

From: [Hewitson, Annette](#)
To: [Immingham OCGT](#)
Subject: VPI Immingham B Ltd: Non-material amendment application/consultation
Date: 21 October 2022 09:26:58
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[221021 EA reply re VPI Immingham B Non-material Amendment EN010097.pdf](#)

Dear Sir/Madam,

Please find attached the Environment Agency's comments on the above mentioned consultation. If I can be of any further assistance to you with this matter, please contact me using the details below.

Kind regards,

Annette

Annette Hewitson | Principal Planning Adviser
Lincolnshire & Northamptonshire Area
Environment Agency | Ceres House, Searby Road, Lincoln LN2 4DW



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National Infrastructure Planning
The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Our ref: AN/2022/133605/01-L01
Your ref: EN010097
Date: 20 October 2022

(Submitted via email only)

Dear Sir/Madam

**Non-material amendment application, in respect of changes to Schedule 1 'Authorised Development' and Schedule 2 Requirement 11(3) 'Flood Risk' of 'The Immingham Open Cycle Gas Turbine Order 2020' (S.I. 2020 No. 847)
VPI Immingham B Ltd, land to the west of Rosper Road, South Killingholme, Lincolnshire, DN40 3DZ**

The Environment Agency has been notified by DWD Property & Planning that VPI Immingham B Limited (the 'Applicant') has applied for non-material changes to the above-mentioned Order (the 'DCO') to the Department for Business, Energy and Industrial Strategy.

The proposed non-material changes relate to Schedule 1 'Authorised Development' and Schedule 2 Requirement 11(3) 'Flood Risk', and we provide comments below on these issues to assist with your consideration of the application.

Schedule 1 'Authorised Development'

We have no objection to the proposal to include a Synchronous Condenser under Work No. 1. The Applicant may need to vary the environmental permit that they have in place to operate the facility as it does not currently include the use of a Synchronous Condenser. The Applicant is encouraged to use the Environment Agency's enhanced pre-application permit service to obtain a definitive answer regarding this.

Schedule 2 Requirement 11(3) 'Flood Risk'

We note the Applicant's request for the word '*commence*' to be replaced with the words '*be commissioned*' stating a drafting error was made in the DCO, whilst citing two other DCOs that include their proposed wording. The Environment Agency offers the following comments to assist with your decision on this matter.

Firstly, we set out our view that Requirement 11 in the DCO, as drafted, is correct for the following reasons: clauses (1) and (2) relate to a scheme for the mitigation of flood risk to protect the lives of the construction workers, during the construction phase and

therefore this needs to be submitted and approved prior to development commencing. Clauses (3) and (4) relate to the mitigation of flood risk for the built development, to protect both the critical elements of operational equipment and the lives of workers during operation. It is sensible that this is submitted and approved before the commencement of development to ensure that the built-in (construction) measures included are appropriate to mitigate the identified risks. Clause (5) ensures these measures are then retained throughout the operation of the development. Finally, clauses (6) and (7) ensure the development is not commissioned until the scheme required by clause 3 is implemented (which does appear to duplicate the requirement in clause 5) and details of any flood emergency response plans are submitted, agreed, and implemented. This may, for example, outline triggers for a full evacuation of the premises, or where within the building (i.e., the safe refuge area) workers should be directed to if flooding occurs without warning. Submission and approval of emergency response plans can be made post-construction but prior to commissioning.

The Applicant's requested amendment, if approved, will bypass the ability to ensure physical flood mitigation measures are included and appropriate in managing the identified risks. For example, ensuring safe refuge areas are elevated to the appropriate level, and workable flood resilience and resistance measures are incorporated.

In summary, it is the Environment Agency's view that (regardless of the wording of the other DCOs cited by the Applicant) the requested amendment will not facilitate approval of the mitigation scheme at the appropriate point in time.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me at the number below.

Yours faithfully

Annette Hewitson
Principal Planning Adviser

Direct dial [REDACTED]

Direct e-mail [REDACTED]