

SABIC UK PETROCHEMICALS LIMITED (URN 20049383)

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

SABIC'S RESPONSE TO THE APPLICANT'S COMMENTS ON RELEVANT REPRESENTATIONS

SABIC's RELEVANT REPRESENTATION	APPLICANT'S RESPONSES	SABIC'S RESPONSE
<u>1. Wilton International</u>		
<p>a. The power to take temporary possession of the Wilton 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).</p>	<p>a. Section 6.0 of the Framework CTMP [APP-050] outlines a process for liaison between key stakeholders during the construction phase of the Proposed Development. This includes:</p> <ul style="list-style-type: none"> • establishing a channel of communication between the EPC Contractor(s) and the regulating authorities; • making all parties aware of the results of monitoring of the Final CTMP(s); • providing a route by which any complaints can be communicated and dealt with; • providing a route through which transport related issues can be identified and dealt with; and • providing prior notice of significant events e.g. delivery of abnormal loads, in accordance with standard protocols. <p>Crucially, paragraph 6.1.2 of the Framework CTMP [APP-050] states that it is proposed that a short-written report is prepared by the EPC contractor(s) on a six-monthly basis and</p>	<p>a. SABIC requires access to its facilities and apparatus at all times.</p> <p>The measures contained in the Framework CTMP [APP-050] appear to be directed towards consultation and notification in respect of road closures and vehicle movements. Whilst these measures are welcomed, they do not address SABIC's issues around access.</p>

	<p>circulated to all key stakeholders. Any comments generated by the report will be circulated to all key stakeholders and a meeting may be held if required. It goes onto confirm that parties such as Sabic may need to be consulted from time to time.</p> <p>Paragraph 6.1.3 confirms that where required (depending on the works and location) a copy of each detailed Final CTMP approved, along with information on working hours and proposals for traffic management or works on the highways network (including any road closures, diversions or alternative access arrangements) that have potential to affect these parties, will be provided at least one month before the relevant works are anticipated to commence.</p> <p>Paragraph 6.1.4 goes onto state that given the other projects within the local area, the EPC Contractor(s) would liaise with other contractors in the local area to co-ordinate works, and associated construction traffic movements as far as practicable. It continues by stating that a working group could be set up as required, although at this time the exact make up and timing of any meetings is unknown and will need to be reviewed and agreed as part of the Final CTMP(s) being approved prior to work commencing on site. Part of this working group's remit could include agreeing a communications plan with neighbouring businesses where construction programmes (and therefore associated HGV movements) between the projects overlap.</p>	
<p>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</p>	<p>b. The Applicant is looking to remove plot 19/13 as part of a planned Change Application as set out in the Change Notification (PDA-019) which is currently under consultation. The Application is in</p>	<p>b. SABIC's relevant representation is and must be based on the application as made.</p>

<p>not appear to have looked at other sites as an alternative.</p>	<p>discussions with SABIC for a voluntary agreement for 19/10.</p>	<p>Heads of terms have been shared by the Applicant, although it is not correct to say that negotiations are ongoing.</p> <p>The Applicant's response does not address SABIC's point that the site is in active use by SABIC and the Applicant does not appear to have looked at other sites as an alternative.</p> <p>SABIC intends to respond separately to the Consultation relating to the Change Notification (PDA-019), as procedurally it is required to do. To the extent that the change is accepted, and Plots 9/10 and 9/13 are omitted from the Land Plans and Book of Reference, SABIC welcomes those changes.</p>
<p>c. The taking of temporary exclusive possession of Plot 20/13 and adjacent plots. 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.</p>	<p>c. The Applicant notes SABIC's concerns. This plot is needed to enable the construction of the Hydrogen Distribution Network. The Applicant is looking to agree appropriate Protective Provisions with SABIC to address this concern.</p>	<p>c. SABIC notes that it is intended to deal with its concerns in protective provisions.</p> <p>The Applicant has not yet communicated the extent to which it is prepared to accept SABIC's protective provisions.</p>
<p>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.</p>	<p>d. The Applicant is looking to remove plot 20/10 as part of a planned Change Application as set out in the Change Notification (PDA-019) which is currently under consultation.</p>	<p>d. SABIC's relevant representation is and must be based on the application as made.</p> <p>The Applicant's response does not address SABIC's point that the site is in active use by SABIC and the Applicant does not appear to have looked at other sites as an alternative.</p> <p>SABIC intends to respond separately to the Consultation relating to the Change Notification (PDA-019), as procedurally it is required to do. To the extent that the change is accepted, and Plot 20/10 is omitted from the Land Plans and</p>

		Book of Reference, SABIC welcomes those changes.
<u>2. North Tees Site</u>		
a. The Order would allow the Undertaker to take temporary possession of land all the way around the North Tees site, thereby preventing access. This includes Huntsman Way, the main site access.	The Applicant has reviewed SABIC's proposed Protective Provisions with its technical and legal teams and is currently preparing a detailed response which takes account of the latest Change Notification (PDA-019) in so far as relevant to the known SABIC interests.	a. SABIC awaits a detailed response from the Applicant and would ask the Applicant to confirm when this will be ready
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.	The Applicant believes that this concern will be resolved via the agreement of appropriate Protective Provisions during the course of the examination.	SABIC notes that it is intended to deal with its concerns in protective provisions. The Applicant has not yet communicated the extent to which it is prepared to accept SABIC's protective provisions.
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.	c. The Applicant notes SABIC's concern. Plots 10/9 and 10/10 are required to enable the construction and operation for the proposed Above Ground Installation and Hydrogen Distribution Network. The Applicant is looking to agree appropriate Protective Provisions with SABIC to address this concern.	Plot 10/9 is adjacent to SABIC's boilers, water plant and air compressors. This apparatus is in ongoing use by SABIC (and its contractors) in support of operating, inspecting and maintaining those assets. SABIC notes that it is intended to deal with its concerns in protective provisions.

		The Applicant has not yet communicated the extent to which it is prepared to accept SABIC's protective provisions.
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. This area contains live SABIC equipment, as well as essential access to pipeline corridors and CF Fertilisers Ammonia Storage facility (via an access route which SABIC are responsible for).	d. The Applicant notes SABIC's concern. Plots 10/14, 10/15, 10/16, and 10/10 are required to enable the construction and operation for the proposed Hydrogen Distribution Network. The Applicant is looking to agree appropriate Protective Provisions with SABIC to address this concern.	SABIC notes that it is intended to deal with its concerns in protective provisions. Plots 10/14 and 10/15 includes essential access to high hazard operations of both SABIC and CF Fertilisers, which cannot be compromised. All four plots (10/10, 10/14, 10/15, 10/16) contain high hazard pipework which it must be possible to access, inspect and maintain at all times. The Applicant has not yet communicated the extent to which it is prepared to accept SABIC's protective provisions.
<u>3. River Tees</u>		
a. The taking of temporary exclusive possession of and rights in Tunnel No.2 under the River Tees; also the power to extinguish rights.	a. The Applicant notes SABIC's concern and is looking to agree appropriate Protective Provisions with SABIC to address this concern.	SABIC notes that it is intended to deal with its concerns in protective provisions. The Applicant has not yet communicated the extent to which it is prepared to accept SABIC's protective provisions.
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 for the hydrogen distribution pipeline to be over or under ground. The Consultation Report states that the crossing will either be with Micro-bored Tunnel or Horizontal Directional Drilling (HDD) techniques. It is unclear to SABIC how this commitment is secured in the draft Order.	b. The Applicant is proposing a new crossing over the River Tees below the riverbed using Micro-bored Tunnel or Horizontal Directional Drilling (HDD) techniques.	The Applicant's response does not identify how this commitment is secured in the draft Order.

<u>4. Link Line Corridors</u>		
a. The taking of temporary exclusive possession of and rights in the Link Line Corridors and their access roads. Also the power to extinguish SABIC's rights.	a. The Applicant notes SABIC's concern and is looking to agree appropriate Protective Provisions with SABIC to address this concern.	SABIC notes that it is intended to deal with its concerns in protective provisions. The Applicant has not yet communicated the extent to which it is prepared to accept SABIC's protective provisions.
b. The Pipeline Statement (Document 5.5) 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. It is unclear to SABIC how this commitment is secured in the draft Order.	b. Where the Applicant is proposing additional new crossings these will use Micro-bored Tunnel or Horizontal Directional Drilling (HDD) techniques.	The Applicant's response does not identify how this commitment is secured in the draft Order.
<u>5. Brine Fields and Reservoirs</u>		
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.	a. Refer to 1.a. above about traffic management.	a. SABIC requires access to its facilities and apparatus at all times. The measures contained in the Framework CTMP [APP-050] appear to be directed towards consultation and notification in respect of road closures and vehicle movements. Whilst these measures are welcomed, they do not address SABIC's issues around access.
b. Plot 5/97 is a laydown and construction area which is important to SABIC's operations on site.	b. The Applicant is looking to remove plot 5/97 as part of a planned Change Application as set out in the Change Notification (PDA-019) which is currently under consultation.	SABIC's relevant representation is and must be based on the application as made. The Applicant's response does not address SABIC's point that the site is in active use by SABIC. SABIC intends to respond separately to the Consultation relating to the Change Notification

		(PDA-019), as procedurally it is required to do. To the extent that the change is accepted, and Plot 5/97 is omitted from the Land Plans and Book of Reference, SABIC welcomes those changes.
c. SABIC was not aware that the Applicant would seek permanent acquisition of Plot 5/94 and will need to give this proposed acquisition further consideration.	c. The Applicant is looking to remove plot 5/94 as part of a planned Change Application as set out in the Change Notification (PDA-019) which is currently under consultation.	<p>SABIC's relevant representation is and must be based on the application as made.</p> <p>The Applicant's response does not address SABIC's point that the site is in active use by SABIC.</p> <p>SABIC intends to respond separately to the Consultation relating to the Change Notification (PDA-019), as procedurally it is required to do.</p> <p>It is not clear from the plans included with the Change Notification that Plot 5/94 is to be omitted as part of that change.</p> <p>To the extent that the change is accepted, and Plot 5/94 is omitted from the Land Plans and Book of Reference, SABIC welcomes those changes.</p>
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.	d. Plot 6/3 is planned to be used for Right of Way for construction of the buried pipeline. Above ground or buried assets, such as existing boreholes, will be picked up as part of the topographic survey and will be avoided where possible. If it is not possible to avoid the borehole then The Applicant will liaise with Sabc to determine a method of construction. The Applicant is looking to agree appropriate Protective Provisions with SABIC to address this concern.	<p>d. SABIC notes that it is intended to deal with its concerns in protective provisions.</p> <p>The Applicant has not yet communicated the extent to which it is prepared to accept SABIC's protective provisions.</p>
6. The Wilton to Grangemouth Ethylene Pipeline (WGEP)		

<p>a. SABIC was not aware of the proposed installation of above ground equipment in Plot 5/21 and will need to consider this issue further.</p>	<p>a. The Applicant proposes an Above Ground Installation at this location for the start of the segment heading north. The Applicant is looking forward to feedback from SABIC and agreeing appropriate Protective Provisions.</p>	<p>a. Plot 5/21 and nearby plots fall within the zone around the WGEP in which SABIC seeks to prevent development from taking place due to the high hazard levels.</p> <p>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. Plot 5/21, and plots immediately to the north straddle SABIC's access road to SABIC's high hazard assets in Compound 38.</p> <p>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.</p>
<p>b. Any excavations or heavy loads in the vicinity of the WGEP would be of concern to SABIC.</p>	<p>b. The Applicant notes SABIC's concern. Crossings of any existing assets will be considered, and, if traffic loads are deemed too high, then mitigations like slabs will be used to distribute the loads. The Applicant is looking to agree appropriate Protective Provisions with SABIC on this.</p>	<p>b. SABIC notes that it is intended to deal with its concerns in protective provisions.</p> <p>The Applicant has not yet communicated the extent to which it is prepared to accept SABIC's protective provisions.</p>
<p><u>7. General Comments</u></p> <p>More generally, SABIC is concerned in relation to the proposed powers in the draft DCO, including:</p>		
<p>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 to exclude SABIC from some of its key facilities as well as to extinguish the rights on which its</p>	<p>1. The Applicant has reviewed SABIC's Protective Provisions with its technical and legal teams and is currently preparing a detailed response which takes account of the latest Change Notification (PDA-019) in so far as relevant to the known SABIC interests.</p>	<p>SABIC notes that it is intended to deal with its concerns in protective provisions.</p> <p>The Applicant has not yet communicated the extent to which it is prepared to accept SABIC's protective provisions.</p>

<p>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.</p>	<p>The Applicant believes that this concern will be resolved via the inclusion of appropriate Protective Provisions and anticipates that the parties will be able to agree the same during the course of the examination.</p>	
<p>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. 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. 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. SABIC is concerned about the maintenance of access to its operational sites. The Applicant has noted SABIC's concerns about the maintenance of access to its operational sites and will continue to engage with SABIC to ensure that its concerns are addressed. The Applicant has reviewed SABIC's proposed Protective Provisions with its technical and legal teams and is currently preparing a detailed response which takes account of the Change Notification (PDA-019) in so far as relevant to the known SABIC interests.</p>	<p>The Applicant has noted SABIC's concerns about the maintenance of access to its operational sites and will continue to engage with SABIC to ensure that its concerns are addressed. The Applicant has reviewed SABIC's proposed Protective Provisions with its technical and legal teams and is currently preparing a detailed response which takes account of the Change Notification (PDA-019) in so far as relevant to the known SABIC interests.</p>	<p>SABIC notes that it is intended to deal with its concerns in protective provisions.</p> <p>The Applicant has not yet communicated the extent to which it is prepared to accept SABIC's protective provisions.</p>
<p>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. It is essential that</p>	<p>The Applicant understands this statement to mean that SABIC has provided a draft of its proposed Protective Provisions to the Applicant. The Applicant has reviewed these with its technical and legal teams and is currently</p>	<p>SABIC notes that it is intended to deal with its concerns in protective provisions.</p>

SABIC's protective provisions are included in any made DCO.

preparing a detailed response which takes account of the latest Change Notification (PDA-019) in so far as relevant to the known SABIC interests.

The Applicant has not yet communicated the extent to which it is prepared to accept SABIC's protective provisions.