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Dear Mr Dawkins

THE IMMINGHAM OPEN CYCLE GAS TURBINE ORDER 2020 (S.I. 2020 NO. 847) (THE 'ORDER')
PROPOSED APPLICATION FOR A NON-MATERIAL CHANGE ORDER IN RESPECT OF CHANGES TO SCHEDULE 12 'DESIGN PARAMETERS' OF THE ORDER

THE IMMINGHAM OPEN CYCLE GAS TURBINE (VPI 'B') PROJECT, LAND NORTH OF THE VPI COMBINED HEAT AND POWER ('CHP') POWER STATION, ROSPER ROAD, IMMINGHAM, LINCOLNSHIRE, DN40 3DZ

Introduction

We write on behalf of VPI Immingham B Limited (the 'Applicant' and 'Undertaker') to submit an application for a non-material change order (the 'Application' or 'NMC') to 'The Immingham Open Cycle Gas Turbine Order 2020' (S.I. 2020 No. 847) (PINS Ref. EN010097) (the 'Development Consent Order' or 'DCO') pursuant to Section 153 of 'The Planning Act 2008' (the 'PA 2008') and Regulation 4 of 'The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011' (the '2011 Regulations'), to the Secretary of State for Energy Security and Net Zero ('DESNZ').

The registered address of the Applicant is 4th Floor, Nova South, 160 Victoria Street, London, SW1E 5LB. The registered address of DWD Property and Planning Limited (the 'Agent') is 69 Carter Lane, London, EC4V 5EQ.

The remainder of this letter summarises the relevant provisions of the DCO and the non-material change that is sought and provides the information required by the 2011 Regulations.

The Order

'The Immingham Open Cycle Gas Turbine Order 2020' (S.I. 2020 No. 847) was made by the Secretary of State ('SoS') for BEIS on 7th August 2020 and came into force on 1st September 2020. We can confirm that the Applicant is the person who applied for the DCO.

The DCO grants development consent, subject to certain provisions, for the 'Authorised Development', which includes the construction, operation and maintenance of an electricity generating station comprising an Open Cycle Gas Turbine ('OCGT') power station with a gross electrical output of up to



299 megawatts and associated development. The OCGT power station is known as the VPI-Immingham B Project.

A Correction Order, 'The Immingham Open Cycle Gas Turbine (Correction) Order 2021' (S.I. 2021 No. 581), was made in respect of the DCO on 14th May 2021 and came into force on 17th May 2021. The Correction Order corrected minor drafting and typographical errors in the DCO.

Earlier this year, the Secretary of State for Business, Energy and Industrial Strategy granted a NMC application submitted by the Applicant for the inclusion of a Synchronous Condenser under Work No. 1 at Schedule 1 ('Authorised Development') of the Order. The Immingham Open Cycle Gas Turbine (Amendment) Order 2023 (S.I. 2023 No. 119) was made on 31 January 2023 and came into force on 1 February 2023 ('the 2023 Amendment Order').

Copies of the Order, the 2021 Correction Order, the 2023 Amendment Order and the related Land and Works Plans accompany this NMA application.

The Application Documents

The Application comprises the following documents;

1. An Application Statement (in the form of this letter).
2. The original DCO.
3. The 2021 Correction Order
4. The 2023 Amendment Order
5. A draft Amendment Order – in the form that the Applicant requests to reflect the changes set out in this letter.
6. A tracked change version of the DCO Order – a copy of the DCO (incorporating the changes made by the 2021 Correction Order and 2023 Amendment Order), with the proposed amendments shown as track changes.
7. A Regulation 4(2) Checklist – a checklist confirming the details required by Regulation 4(2) of the 2011 Regulations (as Attachment 1 to this Letter).
8. Consultation and publicity information, including a copy of the Regulation 7(3) letter and proposed consultee list submitted to the Secretary of State on 10th November 2023; and
9. A copy of the Regulation 6 Notice to be published in local newspapers (the Grimsby Telegraph and the Scunthorpe Telegraph) circulating within the vicinity of the land to which the DCO relates for two consecutive weeks (14th and 21st December 2023. Copies of the Notice as published will be provided as part of the Consultation Statement to be submitted after the consultation requirements have been completed.
10. Updated Cumulative Impact Assessment.
11. A drawing showing the proposed changes entitled 'VPI-B NMC Parameter Change - Illustrative Drawing 01 (Dec 23)'.

No plans have been submitted as part of the Application as the non-material changes will not require any changes to the Work Number ('Work No.') areas shown on the Works Plans (Application Document Ref. 4.3) or the parameters shown on the Indicative Generating Station Plan (Application Document Ref. 4.5) and used for the Environmental Impact Assessment ('EIA') of the VPI 'B' Project.

All of the Application documents can be downloaded using the following link to a secure file share site. <https://dwd.ctit.co/url/tuzcdb5qfpeixwdk>

The application fee of £6,891.00 has been paid electronically.

The proposed non-material changes to the Order would make the following changes to 'Schedule 12', 'Table 9 Design Parameters' of the Order:

1. the Maximum length of the Single gas turbine and generator; and
2. the Maximum length and Maximum width of the Gas turbine building.

Further information on the above listed changes to Schedule 12 of the Order (including dimensions) is detailed in the following section of this letter.

The remainder of this letter covers the following matters:

- the proposed non-material changes;
- the approach to materiality;
- the scope of the proposed non-material change application;
- the scope of the proposed consultation; and
- the indicative programme.

The proposed non-material changes

Schedule 12 'Design Parameters'

The Applicant was successful in the recent capacity auction and is moving forward with the construction of the VPI 'B' Project (the 'Project'). The Applicant has signed an engineer, procure and construct ('EPC') contract with Mytileneos S.A. ('MYT') and is undertaking detailed design work in preparation for construction.

The refinement to the design incorporates some minor changes to the layout of the plant and building dimensions. These changes are detailed below;

- **Single gas turbine and generator** - An update to the design of the gas turbine and generator has resulted in an increased length of 31 metres ('m') compared to 30m that was included in 'Schedule 12', 'Table 9 Design Parameters' of the Order.
- **Gas Turbine building** – The proposed update to the design incorporates a section of gas turbine diffuser (the exhaust duct) in the same building as the gas turbine and generator. In addition, certain items of auxiliary plant including fuel gas, hydraulic oil and instrument air systems, are now located adjacent and contiguous to the Gas turbine building and the Gas turbine building has been designed to incorporate and cover them. It is important to note that the items of auxiliary plant are not new or additional to Work No. 1, it is simply that their location has changed. Consequently, the Gas turbine building will be 50 metres long and 35 metres wide, compared to 46 metres long and 25 metres wide that was included in 'Schedule 12', 'Table 9 Design Parameters' of the Order.

Table 1 (below) presents the changes proposed, with the superseded dimensions struck out and the proposed changes in red ('the Proposed Changes'). 'VPI-B NMC Parameter Change - Illustrative Drawing 01 (Dec 23)' which accompanies this Application, illustrates the building and structures dimensional changes.

Table 1: Proposed Changes to 'Schedule 12: Design Parameters'

| <i>(1) Building or structure</i> | <i>(2) Maximum length (metres)</i> | <i>(3) Maximum width (metres)</i> | <i>(4) Maximum height (metres above 0 meters above ordnance datum)</i> | <i>(5) Maximum diameter (metres)</i> |
|--|--|---|--|--|
| Single gas turbine and generator | 30 31 | 20 | 20 | - |
| Gas turbine building | 46 50 | 25 35 | 29 | - |
| Exhaust stack | - | - | 56 | 12 |
| Air intakes | 24 | 16 | 40 | - |
| Fin-fan cooler | 30 | 15 | 17 | - |
| Control room, workshops, stores | 35 | 20 | 16 | - |
| Demineralised tank, firewater tank | - | - | 32 | 24 |

The Applicant is therefore seeking to amend Schedule 12 'Design Parameters' of the Order (as above) to include the proposed changes as part of the Application.

The inclusion of the exhaust diffuser does not result in an increase in height or width of the gas turbine building but extends it by 1m. The adjoining of the auxiliary plant building to the Gas turbine building, although not part of the Gas turbine building does result in an increase in overall building width. It is however substantially lower in height than the height of the gas turbine building. The auxiliary plant is not additional to Work No. 1 of the Order but is simply located contiguous to the Gas turbine building therefore requiring a change to the dimensions.

All other 'Building or structure' maximum dimensions can be found within Schedule 12 'Design Parameters' of the Order and will remain the same.

The Proposed Changes to the Schedule 12 dimensions will not result in any new or different level of effects for all EIA topics, and this is set out in more detail at the 'Environmental Considerations' section of this letter.

The following should be noted with regard to the changes in the building and structure dimensions:

- The revised dimensions proposed to Schedule 12 have been designed to incorporate the gas turbine exhaust diffuser and some auxiliary plant in the Gas turbine building.
- The location of the stack is unchanged.
- No additional items are required to Schedule 1, Work No. 1 of the Order.
- The increase in dimensions will not alter the external appearance of the OCGT power station. This NMC application includes a drawing that clearly shows the above parameter increases (See submitted drawing entitled: 'VPI-B NMC Parameter Change - Illustrative Drawing 01 (Dec 23)').
- There will be no increase in the overall footprint of the OCGT power station and no additional land (outside Work No. 1 or the Order limits) will be required for the increase in dimensions.
- There will be no change to emissions to air, noise pollution and landscape and visual effects as the changes in dimensions are minimal and other dimensions are well within the 'Design Parameters'. Neither is it anticipated that there will be any material change to the environmental effects reported in the Environmental Statement ('ES') for the OCGT power station or any new environmental effects.
- There will be no material change to the construction programme duration.

The approach to materiality

Schedule 6 of the PA 2008 makes provision for the Secretary of State to grant both material and non-material changes to a DCO.

There is no statutory definition of 'materiality' for the purposes of either the PA 2008 or the 2011 Regulations. The Guidance makes clear that such decisions will inevitably depend on the circumstances of each specific case. Notwithstanding this, the Guidance sets out four examples of characteristics which are likely to indicate whether or not a change is material. These characteristics are considered in turn below.

Environmental considerations

The Guidance states that a change might be considered material if it would result in the need for an updated ES to take account of:

- a new significant effect that was not identified in the ES for the consented project; or
- a materially different effect (positive or negative) when compared to the ES for the consented project.

As stated above, it is not anticipated that the Proposed Changes to Schedule 12 will result in any new or materially different environmental effects compared to those reported in the ES for the OCGT power station.

The Applicant's assessment of the proposed changes against the ES for the OCGT power station – in terms of any potential changes in significant environmental effects - has determined that the conclusions of the ES remain valid. This is set out in Table 2 on the following page.

Table 2: Summary of Potential Changes in Significant Environmental Effects

| Environmental topic | Residual Effect as reported in the original Environmental Statement that accompanied the DCO application | | Potential change in effect as a result of the proposed changes | Reasoning |
|--------------------------------------|--|------------------------------------|--|---|
| Air Quality – Chapter 6 | Construction | No significant effects identified. | No change | The high emission temperature and large volumetric flow rate of emissions from the OCGT stack would result a very buoyant plume, which would rise rapidly away from the emission point under all meteorological conditions. The plume from the OCGT would therefore be relatively insensitive to building downwash effects. The changes to the gas turbine building dimensions, could result in slightly different ground level concentrations at the point of maximum impact and some closer selected sensitive receptors, with a negligible change being seen at receptors further downwind. Such differences would, however, be very unlikely to result in a change to the significance of effects predicted on local air quality in terms of human health and sensitive ecosystems. |
| | Operation | No significant effects identified. | | |
| | Decommissioning | No significant effects identified. | | |
| Traffic & Transportation – Chapter 7 | Construction | No significant effects identified. | No change | No addition or reduction in construction or operational transport movements from those assessed in the ES. No change in effects is identified. |
| | Operation | No significant effects identified. | | |

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|---|-----------------|------------------------------------|-----------|---|
| | Decommissioning | No significant effects identified. | | |
| Noise & Vibration – Chapter 8 | Construction | No significant effects identified. | No change | The potential noise impacts of the changes to the dimensions of the single gas turbine and gas turbine building have been assessed for the construction and operation of the Proposed Development. These changes result in the same predicted construction and operational noise levels at the nearest noise sensitive receptor as reported in the ES Chapter 8 Noise and Vibration. The noise data for the noise sources remains the same as stated in the ES Chapter 8 and Appendix 8B; therefore, the conclusions of the noise assessment as presented in the ES remain valid. |
| | Operation | No significant effects identified. | | |
| | Decommissioning | No significant effects identified. | | |
| Ecology – Chapter 9 | Construction | No significant effects identified. | No change | No new emissions, no change in development footprint and no noise increase are predicted to occur, therefore no change to impact on ecological habitats/resources and protected species. |
| | Operation | No significant effects identified. | | |
| | Decommissioning | No significant effects identified. | | |
| Landscape & Visual Amenity – Chapter 10 | Construction | No significant effects identified. | No change | The increase in height and width of the structures as set out in Table 1 would result in a slight increase in massing of overall structures as part of the Proposed Development. |
| | Operation | No significant effects identified. | | |

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|---|-----------------|------------------------------------|-----------|--|
| | Decommissioning | No significant effects identified. | | The slight increase in massing would not result in an increase in identified landscape and visual impacts and resulting levels of effect due to the overall massing of the Proposed Development, long distance from identified viewpoints and the industrial landscape character of the Site and surrounding area. |
| Ground Conditions & Hydrogeology – Chapter 11 | Construction | No significant effects identified. | No change | Any construction, operation and decommissioning will take place within the existing consented parameters and therefore no change is expected to the assessed conditions as reported in the ES. |
| | Operation | No significant effects identified. | | |
| | Decommissioning | No significant effects identified. | | |
| Surface Water, Flood Risk & Drainage – chapter 12 | Construction | No significant effects identified. | No change | No changes are proposed to the Project footprint, works areas, impermeable surfacing areas or drainage designs are proposed and therefore no change to the flood risk, surface water or drainage is expected. |
| | Operation | No significant effects identified. | | |
| | Decommissioning | No significant effects identified. | | |
| Cultural Heritage -chapter 13 | Construction | Moderate adverse (significant). | No change | Any construction will take place within the consented parameters and therefore within previously assessed works areas. No changes expected. No change to the operational and decommissioning effects as reported in the ES. |
| | Operation | No significant effects identified. | | |
| | Decommissioning | No significant effects identified. | | |
| Socio Economics – Chapter 14 | Construction | Moderate beneficial (significant). | No change | No changes are expected to the predicted employment levels for the Project during its construction or operational phases. |
| | Operation | No significant effects identified. | | |

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|--|-----------------|------------------------------------|-----------|--|
| | Decommissioning | No significant effects identified. | | |
| Sustainability and Climate Change – Chapter 15 | Construction | No significant effects identified. | No change | The proposed changes will not result in any change to greenhouse gas emissions or other relevant outputs and therefore no change is identified in terms of climate change effects. |
| | Operation | No significant effects identified. | | |
| | Decommissioning | No significant effects identified. | | |
| Human Health – Chapter 16 | Construction | No significant effects identified. | No change | No change to emissions (air or water), noise levels, transport or land contamination will occur, and therefore no change is identified in terms of impacts on human health. |

It is relevant to note that in terms of decommissioning, the slight increase in building dimensions would not present any significant environmental considerations. At the decommissioning stage, the Gas turbine and generator and Gas turbine building still form one element of the overall decommissioning and demolition works at the Site and decommissioning and removal would primarily result in slightly more scrap metal and rubble (from the breaking up of the slightly larger concrete slab they are built on). The decommissioning of Gas turbine and generator and Gas turbine building would be carried out as part of the overall decommissioning of the OCGT power station as anticipated in the EIA, and therefore would not give rise to different environmental effects.

As confirmed by the updated Cumulative Impact Assessment, the proposed non-material changes will not result in any changes in term of in combination or cumulative effects or impacts.

Habitats and Protected Species

The Guidance states that a proposed change to a project might be considered material if it would invoke a need for a Habitats Regulations Assessment ('HRA'), or the need for a new or additional licence in respect of European Protected Species.

The DCO application for the OCGT power station included a 'No Significant Effects Report' (Application Document Ref. 5.13), which considered whether there would be any Likely Significant Effects ('LSE'), which may arise from the Project, either alone or in combination with other plans or projects, upon any European designated site. The No Significant Effects Report did not identify any LSE, either alone or in combination with other plans or projects. The Secretary of State's decision letter on the DCO Application confirmed their view that the development would not lead to any adverse effect on the relevant Humber Estuary Special Area of Conservation, Special Protection Area or Ramsar site (paragraph 5.15).

The Applicant has reviewed the No Significant Effects Report in light of the proposed changes and taking account of any new plans or projects within the relevant study area since development consent

was granted for the Project. The conclusion of this review is that there is no material change in the conclusions of the No Significant Effects Report. Furthermore, no European Protected Species are present within the area of Work No. 1 nor would there be a consequential impact on any European Protected Species within the locality. On this basis, an updated No Significant Effects Report is not required

Compulsory Acquisition

The Guidance states that a proposed change might be considered material if it would result in a need for the compulsory acquisition of any land that was not authorised through the existing DCO.

The proposed changes do not require additional land outside the Order limits or require the alteration of the powers of acquisition at Part 5 of the Order.

Impact on business and residents

The Guidance makes clear that the potential impact of the proposed change on local residents and businesses will also be a consideration in determining whether a change is material. The Guidance notes that material changes might include impacts relating to visual amenity from changes to the size or height of buildings; impacts on the natural or historic environment; and impacts arising from additional traffic.

The site of the OCGT power station is relatively remote from local residents, while the nearest businesses are the Humber and Lindsey refineries and the VPI CHP Plant. The Applicant does not consider that there would be any detrimental impact upon local residents or businesses as a result of the proposed changes on the basis that:

- There will be a negligible change to the external appearance of the OCGT power station.
- There will be no increase in the footprint of the OCGT power station and no additional land is required.
- There are no increases to the height of any buildings or structures which form the OCGT power station.
- It is not anticipated that there will be any material change to the environmental effects reported in the ES for the OCGT power station or new significant environmental effects.
- There will be no change to the construction program duration.
- The changes are very limited and immaterial when considered within the context of the overall consented Project.

For the reasons set out above, it is considered that the proposed changes are therefore non-material.

Scope of consultation

The 2011 Regulations set out statutory publicity and consultation requirements for non-material change applications.

Consultation and Publicity

The Applicant wrote to the Planning Inspectorate ('PINS') and the Secretary of State for DESNZ on 26 October 2023 to confirm its intention to submit a non-material change application and to outline the proposed non-material changes.

The Applicant also advised the relevant local planning authorities, North Lincolnshire Council and North East Lincolnshire Council, of the proposed non-material change application on 1st November 2023. A response was received from North Lincolnshire Council on 1st November 2023 stating that based on the initial information that they had received on the proposed changes and application scope, it was considered unlikely that the authority would have any concerns or objections to the eventual NMC application.

On 10th November 2023 the Applicant consulted the Secretary of State for DESNZ on the proposed scope of the Application. In accordance with Regulation 7(3) of the 2011 Regulations, the Applicant also submitted a letter to the SoS (accompanied by an updated list of those notified pursuant to Section 56 of the PA 2008), seeking the consent of the SoS to undertake a more focussed and targeted consultation for the Application. The updated list identified those consultees that the Applicant proposed to consult and those they did not propose to consult, along with a justification for that approach. The Regulation 7(3) letter and accompanying consultee list form part of the Application.

A response was received from DESNZ (on behalf of the Secretary of State) on 21st November 2023, confirming that it was satisfied with the proposed list of consultees and the publication proposals outlined in the Applicant's letter.

The following consultation and publicity activities will be carried out in connection with the Application:

- The Application documents and the notice publicising the Application pursuant to Regulation 6 of the 2011 Regulations will be published on the project website at: <https://www.vpi.co.uk/news-press/>
- The Applicant will publish the Regulation 6 notice for two consecutive weeks in the Grimsby Telegraph and Scunthorpe Telegraph. The notice will provide details of where the Application documents can be inspected, how to submit comments and the deadline for doing so. The notice will be published in the following publications on the following dates (these are appropriate to give notice of the application in a local newspaper and to ensure notice of the application is provided in the vicinity of the land in any other publication, pursuant to Regulation 6(1)(a) and (b)):
 - Grimsby Telegraph: 14th and 21st December 2023.
 - Scunthorpe Telegraph: 14th and 21st December 2023.
- A letter will be sent to the relevant consultees (accompanied by the Regulation 6 Notice) providing information on the Application, details of where the Application documents can be inspected, how to submit comments and the deadline for doing so.

A copy of the Regulation 6 Notice forms part of the Application.

Compliance with Regulation 4(2)

A checklist setting out how the Application complies with Regulation 4(2) of the 2011 Regulations is provided as **Attachment 1** to this letter.

We would be grateful if you could acknowledge receipt of the Application. If you wish to discuss the approach or any other matter relating the proposed change ahead of its submission, please do not hesitate to contact me using the details below.

Yours sincerely,



Rob Booth
Senior Associate

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Enc.

NMC Application documents.
Attachment 1 – Regulation 4(2) Checklist

Appendix 1: Building and structures dimensional changes

