protective provisions on 24 May 2019. The Promoter did not provide any comments on these until last week (and these are still subject to further client instructions and comments).</p> <p>Cadent’s standard form protective provisions have been heavily marked up by the Promoter and Cadent is in the process of establishing which amendments can be accepted by the business.</p> <p>Negotiations between the parties are expected to continue. Assuming that agreement as to the form of the protective provisions can be reached, Cadent requires these to be included on the face of the Order.</p> <p>Cadent reserves its right to further update the ExA in due course as to the progress of negotiations of the protective provisions.</p>
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Q2.2.7	Our client does not hold this information. This is for the Promoter to provide.
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Yours faithfully



CMS Cameron McKenna Nabarro Olswang LLP

Enc:

1. Updated Land Plans



Other land - the area within which powers of compulsory acquisition and to take temporary possession can be exercised

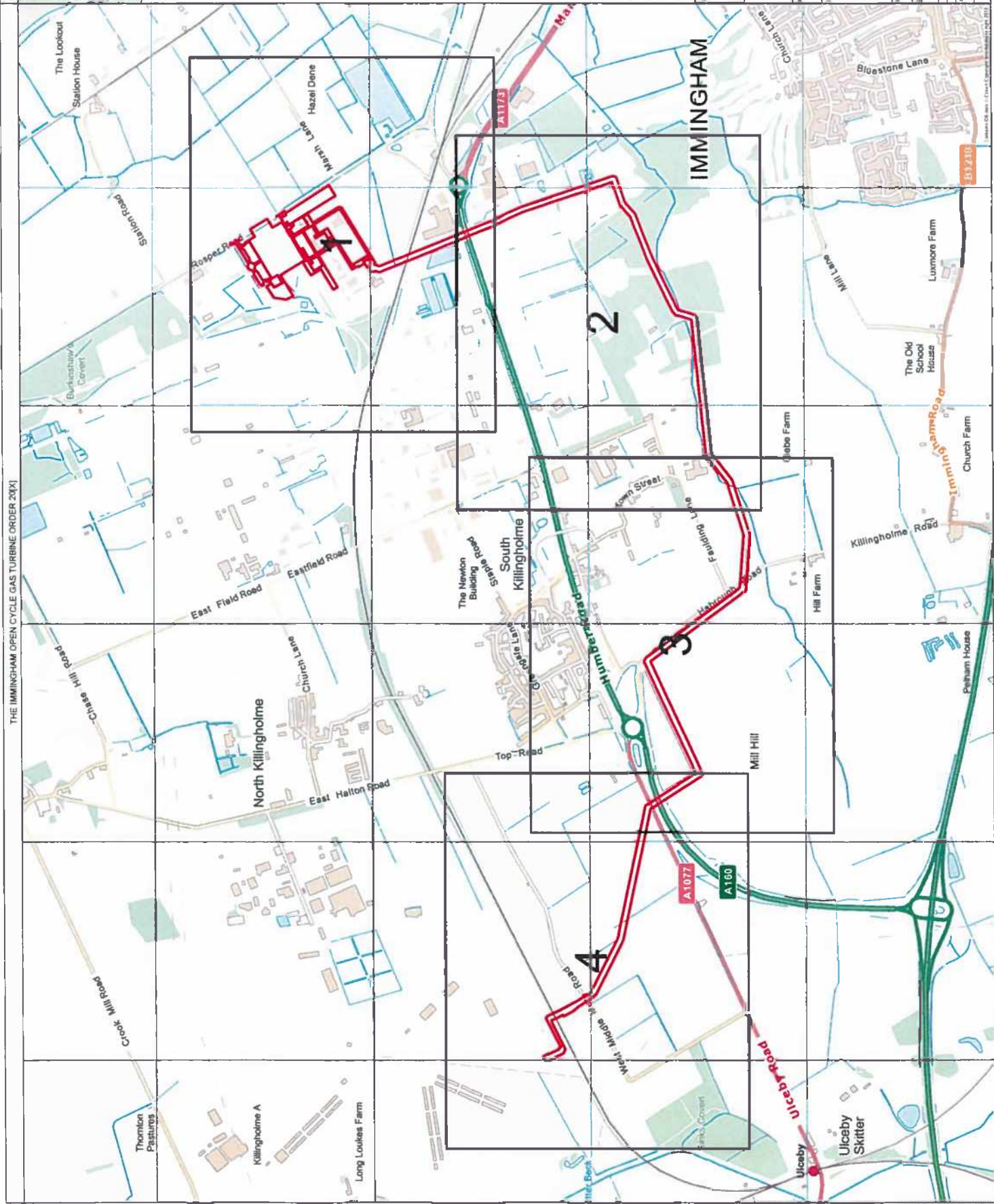
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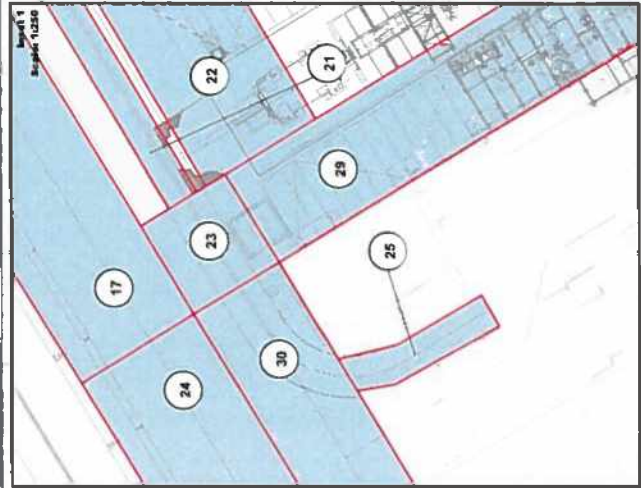
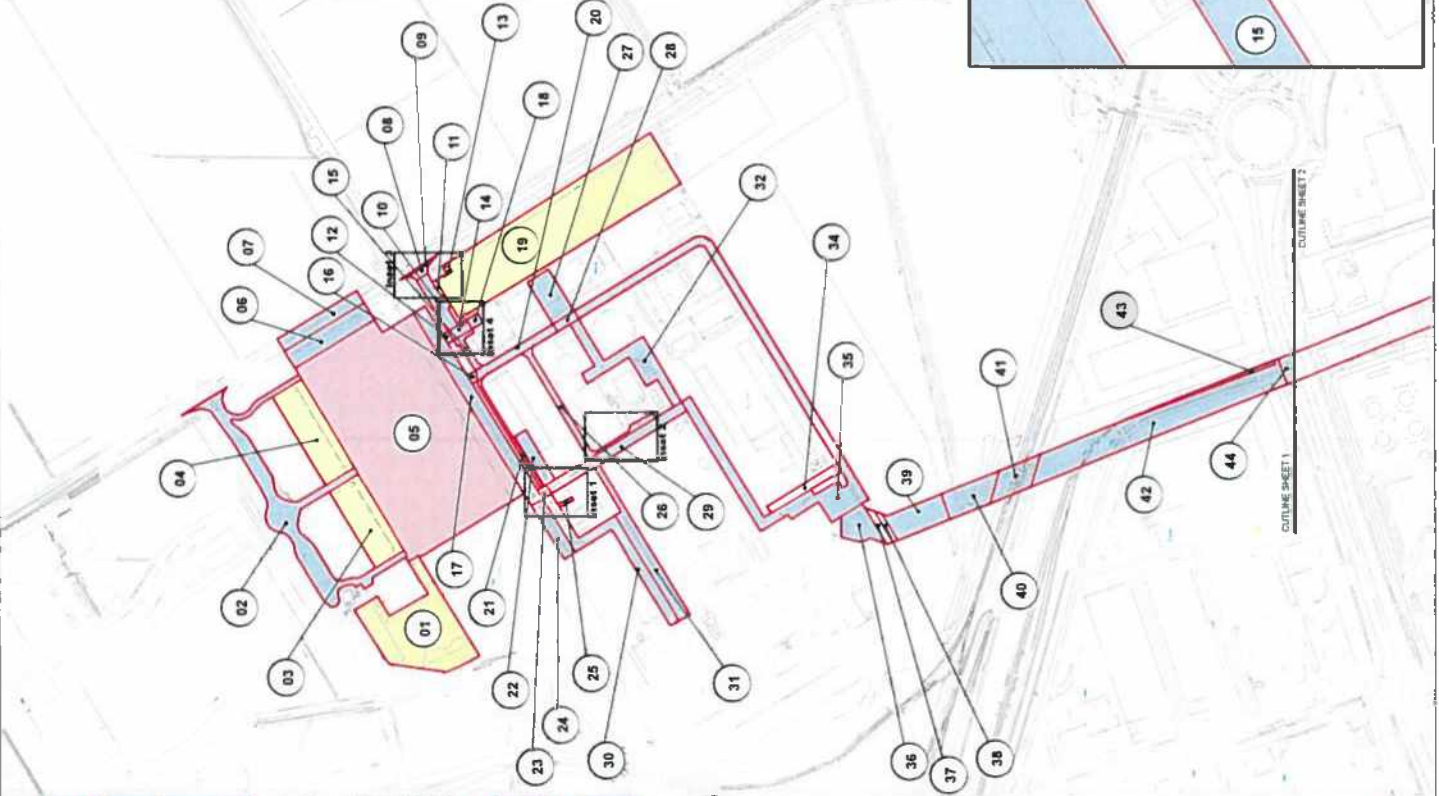
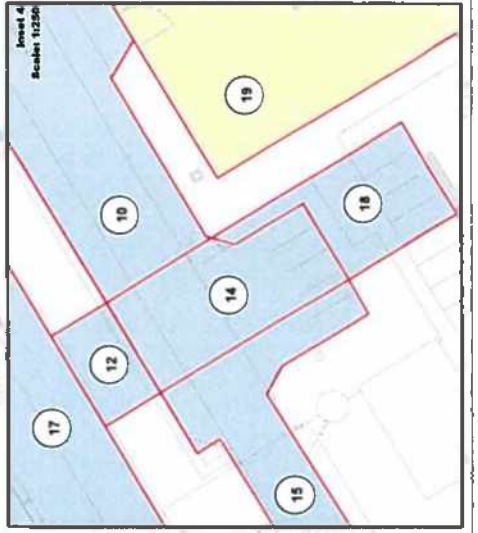
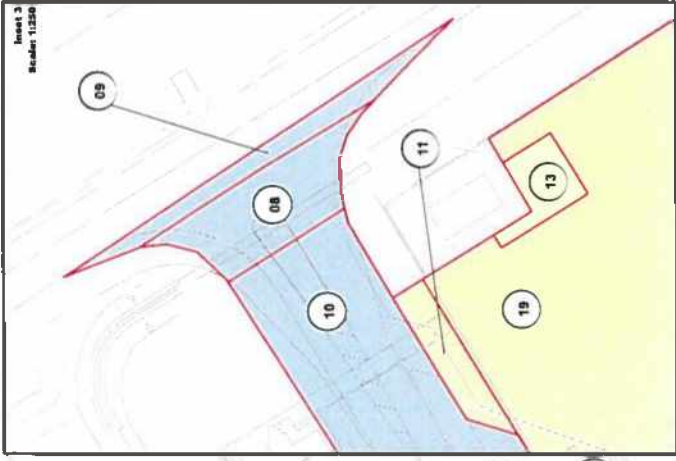
THE VPI IMMINGHAM DCGT PROJECT

Project: THE VPI IMMINGHAM DCGT PROJECT

Application Document Reference No. 4.2
LAND PLANS
KEY PLAN

Drawn by	Checked by
Author	Author
Issue	Issue
Revision	Revision
Scale	Scale
Sheet No.	Sheet No.
Project No.	Project No.
Client	Client
Date	Date
Drawn by	Checked by
Author	Author
Issue	Issue
Revision	Revision
Scale	Scale
Sheet No.	Sheet No.
Project No.	Project No.
Client	Client
Date	Date





- Key
- Ches land - Ches land where consent of compulsory acquisition is not required
 - Ches land - Ches land where consent of compulsory acquisition is required
 - Ches land - Ches land where consent of compulsory acquisition is required in relation to which a compulsory acquisition order is not proposed to be made
 - Ches land - Ches land where consent of compulsory acquisition is required in relation to which a compulsory acquisition order is not proposed to be made and other private rights
 - Ches land - Ches land where consent of compulsory acquisition is required in relation to which a compulsory acquisition order is not proposed to be made and other private rights and other private rights
 - Ches land - Ches land where consent of compulsory acquisition is required in relation to which a compulsory acquisition order is not proposed to be made and other private rights and other private rights

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Application Document Reference No. 4.2
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SHEET 11 OF 4

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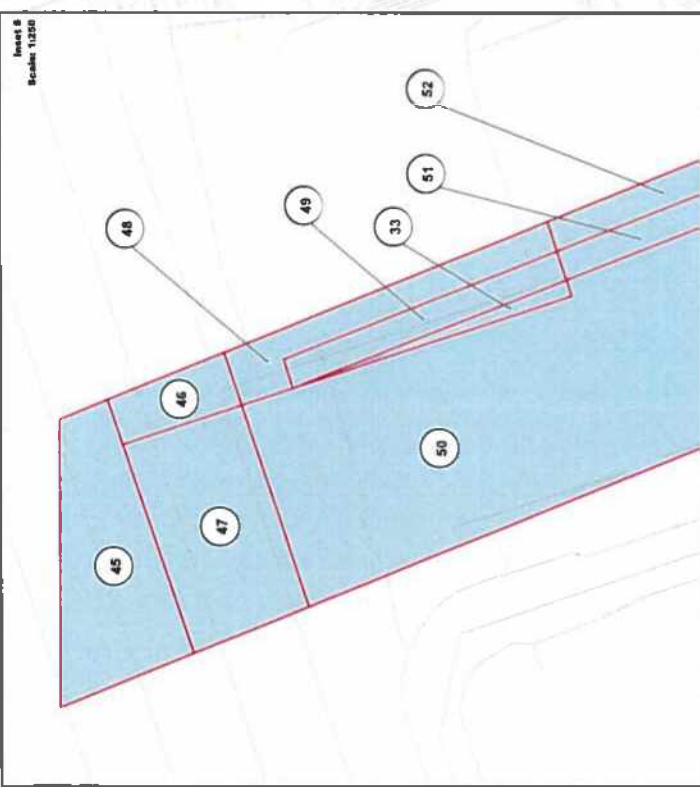
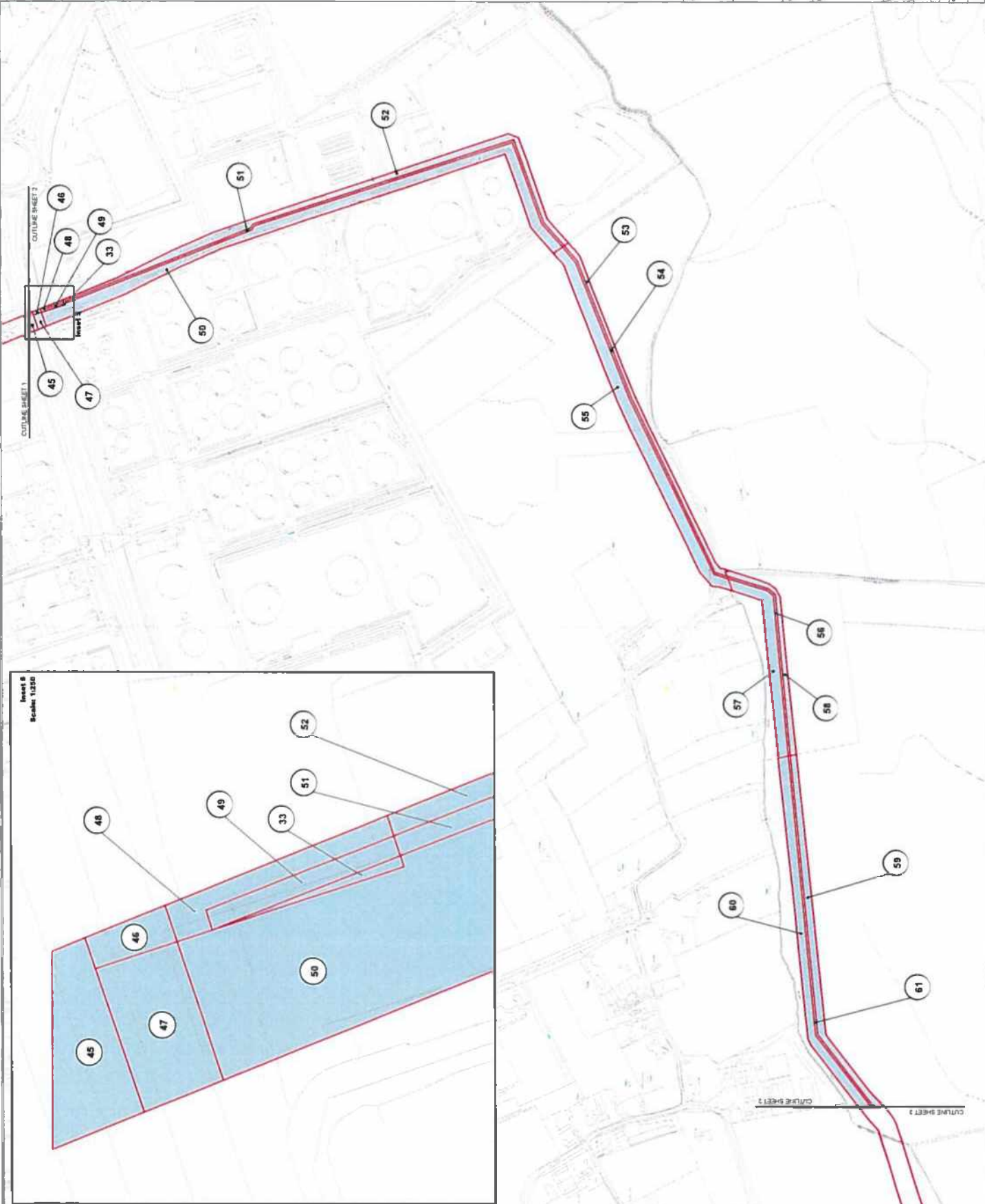
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Date: 17/03/2018

Project: THE VPI IMMINGHAM OCGT PROJECT

Sheet: 11 OF 4



- Key**
- Other land - the area within which powers of compulsory acquisition will be exercised
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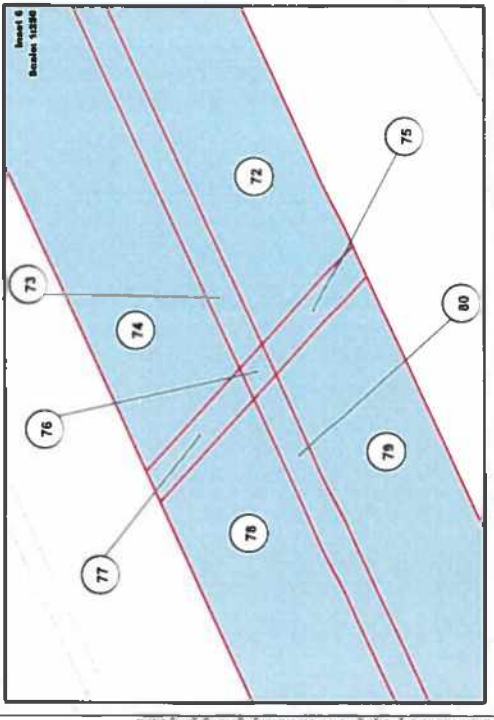
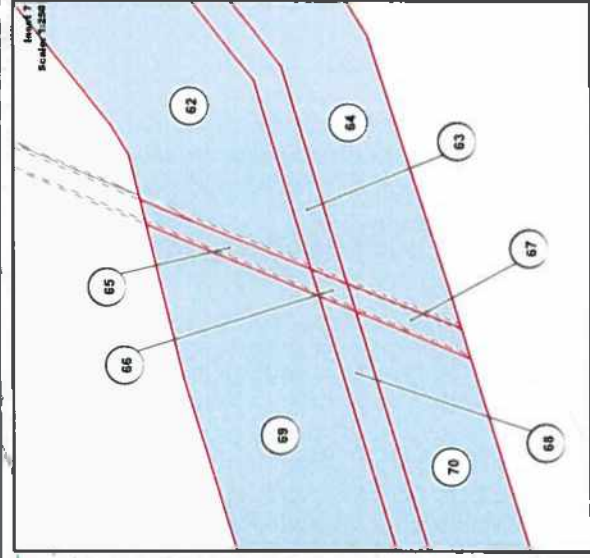
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APPLICATION DOCUMENT REFERENCE NO. 4.2
 LAND PLANS
 SHEET 2 OF 4

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Checked	J. J. JONES	Approved	J. J. JONES
Drawn	J. J. JONES	Project	THE VPI IMMINGHAM OCGT PROJECT
Client	VPI Immingham	Drawn by	J. J. JONES



Key

- Chosen land - the area within which owners of compulsory acquisition are to be determined (including the land)
- Order land - the rights to be compulsorily acquired and in relation to which it is proposed to introduce easements, covenants and other private rights
- Other land - land to be compulsorily acquired but in relation to which it is not proposed to introduce easements, covenants and other private rights
- Order land - Temporary use of land and in relation to which it is proposed to introduce easements, covenants and other private rights

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VPI Immingham

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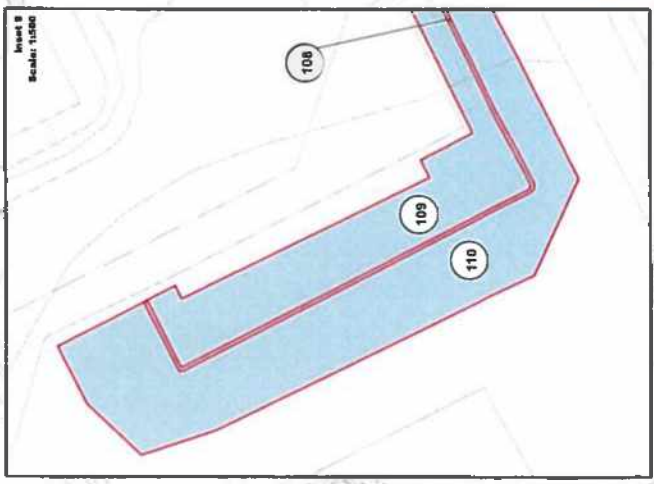
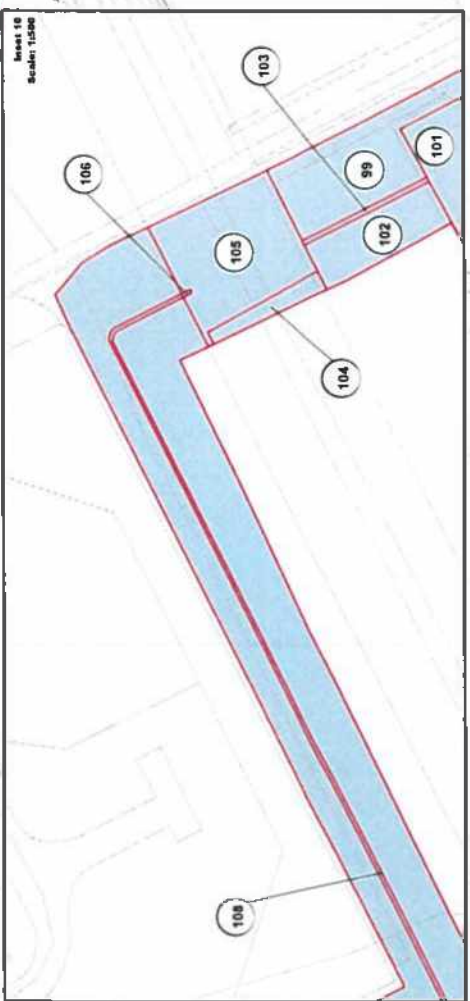
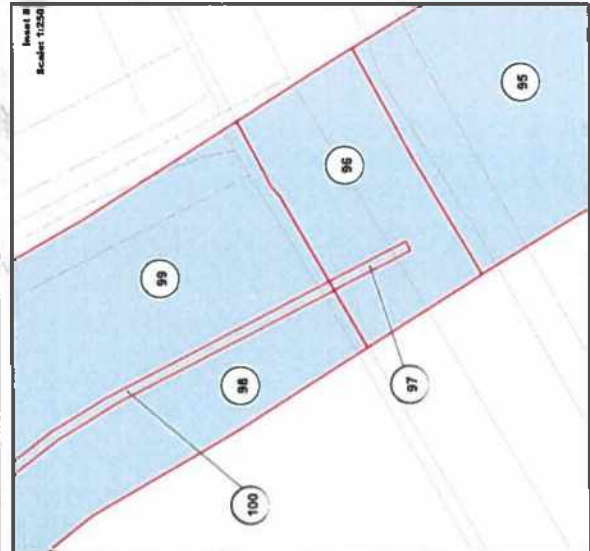
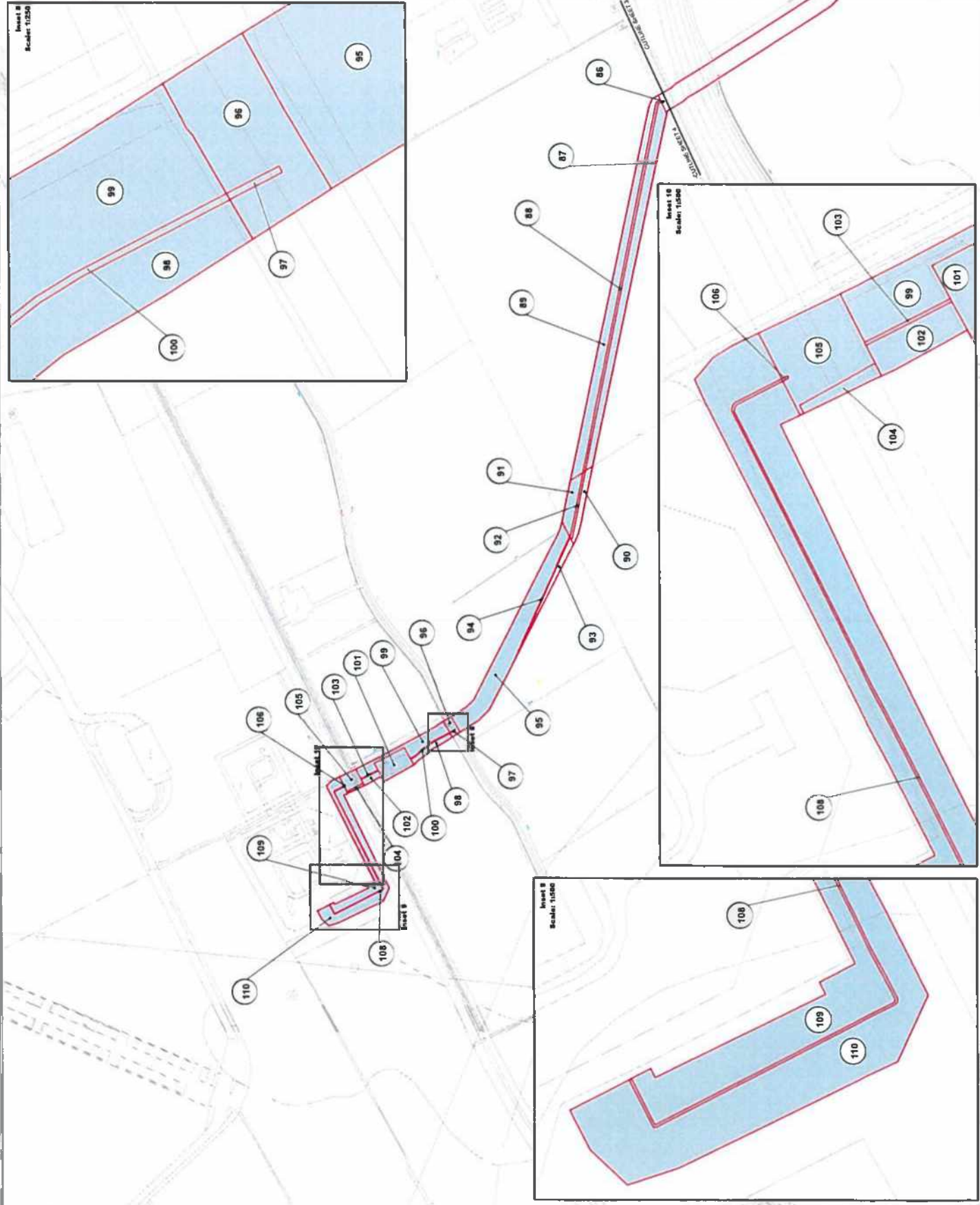
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Application Document Reference No. 42
LAND PLANS
SHEET 3 OF 4

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Author	AS
Checked	AS
Drawn	AS
Project	THE VPI IMMINGHAM OCGT PROJECT

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Key

- Green Area - The land which is the subject of the compulsory acquisition order and the land which is proposed to be acquired.
- Orange Area - New roads to be compulsorily acquired and in relation to which a road order is proposed.
- Blue Area - Footpaths to be compulsorily acquired and in relation to which a footpath order is proposed.
- Red Area - Temporary use of land and in relation to which it is proposed to make arrangements, structures and other physical signs.



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APPLICATION DOCUMENT REFERENCE NO. 4.2
 LAND PLANS
 SHEET 4 OF 4

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Client	VPI Immingham		
Contract	THE VPI IMMINGHAM OCGT PROJECT		
Drawings Reference	D:_ARDC\VPI_IMMINGHAM_LP_DATA_R012		