

VPI Immingham OCGT Project

Document Ref: 8.8
PINS Ref: EN010097

The Immingham Open Cycle Gas Turbine Order

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

Statement of Common Ground with Able Humber Ports Limited

The Planning Act 2008



Applicant: VPI Immingham B Ltd

Date: December 2019

DOCUMENT HISTORY

Document Ref	8.8		
Revision	2.0		
Author	Emma O'Gorman		
Signed	EO'G	Date	December 2019
Approved By	Nick McDonald		
Signed	NMD	Date	December 2019
Document Owner	Pinsent Masons		

GLOSSARY

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).
BEIS	Department for Business, Energy and Industrial Strategy.
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.
CO2	Carbon Dioxide – an inorganic chemical compound with a wide range of commercial uses.
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.
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 compulsory acquisition.
Electrical Connection	Work No. 5 – an electrical connection of up to 400 kilovolts and controls systems.
Electrical Connection	The land required for Work No.5.

Abbreviation	Description
Site	
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.
Gas Connection	Work No. 4 – the new underground and overground gas pipeline
Gas Connection Site	The land required for Work No.4.
GT	Gas Turbines – a type of internal combustion engine, featuring an upstream rotating compressor coupled to a downstream turbine, and a combustion chamber in between.
GW	Gigawatts – unit of power.
km	Kilometre – unit of distance.
Limits of Deviation	The lateral limits shown on the Works Plan submitted as part of the Application and within which the Proposed Development may occur.
m	Metres – unit of distance.
MW	Megawatts – unit of energy.
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.
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 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

Abbreviation	Description
	to apply for and grant development consent orders ('DCO') for nationally significant infrastructure projects ('NSIP').
Project Land	The land required for the Proposed Development (the Site) and the land comprising the Existing Gas Pipeline Site. The Project Land is the same as the 'Order land' (in the DCO).
Proposed Development	The construction, operation and maintenance of a new gas-fired electricity generating station with a gross output capacity of up to 299 MW, including electrical and gas supply connections, and other associated development.
Site	The land required for the Proposed Development, and which is the same as the 'Order limits' (in the DCO).
SoS	The Secretary of State – 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).
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
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.
VPIB	VPI Immingham B Limited – the Applicant
VPI LLP	VPI Immingham LLP – the owner and operator of the Existing VPI CHP Plant.
WebTAG	Web-based Department of Environment, Transport and Regions Document. Transport Analysis Guidance.
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

Abbreviation	Description
	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.

CONTENTS

1. INTRODUCTION.....	1
1.1 Overview.....	1
1.2 VPI.....	1
1.3 The Site	1
1.4 The Existing Gas Pipeline	2
1.5 The Proposed Development	3
1.6 The purpose and structure of this document.....	4
2. MATTERS AGREED.....	5
3. MATTERS TO RESOLVE.....	7

1. INTRODUCTION

1.1 Overview

- 1.1.1 This Statement of Common Ground ('SoCG') (Application Document Ref: 8.8) has been prepared on behalf of VPI Immingham B Ltd ('VPIB' or the 'Applicant') in respect of its application (the 'Application') for a Development Consent Order under the Planning Act 2008 (the 'PA 2008').
- 1.1.2 The Application has been submitted to the Secretary of State (the 'SoS') for Business, Energy and Industrial Strategy for the construction, operation and maintenance of a new gas-fired electricity generating station with a gross output capacity of up to 299 megawatts ('MW'), including electrical and gas supply connections, and other associated development (the 'Proposed Development'). The Proposed Development is located primarily on land (the 'Site') to the north of the existing VPI Immingham Power Station, Rosper Road, South Killingholme, North Lincolnshire, DN40 3DZ.
- 1.1.3 A DCO is required for the Proposed Development as it falls within the definition and thresholds for a 'Nationally Significant Infrastructure Project' (a 'NSIP') under section 14(1)(a) and sections 15(1) and 15(2) of the PA 2008. The DCO, if made by the SoS, would be known as the 'VPI Immingham OCGT Order' (the 'Order').

1.2 VPI

- 1.2.1 VPI Immingham LLP ('VPI LLP') owns and operates the existing VPI Immingham Power Station, one of the largest combined heat and power ('CHP') plants in Europe, capable of generating 1,240 MW (about 2.5% of UK peak electricity demand) and up to 930 tonnes of steam per hour (hereafter referred to as the 'Existing VPI CHP Plant'). The steam is used by nearby oil refineries to turn crude oil into products, such as gasoline. The land comprising the Existing VPI CHP Plant is hereafter referred to as the 'Existing VPI CHP Plant Site'.
- 1.2.2 VPI LLP is a wholly owned subsidiary of the Vitol Group ('Vitol'), founded in 1966 in Rotterdam, the Netherlands. Since then Vitol has grown significantly to become a major participant in world commodity markets and is now the world's largest independent energy trader. Its trading portfolio includes crude oil, oil products, liquid petroleum gas, liquid natural gas, natural gas, coal, electricity, agricultural products, metals and carbon emissions. Vitol trades with all the major national oil companies, the integrated oil majors and independent refiners and traders. For further information on VPI LLP and Vitol please visit:

<https://www.vpi-i.com/>

- 1.2.3 VPIB has been formed as a separate entity for the purposes of developing and operating the Proposed Development.

1.3 The Site

- 1.3.1 The Site is primarily located on land immediately to the north of the Existing VPI CHP Plant Site, as previously stated. Immingham Dock is located approximately 1.5 kilometres ('km') to the south east of the Site at its closest point. The Humber ports facility is located approximately 500 metres ('m') north and the Humber Refinery is located approximately 500m to the south.

1.3.2 The villages of South Killingholme and North Killingholme are located approximately 1.4 km and 1.6 km to the west of the Site respectively, and the town of Immingham is located approximately 1.8 km to the south east. The nearest residential property comprises a single house off Marsh Lane, located approximately 325 m to the east of the Site.

1.3.3 The Site comprises the following main parts:

- OCGT Power Station Site;
- Access Site;
- Temporary Construction and Laydown Site;
- Gas Connection Site;
- Electrical Connection Site; and
- Utilities and Services Connections Site.

1.1.1 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).

1.1.2 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.

1.3.4 A more detailed description of the Site is provided in Environmental Statement ('ES') Volume 1 Chapter 3 'Description of the Site' (Application Document Ref: 6.2.3).

1.4 The Existing Gas Pipeline

1.4.1 In addition to the Site, the Application includes provision for the use of an existing gas pipeline (the 'Existing Gas Pipeline') to provide fuel to the Proposed Development. The Existing Gas Pipeline was 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 'Description of the Site' (Application Document Ref: 6.2.3).

1.5 The Proposed Development

- 1.5.1 The main components of the Proposed Development are summarised below, as set out in the draft DCO (Application Document Ref: 2.1):
- Work No. 1 – an OCGT power station (the 'OCGT Power Station') with a gross 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 The purpose of this SoCG (see section 2 of this document) is to set out the agreement that has been reached between VPIB and Able Humber Ports Limited ('Able') in respect of matters relating to the Proposed Development including the following:
- the location of the areas of overlap between the limits of Able's DCO and the draft DCO for the Proposed Development, and the interaction between the respective works on Rosper Road and the respective powers in each DCO;
 - that both projects can be carried out simultaneously (if necessary), and then co-exist in the future; and
 - the appropriateness of the Applicant's proposed approach to the regulation of the interactions, and the precedent for the approach of two overlapping DCOs in the Millbrook Gas Fired Generating Station Order 2019 ("the Millbrook Order").
- 1.6.2 In addition, this SoCG also sets out where any matters remain to be resolved (see section 3 of this document).

2. MATTERS AGREED

- 2.1.1 Able was successful in its application for development consent for a marine energy park ("MEP") on the south bank of the Humber Estuary at Killingholme, in North Lincolnshire. Able's DCO was granted by the SoS for Transport on 18 December 2013 and is currently the subject of an application for a non-material change. The parties agree that the variations sought do not affect or alter the proposed works within or powers applying to Rosper Road.
- 2.1.2 The site of the proposed MEP lies to the east and north east of the Site and the areas of overlap between the Able DCO and the Applicant's draft DCO, are as shown hatched green on the plan attached to this SoCG. Small sections of land within and immediately adjacent to Rosper Road are where the interactions occur. The areas of overlap comprise the following:
- Work Number 2 (Access) of the Proposed Development includes the extent of the existing bellmouth entrance from Rosper Road to the Existing VPI CHP Plant, where parts of the Project will be located;
 - Work Number 2 (Access) of the Proposed Development also includes the extent of the existing bellmouth entrance to the Total Lindsey Oil Refinery ("TLOR") from Rosper Road, and which is also proposed to be the main entrance to the Project; and
 - Work Number 6 (Utilities and Services Connections) of the Proposed Development includes a strip of land within Rosper Road, to allow for a connection to be made to the existing water main within the highway.
- 2.1.3 These three areas are not covered by specific works within the Able DCO. The Able DCO includes a general work of "improvement works to Rosper Road and the A160" (paragraph 3(c) of Schedule 1 to the Able DCO).
- 2.1.4 The Able DCO also includes various powers relating to streets and associated works, which provide for the potential for street works to occur in Rosper Road (article 15 / Schedule 2), part of Rosper Road (further north than the Project) to be temporarily stopped up (article 16 / Schedule 3), and new or improved accesses from Rosper Road to be constructed (again further north than the Project, article 17 / Schedule 4).
- 2.1.5 The Able DCO also allows the beneficiary of it to take temporary possession of the whole width of Rosper Road, along a significant length, including where the Applicant proposes to take access to and from Rosper Road. The permitted purpose for taking possession of this area pursuant to the Able DCO is for "works to Rosper Road" (article 40 / Schedule 6).
- 2.1.6 The parties agree that the Able DCO only includes specific works on Rosper Road to existing and new access points, which are all further north on Rosper Road than the Applicant's proposed areas of work as detailed in the draft DCO and on the Works Plans.
- 2.1.7 The Able DCO also includes works to the southern end of Rosper Road, at its junction with the A160.

- 2.1.8 The Applicant is seeking powers in the draft DCO to allow it to carry out the relevant parts of Work Numbers 2 and 6 noted above, including powers to compulsorily acquire new rights (article 21), take temporary possession of land to carry out the authorised development (article 27) and various highways and street works powers similar in nature to those included in the Able DCO (articles 8 to 14).
- 2.1.9 The parties agree that the interactions between the Proposed Development and the Able DCO do not comprise primary parts of either development. The parties further agree that the areas of overlap are solely within Rosper Road, and this land is not (and will not be, after implementation of the Able DCO), operational land of Able.
- 2.1.10 The parties agree that the overlap could result in potential conflict between the two projects, and the Applicant has therefore included provisions within the Draft DCO (Application Document Ref:2.1) to protect Able and to govern the interaction of the two projects and the powers in each DCO, (articles 37 and 41, Part 8 of Schedule 9, and Schedule 13). The Applicant has also proposed an amendment to the Able DCO to provide similar protection to the Applicant.
- 2.1.11 The parties agree that the approach adopted by the Applicant to deal with these interactions is very similar to that adopted in relation to the Millbrook Order, where part of the land required for that Order overlapped with land which is the subject of the Rookery South (Resource Recovery Facility) Order 2011.
- 2.1.12 The parties agree that (subject to agreeing protective provisions and amendments to the draft DCO and Able DCO), both projects can be carried out simultaneously (if necessary), and then co-exist in the future.
- 2.1.13 The parties have agreed the draft protective provisions included for the benefit of Able; and the proposed amendments to the Able DCO (to provide protective provisions for the benefit of the Applicant).

3. MATTERS TO RESOLVE

3.1.1 None.

Signed: 

Print name and position: Nick McDonald, Legal Director, Pinsent Masons LLP

On behalf of VPI Immingham B Ltd:

Date: 12 December 2019

Signed: Print name and position: *SIMON MACKENZIE, DIRECTOR***On behalf of Able Humber Ports Ltd:**

Date: 12 December 2019

