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16 May 2025

Dear Burgess Salmon LLP

**THE VPI IMMINGHAM (LAND AT ROSPER ROAD) COMPULSORY PURCHASE ORDER 2024
– UNDERTAKING AND STAGED CONFIRMATION**

We write further to your letter of 15 May 2025.

Undertaking

As outlined in your client's evidence to the Inquiry on 15 May 2025, the Objector accepts VPI's need for the red land and the majority of the green land (as shown on drawing 215005-00703-00-CI-DPP-00013 Rev 2), subject to the grant of certain rights – specifically; (1) the grant of a right of access to the Order Land for monitoring purposes with respect to the Killingholme drain and the P66 pipeline corridor on the western side of the Order Land; (2) the grant of rights for a period of time in order to construct an extension to the existing pipe bridge under your client's planning permission PA/2023/422; (3) the transfer to your client of land comprised within the Order Land which is not required permanently by VPI or Harbour Energy; and (4) a commitment not to exercise powers until funding has been confirmed by Government. As you have acknowledged, VPI has offered your client a form of written Undertaking which commits to the following:

- (a) To permit P66 to enter the Order Land to operate, inspect, repair and maintain its existing pipework on or adjacent to the Order Land and to inspect and monitor the Killingholme Drain. Subject to reasonable notice being given to VPI, complying with reasonable requirements and not prejudicing the safe and efficient construction, operation or materially increasing the cost of the VPI Project;
- (b) To grant to P66 a right for six months from the date of VPI taking possession of the Order Land to enter on to a defined part of the Order Land to install the modified pipe bridge;
- (c) To transfer to P66 any part of the land comprised in the P66 pipeline corridor that is not reasonably required by VPI or by Harbour Energy for the purposes of the VPI Project or the Viking CCS Pipeline; and

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- (d) To transfer the Order Land back to P66 if the VPI Project does not reach FID within four years of the date of confirmation of the Order subject to the repayment by P66 of compensation paid by VPI for the land.

We note your intention to provide comments on the above terms and your client's preference for a Deed of Undertaking. Our client is happy to provide a Deed of Undertaking provided that the negotiations are completed before the giving of closing submissions to the Inquiry at 10am on Tuesday 20 May 2025. If the Deed of Undertaking is not agreed and signed by the parties, VPI reserves the right to give an Undertaking to the Secretary of State concerning the above matters to give the necessary assurances to your client on the specific issues raised during the Inquiry.

Staged Confirmation

The Acquiring Authority acknowledges your client's revised position as set out in Ms Tafur's submissions of 14 May 2025 and in your letter of 15 May 2025, in which you suggest that because of an ongoing need for access to the Order Land and in the absence of a Dispatchable Power Agreement, the Order should be confirmed in two stages – the red land should be confirmed immediately and unconditionally but the green land should be confirmed at a later time and only once a Dispatchable Power Agreement has been issued by the Government. We note that this position was not raised in pre-inquiry correspondence by the Objector and did not form part of the Objector's case prior to 14 May 2025.

The Acquiring Authority recognises that staged confirmation is a theoretical possibility in a compulsory purchase order, however on the facts of this case the approach is unworkable and unnecessary for the following reasons.

- (a) Your client's approach offers VPI the land required for the permanent infrastructure but no land in order to build it.
- (b) VPI cannot FID the VPI Project until it has certainty that all of the land it requires for the project (construction and operation) is under option or is under a confirmed CPO. The Government will not issue a Dispatchable Power Agreement to VPI until FID has been given. VPI requires the land before FID.
- (c) VPI has offered your client the rights it requires to access the Order Land for the purposes it has outlined in the Inquiry process (see (a)-(d) above).

VPI considers that it is in the public interest that the Secretary of State confirms the CPO in respect of all of the Order Land together. The concerns of the Objector are addressed by the Undertaking which has been offered by VPI.

Yours faithfully

Pinsent Masons LLP