

SABIC UK PETROCHEMICALS LIMITED (URN 20049383)

SABIC TEES HOLDINGS LIMITED (URN: H2TS-AFP121)

SABIC PETROCHEMICALS BV

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

WRITTEN SUMMARY OF SABIC'S REPRESENTATIONS TO

ISSUE SPECIFIC HEARING NO.2

1. AGENDA ITEM 3: HIGHWAY STATUS OF HUNTSMAN DRIVE

- 1.1 Huntsman Drive is shown on the Access and Rights of Way Plans as a private road.
- 1.2 The National Street Gazetteer shows it as a highway maintainable at the public expense, maintainable by Stockton Borough Council.
- 1.3 SABIC sought clarification in order to ensure the accuracy of the Access and Rights of Way Plans.
- 1.4 Following oral confirmation from a representative of Stockton Borough Council that they do not consider Huntsman Drive to be a highway maintainable at the public expense SABIC is content to let this issue lie, subject to the discovery of any further evidence in this regard.

2. AGENDA ITEM 3: ARTICLE 47

- 2.1 SABIC supports the principle of guarantees and securities being provided before compulsory acquisition takes place, but would like clarification as to how the Secretary of State is to decide if the level of security is adequate.
- 2.2 SABIC is concerned about the extinguishment or suspension of its rights under Articles 26(2) and (4), and how the effect on its rights would be taken into account under Article 47.
- 2.3 However SABIC is particularly concerned about an incidental suspension of an inconsistent right under Article 26.
- 2.4 In CAH1 SABIC used the analogy of an electrical circuit where if the circuit is broken temporarily, even to a very small extent, the whole circuit fails. The taking of SABIC's rights, even temporarily, would prevent its operations. SABIC wishes to understand how this would be taken into account by the Secretary of State under Article 47.
- 2.5 This highlights clearly the need for protective provisions.

3. AGENDA ITEM 4: REQUIREMENTS

- 3.1 SABIC is concerned about the proposed pipe crossing of the River Tees (near to Tunnel No. 2) because of the scope for the construction of a new crossing to either damage Tunnel No. 2 or to disrupt navigation in the River Tees. The Application suggests that trenchless technology is to be used for this crossing.

- 3.2 SABIC is also concerned about the extent of the Order limits within the Brinefields. The limits have been justified by the Applicant on the basis that the land is required because of the use of trenchless technology to construct an underground pipe crossing of Greatham Creek.
- 3.3 SABIC is not able to identify an enforceable control on the scheme which would require the use of trenchless technology for these crossings.
- 3.4 Firstly, the works descriptions in Schedule 1 of the dDCO are very general. Work No. 6A.1, which includes both crossings, is described in Schedule 1 as:

"...underground and overground pipelines of up to 600mm nominal bore diameter for the transport of hydrogen gas connecting to Work No. 6B.1;"

- 3.5 It is not clear from this description which parts of the works are to be above or below ground, nor of methods of construction.
- 3.6 The requirements set out in Schedule 2 of the dDCO do not contain a specific requirement that the crossings are constructed using trenchless technology. Requirement 3 (detailed design) provides that Work No. 6A.1 may not be commenced:

"...until details of the following for that part have been submitted to and, after consultation with STDC, approved by the relevant planning authority:

[...]

(c) works involving trenchless technologies including their location."

- 3.7 This is not framed as a requirement that the Tees and Greatham Creek crossings must be constructed using trenchless technology. Rather it simply requires that where trenchless technology is used, details must be approved by the local planning authority.
- 3.8 Requirement 15 provides for a Construction Environmental Management Plan (CEMP) to be submitted and approved which accords with the Applicant's Framework CEMP [REP2-012].
- 3.9 As stated in SABIC's Response to the Framework CEMP [REP3-022], the Applicant's Framework CEMP states at page 66 in relation to a crossing at Cowpen "Bewley Woodland Park":

"Trenchless methods will be used of the construction of the pipeline within Cowpen Bewley Woodland Park".

- 3.10 It is notable that there is no clear, unambiguous obligation of this type securing the use of trenchless technology in respect of the Tees and Greatham Creek crossings.
- 3.11 SABIC wishes to be certain as to what basis it is engaging with the Application when negotiating protective provisions, and of course the ExA will wish to make sure that there are enforceable requirements to support the Applicant's environmental assessment.

POST HEARING COMMENT

- 3.12 After the CAH1 the Applicant referred SABIC to the restrictions contained in pages 30 and 60 of the Framework CEMP [REP2-012].
- 3.13 Page 30 states:

Construction of Hydrogen Pipeline Corridor – Trenchless Crossings

The use of Trenchless technologies (i.e. HDD, MBT or auger boring) for larger river crossings avoids direct impact of the estuary bed and river banks which occurs with open cut construction methods.

3.14 Page 60 states:

Construction of Hydrogen Pipeline Corridor – Trenchless Crossings

The use of trenchless technologies avoid any direct impact to the estuary bed, the worst case depth below the bed is assumed to be a minimum of 10 m, however, this will be determined following the ground investigation at the detailed design phase and the outcome of a frac-out risk assessment (pursuant to a Requirement of the Draft DCO [REP2-004]). This will ensure that there is no risk of exposure of the pipeline.

3.15 These extracts state the benefits of trenchless technology, and imply that it will be used but they stop far short of the type of unequivocal, enforceable requirement at page 66 in respect of the crossing at Cowpen "Bewley Woodland Park".

Womble Bond Dickinson (UK) LLP

20 November 2024