

From: [REDACTED]
To: [Immingham OCGT](#)
Cc: [REDACTED]
Subject: The Immingham Open Cycle Gas Turbine DCO Application - Centrica Relevant Representation
Date: 21 January 2020 18:32:40
Attachments: [REDACTED]

Dear Sir/Madam

I write on behalf of our client Centrica Plc ('Centrica') to confirm that Centrica withdraws its objections to the above application, on the basis that the agreed protective provisions are included in the Development Consent Order as set out in the attached letter.

Kind regards
Raveen

Raveen Matharu MRTPI
Planner
Planning

Savills, 33 Margaret Street , London W1G 0JD

[REDACTED]
[REDACTED]
Website : <http://www.savills.co.uk>



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15 January 2020

Emma O’Gorman
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Leeds
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Emma Andrews

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Dear Ms O’Gorman

The Planning Act 2008 - Section 37 ‘Applications for Orders Granting Development Consent VPI Immingham OCGT Project - Application for a New Gas-Fired Power Station and Associated Development - Land to the West of Rosper Road, South Killingholme, Lincolnshire, DN40 3DZ

I am in receipt of instructions from my client Centrica plc (‘Centrica’) to confirm that Centrica withdraws its objections to the above application. This withdrawal is conditional on the proposed changes to the draft DCO at Schedule 9, Protective Provisions, Part 7, For The Protection of Centrica Storage Limited. This is set out in your emails dated 11 September, 9 October and 3 December 2019, which ensure sufficient provisions are included for Centrica’s pipeline and for clarity is summarised below.

Amendments to Draft DCO

Schedule 9, Part 7 - For The Protection of Centrica Storage Limited

“52. In this Part of this Schedule—

*“Centrica” means Centrica Storage Limited (Company number 03294124); and
“the pipeline” means the pipeline crossing the Order limits owned and operated by Centrica used at various times for the passage of stabilised liquid condensate and all ancillary apparatus including such works and apparatus properly appurtenant to the pipeline as are specified by section 65(2) of the Pipe-lines Act 1962.*

53. Before commencing any part of the authorised development which would have an effect on the operation or maintenance of the pipeline and access to it, the undertaker must submit to Centrica plans and sections of the proposed works and such further particulars as Centrica may, within 28 days from the day on which plans and sections are submitted under this paragraph, reasonably require.

54. At the same time as providing the plans and sections to Centrica pursuant to paragraph 53, the undertaker must also provide a copy of the construction traffic management plan and the construction environmental management plan, in each case being the document approved by the relevant planning authority pursuant to the requirements or where no such approval has been given at that time, the draft of the relevant document.

55. No works comprising any part of the authorised development which would have an effect on the operation, maintenance or abandonment of the pipeline and access to it are to be commenced until plans and sections in respect of those works submitted under paragraph 53 have been approved by Centrica.

*56. Any approval of Centrica required under paragraph 55 must not be unreasonably withheld or delayed but may be given subject to such reasonable requirements as Centrica may require to be made for—
(a) the continuing safety and operational viability of the pipeline; and
(b) the requirement for Centrica to have uninterrupted and unimpeded access to the pipeline at all times.”*

Schedule 9 – Proposed Additional Provision

“[No. TBC].—(1) Subject to sub-paragraphs (2) to (4-6), if as the result of the authorised development or its construction, or of any subsidence resulting from any of those works (the “Centrica Works”)—
(a) any damage is caused to the pipeline (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works), or other property of Centrica; or
(b) there is any interruption in the supply of the service provided by Centrica, the undertaker must bear and pay the cost reasonably incurred by Centrica in making good such damage or restoring the supply and make reasonable compensation to Centrica for any other direct expenses, loss, damages, penalty or other direct costs incurred by it, by reason, or in consequence of, any such damage or interruption.
(2) Nothing in sub-paragraph (1) imposes any liability on the undertaker with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of Centrica, its officers, servants, contractors or agents.
(3) Centrica must give the undertaker reasonable notice of any such claim or demand and no settlement or compromise of the claim or demand is to be made without the consent of the undertaker which, if it withholds such consent, has the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.
(4) The total liability of the undertaker in respect of this paragraph [TBC] shall be limited to the sum of ten million pounds (£10,000,000) for any one event or series of connected events.
(45) Any difference arising between the undertaker and ~~the~~ Centrica under this Part of this Schedule must be referred to and settled by arbitration under article [No. TBC] (arbitration).

Conclusion

On the basis the above amendments will be made to Schedule 9 of the DCO, we confirm Centrica withdraws their objections. I request that Savills continue to receive regular updates on progress of the application.

We would be grateful if you could acknowledge receipt of this letter. Should you have any queries please do not hesitate to contact either myself or Raveen Matharu.

Yours sincerely,



Emma Andrews
Director