

## A303 Amesbury to Berwick Down - Esso

### Responses to Planning Inspectorate's First Written Questions and Requests for Information

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Dear Sirs

#### **Questions CA.1.33, DCO.1.53, DCO.1.110, SE.1.24**

Esso Petroleum Company, Limited has agreed in principle to a diversion, without prejudice and subject to agreeing terms. Those terms and conditions relating to the diversion proposal are under discussion. The answers to your direct questions are:-

|           |  |
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| CA.1.33   | The negotiations relating to the protective provisions between Esso and Highways England are ongoing. We have narrowed the remaining issues between us and anticipate reaching agreement within the next few weeks. The latest draft was received from HECL's lawyers today (2 May 2019).  |
| DCO.1.53  | Esso is not a statutory undertaker within the meanings set out in sections 127 and 138 of the Planning Act. Esso maintains its interest in the inquiry and does not withdraw its representations.  |
| DCO.1.110 | The PPs are not yet agreed. The areas of remaining to be agreed are: the extent to which the parties may be required to enter into a works agreement; the extent to which HECL may be able to carry out emergency works around the live pipeline without first notifying Esso; the effect of betterment and deferment of renewal; conduct of claims brought by third parties under which Esso seeks to recover through HECL's indemnity. |
| SE.1.24   | Please see the comments above regarding PP negotiations. (ii) If matters are not resolved we understand that HECL seek the power to acquire Esso's interest in easements for the pipeline and that the works proposed by HECL would sever the pipeline. This would mean that the pipeline would be legally and physically incapable of use.  |

Yours faithfully

**Veale Wasbrough Vizards LLP**