

# VPI Immingham OCGT Project

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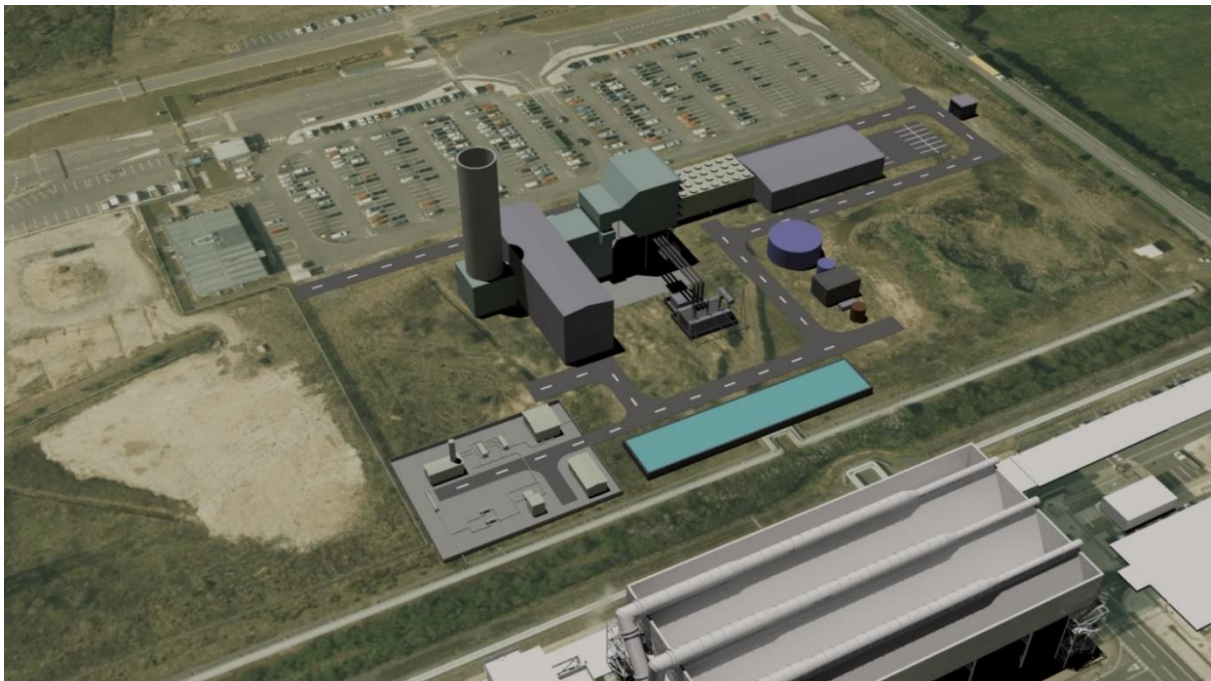
## The Immingham Open Cycle Gas Turbine Order

Land at and in the vicinity of the existing VPI Immingham Power Station, South Killingholme, North Lincolnshire, DN40 3DZ

## The Applicant's Written Submission of Oral Case – DCO Hearing 2

## Examination Deadline 5

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Applicant: VPI Immingham B Ltd

Date: December 2019

## DOCUMENT HISTORY

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## GLOSSARY

| <b>Abbreviation</b>   | <b>Description</b>  |
|-----------------------|---|
| 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 – installations used to support the safe and efficient operation of the pipeline; above ground installations are needed at the start and end of a gas pipeline and at intervals along the route.  |
| 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 in respect of the Proposed Development, required pursuant to Section 31 of the Planning Act 2008 because the Proposed Development is a Nationally Significant Infrastructure Project under Section 14(1)(a) and Section 15 of the Planning Act 2008 by virtue of being an onshore generating station in England of more than 50 Megawatts electrical capacity. |
| Application Documents | The documents that make up the Application (as defined above).  |
| CHP                   | Combined Heat and Power – A technology that puts to use the residual heat of the combustion process after generation of electricity that would otherwise be lost to the environment.  |
| CTMP                  | Construction Traffic Management Plan – a plan outlining measures to organise and control vehicular movement on a construction site so that vehicles and pedestrians using site routes can move around safely.   |
| CWTP                  | Construction Workers Travel Plan – a plan managing and promoting how construction workers travel to a particular area or organisation. It aims at promoting greener, cleaner travel choices and reducing reliance on the private car.   |
| dB                    | decibel   |
| DCO                   | A Development Consent Order made by the relevant Secretary of State pursuant to The Planning Act 2008 to authorise a Nationally Significant Infrastructure Project. A DCO can incorporate or remove the need for a range of consents which would otherwise be required for a development. A DCO can also include powers of  |

| Abbreviation                | Description   |
|-----------------------------|---|
|                             | compulsory acquisition.   |
| EA                          | Environment Agency – a non-departmental public body sponsored by the United Kingdom government's Department for Environment, Food and Rural Affairs (DEFRA), with responsibilities relating to the protection and enhancement of the environment in England.  |
| EH                          | English Heritage – (now Historic England) – a non-departmental public body of the British Government responsible for heritage protection and management of a range of historic properties.  |
| EHO                         | Environmental Health Officer – practitioners responsible for carrying out measures for protecting public health, including administering and enforcing legislation related to environmental health.   |
| EIA                         | Environmental Impact Assessment – a term used for the assessment of environmental consequences (positive or negative) of a plan, policy, program or project prior to the decision to move forward with the proposed action.   |
| Electrical Connection 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 exiting 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      | The existing VPI Immingham Power Station. This facility is a gas-fired combined heat and power ('CHP') plant near Immingham providing steam and electricity to the neighbouring refineries and electricity to the National Grid.  |
| Existing VPI CHP Plant Site | The land comprising the Existing VPI CHP Plant, located immediately to the south of the Main OCGT Power Station Site.   |
| Flood Zone 1                | Land with an Annual Exceedance Probability of less than 0.1% risk from fluvial flooding.  |
| Flood Zone 2                | Land with an Annual Exceedance Probability of between 0.1% and 1% risk from fluvial flooding.   |
| Flood Zone 3a               | Land having a 1 in 100 or greater annual probability of river flooding or land having a 1 in 200 or greater annual probability of sea flooding.   |
| Flood Zone 3b               | An area defined as the functional floodplain, that the area where water has to flow or be stored in the event of a flood. Land which would flood with a 1 in 20 (5%) annual probability or greater in any year, or is designed to flood in a 0.1% event should provide the starting point for designation of Flood Zone 3b. |
| FRA                         | Flood Risk Assessment – the formal assessment of flood risk issues relating to the Proposed Development. The findings are presented in an appendix to the Environmental Statement.  |

| <b>Abbreviation</b>         | <b>Description</b>  |
|-----------------------------|---|
| Gas Connection              | Work No. 4 – the new underground and overground gas pipeline  |
| Gas Connection Site         | The land required for Work No.5.  |
| GCN                         | Great Crested Newts   |
| 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.  |
| HE                          | Historic England – an executive non-departmental body of the British Government tasked with protecting the historical environment of England.   |
| HRA                         | Habitats Regulations Assessment – the assessment of the impacts of implementing a plan or policy on a Natura 2000 site.   |
| km                          | Kilometre – unit of distance.   |
| Local Nature Reserve or LNR | A non-statutory site of local importance for wildlife, geology, education or public enjoyment.  |
| LPA                         | Local Planning Authority  |
| LSE                         | Likely significant effect, a term used in the ES to describe when effects on a receptor are predicted to be significant   |
| LVIA                        | Landscape and Visual Impact Assessment  |
| Lw                          | Sound Power Level   |
| LWS                         | Local Wildlife Site   |
| m                           | Metres – unit of distance.  |
| MW                          | Megawatts – unit of energy.   |
| NATA                        | New Approach to Appraisal   |
| NEILDB                      | North East Lincolnshire Local Drainage Board  |
| NELC                        | North East Lincolnshire Council   |
| NG                          | National Grid   |
| NGG                         | National Grid Gas plc   |
| NGET                        | National Grid Electricity Transmission plc  |
| NLC                         | North Lincolnshire Council  |
| NPPF                        | The National Planning Policy Framework – Policy Framework which was introduced in March 2012 and updated in July 2018. The NPPF is part of the Government's reform of the planning system intended to make it less complex, to protect the environment and to promote sustainable growth. It does not contain any specific policies on Nationally Significant Infrastructure Projects but its policies may be taken into account in decisions on DCOs if the Secretary of State considers them to be both important and relevant. |
| NPS                         | National Policy Statements – statements produced by Government under the Planning Act 2008 providing the policy framework for Nationally Significant Infrastructure Projects. They include the Government's view of the need for and objectives for the development of Nationally Significant Infrastructure Projects in a particular sector such as energy and are the primary matter against which applications for NSIPs are determined.   |
| NSER                        | No Significant Effects Report – for the Habitats Regulations Assessment (HRA).  |

| <b>Abbreviation</b>     | <b>Description</b>   |
|-------------------------|--|
| NSIP                    | Nationally Significant Infrastructure Project – Defined by the Planning Act 2008 and including projects relating to energy (including generating stations, electric lines and pipelines); transport (including trunk roads and motorways, airports, harbour facilities, railways and rail freight interchanges); water (dams and reservoirs, and the transfer of water resources); waste water treatment plants and hazardous waste facilities. These projects are only defined as nationally significant if they satisfy a statutory threshold in terms of their scale or effect. The Proposed Development is a NSIP. |
| NSRs                    | Noise Sensitive Receptors – locations or areas where dwelling units or other fixed, developed sites of frequent human use occur.   |
| NTS                     | Non-Technical Summary – this document is a summary of the Environmental Statement written in non-technical language for ease of understanding.   |
| 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                   | Immingham Open Cycle Gas Turbine Order   |
| Order land              | The area over which powers of compulsory acquisition or temporary possession are sought in the DCO, shown on the Land Plans. The Order land is the same area as the Project Land.  |
| Order limits            | The area in which consent to carry out works is sought in the DCO, the area is split into different Work Numbers which are set out Schedule 1 to the DCO and shown on the Works Plans. The Order limits is the same area as the Site .   |
| PA 2008                 | Planning Act 2008. An Act which provides the need for and the powers to apply for and grant development consent orders ('DCO') for nationally significant infrastructure projects ('NSIP').  |
| PEA                     | Preliminary Ecological Appraisal (PEA Report – report establishing baseline conditions and evaluating the importance of any ecological features present.   |
| PEI                     | Preliminary Environmental Information – an initial statement of the main environmental information available for the study area.   |
| PEIR                    | Preliminary Environmental Information Report – a report outlining the preliminary environmental information and which is published during the pre-application consultation on a NSIP.  |
| PHE                     | Public Health England – an executive agency, sponsored by the Department of Health, to protect and improve the nation's health and wellbeing and reduce health inequalities.   |
| PINS                    | Planning Inspectorate – executive agency of the Ministry of Housing, Communities and Local Government of the United Kingdom Government. It is responsible for examining applications for NSIPs, and reporting to the Secretary of State who makes a final decision on such applications.   |
| PPG                     | Planning Practice Guidance – guidance expanding upon and supporting the NPPF.  |

| 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   |
| SAC                                     | Special Area of Conservation – High quality conservation sites that are protected under the European Habitats Directive, due to their contribution to conserving those habitat types that are considered to be most in need of conservation.  |
| SHBSES                                  | South Humber Bank Strategic Employment Site   |
| SINC                                    | Site of Nature Conservation Interest  |
| Site                                    | The land required for the Proposed Development, and which is the same as the 'Order limits' (in the DCO).   |
| SoCC                                    | Statement of Community Consultation   |
| SoS                                     | The Secretary of State – the decision maker for DCO applications and head of a Government department. In this case the SoS for the Department for Business, Energy & Industrial Strategy (formerly the Department for Energy and Climate Change).   |
| SPA                                     | Special Protection Area – strictly protected sites classified in accordance with Article 4 of the EC Birds Directive. Special Protection Areas are Natura 2000 sites which are internationally important sites for the protection of threatened habitats and species.   |
| SSSI                                    | Site of Specific Scientific Interest – nationally designated Sites of Special Scientific Interest, an area designated for protection under the Wildlife and Countryside Act 1981 (as amended), due to its value as a wildlife and/or geological site.   |
| SUDS                                    | Sustainable Urban Drainage System   |
| SWMP                                    | Site Waste Management Plan (SWMP)   |
| TA                                      | Transport Assessment  |
| TCPA 1990                               | Town and Country Planning Act 1990 (as amended) – the Act that regulates the majority of development of land in England and Wales, but which is not directly applicable to this proposed development as it is a NSIP, regulated by the Planning Act 2008.   |
| Temporary Construction and Laydown      | Work No. 3 – temporary construction and laydown areas 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. There are three construction and laydown areas included in the Application. |
| Temporary Construction and Laydown Site | Land Required for Work No. 3.   |
| TLOR                                    | Total Lindsey Oil Refinery  |
| UAEL                                    | Unacceptable Observed Effect Level  |
| Utilities and Services Connections      | Work No 6 – utilities and services connections to the OCGT Power Station.   |

| <b>Abbreviation</b>                     | <b>Description</b>   |
|---|--|
| 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 EPA                                 | VPI Energy Park A – the land proposed for the development of a 49.9 MW gas-fired power station that benefits from planning permission granted by NLC in 2018 (Reference: PA/2018/918).   |
| VPI LLP                                 | VPI Immingham LLP – the owner and operator of the Existing VPI CHP Plant.  |
| WCA                                     | The Wildlife and Countryside Act 1981 – legislation for the protection of animals, plants and certain habitats in the UK.  |
| WHO                                     | World Health Organisation  |
| Work No.1                               | An OCGT power station (the 'OCGT Power Station') with a gross capacity of up to 299MW.   |
| Work No.2                               | Access works (the 'Access Site'), comprising access to the Main OCGT Power Station Site and access to Work Nos. 3, 4, 5 and 6.   |
| Work No.3                               | Temporary construction and laydown area (the 'Temporary Construction and Laydown') comprising hard standing, laydown and open storage areas, contractor compounds and staff welfare facilities, vehicle parking, roadways and haul routes, security fencing and gates, gatehouses, external lighting and lighting columns; |
| Work No.4                               | An underground and overground gas pipeline (the 'Gas Connection') of up to 600 mm (nominal internal diameter) for the transport of natural gas to Work No. 1.  |
| Work No.5                               | An electrical connection (the 'Electrical Connection') of up to 400 kilovolts and control systems.   |
| Work No.6                               | Utilities and services connections (the 'Utilities and Services Connections').   |
| 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 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 'The Immingham Open Cycle Gas Turbine 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 'Site Description' (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 'Site Description' (Application Document Refs: 6.2.1 and 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 provides a written summary of the Applicant's oral case at the DCO Hearing held at 2pm on 4 December 2019. This document has been submitted for Deadline 5 of the Examination (12 December 2019).

## **2. WRITTEN SUMMARY OF APPLICANT'S ORAL CASE**

### **2.1 Introductory Remarks**

- 2.1.1 The DCO Hearing was held at 2pm on 4 December 2019 at The Ashbourne Hotel, Vicarage Lane, North Killingholme, North Lincolnshire, DN40 3JL.
- 2.1.2 The main purpose of the DCO Hearing was to enable the ExA to inquire further into certain matters in relation to the Applicant's draft DCO.
- 2.1.3 The DCO Hearing took the form of running through the Examining Authority's ('ExA') agenda published on 26 November 2019.

### **2.2 The Applicant (participants)**

- 2.2.1 The Applicant:
- Marvin Seaman, VPI
  - Nick McDonald, Pinsent Masons

### 2.3 Applicant's Summary of Oral Case

Table 2.3 – Applicant's Summary of Oral Case

|    | AGENDA   | SUMMARY OF ORAL CASE   |
|----|--|--|
| 1. | <b>Welcome, introductions and arrangements for the Hearing</b> | n/a  |
| 2. | <b>Main Discussion Points</b>                                  | n/a  |
|    | <b>Protective Provisions</b>                                   | In response to a question from the Examining Authority the Applicant confirmed that a revised draft DCO would be submitted at Deadline 5 which would include updates to the Protective Provisions. In some cases the updates to the Protective Provisions would not be in agreed form, depending on the status of negotiations with each party. The Applicant also confirmed that there were some Interested Parties who are seeking Protective Provisions not currently included in the dDCO - wherever possible these additional Protective Provisions will be included in the revised dDCO to be submitted at Deadline 6.   |
|    | <b>Articles 27 &amp; 28 NPA 2017</b>                           | <p>The Applicant confirmed that the relevant provisions of the Neighbourhood Planning Act 2017 (NPA) were not yet in force and also confirmed that the provisions of Articles 27 and 28 were similar to those included in other (made) DCOs, including those made very recently such as the Abergelli Power Gas Fired Generating Station Order 2019.</p> <p>In response to a question from the Examining Authority which asked the Applicant to justify not aligning the Articles with the NPA provisions, the Applicant noted that it had previously addressed this in response to First Written Question 1.3.6 (Document Ref. 7.2), and those submissions were not repeated.</p> <p>The Applicant confirmed that in terms of aligning the Articles more closely with the NPA, it was content to make two of the three changes noted in Written Question 1.3.6: (1) the notice period would be not less than 3 months, as per the NPA and (2) any notices served under the two articles would be required to specify the proposed period of occupation.</p> |

|  |                              |  |
|--|------------------------------|--|
|  |                              | <p>With regard to the other NPA provisions and in particular those concerning a land owner's ability to serve a counter notice requiring acquisition of the land, the Applicant confirmed that it considered that the proposed use of the temporary possession powers could be inconsistent with provision of that nature. The Applicant noted that the temporary possession powers relate to specific areas of land, but like other DCOs are drafted so as to also apply to all of the Order Land. This is to allow a flexible and proportionate approach to the land interests that are acquired by the undertaker.</p> <p>The undertaker would design the scheme, achieving a certain level of detail, and then go onto the land (under the temporary possession powers), carry out further surveys and works, with that process fixing the final position of apparatus. The powers within the dDCO allow the Applicant to take temporary possession to carry out the works in this way, upon completion of which the Applicant would identify the land required permanently (i.e. the easement area) and which it would then acquire permanent rights over. If the NPA counter-notice provisions applied these would cut through this flexibility, and force the applicant to take a permanent interest in land at an earlier stage, before the works were completed. This would almost inevitably mean that the acquisition area would be defined by a broader works area, rather than relating to the actual area over which a permanent easement was needed. The Applicant confirmed that these practical issues with applying the NPA counter-notice provisions would result in an unsatisfactory position, for both the Applicant and any relevant landowner.</p> <p>The Applicant is therefore of the view that the DCO should provide that the NPA does not apply, as is currently drafted.</p> |
|  | <p><b>Requirement 19</b></p> | <p>The Applicant confirmed that it would amend paragraph 3 of Requirement 19 to refer to +3db, as requested by North Lincolnshire Council (<b>NLC</b>). The Applicant also confirmed that it would delete previous paragraph (4) which was now otiose given the agreed amendment to paragraph 3.</p> <p>The Applicant also confirmed that an updated SoCG had been issued to NLC to reflect the proposed changes to Requirement 19 and that these changes would be included by the Applicant in the dDCO to be submitted at Deadline 5.</p>  |

|    |  |  |
|----|--|--|
|    | <b>Expectations and Timetable for draft DCO</b>                        | <p>In terms of changes to the dDCO at Deadline 5, the Applicant anticipates making the following changes:</p> <ul style="list-style-type: none"> <li>• Requirement 19 – see above;</li> <li>• Schedule 9 – replacing the word “shall” which is in some of the newly inserted protective provisions;</li> <li>• Schedules 9 and 13 – updates to protective provisions where those have already been agreed or where they are agreed or the Applicant proposes changes prior to Deadline 5; and</li> <li>• Schedule 11 – updates to the referencing of the documents to be certified, including adding version numbers.</li> </ul> |
| 3. | <b>Opportunity for other parties to ask questions on the draft DCO</b> | n/a  |
| 4. | <b>Any other matters</b>   | n/a  |
| 5. | <b>Close</b>   | n/a  |



## **2.4 Close**

2.4.1 The hearing closed at 12.08pm.