

## SCHEDULE 12

### Protective provisions

## PART 8

### Protection for VPI Immingham LLP

1. The provisions of this Part have effect for the protection of VPI unless otherwise agreed in writing between the undertaker and VPI.

#### Commencement Information

**I1** Sch. 12 Pt. 8 para. 1 in force at 7.9.2016, see [art. 1\(2\)](#)

2. In this Part—

“pipeline” means the gas pipeline crossing the Order land owned and operated by VPI used at various times for the passage of gas and all ancillary apparatus including such works and apparatus properly appurtenant to the pipeline as are specified by section 65(2) of the Pipelines Act 1962(1);

“relevant undertaker” means—

- (a) in relation to works which are Project A works or associated development or ancillary works relating to Project A works, Optimus Wind;
- (b) in relation to works which are Project B works or associated development or ancillary works relating to Project B works, Breesea; and
- (c) in relation to works which are shared works or associated development or ancillary works relating to shared works, Optimus Wind and Breesea;

“VPI” means VPI Immingham LLP (registered number OC300980).

#### Commencement Information

**I2** Sch. 12 Pt. 8 para. 2 in force at 7.9.2016, see [art. 1\(2\)](#)

3. Before commencing any part of the authorised development or the operation of the authorised development that would have an effect on the operation and maintenance of the pipeline and access to it, the relevant undertaker must submit to VPI plans and sections of the proposed works and such further particulars as VPI may, within 28 days from the day on which plans and sections are submitted under this paragraph, reasonably require.

#### Commencement Information

**I3** Sch. 12 Pt. 8 para. 3 in force at 7.9.2016, see [art. 1\(2\)](#)

4. No works comprising any part of the authorised development or the operation of the authorised development that would have an effect in full or in part on the operation, maintenance, repair,

(1) 1962 c.58. Section 65(2) was amended by paragraph 6 of Schedule 2 to the Energy Act 2011 (c.16) and S.I. 2000/1937 and 2011/2305.

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replacement and abandonment of the pipeline and access to it may be commenced until plans and sections in respect of the works submitted under paragraph 3 have been approved by VPI.

**Commencement Information**

**I4** Sch. 12 Pt. 8 para. 4 in force at 7.9.2016, see [art. 1\(2\)](#)

**5.** Any approval of VPI required under paragraph 4 must not be unreasonably withheld or delayed but may be given subject to such reasonable requirements as VPI may require to be made for—

- (a) the continuing safety and operational viability of the pipeline; and
- (b) the requirement for VPI to have uninterrupted and unimpeded access to the pipeline at all times.

**Commencement Information**

**I5** Sch. 12 Pt. 8 para. 5 in force at 7.9.2016, see [art. 1\(2\)](#)

**6.—(1)** Subject to sub-paragraphs (2) and (3), if, by reason or in consequence of the construction of any of the works referred to in paragraph 3, any damage is caused to any apparatus or property of VPI, or there is any interruption in any service provided, or in the supply of any goods, by VPI, the relevant undertaker must—

- (a) bear and pay the cost reasonably incurred by VPI in making good such damage or restoring the supply; and
- (b) make reasonable compensation to VPI for any other expenses, loss, damages, penalty or costs incurred by VPI,

by reason or in consequence of any such damage or interruption.

(2) Nothing in sub-paragraph (1) imposes any liability on the relevant undertaker with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of VPI, its officers, servants, contractors or agents.

(3) VPI must give the relevant undertaker reasonable notice of any claim or demand, and no settlement or compromise may be made without the consent of the relevant undertaker, which, if it withholds consent, has the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

**Commencement Information**

**I6** Sch. 12 Pt. 8 para. 6 in force at 7.9.2016, see [art. 1\(2\)](#)

**7.** Any dispute arising between the undertaker and VPI under this Part must be determined by arbitration as provided in article [41](#) (arbitration).

**Commencement Information**

**I7** Sch. 12 Pt. 8 para. 7 in force at 7.9.2016, see [art. 1\(2\)](#)

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 1 Pt.03 para. 6(l) words substituted by [S.I. 2016/1104 Sch.](#)
- Sch. 12 Pt. 6 para. 5(a) words substituted by [S.I. 2016/1154 Sch. 29 Pt. 2 para. 118\(4\)](#)