

Dear Sirs,

We act for Associated Petroleum Terminals and Humber Oil Terminals Trustee Limited (hereinafter referred to as “the IOT Operators”).

With respect to questions 2.5.27 and 2.7.17 of EXQ2, we would reply as follows:

By way of an update since Deadline 4, good progress has been made with the Applicant's team in settling the drafting for the proposed protective provisions to protect the key interests and operations of the IOT Operators and the accompanying overarching agreement which broadly regulates: (a) the exercise of the Applicant's powers; (b) the withdrawal of the IOT Operators objection; and (c) the request for the Protective Provisions to be added to the Proposed Order. At the time of writing, both the Protective Provisions and the overarching agreement are in substantially agreed form.

Alongside working up and finalising this documentation, the IOT Operators are continuing technical discussions with the Applicant and are seeking further details to be provided by the Applicant to properly consider the interface between their pipelines and the pipeline component of the proposed development. Specifically, the IOT Operators are seeking further details to be provided by the Applicant (in summary) as to: (i) how close the proposed pipeline gets at the shortest distance from the IOT Operators lines; (ii) the distance at the minimum point between the proposed pipeline and the IOT operators lines as it is proposed to run broadly parallel to its lines; (iii) calculations to support the proposed 2 metre minimum depth beneath its pipelines; (iv) confirmation as to whether the proposed crossing will be immediately below its existing pipe supports on its lines or between pipe supports or if this cannot be confirmed then to demonstrate via calculations that the proposed depth is acceptable both to avoid ground movement; and (v) details of the proposed trenchless auger bore as it is not a technique that the IOT Operators are overly familiar with.

Further technical discussions on the above points are currently ongoing. Subject to such further technical discussions continuing at pace, it is hoped and anticipated that the parties can then proceed to obtain the necessary internal approvals and complete the overarching agreement during the currency of the examination (by Deadline 7) whereupon it would be the intention of the IOT Operators to proceed to write to the Examining Authority to withdraw its objection to the Application.

The Examining Authority will, however, appreciate that unless and until the necessary further technical details have been provided by the Applicant (in summary) as to the interface between the proposed development and the IOT Operators pipelines that the IOT Operators wishes to maintain its objection to the Application on a protective basis.

The IOT Operators will continue to keep the Examining Authority updated as to developments as the technical discussions continue to progress