



Department for  
Energy Security  
& Net Zero

By email: [REDACTED]

[REDACTED]  
Senior Associate  
Pinsent Masons LLP

**Department for Energy Security  
& Net Zero**

Energy Infrastructure Planning  
3-8 Whitehall Place  
London,  
SW1A 2JP

[www.gov.uk/desnz](http://www.gov.uk/desnz)

20 February 2026

Dear [REDACTED],

**ELECTRICITY ACT 1989 AND ACQUISITION OF LAND ACT 1981 – THE VPI  
IMMINGHAM LLP (LAND AT ROSPER ROAD) COMPULSORY PURCHASE  
ORDER 2024.**

Your client: VPI Immingham LLP.

**Introduction:**

1. I am directed by the Secretary of State for Energy Security and Net Zero (“the Secretary of State”) to refer to the VPI Immingham LLP (Land at Rosper Road) Compulsory Purchase Order 2024 (“the Order”), which was submitted to the Secretary of State by Pinsent Masons LLP on behalf of VPI Immingham LLP (“the Acquiring Authority”), for consideration under section 10 of, and paragraph 1 of Schedule 3 to, the Electricity 1989 Act (“the 1989 Act”) and Part 2 of the Acquisition of Land Act 1981 (“the 1981 Act”).
2. The purpose of the Order is to authorise the Acquiring Authority to compulsorily purchase land and new rights in land required for the purposes relating to the capturing of carbon dioxide emissions from their combined heat and power plant and ancillary or associated works and activities.
3. The Secretary of State notes that the Acquiring Authority holds an electricity generation licence under section 6(1)(a) of the 1989 Act. Paragraph 1(1) of Schedule 3 of the 1989 Act allows the Secretary of State to authorise a licence holder to compulsorily purchase land and paragraph 1(2) of the 1989 Act provides that licence holders are authorised to acquire rights in land as well as the title to land, and that this can be done by creating new rights as well as by acquiring existing rights. Section 10 of and Schedule 3 to the 1989 Act

empower the Acquiring Authority to purchase compulsorily any land, including rights in land, required for any purpose connected with the carrying on of the activities which it is authorised by its licence to carry on.

### **The Project:**

4. The project is required for the construction and operation of a post-combustion carbon capture plant, including carbon dioxide compressor and metering, cooling equipment, stacks, substations, internal roads, partial ditch realignment, new and modified services, connections, accesses, maintenance and laydown area.
5. The project is based within the administrative boundaries of North Lincolnshire Council.
6. Full planning permission for the project was granted by North Lincolnshire Council under the Town and Country Planning Act 1990 on 29 August 2025 (reference: PA/2023/421). This was granted after the report by the Inspector appointed by the Secretary of State had been issued.

### **The Order:**

7. The Order was made on 16 September 2024; the objection period ran from 16 September 2024 to 18 October 2024. The Secretary of State received two objections.
8. The Secretary of State wrote to the Planning Inspectorate, via email, on 22 November 2024 requesting that that an Inspector was appointed for a public inquiry relating to the Order.
9. As per Rule 3(3) of the Compulsory Purchase (Inquiries Procedure) Rules 2007 (as amended), the Secretary of State decided it was appropriate to hold a public local inquiry into the Order. Notification was sent to all interested parties, via email, on 10 January 2025. For the purpose of Rule 3(3), 21 January became the 'relevant date'.
10. A virtual case management conference was held on 24 March by the Inspector with the Acquiring Authority and Objectors. The Inspector did not treat this as a Pre-Inquiry Meeting.
11. On 28 March, before the inquiry began, one objection was withdrawn. The remaining objector was Phillips 66 Limited ("the Objector") which owns the Order Land and operates the Humber Refinery which is adjacent to the site.
12. The full public inquiry opened on Tuesday 13 May 2025 and closed on Tuesday 20 May 2025. The Objector participated in and was represented at the inquiry.
13. Following the closure of the inquiry, on 23 May 2025, the Acquiring Authority submitted a Unilateral Undertaking to the Secretary of State which included

allowing the Objector access onto the land for specific purposes – this was considered by the Inspector in their report.

14. Further email communications were received in August 2025 from both the Acquiring Authority and the Objector relating to the Unilateral Undertaking and expansion of its scope to a bilateral agreement. These communications were made after the Inspector’s report was submitted to the Secretary of State and so were not considered by the Inspector in their report. The Secretary of State has considered these representations in making his decision but does not consider that they affect the contents of the undertaking or the considerations and conclusions reached by the Inspector.

**The Inspector’s report and recommendation:**

15. The Inspector’s “Report to the Secretary of State for Energy Security and Net Zero” (“the Inspector’s report”) was issued to the Secretary of State on 23 July 2025 and will be published alongside this document.
16. In producing their recommendation, the Inspector has considered the Guidance on Compulsory Purchase Process (Ministry of Housing, Communities and Local Government, January 2025) which confirms that a CPO should only be made where there is:
  - A compelling case for acquisition in the public interest and reasonable efforts have been made by the acquiring authority to negotiate the purchase of land by agreement;
  - Evidence that the acquiring authority has a clear idea of how the land is to be used;
  - Evidence that the acquiring authority can show that all necessary resources to carry out its plans are likely to be available in a reasonable time scale;
  - Evidence that the scheme is unlikely to be blocked by any impediment to implementation;
  - Evidence that the purposes for which the order is made justifies interfering with the human rights of those with an interest in the land.
17. Unless otherwise stated, the Secretary of State is in agreement with the reasons and conclusions set out in the Inspector’s report.

**Objections by Phillips 66 Limited:**

18. The Objector has made a number of representations and objections to the making of the Order which the Inspector has noted in their report.

*Validity*

19. The Secretary of State notes that the Inspector considers that whether or not the project comprises activities which fall within the enabling powers authorised under the 1989 Act is a matter of law (paragraph 12) but in their view it is authorised. The Secretary of State's view, as put forward by the Acquiring Authority in the statement of reasons, and as concluded by the Inspector in their report, is that the proposed project is related to the operation of the generating station as permitted by the licence and as such would be an activity falling within the enabling powers authorised under the 1989 Act.

#### *Negotiations*

20. The Secretary of State has considered the representations put forward by the Acquiring Authority and the Objector and agrees with the Inspector's conclusion that the Acquiring Authority has taken reasonable steps to attempt to acquire the land and has used the compulsory purchase process as a matter of last resort (paragraph 141).

#### *Impacts*

21. The Inspector has considered the countervailing impacts of the loss of land to the Objector (paragraphs 122-129) including general concerns around use of the land for future projects as well as specific concerns relating to the existing pipebridge, the pipeline corridor and the Killingholme ditch. The Secretary of State agrees that the Unilateral Undertaking submitted by the Acquiring Authority provides the Objector with sufficient access and allows the potential negative impacts outlined by it to be avoided. The Secretary of State also notes that the Objector had previously raised concerns about the impact of the Order on Harbour Energy's ability to deliver the Viking CCS network and that this potentially undermined the justification for the Order. However, Harbour Energy have since reached agreement with the Acquiring Authority as to necessary arrangements should the Order be confirmed and withdrawn their objection.

#### *Alternatives*

22. The Objector raised concerns that the Acquiring Authority failed to consider alternative sites and suggested delays to project delivery due to consideration of alternatives was not suitable justification for the compulsory purchase order. The Secretary of State agrees with the Inspector's conclusion (paragraphs 130-137) that the Acquiring Authority was justified in making the order in relation to the Order Land rather than starting afresh and considering a variety of sites in the wider vicinity.

#### *Funding*

23. The Inspector considered the Objector's concerns that the public funding required for the project has not yet been awarded. The Secretary of State agrees with the Inspector's findings (paragraphs 142-144) that there is nothing to indicate that the project is not financially viable and as such funding is not an impediment to the confirmation of the order.

### *Consent*

24. The Secretary of State notes that the Inspector considers whether the Project requires a Development Consent Order (DCO) to be a matter of law (paragraph 152) but given other similar developments that there was nothing to suggest that the project could not proceed under a Town and Country Act planning permission. The Secretary of State notes that since the Inspector submitted the report, North Lincolnshire Council have granted permission for the development under the Town and Country Planning Act 1990. The Project does not itself generate electricity although it could be included under an application for a DCO as associated development. As such the Secretary of State has not seen any evidence to indicate that the Project is one for which a DCO would be required.

### **Consideration of the Compulsory Purchase Order:**

25. In consideration of the Order, the Secretary of State has weighed up the relevant impacts of the project and has considered whether the rights over the land requested for the Order interfere with the human rights of those with an interest in the affected land. The Secretary of State has also considered whether, in accordance with the relevant guidance, a compelling case for compulsory purchase in the public interest is made out, and whether any interference with the human rights of those affected is sufficiently justified and proportionate in light of the purposes for which the compulsory purchase Order would be made in this instance.
26. The Secretary of State needs to be satisfied that there are sufficiently compelling reasons for the powers to be sought at this time. The Secretary of State notes that the purpose of the project is to construct and operate a post-combustion carbon capture plant to ensure that existing electricity generation infrastructure can continue to operate and produce electricity in line with the Government's ongoing environmental and emissions aims, and commitment to clean energy.
27. For these reasons, the Secretary of State agrees that there are compelling reasons for the Order to be made now.
28. In considering whether there is any interference with the human rights of those with an interest in the land affected, the Secretary of State has taken account of the compelling public interest justification for the project. The Secretary of State has taken the view that the rights over the land sought by VPI Immingham LLP will interfere with the human rights of those with an interest in the land affected, particularly rights under Article 1 of the First Protocol of the European Convention on Human Rights.
29. However, the Secretary of State is satisfied that VPI Immingham LLP has sought to keep interference to a minimum in respect of the rights sought over the Order land and considers that any interference is necessary and

proportionate. The Secretary of State also considers that any interference strikes a fair balance with the public benefit of delivering an important scheme that will help to guarantee clean power and the UK's future energy security.

30. The Secretary of State has therefore concluded that there would not be an unlawful interference with human rights under Article 1 of the First Protocol of the European Convention on Human Rights and that in confirming the Order there would not be a disproportionate or unjustified interference with human rights so as to conflict with the provisions of the Human Rights Act 1998.
31. The Equality Act 2010 requires public authorities to have due regard in the exercise of their functions to the need to:
  - eliminate discrimination, harassment and victimisation;
  - advance equality of opportunity between persons who share a relevant protected characteristic and those who do not; and
  - foster good relations between persons who share a relevant protected characteristic and those who do not.
32. The Secretary of State has considered the potential impacts of granting the Order in the context of the public sector equality duty and has concluded that it is not likely to result in any significant differential impacts on people sharing any of the relevant protected characteristics.

#### **Secretary of State's decision on the Compulsory Purchase Order:**

33. The National Policy Statements for energy infrastructure explain the urgent need for new carbon capture and storage (CCS) infrastructure to support the transition to a net zero economy as well as the requirement for timely development and deployment of CCS infrastructure to achieve Net Zero Strategy targets by 2030 (EN-1, paragraphs 3.5.1 & 3.5.4).
34. The Secretary of State has carefully considered VPI Immingham LLP's Statement of Case which sets out a justification for the making of the Order and the recommendation made by the Inspector in their report. The Secretary of State concludes that there is a compelling, proportionate and justifiable case in the public interest for the acquisition of the Order land. The Secretary of State has carefully considered the Inspector's conclusions and agrees with the Inspector that they do not raise grounds for withholding the Order.
35. **The Secretary of State has decided to confirm the Order.**
36. The confirmed Order is enclosed together with the plans referred to in that Order. The Order and plans are authorised on behalf of the Secretary of State.
37. Your attention is drawn to the notice obligations in section 15 of the 1981 Act, including that relating to publishing a confirmation notice in one or more local newspapers circulated in the locality of the land subject to the compulsory purchase Order. The Order will become operative on the date which Notice of

Confirmation is first published. It is important you advise the Secretary of State of this date. We should be grateful if you would in due course, send to the Secretary of State a copy of the pages from the local newspaper containing the Notice of Confirmation of the Order. The page should identify at the head thereof the name of the newspaper and the date of publication.

38. Section 15(6) of the 1981 Act provides that a confirmation notice shall be a local land charge and requires it to be sent to the Chief Land Registrar. This will be the case where the Order is situated in an area for which the Chief Land Registrar has given notice that he now keeps the local land charges register following changes made by Schedule 5 to the Infrastructure Act 2015. Where land in the Order is situated in an area for which the local authority remains the registering authority for local land charges (because the changes made by the Infrastructure Act 2015 have not yet taken effect), the Acquiring Authority should comply with the steps required by section 5 of the Local Land Charges Act 1975 (prior to it being amended by the Infrastructure Act 2015) to ensure that the charge is registered by the local authority.
39. The validity of the Secretary of State's decision may be challenged by making an application for Judicial Review to the Planning Court. Such application must be made not later than six weeks from the date on which notice of the confirmation or making of the Order is first published in accordance with section 15 of the 1981 Act.

Yours sincerely,

*John McKenna*

Energy Infrastructure Planning Delivery Team  
Energy Development  
Department for Energy Security & Net Zero