

**ASSOCIATED PETROLEUM TERMINALS (IMMINGHAM) LIMITED AND HUMBER OIL TERMINALS
TRUSTEE LIMITED**

**PROPOSED VIKING CCS CARBON DIOXIDE PIPELINE
DEVELOPMENT CONSENT ORDER**

DEADLINE 4 SUBMISSION

1. Introduction

- 1.1 We are instructed by Associated Petroleum Terminals (Immingham) Limited (“**APT**”) and Humber Oil Terminals Trustee Limited (“**HOTT**”) (hereinafter referred to as “**the IOT Operators**”) in respect of the application (“**the Application**”) made by Chrysaor Production (UK) Limited (“**the Applicant**”) for The Viking CCC Carbon Dioxide Pipeline Development Consent Order (“**the Proposed Order**”) to authorise the construction, operation and decommissioning of a pipeline that will transport captured carbon dioxide from Immingham to the Theddlethorpe Facility, together with associated development (“**the Scheme**”).
- 1.2 The Application for the Proposed Order was submitted and is being promoted by the Applicant and has been allocated Planning Inspectorate reference EN070008.
- 1.3 This Deadline 4 submission should be read together with and alongside:
- (a) The Relevant Representations (“**RRs**”) of the IOT Operators dated 15th January 2024;
 - (b) The Written Representations (“**WRs**”) of the IOT Operators dated 25th April 2024; and
 - (c) Comments made by the IOT Operators at ISH 1, CAH 1, and CAH 2.
- 1.4 This Deadline 4 submission:
- (a) Provides a written summary of the oral submissions made at CAH 2 on 25th June;
 - (b) Responds to the relevant action points from CAH 2; and
 - (c) Updates on negotiations with the Applicant.
- 1.5 Each of the above points are considered below in turn for ease of reference.

2. Summary of oral submissions made at CAH 2 on 25 June 2024

- 2.1 The IOT Operators are joint venture companies owned equally by Phillips 66 Limited (“**P66**”) and Prax Lindsey Oil Refinery Limited (“**Prax**”). The primary activity of the IOT Operators is the operation of marine terminals on behalf of P66 and Prax. They are also responsible for the operation of much of the pipeline system in the pipeline corridor between the IOT, the Oil Depot, the HR, and the LOR (collectively referred to as “**the Refineries**”). Their operations are highly complex, heavily regulated, and extremely sensitive to disruption and interference.
- 2.2 The IOT Operators support the principle of the Scheme and remain committed to assist in its implementation. The reason for the IOT Operators original objection to the Application related to

¹ Which term includes all documents submitted with the application.

the proposed details of the Scheme and how, in particular, they impacted or may impact on their operations and interests.

- 2.3 Change Request 1 was welcomed by the IOT Operators which, in summary, reduced the Order Limits for works related to the Immingham Facility and associated accesses; and removed Pipeline Route Option 2² in section 1 of the Scheme.
- 2.4 As such, the IOT Operators remaining objection now relates to Order Plot 1/74 and, in particular, the proposed location of this component of the Scheme relative to the HOTT pipelines and their interface.
- 2.5 The engagement from the Applicant, until recently, has been less than the IOT Operators would have liked. Following CAH 1, there has been one technical discussion meeting between the parties and a further meeting will be arranged. A draft set of protective provisions has also now been received from the Applicant which the IOT Operators hope will, in substance, address the bulk of its concerns. The IOT Operators have considered and marked up this draft set of protective provisions and returned them to the Applicant. That was over a month ago and no further response from the Applicant on this mark up has been received.
- 2.6 Overall, the IOT Operators are seeking, through the protective provisions, sufficient safeguards and protective provisions to be put in place to protect their interests and to enable them to continue to carry out their critically important operations. The IOT Operators are targeting an early resolution of these matters and would ask for further and more frequent engagement from the Applicant in this regard to work towards settling the protective provisions and to resolve the technical discussions which concern, among other things, clarification from the Applicant how close the Scheme is intended to run relative to the HOTT pipelines.

3. CAH 2 Actions

- 3.1 The Examining Authority (“ExA”) have asked the IOT Operators to provide detail on the internal governance processes regarding agreeing to Protective Provisions (and/or removal of an objection) and to give an indication whether the objection would be withdrawn prior to the close of the Examination or not.
- 3.2 Having considered this action point with the IOT Operators, we can confirm that: (a) the internal approvals process for the IOT Operators can take 3-4 weeks to conclude and (b) it is very much the hope and intention of the IOT Operators to work towards settling the terms of the protective provisions shortly and the accompanying agreement (see below) and thereafter (and subject to the necessary internal approvals and completion of the agreement) to withdraw its remaining objection to the Application during the currency of the examination.

4. Update on negotiations with the Applicant

- 4.1 Further to the oral submissions at CAH 2, which are summarised above, we are pleased to be able to confirm that the engagement from the Applicant has improved since CAH 2 and a further set of technical discussions have now been scheduled. In addition, the terms of the draft protective provisions, which have been the subject of several draft iterations, are now at an advanced stage of negotiation with the Applicant. It is now intended that alongside the protective provisions that an overarching agreement will be entered into by the IOT Operators with the Applicant which broadly regulates: (a) the exercise of their powers; (b) the withdrawal of the objection; and (c) the request for the protective provisions to be added to the Proposed Order.

² The proposal that the Proposed Development would go through the HR site, exiting between Houlton’s Covert and Children’s Avenue towards the south east.

- 4.2 Subject to agreeing these remaining points of detail on the protective provisions and agreeing the terms of the overarching agreement, it is anticipated that the same will be settled in around the middle or end of August. Thereafter, the parties can proceed to obtain the necessary internal approvals and complete the agreement during the currency of the examination whereupon it would be the intention of the IOT Operators to proceed to write to the ExA to withdraw its objection to the Application.
- 4.3 The ExA will appreciate that unless and until the terms of the protective provisions have been settled and the accompanying agreement has been finalised that the IOT Operators wish to maintain their objection to the Application on a protective basis.
- 4.4 The IOT Operators will keep the ExA updated as to developments as negotiations continue to progress.

Town Legal LLP

On behalf of the IOT Operators

25 July 2024