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The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
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26 October 2012

Dear Sir,

Able Marine Energy Park (Reference TR030001) Our Unique Reference Number: 10015546

Pipelines crossing land defined as Mitigation Area "A" ("Area A")

Following the Specific Issue Hearing (the "Hearing") held on the 12 September 2012 Phillips 66 Limited (P66) (formerly known as, and registered as an Interested Party under the name of, ConocoPhillips Limited) wishes to set out its position in relation to the response given by the Applicant to question 25 of the Planning Inspectorate's Second Round of Written Questions (the "Response").

As a preliminary to the points made in this letter P66 would like to make it clear that at no time has it expressed a formal objection to the application. To re-state the position as set out in P66's Written Representation, whilst P66 does not have any specific objections to the overall principle of the development and the proposals, it does have concerns over some of the detailed aspects of the scheme, and the potential implications for its land holding, future development proposals and how the proposals may affect its existing infrastructure.

At the Hearing P66 were advised that the Response was informed by and based on information obtained from John Waudby. John Waudby is the Terminal Manager of APT (Immingham) Limited (APT). APT does not monitor or manage P66's pipelines and John Waudby was not authorised by P66 to make any statement on its behalf.

1.1 The following statements in the Response are not in dispute:-

- (a) Access to Area A is governed by the terms of a Deed of Grant dated 22 December 2011.
- (b) A visual inspection of the pipelines is undertaken weekly, sometimes monthly.

- (c) Every 5 years the pipelines are inspected internally which inspection does not require access to Area A.

1.2 The following statements made in the Response are considered incorrect

- (a) Access to Area A is not restricted under the terms of the Deed of Grant. Under the Deed of Grant access is permitted to Area A at all times with or without vehicles for the repair renewal and replacement of the pipelines along an easement strip 5 metres either side of the pipelines. In addition the Applicant is prevented from doing anything to the easement strip to impede the use of the pipelines and particularly to change the level of composition of the easement strips. This provision in the Deed of Grant was agreed bearing in mind the requirement to ensure the safety and integrity of the lines at all times.
- (b) Whilst the internal inspections do not require access to Area A it is the case that there may also be a requirement to carryout external inspections as well as needing access to carryout any required works identified as a result of these inspections. As well as the matters identified in the Response works typically would include repairs to pipe supports, recoating (painting) including grit blasting to prepare the surface, removal and replacement of sections of the line and potentially the replacement of the whole line.
- (c) It is not the case that only 40 days of maintenance have been undertaken in the last 10 years. During 2008 and 2009 an entire new replacement pipe has been installed. The project took around 6 months to complete on site. This major construction work involved the use of heavy vehicles including cranes to install the pipe.
- (d) The suggestion that repair and maintenance of the pipelines represent only 1% of the last 40 years implies that inspection and maintenance of these pipelines is minimal which is not always the case. It should also be borne in mind that given the age of the current lines it is likely more extensive repair and replacement will be required in the future.

Based on the above P66 submit that in creating a wet grassland the nature of Area A will be significantly changed and this will have the potential to affect the stability and integrity of the easement strip. It is considered that the conservation objectives of Natural England and the RSBP which it is sought to overcome in the creation of Area A are not consistent with the essential requirements as to the repair and maintenance of the pipelines within Area A.

In response to Question 24 of Planning Inspectorate's Second Round of Written Questions the Applicant has suggested use of land at Halton Marshes as an alternative mitigation area. It is P66's submission that the use of this alternative area would avoid the problems identified above and secure the continuing safety of the lines.

Yours Sincerely



Clive Hitchman
Technical Services Manager