

**Bristol office**

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Our ref: BS/DB/4CH58/0023

Your ref:

DDI: 0117 314 5492

Doc no: 23246523v1

14 April 2021

Dear Sirs

Portishead Branch Line - MetroWest Phase 1 ("the Scheme")
Ongoing Negotiations of Protective Provisions Agreement
Our Client: Exolum Pipeline System Limited (formerly CLH Pipeline System (CLH-PS) Limited) ("Exolum")

By correspondence dated 12 October 2020, we submitted an objection to the Scheme on behalf of Exolum. Exolum is an interested party for the purposes of the Scheme as it operates pipeline apparatus in land within the Order Limits and has received a Section 56 notice from North Somerset Council ("the Promoter"). We write to provide an update on the protective provisions agreement ("the Agreement") currently being negotiated between the Promoter, Exolum and Network Rail Infrastructure Limited in its capacity as rail operator.

As outlined in the objection, Exolum does not object to the Scheme in principle. However, Exolum does object to any acquisition of its apparatus or rights under any compulsory acquisition powers granted in the DCO. Exolum also objects to the grant of further rights and powers to carry out works which could compromise the safety and operation of its pipelines, in the absence of suitable protective provisions and without suitable provisions for recovery of costs.

The draft DCO contains protective provisions relating to Exolum's apparatus, drafted unilaterally by the Promoter, which provide inadequate protection of Exolum's apparatus and rights. We have not received any correspondence from PINS or the Promoter on the draft Protective Provisions since our objection and were not asked to provide any input on them in the examination.

The Promoter offered to negotiate a separate Agreement with Exolum and we last sent them our comments on this in June 2020. We received the Promoter's draft comments in reply in January 2021 and only received Network Rail's comments on 23 March 2021. We also only received an undertaking for costs to review these comments on 23 March. We have reviewed these and responded with comments to WBD.

Exolum continues to engage and collaborate with the Promoter to negotiate the Agreement. Its terms are largely agreed between the parties, though a small number of outstanding points remain to be settled.

**Lawyers & Parliamentary Agents**

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Examination & DCO

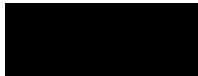
At this stage, Exolum is confident that the parties will be able to progress the Agreement to completion however we ask that PINS retains the issue of protection of Exolum's pipeline as a live issue pending resolution of the Agreement. We ask that you set a further deadline for the Promoter to provide information to you on progress on the Agreement. If the Promoter will not enter into the Agreement with Exolum, we will need to provide further submissions to you or directly to the Secretary of State for consideration.

We note that PINS accepted our submission (case worker's email of 12 October 2020 confirming this) but have not received any further paperwork or correspondence from PINS including any notifications of hearings at which we would have been able to present on the issues as they affect Exolum.

Exolum looks forward to hearing from WBD shortly regarding the Agreement.

We look forward to hearing from you.

Yours faithfully

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Veale Wasbrough Vizards LLP