

VPI Immingham OCGT Project

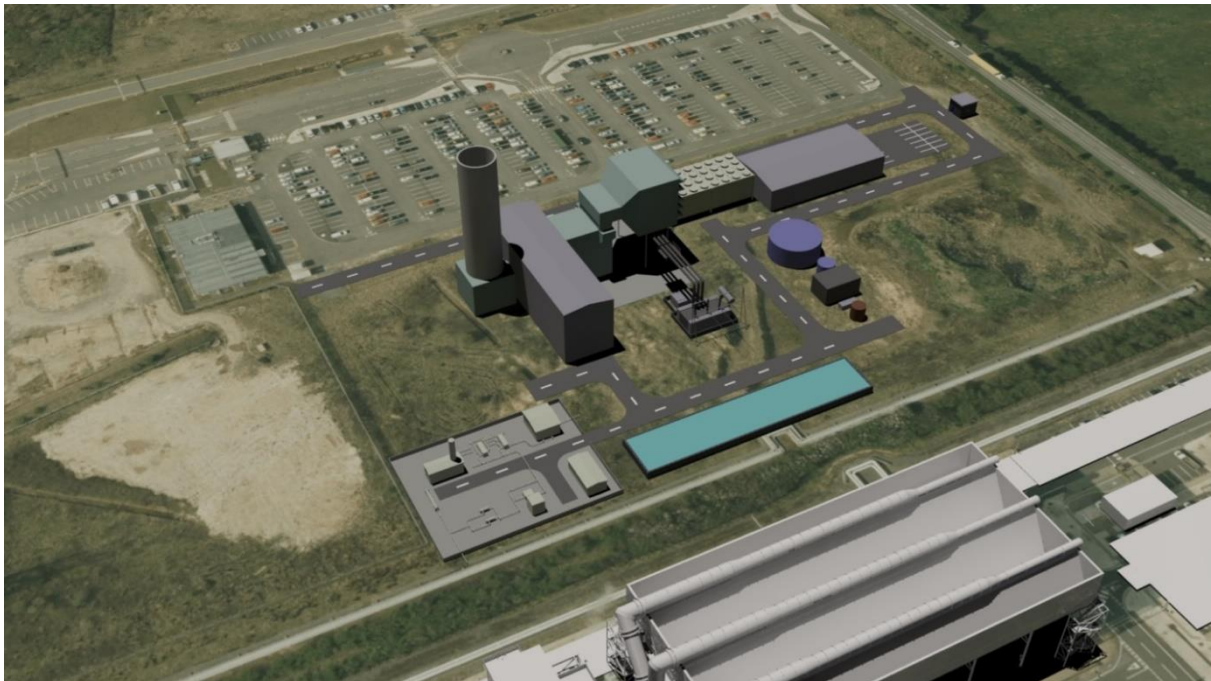
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The Immingham Open Cycle Gas Turbine Order

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

The Applicant's Deadline 6a Response

Examination Deadline 6a



Applicant: VPI Immingham B Ltd

Date: January 2020

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GLOSSARY

Abbreviation	Description
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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).
CCA 2008	The Climate Change Act 2008
CCA Order	The Climate Change Act 2008 (2050 Target Amendment) Order 2019
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

Abbreviation	Description
	Significant Infrastructure Project. A DCO can incorporate or remove the need for a range of consents which would otherwise be required for a development. A DCO can also include powers of compulsory acquisition.
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

Abbreviation	Description
	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.
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
NET	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

Abbreviation	Description
	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).
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

Abbreviation	Description
	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.
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	Land Required for Work No. 3.

Abbreviation	Description
Construction and Laydown Site	
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.
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 sets out the Applicant's response for Deadline 6a of the Examination. It is structured as follows:
- Section 2 – sets out the Applicant's case in respect of the tests set out in sections 127 and 138 of the PA 2008;
 - Section 3 – sets out the Applicant's response to the request to provide information on how the amended emissions target contained in the Climate Change Act 2008 (2050 Target Amendment) Order 2019 affects assessments made in the application.
- 1.6.2 The Examining Authority also requested an updated Compulsory Acquisition Schedule at Deadline 6a – this is provided as a separate document.

2. SECTION 127 AND 138 TESTS

- 2.1.1 Section 127 applies to statutory undertakers' land if it has been acquired for the purposes of its undertaking, and a representation has been made by the statutory undertaker and not withdrawn. Various statutory undertakers have made representations in respect of the DCO application - if not withdrawn the DCO may include provision authorising the compulsory acquisition of a statutory undertaker's land only to the extent that the Secretary of State is satisfied that the land can be acquired without serious detriment to the undertaking. The alternative provision – that the land will be replaced – is not relevant here.
- 2.1.2 Section 138 applies in two circumstances. First it applies to land if there is a “relevant right” (being a right of way, or a right of laying down, erecting, continuing or maintaining apparatus on the land), and that right is vested in a statutory undertaker for carrying out its undertaking. Secondly it applies if there is “relevant apparatus” in the land, being apparatus that is vested in a statutory undertaker for carrying out its undertaking.
- 2.1.3 Section 138(4) provides that a DCO may include provision for the extinguishment of the relevant right, or the removal of the relevant apparatus only if the Secretary of State is satisfied that the extinguishment or removal is necessary for the purpose of carrying out the development to which the DCO relates.
- 2.1.4 The Applicant has had regard to the DCLG guidance in relation to progressing negotiations for voluntary agreements in parallel to seeking compulsory acquisition powers as a contingency measure. This is explained in the Statement of Reasons.
- 2.1.5 Set out in Table 2.1 below is an update on the position with respect to each of the relevant statutory undertakers and addressing the matters the Secretary of State must consider in respect of the application of sections 127 and 138.

Table 2.1 – Update

STATUTORY UNDERTAKER	COMMENTS
Network Rail Infrastructure Limited	<p>The Existing Gas Pipeline passes under the railway in two places, and there are easements in place (benefitting VPI Immingham LLP) for these crossings. Network Rail and the Applicant have an agreed approach to the property agreements required for the Existing Gas Pipeline. Draft property agreements are at an advanced stage of negotiation and the Applicant expects to settle these in advance of the close of the Examination. The Applicant has been liaising with Network Rail to agree the terms of a deed of easement to enable the Applicant to use the existing pipeline located on Network Rail's land.</p> <p>As no works to the pipeline or on, or in proximity to, Network Rail's land are to be authorised by the DCO, the Applicant does not consider that Network Rail's standard protective provisions (included in REP-022) are suitable in the circumstances.</p>

STATUTORY UNDERTAKER	COMMENTS
	<p>Alongside the negotiation of the property documents, the Applicant and Network Rail have also been discussing alternative protective provisions to the standard ones proposed in Network Rail's relevant representation. The Applicant has recently received Network Rail's latest comments on its proposed protective provisions which indicate that the provisions are very nearly settled and are expected to be in agreed final form prior to the close of the Examination. On this basis, the Applicant is confident that Network Rail will withdraw its objection to the DCO and the provisions of sections 127 and 138 will not apply to Network Rail. In the event that Network Rail does not withdraw its objection, the Applicant considers that the protective provisions within the latest draft DCO provide sufficient protection for Network Rail's undertaking.</p>
Cadent Gas Limited	<p>The Applicant submitted revised Land Plans, Access and Rights of Way Plans and an updated Book of Reference at Deadline 4 to reflect the agreed position with Cadent in relation to Plots 107, 109 and 111. Cadent has confirmed to the Applicant that based on the changes to these documents this issue is closed out and nothing further is required.</p> <p>Discussions with Cadent are ongoing in respect of protective provisions. However, there are still a number of outstanding issues between the parties. It is still hoped that agreement can be reached but the Applicant cannot state with certainty that this will happen before the close of the Examination. In the event that Cadent does not withdraw its objection, the Applicant considers that the protective provisions within the latest draft DCO provide sufficient protection for Cadent's undertaking</p>
National Grid Electricity Transmission plc (NGET) and National Grid Gas (NGG) plc	<p>The Applicant is discussing the terms of the protective provisions and a side agreement with National Grid with a view to enabling National Grid to withdraw its relevant representation. Discussions are at an advanced stage with National Grid on the protective provisions and side agreement, with the documents agreed subject to a final review. The Applicant anticipates reaching agreement with National Grid before Deadline 7.</p> <p>In the event that National Grid does not withdraw its objection, the Applicant considers that the protective provisions within the latest draft DCO provide sufficient protection for National Grid's respective undertakings.</p>
Orsted - Hornsea 1 Limited and Hornsea 2 companies	<p>As confirmed in the Hornsea SoCGs (Document Ref: 8.9), the areas of overlap with the HOW01 and HOW02 infrastructure are solely within the Existing Gas Pipeline Site, where the Applicant has sought powers of compulsory acquisition. The Applicant has proposed a draft form of crossing agreement with each of Hornsea 1 and Hornsea 2</p>

STATUTORY UNDERTAKER	COMMENTS
	<p>The parties have discussed the terms of the draft crossing agreements, including in the context of the existing agreement which is in place between Hornsea 1 Limited and VPI Immingham LLP and the similar agreement being negotiated between the Hornsea 2 companies and VPI Immingham LLP.</p> <p>The Hornsea companies indicated that alongside the crossing agreement they would like to see protective provisions included in the Order. The Applicant has agreed this in principle and submitted its proposed form of protective provisions at Deadline 6. Two amendments have been agreed in respect of these – to alter the protection zone to 20m (from 10m) and to alter the reference to "interests in land" to "interests", in the definition of "Hornsea 1's interests".</p> <p>The Applicant and Hornsea 1 and 2 are continuing to discuss the terms of the proposed crossing agreements and associated protective provisions. The form of the agreements is well advanced, with very few matters remaining under negotiation. The Applicant anticipates reaching agreement with the Hornsea companies imminently, and the consequential withdrawal of the Hornsea companies' representations.</p> <p>In the event that the Hornsea companies do not withdraw their objections, the Applicant considers that the protective provisions within the latest draft DCO provide sufficient protection for the Hornsea companies' undertakings.</p>
BT, Cornerstone Telecommunications, Vodafone, Telefonica, Virgin Media	<p>The Applicant has included standard Protective provisions in the draft Order, and these have separately been issued to each of these telecommunication companies.</p> <p>The Examining Authority will note that none of these parties has made a relevant representation and therefore s127 does not apply. The protective provisions included in the draft Order adequately protect their respective apparatus.</p>
Anglian Water	<p>Anglian Water owns apparatus within the Order Limits in Rosper Road and also has apparatus along the length of the Existing Gas Pipeline Site.</p> <p>The Applicant has agreed protective provisions with Anglian Water and these are included within the draft Order.</p> <p>The Examining Authority will note that Anglian Water has not made a relevant representation and therefore s127 does not apply. The protective provisions included in the draft Order adequately protect Anglian Water's apparatus and undertaking.</p>
Northern Powergrid	<p>Northern Powergrid owns a substation adjacent to Rosper Road which lies outside the Order limits. However, the cables</p>

STATUTORY UNDERTAKER	COMMENTS
	<p>associated with the substation fall within the Order Limits. Northern Powergrid also owns apparatus along the length of the Existing Gas Pipeline.</p> <p>The Applicant and Northern Powergrid are at an advanced stage of negotiation on the proposed Protective Provisions, which were included within the version of the dDCO submitted at Deadline 5.</p> <p>The Examining Authority will note that Northern Powergrid has not made a relevant representation and therefore s127 does not apply. The protective provisions included in the draft Order adequately protect Anglian Water's apparatus and undertaking.</p>

3. 2050 TARGET AMENDMENT

3.1.1 As noted by the Examining Authority the Climate Change Act 2008 (2050 Target Amendment) Order 2019 ('the CCA Order') implemented a 'net-zero emissions' target by amending the Climate Change Act 2008 (CCA 2008). The CCA Order came into force on 27 June 2019, after the date that the DCO Application was submitted.

3.1.2 In this section the Applicant sets out the following:

- The over-arching position of the Proposed Development in light of the CCA Order, including considering the policy position; and
- Specifically any impact of the CCA Order on the Environmental Statement.

3.2 Effect of the CCA Order on the DCO Application

3.2.1 The CCA 2008 now requires the UK government to achieve a net zero greenhouse gas emissions target by 2050. Neither the CCA 2008 nor the CCA Order stipulate policies or a pathway to achieving this. The UK's Committee on Climate Change (CCC) is required to provide advice to the Government on meeting this 2050 net-zero emissions target and did so in May 2019 where it recommended that the 2050 target be adopted. As part of these recommendations it included a cost-effective pathway for the UK to adopt, and this included advice about the use of gas in power generation.

3.2.2 The CCC's advice highlighted that gas will still play a significant role in power generation out to 2050 and beyond, albeit in a decarbonised manner either through the use of Carbon Capture, Usage and Storage (CCUS) or hydrogen. Peak demand in the scenario is very high at 150 gigawatts (GW), due to increased electrification of heat and transportation. Modelling from Imperial College (used for the analysis) suggests a need for between 40-120 GW of backup gas plant (hydrogen or gas CCUS) operating in 2050. For context, peak demand today is approximately 41 GW with current installed gas capacity at 39 GW. Given the need to retire older gas plant, new plant will need to be built to replace these units.

3.2.3 Similar analysis was conducted by National Grid Electricity System Operator ('ESO') for their Future Energy Scenarios. National Grid ESO is required to maintain power system stability through carefully balancing supply and demand in real time, and in their recent framework provided a scenario which can meet a net-zero emissions target. Similar to the CCC's advice, National Grid ESO's estimates (in Future Energy Scenarios 2019, 'FES') show decarbonised gas plays a key role as back-up on the energy system in a net-zero situation, with 42.9 GW of installed capacity on the system. Like the CCC's advice, the FES also notes a significantly higher electricity demand in 2050, as a result of decarbonisation of various sectors.

3.2.4 It is therefore clear that gas-fired generating stations will continue to play a key role in the country's energy system up to 2050, and after that. The Applicant notes that the Proposed Development could well operate for a period of 25 years before 2050, a substantial period during which time it will provide the essential services noted above.

- 3.2.5 The relevant National Policy Statements are the primary basis on which the DCO Application must be determined, pursuant to section 104 of the Planning Act 2008 (PA 2008), and in particular EN-1 (Overarching National Policy Statement for Energy). The Applicant's Planning Statement (APP-020) and representations during the examination note the relevant parts of the NPS; in particular that EN-1 identifies an urgent need for new energy generation of all types. It is clear that the Appraisals of Sustainability for EN-1 and EN-2 considered climate change, and dismissed alternative policies (such as ones placing more emphasis on reducing greenhouse gas emissions) as there would be a greater negative impact than the EN-1 policies on security of supply or the natural environment.
- 3.2.6 The correct approach for the Examining Authority and the SoS remains to consider the DCO Application in line with the NPS, having regard to the requirements of the CCA 2008 (pursuant to section 104(5) PA 2008). The Proposed Development is compliant with current carbon capture legislation and policy (principally the Carbon Capture Readiness (Electricity Generating Station) Regulations 2013, and policy in NPS EN-1) as it stands, and will comply with any future legislative requirements which may be brought forward.
- 3.2.7 These scenario analyses provided by two prominent and expert organisations clearly indicate that energy demand is predicted to significantly increase, and that gas power stations, such as the VPI Immingham OCGT Project, have an important role to play in the energy system out to 2050 and beyond. As policy is developed by Government, the Proposed Development is capable of adapting to meet progressive decarbonisation targets – until policy mandates and support carbon capture or hydrogen deployment, the Proposed Development still supports progressive decarbonisation as it allows greater penetration of renewables in the energy generation mix.

3.3 Impact of the CCA Order on the Environmental Statement

- 3.3.1 The Applicant has considered whether the net zero target brought in via the CCA Order has any effect on the assessments in the Environmental Statement (APP-028 to APP-106), as set out in Table 3.1 below.

Table 3.1 – Assessment in the ES

ES CHAPTER	ASSESSMENT SUBJECT	COMMENTS
6	Air Quality	No implications. The assessment of carbon dioxide emissions is explicitly excluded from the scope of the assessment presented in this Chapter. The assessment of carbon dioxide and other Greenhouse Gas (GHG) emissions from the proposed development is presented in Chapter 15: Sustainability and Climate Change.
7	Traffic and Transportation	No implications. This chapter assesses the impact of the proposed development on traffic and transportation infrastructure. The assessment of Greenhouse Gas (GHG) emissions from the potential traffic increases associated with the proposed development is presented in Chapter 15: Sustainability and Climate Change.

ES CHAPTER	ASSESSMENT SUBJECT	COMMENTS
15	Sustainability and Climate Change	<p>This chapter refers to the Climate Change Act 2050 net UK carbon account of 80% of the 1990 baseline, having been submitted in advance of the change in legislation. The subsequent alteration of the target to 100% is not considered to have any effect on the assessment presented in the ES.</p> <p>The assessment consisted of a comparison against the 4th and 5th carbon budgets to 2032, for which the emissions of the proposed development equate to less than 1% of the total emissions under each budget. The 6th Carbon budget is not yet published (expected in September 2020) and may require more significant reductions owing to the new target; however, the impact of the Proposed Development on this budget are still anticipated to be of a similar magnitude to previous budgets owing to the small scale of the development in respect of overall emissions.</p>
16	Human Health	No implications. The assessment of climate change impacts is not within the scope of this assessment.
17	Cumulative and Combined Effects	No implications. The change in targets does not have any effect on the assessments in the ES, accordingly no cumulative or combined effects could be different.