

**Written Representation on behalf of Conoco Phillips
Limited**

**Proposed Able Marine Energy Park
South Bank of The River Humber
Immingham
North Lincolnshire**

Planning Inspectorate Reference : TR030001

CONTENTS

<u>SECTION</u>	<u>TITLE</u>	<u>PAGE(S)</u>
1.0	Introduction	3
2.0	Mitigation Area A - The affect of creating 'Mitigation Area A' and the effect on CPL's land ownership and Pipelines	4 - 7
3.0	Use of Marsh Lane and other highway issues	8
4.0	Use of South Killingholme Jetty (SKJ)	9 - 10
5.0	Flood risk issues	11

1.0 INTRODUCTION

- 1.1 For-Ward Planning Consultancy has been commissioned by Conoco Phillips Limited (CPL) to provide a detailed written representation in response to the development proposals made by Able UK Limited (“Able”) for the Able Marine Energy Park (AMEP) on the south bank of the River Humber at Immingham, North Lincolnshire.
- 1.2 CPL would like to clarify its position as consultees in the process. Whilst CPL does not have any specific objections to the overall principle of the development and the proposals, it does have concerns over some of the detailed aspects of the scheme, and the potential implications for its land holding, future development proposals and how the proposals may affect its existing infrastructure.
- 1.3 In this context, whilst there are concerns raised as to particular elements of the scheme, it is hoped that the contents of this written representation can be viewed positively, constructively and proactively in a way that will help shape the development proposals for this project, and lead to a fully informed decision being made as part of the overall process.

2.0 Mitigation Area A - The affect of creating 'Mitigation Area A' and the effect on CPL's land ownership and Pipelines

- 2.1 CPL note that 'Mitigation Area A' (the "Mitigation Area") shown on the Indicative Landscape Master Plan lies between the proposed AMEP and land owned by CPL.
- 2.2 This land has potential for development and is included in the Local Plan zoned for proposed industry use where Policy IN1 of the North Lincolnshire Local Plan is relevant.
- 2.3 CPL has intentions to develop the land immediately to the south of the Mitigation Area for one of a range of yet to be decided proposals. These proposals are likely to include its use as a future road loading terminal for the Humber or for propylene gas storage bullets, for carbon capture or a similar project. A plan showing the land ownership of CPL (hatched red) in the vicinity of the proposed AMEP is attached as Appendix A.
- 2.4 Of significant relevance to the proposed location of the Mitigation Area is the fact that CPL lease land, known as Immingham Pipe Centre (IPC) from Associated British Ports (ABP), which lease expires in 2018. Whilst negotiations to renew this lease have been held it is felt by CPL likely that ABP may oppose renewal as their latest and current masterplan identifies ABP as requiring the land for its own use.
- 2.5 If this should prove to be the case, it is clear that CPL will have to relocate its operations from IPC. The land owned by CPL and most suited to relocation of the IPC operation is that to the south of the Mitigation Area, referred to in this Representation as the "Rosper Road Site"
- 2.6 It is important that CPL identify this issue at this stage, given the proposed location of the Mitigation Area and in view of the need to plan for this potential relocation in advance of the expiration of the lease of IPC in 2018.
- 2.7 In order to achieve a seamless transition between IPC and the Rosper Road Site CPL will need to commence the planning process with the submission of a formal planning application in late 2012. Assuming a decision will be received during the early part of 2013 this would give sufficient time to deal with any matters arising as part of the planning process (conditions precedent) to then

lead into a 3 year construction phase with completion in late 2017/early 2018. Built into this timescale is some contingency which is important in any project of this scale.

- 2.8 Indirectly and although not directly affecting the AMEP application but still related to this are the proposed works to the A160 corridor. The effect of these works is to reduce CPL's land ownership placing increasing pressure on the need to maximise the development potential of its remaining land holding. The result of this is that the Rosper Road Site has become increasingly important to CPL. CPL wishes this point to be noted, especially given the potential implications of the proposed Mitigation Area which are detailed, and the likelihood of the lease at IPC not being renewed by ABP.
- 2.9 It is noted that in Section 4.5 of ABLE's Habitat Regulations Assessment Report namely at 4.5.1 that the following statement is made:

"4.5.1 To the south of the industrial development lies a plot of approximately 48 ha that will be landscaped and managed in the future for the benefit of ecological interests that would otherwise be adversely affected by the development. The majority of the plot will be managed as wet grassland to provide feeding and roosting habitat for over-wintering birds"

- 2.10 CPL would like to ascertain further information as to why this parcel of land has been identified as a 'mitigation area', when its allocation in the Local Plan is for industrial purposes?
- 2.12 There are already two areas that lie outside of the 'site' identified in the Local Plan as Sites of Importance for Nature Conservation, and there is concern that creating a further such area may fetter or severely restrict the ability of CPL to carry out any development operations upon the Rosper Road Site. As part of the decision making process, it is argued that the land use allocation represents the preferred land use. Have Able considered that a potential option would be a commuted sum covered as part of a Section 106 Agreement to reinforce existing or provide additional wetland/wildlife/ecological habitats in more suitable locations?
- 2.13 In terms of the statement referred to in paragraph 2.9 above, CPL consider it difficult to determine that if this land were to become a mitigation area and developed as described in paragraph 4.5.1 of the Habitat Regulations

Assessment Report how it would be managed and by whom it would be managed? In addition it is argued whether or not this area could be used as such when CPL have four operational overground pipelines (the “Pipelines”) the subject of an existing Deed of Grant that dissect this site and run east to west across it? Has there been any consideration of the need for continual access and maintenance at short notice for the Pipelines, and the potential harmful impact upon the mitigation area should access to repair or maintain the Pipelines be required?

- 2.14 CPL does not therefore consider the Mitigation Area to be appropriate given these factors and also given the status of the Local Plan. The Local Plan has gone through various rounds of public consultation, its Examination in Public prior to being formally adopted. This is a full democratic process which holds significant weight unless there are material considerations that would dictate otherwise. In view of this CPL consider that the use of the land for industrial purposes should be the preferred option here.
- 2.15 CPL would also raise the matter of the operational buffer, its purpose and what it is to comprise of? In addition, it is asked whether or not there has been any consideration of the need to provide a form of buffer, landscaped area or maintenance strip to the southern and western boundaries of the site where the Pipelines cross Rosper Road?
- 2.16 On the basis of the above CPL would suggest as a minimum the inclusion of an additional "Operational Buffer" to the south of the Mitigation Area as there is proposed to the north. This further buffer area would run alongside Marsh Lane which is the main access road to its land holding comprising an LPG Underground Storage Site (“the Caverns”). This buffer would prevent the migration of adjacent habitat onto the allocated industrial land, and therefore assist in the future development of the Rosper Road Site.
- 2.17 The Pipelines are essential and significant to the operation and running of CPL’s operations at the Humber Refinery and the Caverns and access is required to them for emergency purposes 24/7/365. Access is also required on a regular monthly basis for inspection. The main concern of CPL is that creation of the Mitigation Area and the potential harm that the Mitigation Area would cause will affect its ability to continually operate the Pipelines.
- 2.18 It is noted that the application site includes Rosper Road, and CPL would wish to seek clarification on whether any works are envisaged to this road, again

given its proximity to the Rosper Road Site, the Pipelines and maintenance requirements?

2.19 CPL would be interested to receive confirmation from RSBP/Natural England that the proposed use of this land for the benefit of ecological interests will not fetter CPL's use of the land in connection with the Pipelines, the land use allocation and the development options discussed earlier.

2.20 A question in respect of this that CPL feel needs to be addressed is how any planning condition or legal agreement can be worded or entered into that would enable a right of access to part of the site that is not entirely within the ownership of the applicant.

3.0 Use of Marsh Lane and other highway issues

- 3.1 The Caverns are defined as an HSE UK COMAH site and it is essential for the operation and use of the Caverns that uninterrupted access along Marsh Lane is available at all times.
- 3.2 In view of the intention that Rosper Road is to become the main feeder road to the development site CPL would request details of any proposals that are to be made to the turning into Marsh Lane, and any works relevant to highway improvements and other infrastructure to facilitate the development. Whilst the capacity of the local infrastructure in the vicinity of the site may not be questioned, the ability of the infrastructure within the site means that some works will be undoubtedly required. How will these works impact upon the fact that CPL own Marsh Lane to the east of the application site.
- 3.3 CPL also has the benefit of a Deed of Grant for vehicular access over the crossing of the Network Rail line at Marsh Lane. In view of the proposal to transfer ownership of the Network Rail land and associated infrastructure to Able creating a privately operated siding with a barrier erected to demarcate the siding from the Network Rail line and control access how will this affect CPL's existing rights and continuing access? Will increased traffic mean that the crossing is closed on a more frequent basis possibly preventing emergency response?
- 3.4 The main area of concern here is that CPL own Marsh Lane from the point immediately east of the Mitigation Area, and this provides access to the Caverns, associated pipelines and infrastructure. There is at this stage not sufficient information to provide a detailed judgment on the potential implications on existing infrastructure and the need to maintain access to it.
- 3.5 CPL own land adjacent to Eastfield Road and Manby Road. Road and proposals are made in relation to both roads but no details are given. Confirmation is sought that none of the proposed works will affect CPL's ownership in these areas.

4.0 Use of South Killingholme Jetty (SKJ)

- 4.1 The concerns of various parties including the Oil and Pipeline Agency (OPA) have already been stated in separate responses in relation to the continuing use and operation of the South Killingholme Jetty, and their comments are obviously recorded separately, but some of those concerns are also shared by CPL.
- 4.2 CPL consider the works to the Jetty to be a positive intervention for this part of the Humber Bank insofar as the further economic development and prosperity of the area is concerned, as well as the other positive impacts that will be felt both off shore and on shore as a direct consequence of these works.
- 4.3 CPL wishes it be known that whilst it is another positive element to the whole project, there are some concerns that require noting at this stage, with the most important as far as CPL are concerned being the confirmation of the desire to ensure that this Jetty is serviceable continually, both during and after the proposed works have taken place as identified in the submissions made.
- 4.4 CPL would also like to repeat the some concerns that are shared with OPA that
- a) dredging by the Able may result in the deposit of silt materially interfering with the operation of the SKJ and there is also a risk of landslip to the jetty structure.
 - b) the two installations would be so proximate that an adverse impact on the efficient operation of the SKJ is highly possible.
 - c) the draft DCO provides for rights to improve, develop and alter the designated harbour and any extension to the harbour would undoubtedly have an effect on the SKJ.
- 4.5 In addition given the statement that there will be an effect on the movement of navigation CPL has a concern that in the construction phase and thereafter there may be a limitation on the importation and exportation of products through the SKJ.
- 4.6 Confirmation is sought that this supply will not be affected.
- 4.7 CPL also has rights for the use of pipelines from the SKJ to CPL's land crossing land defined for "temporary use". CPL requires clarification of the purpose of designation of this land as it would appear to be unnecessary to the boundaries of the development site.

- 4.8 Along the area defined as use for temporary access and adjacent to the sea wall CPL have titular rights to use of the foreshore. Confirmation is sought that these rights will not be affected.

5.0 Flood risk issues

- 5.1 The AMEP will result in a large area of land on the south bank of the River Humber being developed and land being reclaimed from the Humber. This

land is located within Environment Agency Flood Zones 3a and 3b and forms part of the Humber Functional Floodplain and is therefore at high risk from flooding.

- 5.2 Given the significant land holding CPL has in the area of the development site there is a concern about the proposed drainage scheme being promoted with North East Lindsey Drainage Board and therefore requests that Able is required to provide suitable mitigation measures to ensure that there is no adverse impact on CPL's operations through flooding.
- 5.3 CPL would like it noting that there are inaccuracies on the ecology plan Sheet 2, which identifies land (together with substantial tracts of other land) on which CPL's Caverns complex is situated as Coastal & Grazing Floodplain Marsh. This is incorrect as the land together with other land also so designated is already developed.
- 5.4 CPL requires confirmation that it is not intended that any part of its land comprises proposed designated flood plain.
- 5.5 CPL also requires confirmation that any drainage scheme proposed will not affect the viability safety and operation of any of its land holding.
- 5.6 As part of the whole issue surrounding the development and the flood risk implications, CPL would like to be satisfied that all aspects of flooding have been duly considered as part of this development proposal. Aspects where concerns are raised include the provision of suitable attenuation and discharge for surface water run off, suitable and where practical permeable surface treatments for the site, consideration of water displacement and an increase of risk of flooding to CPL owned land and what forms of mitigation are proposed to alleviate the facts that large areas of naturally draining land and routes of existing watercourses, habitats and wildlife corridors may be interrupted by the proposals.

ConocoPhillips Limited
29 June 2012

