

H2TESSIDE DCO APPLICATION

BOC LIMITED Interested Party Reference number:20049365

SUMMARY OF ORAL REPRESENTATION – Compulsory Acquisition Hearing

Fieldfisher LLP ("**Fieldfisher**") (with support by Baker Rose Consulting LLP ("**Baker Rose**") speaking on behalf of BOC Limited ("**BOC**").

This submission is by way of update to the Relevant Representations (RR-016), the oral submissions by Baker Rose and the written summaries of those oral submissions (REP1-029) and the Written Representations REP2-075.

In respect of the first bullet pointed agenda item under 4(ii) (*the location and manner of land interest and/or list plot numbers*) a list of plot interactions missing from the Book of Reference were submitted to the Examination under reference REP3-013. In addition Baker Rose submitted to Dalcours MacLaren ("**DM**") (acting for the Promoter) an updated schedule of interactions and plot references on Tuesday 12 November and 2024 and this is currently being reviewed by DM. In addition BOC would like to record that while the provision of document EN070009 is welcomed by way of further information in respect of the interactions of the various DCOs in the affected area, the level of detail provided is 'light' and our client would welcome a greater level of detail in order to have a greater understanding of what is intended, particularly at the 'pinch points' within the various pipeline corridors.

In response to a query by the Examining Authority Fieldfisher confirms that while the information provided to date to DM represents BOC's current best understanding of the plot interactions at this point in time, we would point out that the interactions between the Scheme and BOC's infrastructure affect over a quarter of the total plots within the Scheme and that due to the complexity and scope of the infrastructure this could necessarily not be a guaranteed definitive list.

BR confirm that it has nothing to add to this issue.

In respect of the second bullet pointed agenda item under 4(ii) (*objections/ concerns regarding CA/TP*) Fieldfisher refers the Examination to the previous representations and oral submissions made on behalf of BOC which outline the background of BOC's role at Teesside, the scale of the interactions and concerns re design and overlap. As such we do not intend to repeat these further.

BR confirm that it has nothing to add to this issue.

In respect of the third bullet pointed agenda item under 4(ii) (*any outstanding matter(s) related to CA/TP that haven't already been discussed*) BOC welcome the approach of the Examining Authority in terms of encouraging the swift agreement of protective provisions. As will be clear from the timeline included within the Written Representations (REP2-075), Fieldfisher provided draft protective provisions on 17 June 2024. While we have received without prejudice correspondence as at 22:57 on Monday 11 October we currently have no side agreement and no protective provisions agreed. BOC require protective provisions in order to protect existing infrastructure, agree details around the provision of new infrastructure, managing interfaces and agreement of new and replacement land rights. In addition BOC are seeking to include obligations to comply with safety requirements and wish to have a direct nexus to enforce the aforementioned obligations.

BOC wish to confirm that they have no objection to the Scheme in principle if appropriate protective provisions are agreed. BOC would request that to the extent that protective provisions are not agreed between the parties then the DCO is modified so that DCOs are included on the face of the

order. Fieldfisher is happy to provide such protective provisions and to take into account the promoter's points to the extent possible. BOC is of the opinion that it would be unreasonable to confirm the DCO without inclusion of protective provisions specifically benefitting BOC.

BOC are of the opinion that the best use of all parties' resources is to agree protective provisions as soon as possible so that we can remove this issue from the Examination and the Examination can move on to determine other issues.

In respect to the comment by the Promoter that the protective provisions have not been progressed further due to the fact that the Promoter was awaiting full details of the infrastructure Fieldfisher point out that the protective provisions are drafted on a generic basis precisely so that such issues do not prevent agreement of protective provisions.

BR confirm that it has nothing to add to this issue.

The Promoter suggest that it may be helpful for the respective technical teams to have a meeting in the near future. BOC welcomes this suggestion and is keen for this to be arranged as soon as possible in order for the parties to better understand interactions and potential design / mitigation issues and enable any resultant issues to be specifically picked up in the protective provisions.