

SABIC UK PETROCHEMICALS LIMITED (URN 20049383)

APPLICATION BY H2TEESSIDE LIMITED FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE H2TEESSIDE PROJECT (EN070009)

DETAILED WRITTEN REPRESENTATION

1. INTRODUCTION

- 1.1 This Detailed Written Representation is submitted on behalf of SABIC UK Petrochemicals Limited (**SABIC UK**) (URN 20049383).
- 1.2 At Deadline 2, SABIC Tees Holdings Limited (**SABIC TH**) and SABIC Petrochemicals B.V. (a company registered in the Netherlands) (**SABIC NL**) will be submitting a request to the Examining Authority for it to accept late Relevant Representations from them. If that request is accepted this Detailed Written Representation will be adopted by SABIC TH and SABIC NL as their own.
- 1.3 In this document, together SABIC UK, SABIC NL and SABIC TH are described as **SABIC**.

2. CONTEXT OF THIS DETAILED WRITTEN REPRESENTATION: THE CHANGE REQUEST

- 2.1 SABIC notes the Applicant's consultation in relation to the submission of a **Change Request**, to amend the application by *inter alia* removing various plots of land from the Order limits.
- 2.2 At the date of this Detailed Written Representation that Change Request has not yet been submitted or accepted by the Examining Authority. SABIC must therefore submit its Detailed Written Representation on the basis of the Application as it stands at Deadline 2.
- 2.3 SABIC intends to submit a response to the Change Request consultation and will respond separately in that regard.

3. SABIC'S BUSINESS

- 3.1 SABIC operates from two primary pieces of land at **Wilton International** and the **North Tees Site**. Its two main manufacturing sites are at Wilton International:
- 3.1.1 The first, known as the **Cracker**, manufactures ethylene; and
- 3.1.2 The second known as the **LDPE Plant** uses some of that ethylene to make low density polyethylene.
- 3.2 SABIC's facilities at Wilton are linked to the North Tees Site via a **Link Line Corridor** which runs north (along the western boundary of the Northumbrian Water Bran Sands Effluent Treatment Works) and a tunnel under the River Tees (known as **Tunnel No 2**).
- 3.3 There are substantial logistical facilities at Wilton International and the North Tees Site, including major storage capacity, a cross-country link lines network and substantial distribution and shipping services, as well as (at the North Tees site) three terminals and other storage facilities.
- 3.4 SABIC also operates **Brine Fields** east of Seaton Carew Road and north of Seal Sands Road, which provide underground brine-winning and storage cavities. They were originally mined by ICI

to extract brine which was used to manufacture chlorine. Today the cavities are used to store chemicals. When not in use the cavities are filled with brine from the above-ground **Brine Reservoirs** situated to the west of Seaton Carew Road and north of the A1185. Some (more limited) quantities of brine are still also mined in the Brine Fields to maintain the salinity of the brine in the brine reservoirs.

- 3.5 These constituent parts of SABIC's operations must be understood as a single, interconnected, holistic system rather than a fragmented mosaic of separate operations.
- 3.6 The Wilton and North Tees sites and the Brinefields are all COMAH sites and as such SABIC is under a duty to take all necessary measures to prevent major accidents involving dangerous substances, and to limit the consequences to people and the environment of any major accidents which do occur. The COMAH designation is as a direct result of the large quantities of chemicals or substances of a hazardous nature, which are either manufactured or stored at these locations.
- 3.7 SABIC NL is the owner of the inventory which is processed by SABIC UK's facilities and is carried in SABIC UK's pipes. SABIC UK is therefore retained by SABIC NL to manufacture products and provide storage, handling, transport and other manufacturing services. This kind of arrangement is common to large groups of companies who ship and manufacture products across international boundaries.
- 3.8 In addition to the above SABIC is a major employer in the region, employing approximately 400 full time employees (with an additional 400 contractors) locally, and 31,000 persons globally. SABIC contributes £400 million to the local economy. As such it is very strongly in the public interest to protect SABICs interests and assets in the areas of the proposed DCO Application.¹
- 3.9 Given the above, and the nature of the materials that SABIC manufactures and has control of, SABIC considers that in any DCO application it should essentially be treated and given the same protections as a statutory undertaker. It will therefore require protective provisions in its preferred form in order to be satisfied that the Application will not cause detriment to the carrying on of its undertaking. Protective provisions in favour of SABIC have been included in a number of DCOs.

4. **SABIC LAND AFFECTED BY COMPULSORY ACQUISITION**

- 4.1 SABIC UK has an interest in the following plots:

Part 1- Freehold Interests

3/17, 3/25, 5/67, 5/69, 5/70, 5/71, 5/72, 5/74, 5/75, 5/76, 5/77, 5/78, 5/79, 5/80, 5/81, 5/82, 5/83, 5/84, 5/85, 5/86, 5/87, 5/88, 5/89, 5/93, 5/94, 5/95, 5/96, 5/97, 5/98, 5/99, 5/100, 5/103, 5/104, 5/105, 5/107, 5/108, 6/1, 6/2, 6/3, 6/4, 6/5, 6/6, 6/7, 6/8, 6/9, 8/9, 18/10, 19/10, 19/13, 20/9, 20/10, 20/12, 20/13

Part 1- Lessees or Tenants or Reputed Lessees or Tenants

5/4, 5/79, 5/80, 5/81, 5/82, 5/83, 5/84, 5/85, 5/86, 5/87, 5/88, 8/7, 8/9, 8/10, 8/12, 9/19, 9/21, 9/22, 9/25, 9/31, 9/32, 9/46, 9/47, 10/3, 10/4, 10/5, 10/6, 10/9, 10/10, 10/11, 10/12, 10/13, 10/14

Part 1 – Occupiers or Reputed Occupiers

3/11, 3/12, 3/13, 5/4, 5/18, 5/19, 5/23, 5/32, 5/38, 5/39, 5/41, 5/42, 5/46, 5/66, 5/67, 5/69, 5/70, 5/71, 5/74, 5/75, 5/77, 5/78, 5/79, 5/80, 5/81, 5/82, 5/83, 5/84, 5/85, 5/87, 5/88, 5/89, 5/93, 5/94, 5/95, 5/96, 5/97, 5/98, 5/99, 5/100, 5/103, 5/104, 5/105, 5/107, 5/108, 6/1, 6/2, 6/3, 6/4, 6/5, 6/6, 6/7, 6/8, 6/9, 8/1, 8/2, 8/3, 8/4, 8/5, 8/6, 8/7, 8/8, 8/9, 8/10, 8/12, 9/1, 9/12, 9/18, 9/19, 9/21, 9/22, 9/25, 9/31, 9/32, 9/46, 9/47, 10/3, 10/4, 10/5, 10/6, 10/8, 10/9, 10/10, 10/11, 10/12, 10/13, 10/14, 10/17, 10/25, 10/26, 10/28, 10/30, 10/31, 10/32, 10/33, 10/34, 10/35, 10/36, 10/38, 10/39, 10/45, 11/5, 11/8, 11/10, 11/12, 11/13, 11/15, 11/16, 11/19, 11/23, 11/26, 11/27,

¹ Figures from October 2023.

11/28, 11/29, 11/31, 11/40, 11/52, 11/61, 11/65, 11/68, 11/100, 11/123, 11/132, 11/133, 12/2, 12/3, 12/4, 15/70, 15/71, 15/73, 15/76, 15/78, 15/79, 15/83, 15/85, 15/86, 15/87, 15/88, 15/90, 15/91, 15/92, 15/93, 15/111, 15/112, 15/127, 15/129, 15/131, 15/135, 15/136, 15/144, 15/145, 15/148, 15/151, 15/153, 15/220, 15/221, 15/222, 15/223, 15/224, 15/226, 15/230, 15/231, 18/1, 18/5, 18/7, 18/10, 19/1, 19/2, 19/3, 19/6, 19/7, 19/8, 19/9, 19/10, 19/11, 19/12, 19/16, 19/18, 19/19, 19/23, 19/26, 19/28, 19/30, 19/32, 19/36, 20/1, 20/2, 20/4, 20/5, 20/6, 20/8, 20/9, 20/10, 20/11, 20/12, 20/13, 20/17, 20/19, 21/1, 21/3, 21/6, 21/9, 21/13

Part 1- A person a) is interested in the land or b) has power to sell and convey the land or to release the land

8/10, 8/11, 9/30

Part 2- (a) Claimant under section 10 of the Compulsory Purchase Act 1965 (b) Claimant under Part 1 of the Land Compensation Act 1973 (c) Claimant under section 152(3) of the Planning Act 2008

8/1, 8/2, 8/3, 8/4, 8/5, 8/6, 9/1, 18/5, 19/1, 19/2, 19/3, 19/6, 19/7, 19/8, 19/9, 20/2, 20/4, 20/5, 20/8, 21/1, 21/3, 21/6, 21/9, 5/46, 5/66, 10/17, 10/30, 10/31, 10/32, 10/33, 10/34, 10/35, 10/36, 19/11, 19/12, 19/16, 19/18, 19/23, 19/30, 20/19, 21/13

Part 3- Persons enjoying easement or right over land

3/11, 3/12, 3/13, 5/18, 5/19, 5/23, 5/33, 5/38, 5/39, 5/41, 5/42, 5/46, 5/66, 8/1, 8/2, 8/3, 8/4, 8/5, 8/6, 9/1, 9/12, 9/18, 10/17, 10/25, 10/26, 10/28, 10/30, 10/31, 10/32, 10/33, 10/34, 10/35, 10/38, 10/39, 10/45, 11/5, 11/8, 11/10, 11/12, 11/13, 11/15, 11/16, 11/19, 11/23, 11/26, 11/27, 11/28, 11/29, 11/31, 11/40, 11/52, 11/61, 11/65, 11/68, 11/100, 11/123, 11/132, 11/133, 12/2, 12/3, 12/4, 15/70, 15/71, 15/73, 15/76, 15/78, 15/79, 15/83, 15/85, 15/86, 15/87, 15/88, 15/90, 15/91, 15/92, 15/93, 15/111, 15/112, 15/127, 15/129, 15/131, 15/135, 15/136, 15/144, 15/145, 15/148, 15/151, 15/153, 15/220, 15/221, 15/222, 15/223, 15/224, 15/226, 15/230, 15/231, 18/1, 18/5, 18/7, 19/1, 19/2, 19/3, 19/6, 19/7, 19/8, 19/9, 19/11, 19/12, 19/16, 19/18, 19/19, 19/23, 19/26, 19/28, 19/30, 19/32, 19/36, 20/1, 20/2, 20/4, 20/5, 20/6, 20/8, 20/11, 20/17, 20/19, 21/1, 21/3, 21/6, 21/9, 21/13

4.2 SABIC TH has an interest in the following plots:

Part 1 – Occupiers or Reputed Occupiers

15/231, 15/232, 18/1, 18/5, 19/1, 19/2, 19/3, 19/6, 19/7, 19/8, 19/16, 19/18, 19/23, 19/30, 20/1, 20/2, 20/4, 20/5, 20/6, 20/8, 20/19, 21/1, 21/3, 21/6, 21/9, 21/13

Part 2- (a) Claimant under section 10 of the Compulsory Purchase Act 1965 (b) Claimant under Part 1 of the Land Compensation Act 1973 (c) Claimant under section 152(3) of the Planning Act 2008

18/1, 18/5, 19/1, 19/2, 19/3, 19/6, 19/7, 19/8, 20/1, 20/2, 20/4, 20/5, 20/6, 20/8, 21/1, 21/3, 21/6, 21/9, 19/16, 19/18, 19/23, 19/30, 20/19, 21/13, 15/231, 15/232

Part 3- Persons enjoying easement or right over land

18/1, 18/5, 19/1, 19/2, 19/3, 19/6, 19/7, 19/8, 19/16, 19/18, 19/23, 19/30, 20/1, 20/2, 20/4, 20/5, 20/6, 20/8, 20/19, 21/1, 21/3, 21/6, 21/9, 21/13

5. SPECIFIC ISSUES CAUSED BY THE PROPOSED SCHEME

5.1 Wilton International

- 5.1.1 As stated above, the constituent parts of SABIC's operations must be understood as a single, interconnected, holistic system rather than a fragmented mosaic of separate operations. Any interruption to SABIC's supply or export pipelines would have a profound effect on its operations.
- 5.1.2 The Cracker in particular cannot be turned on and off at the flick of a switch. If it is forced to shut down for any reason it would require draining and resetting, which would be likely to take between two and three weeks. This would interrupt operations at the LDPE Plant which relies on the Cracker for supplies. In relation to both facilities this would cause loss of revenue, delays to the fulfilment of orders and reputational damage to SABIC. It is imperative, therefore, that adequate safeguards are put in place to prevent this from happening.
- 5.1.3 Due to Wilton being a COMAH site, uninterrupted access will be required at all times for emergency services to ensure that there are no safety implications of the proposed scheme being carried out, and so that SABIC can continue to operate and comply with its COMAH plan.
- 5.1.4 SABIC is therefore concerned about:
- (a) The power to take temporary possession of the Wilton Site roads.
 - (i) When ICI was broken up standard rules were established for the closure of roads within the Wilton site. This system is not managed by Sembcorp. This is a carefully balanced system whereby Sembcorp as landowner has control of the roads and operators such as SABIC notify them of their access and maintenance needs and essentially "book" time to work on their assets.
 - (ii) This system works well to balance the competing requirements of different operators, but is dependent on the land ownership and system of mutual rights and obligations which exist over the land. SABIC considers that the Applicant should use the established system to take access and would be very concerned about a development consent order which allowed the Applicant to unilaterally close the access roads.
 - (iii) The wide-reaching nature of the powers of temporary possession means that they provide a power to take possession of the site roads to the exclusion of SABIC, preventing access to its assets: both in terms of general access to its assets across the site and in particular along the northern access road to its ethylene cracker (Plot 20/6).
 - (iv) The red line boundary includes a number of the Wilton site roads used by SABIC to access its apparatus, including the road running north to south at the northeast corner of SABIC's cracker (Plot 20/8).
 - (v) In addition, SABIC requires that access is maintained at all times to SABICs land interests within the area. This is an operational site for SABIC and it needs to ensure that it will have uninterrupted access at all times for ongoing operational and maintenance requirements.
 - (b) The taking of temporary exclusive possession of Plots 19/10 and 19/13 and adjacent plots. This is in active use by SABIC and the Applicant does not appear to have looked at other sites as an alternative.
 - (c) The taking of temporary exclusive possession of Plot 20/13 and adjacent plots.

- (i) This has underground storage cavities, above and below ground pipework. This is also the location where SABIC's (above-ground) system 32 goes underground and becomes the Trans-Pennine Ethylene Pipeline (**TPEP**) which is a major accident hazard pipeline.
 - (ii) Underground pipework to essential water supplies from the reservoirs situated to the south of the A174 are also located in this area. Any new assets and construction activity in this area would need to take account of these existing high hazard items.
- (d) The taking of temporary exclusive possession of and rights in Plot 20/10. This covers approximately half of SABIC's B7 tank area. This land is required by SABIC for and is integral to its operations.

5.2 North Tees Site

- 5.2.1 The North Tees Facility is an important part of SABIC's operations.
- 5.2.2 As set out above, the North Tees Facility is a COMAH site, as well as being a bonded warehouse. SABIC has responsibilities under its COMAH plan to ensure the safety and security of the site.
- 5.2.3 In addition SABIC has responsibilities to HM Treasury to ensure the safety of the goods held in the bonded warehouse which have not yet been subject to excise duties. The goods held in this warehouse consist of fuels and the removal of any fence in this location would create a risk of unauthorised third parties entering a restricted site, and give rise to risks including to health and safety.
- 5.2.4 SABIC does not consider that its land at North Tees should be included in the Order Limits except to the extent that it is required to link its site to the authorised development and, importantly, only subject to the inclusion of its protective provisions within the Development Consent order.
- 5.2.5 SABIC also needs to ensure that uninterrupted access at all times to its site is maintained for ongoing operational needs and for emergency services, as discussed above, so it can continue to comply with its COMAH plan.
- 5.2.6 SABIC is therefore concerned about:
- (a) The Order would allow the Undertaker to take temporary possession of land all the way around the North Tees site, and to stop up highways within the Order Limits, thereby giving them the power to prevent access. This includes Huntsman Way, the main site access.
 - (b) The Order would allow the Undertaker to take possession of land which is required for integrity of the site's COMAH plan and to ensure that SABIC can fulfil its responsibilities to HM Treasury to ensure the safety of the goods held in the bonded warehouse which have not yet been subject to excise duties. This includes the main access into the site from Huntsman Way, and the perimeter of the site in a number of locations. The Applicant's Consultation Report states that "In relation to the COMAH-designated sites, the Applicants will comply with the required permitting processes and liaise with the SABIC team where works occur within their boundary." SABIC is not aware of any enforceable commitment within the draft Order to comply with SABIC's COMAH plan, and it is unclear how this issue is to be resolved.
 - (c) The compulsory acquisition of Plot 10/9 and the right to take temporary possession of the adjacent parts of Plot 10/10. Plot 10/10 contains SABIC's air compressors and water purification plant, and is essential for SABIC's operations: it must not be considered a normal access route or an equipment laydown area.

- (d) The taking of temporary exclusive possession of and rights in Plots 10/14, 10/15 and 10/16 as well as the adjoining part of Plot 10/10. The plots contain high hazard pipework which SABIC must be able to access, inspect and maintain at all times. Plots 10/14 and 10/15 includes essential access to high hazard operations of both SABIC and CF Fertilisers Ammonia Storage facility (via an access route which SABIC are responsible for), which cannot be compromised. .

5.3 River Tees

- 5.3.1 Tunnel No. 2 is a former ICI asset under the River Tees which is used by SABIC and other operators to link their assets between the pipeline corridors to the north and south of the River. Tunnel No. 2 does not have much capacity for any further installations.
- 5.3.2 SABIC is therefore concerned about:
 - (a) The taking of temporary exclusive possession of and rights in Tunnel No.2 under the River Tees; also the power to extinguish rights. SABIC requires access at all times to its apparatus in this location and for its rights in relation to its pipes to be retained.
 - (b) The nature of the works to be carried out at the River (Work 6A.1) is unclear. The works description for this work in Schedule 1 provides scope for the hydrogen distribution pipeline to be over or under ground. SABIC would be concerned about any works which interfere with navigation in the River or which could damage Tunnel No. 2 or its apparatus in that tunnel. The Pipeline Statement (APP-035) sets out details of the design and location of the proposed hydrogen pipelines, including in relation to the use of Micro-bored Tunnel or Horizontal Directional Drilling (HDD) techniques and whether sections will be above or below ground. However it is unclear to SABIC how this commitment is secured in the draft Order.

5.4 Link Line Corridors

- 5.4.1 The Applicant is intending to install its pipes within the Link Line Corridors.
- 5.4.2 The various industrial sites on Teesside between Billingham in the west and Seal Sands and Wilton International in the east which were once owned and operated by ICI. Many of ICI's factories and facilities were interdependent and symbiotic, and they were linked together by pipes. The connecting corridors through which these pipes ran the Link Line Corridors.
- 5.4.3 When ICI was broken up many of the different plans passed into new ownership and a new model had to be found to manage these essential connections.
- 5.4.4 Today the Link Line Corridors are owned by Sembcorp, but contain pipes which are owned and operated by the various businesses within the Teesside cluster. For example SABIC owns and operates pipes running through the Link Line Corridors between the North Tees Site and Wilton International and between North Tees and the Saltholme Brine Reserves.
- 5.4.5 As the landowner Sembcorp has control of the corridor and manages a carefully balanced access system whereby operators such as SABIC notify them of their access and maintenance needs and essentially "book" time to work on their assets.
- 5.4.6 This system works well to balance the competing requirements of different operators, but is dependent on the land ownership and system of mutual rights and obligations which exist over the land. SABIC would be very concerned about a development consent order which allowed the Applicant to take rights in the Link Line Corridor which did not include these balances. It would be even more concerned about any powers

being exercised which extinguished or modified the existing rights of operators within the corridor.

5.4.7 SABIC will require maintenance and operational access to its pipes through any construction and subsequent operation phases.

5.4.8 SABIC is therefore concerned about:

- (a) The taking of temporary exclusive possession of and rights in the Link Line Corridors and their access roads.
- (b) The powers in articles 23, 25, 26 and 32 of the draft Order to extinguish or suspend:
 - (i) SABIC's right to keep its pipes in place; and
 - (ii) Its right to take access to its pipes.
- (c) The Pipeline Statement (APP-035) sets out details of the design and location of the proposed hydrogen pipelines, including in relation to the use of Micro-bored Tunnel or Horizontal Directional Drilling (HDD) techniques and whether sections will be above or below ground. However it is unclear to SABIC how this commitment is secured in the draft Order.

5.5 Brine Fields and Reservoirs

5.5.1 The Brine Fields provide underground brine winning and storage cavities. The ground is not as stable as some other ground in the area and care will need to be taken to avoid subsidence. In addition to the underground cavities, there are well-heads and boreholes across the site and any developer would need to fully understand their location and nature. The Brine Fields are also a top-tier COMAH site to which SABIC and emergency services require access at all times.

5.5.2 As a general comment, the Brine Fields are an integral part of SABIC's operations and require protection so that they can remain operational at all times.

5.5.3 SABIC is therefore concerned that:

- (a) These facilities are an integral part of SABIC's operations and require protection so that they can remain operational at all times. They include access roadways and pipe corridors which SABIC will require continuous access to at all times.
- (b) Plot 5/97 is a laydown and construction area which is important to SABIC's operations on site.
- (c) It was not aware that the Applicant would seek permanent acquisition of Plot 5/94.
- (d) Plot 6.3 is very close to an existing borehole. SABIC needs to understand better the Applicant's plans in relation to this plot.

5.6 The Wilton to Grangemouth Ethylene Pipeline (WGEP)

5.6.1 SABIC's Compound 38 is the white land at the centre of temporary possession Plot 5/19. This is the point where an above ground ethylene pipeline (known as **System 32**) goes underground and becomes the **WGEP**.

5.6.2 The WGEP is a high pressure buried ethylene pipeline running between Wilton and Grangemouth. It is major accident hazard pipeline which is likely to present engineering challenges to the development. Any development in the vicinity of the

WGEP could also present serious operational difficulties to SABIC and would not usually be allowed.

- 5.6.3 SABIC welcomes the exclusion of Compound 38 from the Order limits, but it will require access to this compound at all times.
- 5.6.4 SABIC notes that the Order limits continue to extend out south of the east-west Link Line Corridor in this location. It is unclear why this is the case.
- 5.6.5 SABIC considers that any development by the Applicant should be located so as not to interfere with the WGEP.
- 5.6.6 The proposed installation of above ground equipment in Plot 5/21 is of concern to SABIC. It is difficult to tell from the scale of the plans, however the plot does not appear to be directly above the ethylene pipeline. Nevertheless, it and adjacent plots fall within the zone around the WGEP in which SABIC seeks to prevent development from taking place due to the high hazard levels. This is an inappropriate location for the proposed development.
- 5.6.7 Moreover, these plots straddle SABIC's access road to SABIC's high hazard assets in Compound 38 and the powers taken under the draft Order would allow the Applicant to prevent access to Compound 32.
- 5.6.8 In light of these difficulties and constraints, SABIC does not believe that it is appropriate for the scheme to use this land and is very concerned that the Applicant has given due consideration to possible alternatives.
- 5.6.9 Any excavations or heavy loads in the vicinity of the WGEP would be of concern to SABIC.

6. GENERAL ISSUES CAUSED BY THE SCHEME

More generally, SABIC is concerned in relation to the proposed powers in the draft DCO, including:

- 6.1 Powers of compulsory acquisition and temporary possession in the draft DCO, including the powers to override SABIC's existing rights and create rights which are not compatible with its existing rights. The draft Order includes powers which would allow the Applicant to exclude SABIC from some of its key facilities as well as to extinguish and suspend the rights on which its existing operations depend and prevent access along the access roads within Wilton International, the North Tees Site and in respect of the Link Line Corridors. It is unclear how the integrity of the North Tees site as a top tier COMAH site can be maintained.
- 6.2 Powers to prohibit passage over streets. It is unclear whether the Applicant intends these powers to apply in relation to access roads at Wilton International, the North Tees Site and in respect of the Link Line Corridors, or whether they are intended to be limited to streets outside these sites.
- 6.3 SABIC would question whether traffic regulation provided for in Article 16(1) and shown on the Traffic Regulation Measures Plan should be shown outside the Order limits.
- 6.4 SABIC also notes that the power to regulate traffic under Article 16(2) and is concerned that it does not include a geographical limit, is not subject to the consent of the traffic authority and is not subject to the usual duties under Section 122 of the Road Traffic Regulation Act 1984, which states:

122 Exercise of functions by strategic highways companies or local authorities

(1) It shall be the duty of every strategic highways company and local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by

this Act as (so far as practicable having regard to the matters specified in subsection (2) below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway or, in Scotland, the road.

(2) The matters referred to in subsection (1) above as being specified in this subsection are—

(a) the desirability of securing and maintaining reasonable access to premises;

(b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;

(bb) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);

(c) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and

(d) any other matters appearing to the strategic highways company or... the local authority... to be relevant.

(3) The duty imposed by subsection (1) above is subject to the provisions of Part II of the Road Traffic Act 1991

6.5 SABIC is concerned about the maintenance of access to its operational sites.

7. PROTECTIVE PROVISIONS

7.1 The Applicant provided its Protective Provisions to the Applicant as part of the consultation process, and it is disappointing that they have not been included in the draft DCO.

7.2 It is noted that the Applicant intends to revert to SABIC with a further set of protective provisions once they have submitted their Change Application. SABIC looks forward to receiving these.

7.3 As stated above, SABIC UK's operations have many of the characteristics of a statutory undertaker and it is vital that its facilities and apparatus are properly protected both to ensure that the safety and continuity of its operations. It is therefore essential that SABIC's protective provisions are included in any made DCO.

7.4 In addition to the protection of SABIC UK's physical assets, it is vital that SABIC NL's inventory is properly protected by the protective provisions to ensure continuity of supply and maintain the economic benefits to the UK of SABIC's operations as well as avoiding reputational damage to SABIC should supply be disrupted.

SABIC reserves the right to add further details during the course of the Examination.

Womble Bond Dickinson (UK) LLP
3 October 2024