

SCHEDULE 12

Protective provisions

PART 9

Protection for Phillips 66 Limited

1. The provisions of this Part have effect for the protection of P66 unless otherwise agreed in writing between the undertaker and P66.

Commencement Information

I1 Sch. 12 Pt. 9 para. 1 in force at 7.9.2016, see [art. 1\(2\)](#)

2. In this Part—

“P66” means Phillips 66 Limited (company number 529086);

“pipeline” means the crude oil pipeline owned and operated by P66 used at various times for the passage of multi-purpose hydrocarbon fuels and all ancillary apparatus including such works and apparatus properly appurtenant to the pipeline as are specified by section 65(2) of the Pipe-lines Act 1962;

“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.

Commencement Information

I2 Sch. 12 Pt. 9 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 P66 plans and sections of the proposed works and such further particulars as P66 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. 9 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, 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 P66.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Hornsea Two Offshore Wind Farm Order 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I4 Sch. 12 Pt. 9 para. 4 in force at 7.9.2016, see [art. 1\(2\)](#)

5. Any approval of P66 required under paragraph 4 must not be unreasonably withheld or delayed but may be given subject to such reasonable requirements as P66 may require to be made for—

- (a) the continuing safety and operational viability of the pipeline; and
- (b) the requirement for P66 to have uninterrupted and unimpeded access to the pipeline at all times.

Commencement Information

I5 Sch. 12 Pt. 9 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 P66, or there is any interruption in any service provided, or in the supply of any goods, by P66, the relevant undertaker must—

- (a) bear and pay the cost reasonably incurred by P66 in making good such damage or restoring the supply; and
- (b) make reasonable compensation to P66 for any other expenses, loss, damages, penalty or costs incurred by P66,

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 P66, its officers, servants, contractors or agents.

(3) P66 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. 9 para. 6 in force at 7.9.2016, see [art. 1\(2\)](#)

7. Any dispute arising between the undertaker and P66 under this Part must be determined by arbitration as provided in article 41(arbitration).

Commencement Information

I7 Sch. 12 Pt. 9 para. 7 in force at 7.9.2016, see [art. 1\(2\)](#)

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Hornsea Two Offshore Wind Farm Order 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

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\(4\)](#)