

The Examining Authority (Esso Southampton to London Pipeline)  
National Infrastructure Planning  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Riverbank House  
2 Swan Lane  
London EC4R 3TT  
T +44 (0)20 7861 4000  
F +44 (0)20 7488 0084  
E info@fieldfisher.com  
CDE 823

[www.fieldfisher.com](http://www.fieldfisher.com)

## By Email

(SouthamptontoLondonPipeline@planninginspectorate.gov.uk;)

Our Ref: JB8/JAF/UK01-000162-00247/83905978 v1  
Your Ref: EN070005

John Bowman

Partner

+44 (0)20 7861 4975 (Direct Dial)

john.bowman@fieldfisher.com

14 November 2019

Dear Sirs

**Application by Esso Petroleum Company, Limited for an Order Granting Development Consent for the Southampton to London Pipeline Project**  
**Relevant Representation by West London Pipeline and Storage Limited (WLPS)**  
**Reference Number 20022400**  
**Deadline 2 - Submission of Written Representation**

We are instructed by our client WLPS to submit this written representation in relation to the Southampton to London Pipeline Project (Ref: EN070005).

Discussions are ongoing between our client and Esso on the protective provisions which are to be agreed between the parties to ensure that our client's pipeline and other assets will be adequately protected from the impact of the proposed new Esso pipeline.

Most of the drafting is agreed between the parties, but the notice period before our client's pipelines or other assets can be removed or relocated; or protective works carried out, is not yet agreed.

Esso has proposed a 56 day notice period. Our client's standard notice period in relation to such works is typically significantly longer, which takes account of a number of time critical factors:-

1. The need to carry out a feasibility study before any such works are commenced.
2. The need to identify and instruct suitable contractors to carry out the works and agree method statements and specifications.
3. The need to ensure that the works are programmed to enable the supply of aviation fuel oil through our client's pipelines is not interrupted.
4. The need to ensure the works can be carried out in a safe manner.

Belgium | China | France | Germany | Ireland | Italy | Luxembourg | Netherlands | Spain | UK | US (Silicon Valley)

5. The need to factor in availability of contractors and suitable equipment and seasonally dictated working windows.

Our client has proposed a shorter notice period than it usually requires, being:

1. A four month notice period prior to the commencement of the notification and consultation procedure relating to the removal or relocation procedures and obtaining of replacement rights.
2. A three month period where no removal of our client's pipeline or equipment is required, but protective works may need to be put in place for the initial consultation and works approvals (with a two month period within which our client can request any required protective provisions). In the event that a revised plan is submitted by Esso, our client would like there to be a new three month notification procedure.

Our client has also requested that it can recover works' supervision costs together with any arbitration costs incurred in terms of challenging the terms of any replacement land rights where these are materially less advantageous than the original.

Our client hopes that it will be possible to agree these final issues with Esso; at which point it will withdraw the Relevant Representation.

In the absence of that agreement, WLPS requests that the above notice periods proposed by WLPS and cost recovery provisions are incorporated into the protective provisions to be included with the DCO, should this DCO be recommended by the Examining Authority for approval by the Secretary of State.

Yours faithfully

A large black rectangular redaction box covering the signature area.

**Fieldfisher**