



For the attention of Ross Corser
Senior Associate
Pinsent Masons LLP

One Glass Wharf
Bristol BS2 0ZX
Tel: +44 (0)117 939 2000
email@burgess-salmon.com
www.burgess-salmon.com
DX 7829 Bristol

Direct Line: +44 (0) 117 307 6874
alex.minhinick@burgess-salmon.com

By email: ross.corser@pinsentmasons.com

Our ref: AM16/39251.70/MINHI

25 April 2025

When telephoning please ask for: Alex Minhinick

Dear Pinsent Masons LLP

The VPI Immingham (Land at Rosper Road) Compulsory Purchase Order 2024 - Land Negotiations

We write further to our correspondence of the 9 April 2025 and in response to yours of 11 April 2025.

We note that VPI is indicating it will offer the P66 Pipeline Corridor (being the area edged green on Appendix 1 to P66's Statement of Case) back to P66, or rights over it, once VPI's use of the land has ceased.

VPI note in their Statement of Reasons, at paragraph 5.5, that

The southernmost part of the P66 Land is only required temporarily for construction laydown for the Proposed Development and will be offered back to P66 to the extent that it is not required by Harbour Energy in connection with the land requirements of the transportation pipeline currently being promoted through the development consent order process

The 11 April letter does nothing to further substantiate this position and is therefore not considered an offer in any meaningful sense of the word. Irrespective of whether it could constitute an offer, for the reasons outlined in detail in our client's witness evidence (see para 10.21 in the Witness Statement of Mike Wailes), it is unacceptable. The purported offer is therefore made very late in proceedings and does little to provide comfort to our client that VPI are committed to narrowing the issues between the parties or suggesting an achievable alternative to the CPO. On this basis, it remains the case that VPI are seeking to acquire the freehold of our client's land (the P66 Land). Should VPI be in a position to provide the details to support an offer, then P66 would of course be willing to consider it.

P66 welcome the open acknowledgment that that the freehold in the land is not required by VPI. That is evident in the confirmation that an option has been granted by VPI to Harbour and confirmation that the land is required on a temporary basis only, in order to enable construction and not beyond. The Statement of Reasons also supports this by noting, in paragraph 5.2, that "*Acquiring Authority proposes to permanently acquire the land comprising the P66 Land in order to facilitate the construction of the Proposed Development*". At no other point does the Statement of Reasons provide justification for the need for freehold acquisition over the P66 Land or details of what facilitation necessitates that position.

VPI will be familiar with the Guidance on the Compulsory Purchase Process (October 2024) and its emphasis on the justification for rights being sought noting:

"... a confirming authority will need to understand, and the acquiring authority be able to demonstrate, that there are sufficiently compelling reasons for the powers to be sought at this time" (paragraph 13.2).

WORK\75579703\lv.2

Classification: Confidential

6 New Street Square, London EC4A 3BF
Tel: +44 (0)20 7685 1200

Atria One, 144 Morrison Street, Edinburgh EH3 8EX
Tel: +44 (0)131 314 2112

Burgess Salmon LLP is a limited liability partnership registered in England and Wales (LLP number OC307212, SRA ID 401114), and is authorised and regulated by the Solicitors Regulation Authority. It is also regulated by the Law Society of Scotland. Its registered office is at One Glass Wharf, Bristol, BS2 0ZX. A list of the members may be inspected at its registered office. Further information about Burgess Salmon entities, including details of their regulators, is set out on the Burgess Salmon website at www.burgess-salmon.com.

INVESTORS IN PEOPLE
We invest in people Platinum

This must be justified on a case by case basis, and specifically for the extent of powers being sought. VPI have not sufficiently justified this position, particularly in respect of the P66 Pipeline Corridor, for the reasons noted above.

P66 has provided evidence to the Inquiry that the conventional approach in CPOs which seek rights for a limited purpose or period (as is the case here) is to acquire a package of rights over the land for that defined purpose or period, and not the freehold. In light of the clear precedent, VPI should acknowledge that the rights sought under the CPO are excessive on the basis there is no justification for the freehold acquisition of the P66 Pipeline Corridor for temporary works only and that the freehold is not in fact required.

As an acquiring authority acknowledging that the extent of its proposed CPO is excessive, it is incumbent on VPI to address the Inspector on that issue, and propose a mechanism by which the Order can be modified, or withdrawn to address this. In doing so we expect VPI to agree to cover P66's costs of its objection to the CPO to date to reflect this error.

Yours faithfully

A handwritten signature in black ink that reads "Burges Salmon". The signature is written in a cursive, flowing style.

BURGES SALMON LLP