

Application by Esso Petroleum Company Limited for the Southampton to London Pipeline Project

Deadline 6 submission submitted on behalf of Tweseldown Racecourse

By email only: SouthamptontoLondonPipeline@planninginspectorate.gov.uk

Tweseldown's Summary of Oral Submission made by Mark Warnett of Carter Jonas at the Compulsory Acquisition Hearing held on 24 February

- 1.1. Mark Warnett, Partner at Carter Jonas, represented Tweseldown at the hearing.
- 1.2. Mr Warnett said that while Tweseldown had provided conditional consent for their landlord (the MOD) entering into an agreement with the Applicant, and while this provided some comfort, alone this agreement did not provide the necessary protections to Tweseldown. Tweseldown's consent to the Applicant's and the landlord's agreement was therefore based on the Applicant also entering into an agreement directly with, and enforceable by, Tweseldown.
- 1.3. Mr Warnett reported that while there had been positive discussions with the Applicant, that Tweseldown had to date received no heads of terms or written documentation for such an agreement.
- 1.4. Mr Warnett explained the particular concerns of Tweseldown. Of central importance to the business are the four annual British Eventing events that Tweseldown hosts. These could not be held during the Applicants construction works. Due to the advance organisation that goes into these events, GB Eventing were insisting Tweseldown advise by April 2020 (i.e. before the Order could be confirmed and the compensation provisions of the Order activated) whether the x4 2021 events could proceed or not?
- 1.5. The existence of the Applicant's DCO application, and the lack of certainty over the construction dates, was therefore putting Tweseldown at considerable business risk, with associated losses not currently covered by the 'compensation code' unless / until the Order is confirmed. This was a considerable risk to Tweseldown's livelihood.
- 1.6. Mr Warnett explained Tweseldown needed certainty on whether the 2021 events could proceed or not by April 2020, and comfort on any losses associated with cancellation if that was necessary.
- 1.7. Post Hearing Notes:
 - 1.7.1.As at Deadline 6 Tweseldown still had not received any draft documentation for an agreement from the Applicant.

Carter Jonas LLP

5 March 2020