

**BY E-MAIL**

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2 May 2025

Dear Burges Salmon

**THE VPI IMMINGHAM (LAND AT ROSPER ROAD) COMPULSORY PURCHASE ORDER 2024**

We write further to the parties correspondence and most recently your letter of 25 April 2025.

As is made clear in the Statement of Reasons and our letter for 11 April, the Acquiring Authority is content to offer back the P66 Pipeline Corridor, or grant rights over it, once the temporary use of that parcel of land has ceased. Contrary to the terms of your letter, this is not “acknowledgment that the freehold in the land is not required by VPI”. As you are aware, a CPO under the Electricity Act 1989 cannot make provision for the temporary possession of land, nor for the imposition of a lease. Accordingly, the CPO must either provide for freehold acquisition of land, or for the acquisition of rights in land (EA 1989 Sch 3, Part I, para. 1).

Where rights in land are to be taken, they must be in the nature of rights which can be granted in land. The exclusive use of a parcel of land is not a right over land, but an interest in possession. In the present case, the whole parcel of land within the CPO boundary is required for the construction of the scheme. During the construction period, that land will be in the exclusive possession of the Acquiring Authority, and P66 will not be able to access it. The land will be modified to serve as a construction compound, even on those parts where no permanent infrastructure is proposed. Such activities are not capable of being dealt with by way of the grant of rights, not least because they require exclusive possession of the land by VPI. As you will be aware, there are also subsisting rights in the land held by Harbour, which need to be modified to allow the use of the land for the construction of the Acquiring Authority's scheme. Again, such a result cannot be achieved by the Acquiring Authority only acquiring rights over P66's land.

Accordingly, the land required for construction of the scheme is identified for freehold acquisition. Once construction activities have been completed, any land which is not required for the operational phase will be offered back to P66. Alternatively, the Acquiring Authority will grant rights in the land for the purposes of laying the pipes referred to. The Acquiring Authority has

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made its position clear on this point since the CPO was made. It would be happy to provide P66 with a formal undertaking to that effect.

Yours faithfully

A handwritten signature in black ink that reads "Pinsent Masons LLP." The signature is written in a cursive, flowing style.

**Pinsent Masons LLP**