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Net Zero DCO

**WRITTEN REPRESENTATIONS AND RESPONSE TO FIRST
WRITTEN QUESTIONS**

On behalf of

ANGLO AMERICAN CROP NUTRIENTS LIMITED

(REF: 20029897)

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1. INTRODUCTION

1.1 Relevant representations were submitted on behalf of Anglo American Woodsmith Limited and York Potash Limited on 15 December 2021 (RR-014)). The representations referred to the support, in principle, of the Net Zero Project but also expressed concern regarding the lack of detail in available in respect of certain elements of the scheme and the consequent difficulties in understanding the potential impact of the Net Zero Project on the Woodsmith Project.

1.2 These further written representations

- i. clarify the relevant company entities whose names have changed since the relevant representations were submitted;
- ii. provide further background to, and an update on, the Woodsmith Project;
- iii. update the Examining Authority in respect of the concerns of Anglo American, particularly in light of the recent changes to the Net Zero proposals; and
- iv. confirm the position with regard to reaching agreement on protective provisions and other necessary agreements.

1.3 These representations also respond to the First Written Questions issued by the Examining Authority (PD012).

2. COMPANY NAMES

2.1 Articles 2 and 7 of The York Potash DCO (YP DCO) identify Sirius Minerals plc and York Potash Ltd as the undertakers who have the sole benefit of the YP DCO.

2.2 Subsequent to the approval of YP DCO Sirius Minerals was acquired by Anglo American Woodsmith Limited.

2.3 On 6 April 2022 there were a number of company name changes which are set out in the table below:



Original Name	Interim	Current Name
Sirius Minerals plc	Anglo American Woodsmith Limited	Anglo American Crop Nutrients
York Potash Limited		Anglo American Woodsmith Limited
York Potash Processing & Ports Limited		Anglo American Woodsmith (Teesside) Limited

- 2.4 Anglo American Crop Nutrients Limited (formerly Sirius Minerals Plc) was acquired by the Anglo American Group in March 2020. Anglo American Woodsmith Limited and Anglo American Woodsmith (Teesside) Limited are wholly owned subsidiaries of Anglo American Crop Nutrients Limited. Land assets, agreements and licences are held by the companies – with assets at the Teesside end of the project being held by the Anglo American Woodsmith (Teesside) Limited company.
- 2.5 For the purposes of these written representations, it is the interests of all three companies which are relevant, as being participants in the delivery of the Woodsmith Project, and it is suggested that the group of companies be referred to as ‘Anglo American’.

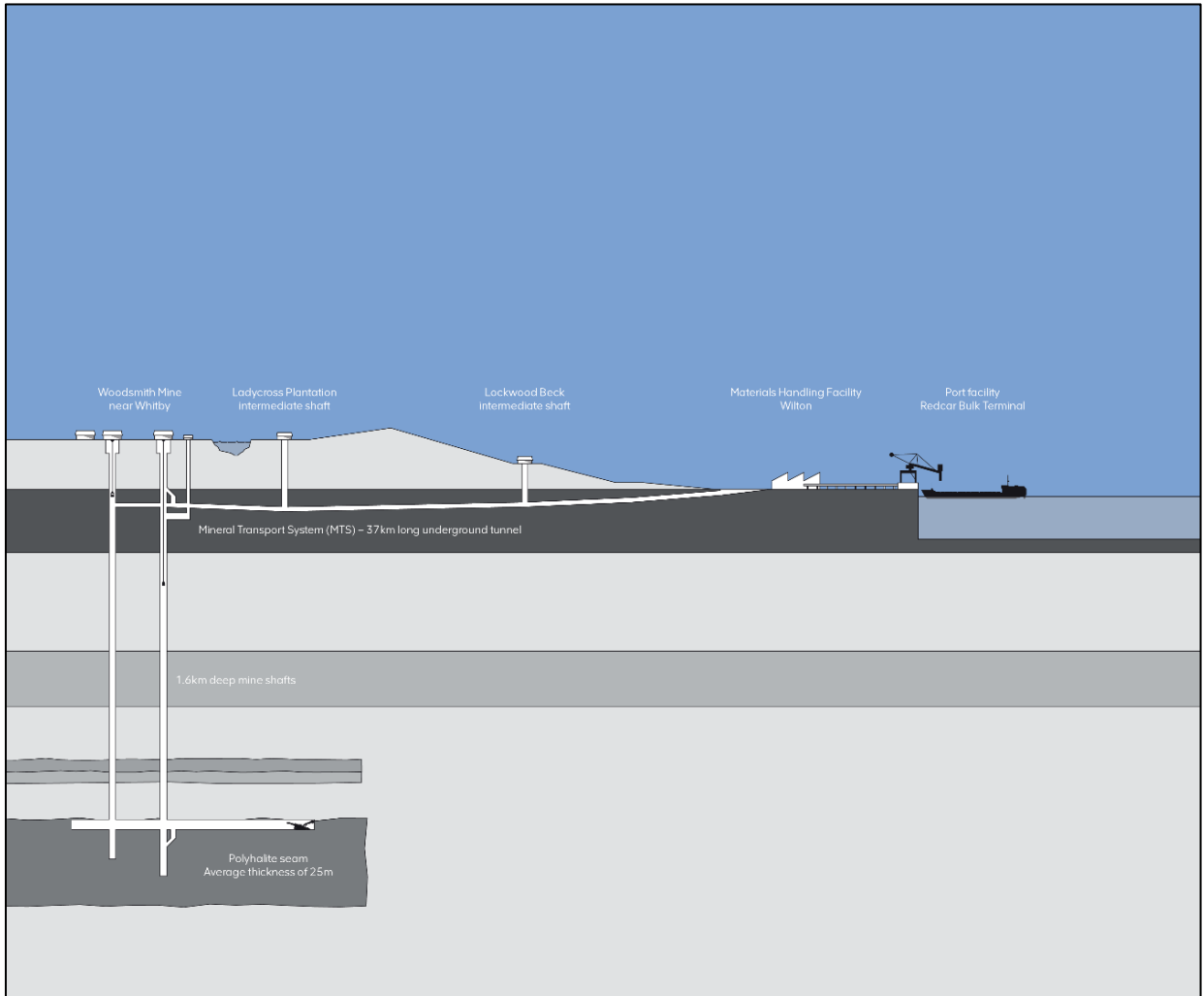
3 WOODSMITH PROJECT

- 3.1 The YP DCO was approved by the Secretary of State for Transport on 20 July 2016. The DCO scheme involves the construction and operation of harbour facilities and associated development at Bran Sands, Teesside.
- 3.2 The harbour forms part of the wider Woodsmith Project which includes the development of a new mine for the winning and working of the only known UK resource of polyhalite and its ongoing handling and transport to the national and international marketplace. The harbour facilities, consented through the YP DCO, are required to enable the bulk export of polyhalite.
- 3.3 Polyhalite is a form of potash and is a naturally occurring mineral containing major plant nutrients - potassium, sulphur, magnesium and calcium. It is a valuable multi-nutrient fertiliser and its application by the farming industry, both within the UK and overseas, will assist in maintaining and improving crop yields and harvests.
- 3.4 The YP DCO site covers an area of approximately 92.4 hectares, extending from the Wilton International complex north-westward to Bran Sands on the south bank of the River Tees. The site includes both the proposed harbour and the required conveyor link between the harbour and Wilton International, the latter being the site of the Materials Handling Facility for the mined polyhalite.



3.5 The Woodsmith Project is shown, in a diagrammatic form, in Figure 1.1 below.

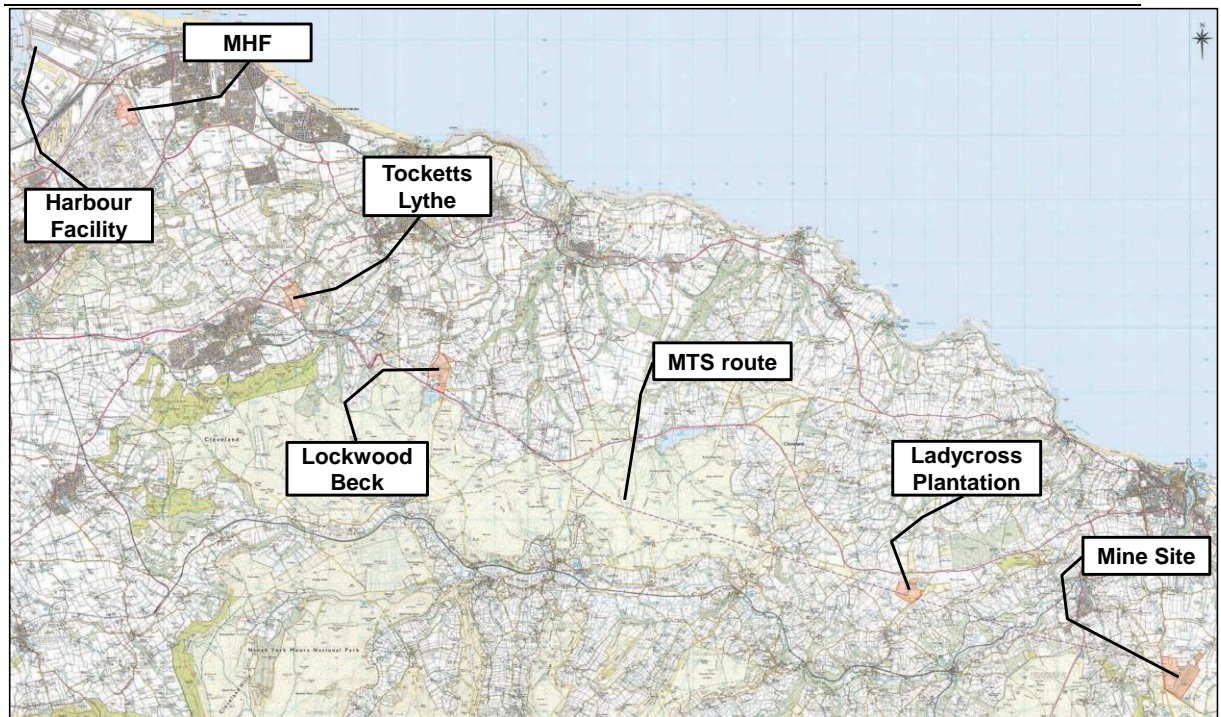
Figure 1.1 Indicative diagram of Woodsmith Project



Source: Anglo American

3.6 Figure 1.2 below shows the geographical context of the project.

Figure 0.1 Plan showing broad location of each of the major Woodsmith Project components



Source: DCO application Consultation Statement Figure 2.2

3.7 The different elements of the Woodsmith Project all benefit from planning permissions or DCO authorisation.

3.8 In detail, the Woodsmith Project comprises four key elements, the current status of each is described below:

- i) An underground Mine including a surface access point at Woodsmith Mine, Sneatonthorpe, approved by Redcar and Cleveland Borough Council (RCBC) for those areas of the development site within its remit, and by the North York Moors National Park Authority ('NYMNP') for those elements of the project falling within the National Park (which includes the Minehead). As illustrated below, there has been significant progress with the implementation of the scheme, with shaft sinking activities underway across the extensive minehead site and intermediate shaft sites.

Figure 1.3 Woodsmith Project: Minehead Site, March 2022



Source: Anglo American

- ii) A Mineral Transport System ('MTS') consisting of a 36.5km long tunnel containing a series of linked conveyor belts that will transport the polyhalite from Woodsmith Mine to Wilton International, Teesside, approved alongside the Mine by RCBC and the NYMNPA. Works on the tunnel are also progressing well, and to date it has passed the halfway point having "travelled" some 18km from the tunnel portal at Wilton, passing the completed ventilation and access shaft at Lockwood Beck, towards the minehead site.

Figure 1.4 Woodsmith Project: Minehead Site, March 2022



Source: Anglo American Plc

Figure 1.5 Woodsmith Project: Lady Cross Intermediate Shaft, March 2022



Source: Anglo American Plc

Figure 1.6 Woodsmith Project: Lockwood Beck Intermediate Shaft, March 2022



Source: Anglo American Plc

Figure 1.7 Woodsmith Project: MTS Tunnel



Source: Anglo American

- iii) A Materials Handling Facility ('MHF') at Wilton International, approved by RCBC. The MHF will receive the polyhalite from the underground conveyor and process the material prior to its onward transport to the harbour. Works started early on the MHF facility, initially focussed on the tunnel portal to enable the 'launching' of the tunnel boring machines. Currently, there are over 1,000 construction staff employed across the three component parts of the Woodsmith project that are already underway.

Figure 1.8 Woodsmith Project: Tunnel Portal Construction, circa 2018



Source: Anglo American

Figure 1.9 Woodsmith Project: Wilton MHF Site, Spring 2019



Source: Anglo American

- iv) The Harbour facilities and associated development comprising both the new harbour facilities and a conveyor, linking this with the MHF at Wilton International. Works have yet to start on site. Design details are progressing for this last 'piece' of the Woodsmith Project.

3.9 Further information can be obtained on the Woodsmith Project through the following link to the relevant part of the Anglo-American website.

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4 AMENDMENT TO YP DCO

4.1 The DCO authorises the development of York Potash Harbour Facilities that comprise both the nationally significant infrastructure project (i.e. the quay¹ on the River Tees, along with quayside ship loaders, surge bins, and transfer towers etc), and Associated Development (i.e. works to the existing lagoon, the provision of parallel conveyors to link the quay to the MHF, and various parking, small scale offices, stores etc.).

4.2 The DCO is to be delivered in two phases: The first, Phase 1, is defined as that part of the authorised development required to be completed in order to facilitate the movement of 6.5 million tonnes per annum of polyhalite whilst the second, Phase 2, is defined as that part of the development to be completed in order to

¹ In this context the terms harbour and quay are interchangeable



facilitate the movement of 13 million tonnes per annum. (See Part 1, Interpretation (2) of the Order).

- 4.3 Amongst other components, Phase 1 includes the construction of a quay on the River Tees and the installation of a conveyor system and transfer towers, whilst Phase 2 includes the construction of a larger quay and the provision of a second conveyor to be installed within the conveyor housing that accommodates the Phase 1 conveyor.
- 4.4 Requirement 2 of the DCO (See Schedule 2) requires that “*No part of phase 1 is to commence until written a written scheme setting out all the component parts of phase 1 has been submitted and approved by the local planning authority*”. Also relevant to this application, Requirement 5 requires that “*No phase of the development is to commence until the approved highway works have been undertaken, to the satisfaction of the local highway authority*”.
- 4.5 Whilst the design details of the quay are progressing well, consideration is still being given to the detailed development options for the conveyor.
- 4.6 The harbour works are, by their nature, complex and the construction of this aspect of the project is most likely to be a lengthy process. The implementation of the harbour works is a considerable undertaking, with a protracted build-out programme.
- 4.7 Reflecting both the status of the conveyor design works and the extended programme for the construction of the harbour works, Anglo American is seeking to make progress with obtaining approval for the details of the harbour element of Phase 1 only. This will enable construction works to progress with the quay first, without having to wait until all the details of the conveyor have been completed, submitted and subsequently approved.
- 4.8 To enable this change to the sequencing of approval of details, an application for a non-material change to the DCO has been submitted. The amendments sought do not involve any change to the sequence of construction: the construction of the harbour prior to the overhead conveyor remains within the scope of the current DCO and no amendment or change is required to the DCO to enable this to occur. It is the sequence of approval of details, not the sequence of construction, which gives rise to the need to change the DCO.



- 4.9 In addition, Requirement 5 of Schedule 2 of the DCO stipulates that the highway works (as shown on the highway works plan) must be carried out prior to the commencement of any development. The works are limited in nature and comprise improvements to the western 'arm' of the A1085 roundabout. The carriageway is to be widened, and a new 'splitter island is to be provided, along with the carrying out of reconstruction and resurfacing works to the highway. The access will then be used to enable construction traffic to enter the eastern part of the site, to facilitate the construction of the conveyor, as it passes over the A1085. Other construction traffic (i.e. for the rest of the conveyor route and harbour facilities) will use existing access arrangements, also via the A1085 roundabout using the southern arm, via the existing entrance into the Wilton Estate.
- 4.10 The highway works referenced in Requirement 5, therefore, are not needed for the construction of the harbour and instead provide access to enable the construction of the overhead conveyor. There is no need, therefore, for the highway works to be in place prior to works starting on the harbour development, as currently stipulated by Requirement 5. Hence the application for a non material change included an amendment to the DCO to change Requirement 5 to ensure that the highway works are tied to the construction of the conveyor, rather than the harbour, thereby matching the delivery of the enhanced highway access to when it is needed.
- 4.11 The application for a non-material change was submitted to the Planning Inspectorate and the Department for Transport on 9 February 2022. It was preceded by some informal consultation during which no concerns were raised by any party. In light of the minor nature of the proposed change a reduced list of consultees was agreed with the Department for Transport.
- 4.12 The period for representations in respect of the application closed on 21 March 2022 and, according to the Planning Inspectorate's website, there were two parties who submitted representations. These were Natural England, who confirmed it had no objections, and Net Zero Teesside Power Limited who stated *"The non material change as proposed does not appear to raise any additional issues to those already under discussion in relation to the NZT DCO"*.
- 4.13 Enquiries have been made of the Department of Transport as to the likely timescale for a decision on the application for a non-material change however they are unable to provide any indication of the date for a decision.



5 PROGRAMME

- 5.1 Since its acquisition of Sirius Minerals plc Anglo American have made it clear it sees the Woodsmith Project as a flagship project. They are committed to spend £440 million this year alone.
- 5.2 As can be seen from the above photographs, key elements of the Woodsmith Project are under construction with significant progress having been made. This includes the main mine site (Fig 1.3 and 1.4), intermediate shaft sites and the tunnel (Figures 1.5 – 1.7 and the Material Handling Facility (Figure 1.8 and 1.9). The harbour development is programmed to start prior to July 2023.
- 5.3 The project delivery strategy is under review. As Anglo American stated publicly at the time of acquiring the Woodsmith Project the company intends to update the development timeline for the Project, optimise mine design and ensure appropriate integration with its operating standards and procedures. This process is expected to conclude in 2023. Construction progress is continuing as the development timeline for the Project is reviewed and refined.

6 CONCERNS OF ANGLO AMERICAN

- 6.1 As set out in the relevant representation submitted, Anglo American have no objection in principle to the development proposed by the NZ DCO. However, it is important that any powers granted by the NZ DCO do not prevent, or unreasonably prejudice, the ability of Anglo American to construct and operate its nationally significant infrastructure project. The area of overlap between the two projects is shown on the plan contained in Appendix A to the Statement of Common Ground completed between Anglo American and NZT and submitted at Deadline 1 (REP1- 030).
- 6.2 The concerns of Anglo American regarding the impact of the proposed NZT Order have previously been compounded by the extent of the proposed Order Limits and the proposal to route CO₂ gathering and natural gas pipelines underground across Bran Sands.
- 6.3 Anglo American is therefore pleased that successive proposed changes to the application have resulted in some drawing in of the Order Limits and the deletion of the option to tunnel under Bran Sands.
- 6.4 Nonetheless, given the extent of overlap between the two schemes Anglo American remain concerned regarding the impact that the NZ DCO may have in key areas of construction and operation interface. It is particularly concerned to ensure the following activities are not compromised:



- i. the use by Anglo American of the Redcar Bulk Terminal for the export of bulk product both prior to and after the construction of the new quay by Anglo American;
- ii. the ability to construct and operate the overland conveyor connecting the material handling facility with RBT and the Anglo American new harbour development;
- iii. construction and operation of Anglo American`s quay and ship loaders at Bran Sands
- iv. access during construction and operation
- v. compliance with the environmental permit for the landfill site at Bran Sands (ex ICI industrial tip - permit number EPR/FB3601GS (formerly Waste Management Licence EAWML60092)). Monitoring boreholes are located within the areas of Works No 2A, 5C, 6 and 10.
- vi. Dredging operations within the Crown Estate dredge pocket easement area, if Option 2 of Works No. 6 pursued.

6.5 In respect of the latter point, NZT have indicated that during the course of June 2022 it expects to be able to decide whether to pursue Option 2 (horizontal directional drilling) or Option 3 (Sembcorp Tunnel). Anglo American would wish the use of the existing Sembcorp tunnel to be retained and the HDD proposal removed. Not only would this make sensible use of existing infrastructure, and thus restrict impacts inevitably caused by new infrastructure, it would enable the HDD site to be removed from the Order Limits in respect of Works 6 thus avoiding those Order Limits abutting up against the Lagoon.

6.6 It is considered desirable in particular to draw in the boundary of Works No. 6 from the edge of the lagoon in light of the wide-ranging site wide works referred to at the end of Schedule 1 of the draft NZT DCO.

7 AGREEMENTS AND PROTECTIVE PROVISIONS

7.1 Anglo American have sought to respond positively since they were first contacted by NZT in June 2020 and have committed considerable resources to extensive discussions between representatives. Initially progress was made but then stalled for a period whilst awaiting information on proposed changes.

7.2 Accordingly, whilst there has been a significant level of engagement it has not been possible to progress the necessary agreements and protective provisions, which are essential for the protection of the delivery of the Woodsmith Project, as quickly as might have been hoped.



- 7.3 Discussions are now progressing again and drafts of a side agreement and protective provisions are actively under consideration. Heads of Terms of the necessary property agreements have been discussed however nothing has yet been agreed and, before any agreement can be reached, Anglo American await receipt of draft property agreements for consideration.
- 7.4 The agreements referred to above are all vital to ensure the deliverability of the Woodsmith Project. The protective provisions contained in the current draft DCO (AS-135) are completely inadequate and, whilst it is understood they will remain in their current form in the next draft DCO to be submitted at Deadline 2, the protective provisions under discussion between the parties are materially different from those in the draft DCO and more appropriately protect the position of Anglo American.
- 7.5 The same can be said of the protective provisions to be inserted into the YP DCO by virtue of Article 9 of the draft NZT DCO. The protective provisions for the benefit of NZT in the YP DCO will effectively mirror the provisions in the NZT Order. Accordingly, once one set of provisions is agreed it is expected that agreement on the other protective provisions will follow shortly thereafter.
- 7.6 Unless and until the agreements and protective provisions referred to above are agreed Anglo American maintains its objection to the draft DCO provisions including the compulsory acquisition powers sought.

8 RESPONSES TO FIRST WRITTEN QUESTIONS

- 8.1 Anglo American's responses to First Written Questions are contained in the Table in Appendix A, below.

APPENDIX A		
GENERAL AND CROSS-TOPIC QUESTIONS		ANGLO AMERICAN RESPONSE
GEN. 1.39	Anglo American Woodsmith Limited	<p>The Proposed Development includes land within the Order Limits of the York Potash Harbour Facilities Order 2016. Table 3.1 of the Planning Statement [APP-070] and ES Chapter 24 [APP-106] Tables 24-5 to 24-16 list the York Potash Project as a relevant proposal.</p> <p>i) Confirm how you wish Anglo American Woodsmith Limited to be addressed in the Examination and draft Development Consent Order (dDCO).</p> <p>ii) Provide a brief summary of the current stage of construction of the Woodsmith Project (formerly the York Potash Project) and timescales for completion, in particular the site which overlaps the Order Limits of the Proposed Development;</p> <p>iii) Provide comment on the cumulative assessments in Tables 24-6 to 24-16 which specifically relate to the Woodsmith Project, in particular whether it has been scoped in or out appropriately; and</p> <p>iv) The ExA are aware of a Non-Material Change application to the York Potash Harbour Facilities Order 2016; please provide details and indicate if the Proposed</p>
		<p>i) Please see paragraphs Section 2 of Anglo American Written Representations</p> <p>ii) Please see Sections 3 and 5 of Anglo American Written Representations</p> <p>iii) Anglo American do not disagree with the scoping</p> <p>iv) Please see Section 4 of Anglo American Written Representations</p>

APPENDIX A			
GENERAL AND CROSS-TOPIC QUESTIONS			ANGLO AMERICAN RESPONSE
		<p>Development would be affected in any way.</p> <p>You may wish to combine your answer with Question CA.1.9.</p>	
CA.1.8	<p>Air Products (Chemicals) Teesside Ltd</p> <p>Anglo American Woodsmith Limited</p> <p>CATS North Sea Ltd</p> <p>CF Fertilisers UK Ltd</p> <p>Exolum Seal Sands Ltd</p> <p>Huntsman Polyurethanes (UK) Ltd</p> <p>Ineos Nitriles (UK) Ltd</p> <p>Ineos UK SNS Ltd</p> <p>North Tees Land Ltd (and North Tees Ltd and North</p>	<p>A number of APs in their RRs and ASs [including but not limited to RR-001, RR-010, RR-012, RR-013, RR-014, RR-016, RR-017, RR-018, RR-019, RR-021, RR-022, RR-028, RR-030, RR-031, RR-032, RR-033, RR-034, RR-038 and AS-046] set out comments in relation to CA and TP however in numerous instances it is unclear where their operations or rights are located.</p> <p>Please could the APs listed and any others who have commented:</p> <p>i) supply a plan, overlaid with the NZT Order land, showing the location of their operations and plots affected; and</p> <p>ii) where possible, identify the general use of each affected plot.</p>	<p>i) Please see plan in Appendix 1 attached to Statement of Common Ground between Anglo American and the Applicant and submitted for Deadline 1 (REP1 - 030)</p>

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GENERAL AND CROSS-TOPIC QUESTIONS			ANGLO AMERICAN RESPONSE
	<p>Tees Rail Ltd)</p> <p>National Grid Electricity Transmissi on plc</p> <p>National Grid Gas plc</p> <p>Northern Powergrid (Northeast) plc</p> <p>Northumbrian Water Limited (NWL)</p> <p>NPL Waste Manageme nt Ltd</p> <p>PD Teesport Ltd</p> <p>Redcar Bulk Terminal Ltd</p> <p>SABIC</p> <p>Sembcorp Utilities (UK) Ltd</p>		
PI	Anglo American	The Proposed Development includes land within the Order Limits of the York Potash DCO and	Please see Sections 6 and 7 of Anglo American Written Representations



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GENERAL AND CROSS-TOPIC QUESTIONS			ANGLO AMERICAN RESPONSE
	Woodsmith Limited	<p>the RR from Anglo American Woodsmith Limited [RR-014] highlights that limited information has so far been made available in order to progress the necessary Protective Provisions. Has the key information referred to now been made available to you, and if so can you provide further comments as necessary.</p> <p>You may wish to combine your answer with Question GEN.1.39.</p> <p>Also see question CA.1.8.</p>	
TRAFFIC AND TRANSPORT			
TT.1.1	<p>Applicants</p> <p>Sembcorp Utilities (UK) Ltd</p> <p>Anglo-American Woodsmith Project</p>	<p>It would be necessary to travel through Sembcorp operated routes and Anglo-American managed land to access the Natural Gas Connection and CO₂ Gathering Network south of the River Tees. Figure 16-2 [APP-173] also shows that this would be the access for HGVs to and from the site. Please could all identified parties provide an update on whether this access is likely to be granted?</p>	<p>Please see Sections 6 and 7 of Anglo American Written Representations</p>