



Written Representations on behalf of ASCO UK Limited

Proposed Great Yarmouth Third River Crossing Development
Consent Order

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1 INTRODUCTION

- 1.1 These are the Written Representations for and on behalf of ASCO UK Limited ("**ASCO**") in respect of the application ("**the Application**") for the Great Yarmouth Third River Crossing Development Consent Order ("**the DCO**"). The Application for the DCO was submitted and is being promoted by Norfolk County Council ("**NCC**") and has been allocated Planning Inspectorate reference TR010043.
- 1.2 ASCO and NCC have been seeking to negotiate a package of safeguards and accommodation works to address ASCO's principal concerns. Discussions to achieve this have been ongoing for around 18 months. ASCO have most recently been focused on these discussions and seeking to reach agreement with NCC. The relatively outline nature of these Written Representations reflect this.
- 1.3 ASCO reserve their position in relation to the Examining Authority's written questions and requests for information dated 1 October 2019 ("**ExQ1**"). ASCO will supplement this Written Representation with their responses to ExQ1 by the deadline of 22 October 2019.
- 1.4 Separately, NCC have indicated that further hydrodynamic, sediment transport and vessel simulation modelling is being undertaken. ASCO reserve their right to respond to any updates to NCC's assessments.

2 EXECUTIVE SUMMARY

- 2.1 For the reasons set out below, ASCO objects both to the principle and details of the DCO.
- 2.2 ASCO is a major service company operating in the oil and gas sector from Fish Wharf in Great Yarmouth. Its operations are complex, highly regulated and sensitive to disruption and interference. It is a major employer in the area and is key to the local oil and gas service industry.
- 2.3 ASCO's operations, landholdings and use of adjoining river berths will be adversely affected by the DCO. ASCO employs approximately 120 people directly at its Great Yarmouth business. ASCO conservatively estimates that a further 120 jobs are directly dependent upon its Great Yarmouth business including local transport companies, pilots, fuel tankers, crane companies, water companies, drilling mud companies, cement companies, and various other trade suppliers.
- 2.4 The DCO is significantly lacking in relation to appropriate safeguards, protective provisions and mitigation measures in relation to ASCO's landholdings, operations and use of adjoining river berths.
- 2.5 There has also been inadequate consideration by NCC of alternatives means for achieving the purpose of the DCO which would minimise the disruption to ASCO/Perenco's business. In this regard, the proposed footprint of the bridge cuts directly across the Perenco working yard (which is partially leased from ASCO). If the bridge could be landed on the eastern shore some 40 metres to the north of its proposed landing point then this would significantly mitigate the adverse effects on ASCO/Perenco's business.
- 2.6 In addition, the Application fails to properly understand and/or assess and/or mitigate the impact of the proposed development on ASCO and consequently, the oil and gas industry and local economy of Great Yarmouth as a whole, both on a temporary basis during the construction of the scheme and permanently following its operation.
- 2.7 ASCO considers that the Application should not be granted unless appropriate safeguards, protective provisions and mitigation measures are fully incorporated into the Proposed Order in order to safeguard ASCO's business and that of its customers.

3 ASCO UK LIMITED

- 3.1 ASCO is a limited company (number SC029934) whose registered office address is ASCO Group Headquarters Unit A, 11 Harvest Avenue, D2 Business Park, Dyce, Aberdeen, AB21 0BQ.
- 3.2 ASCO is an oil and gas service company whose core business is the operation of complex supply bases, providing support to the offshore oil and gas industry across the life of offshore fields from exploration, through development to production and decommissioning.
- 3.3 ASCO's Southern North Sea (SNS) business is located in Great Yarmouth, where its offshore supply base was opened in 1985 and has been the subject of significant investment over the years. ASCO is the largest logistics, waste and fuelling business in the SNS sector. Its operations in Great Yarmouth have an annual turnover of over £50m, and it is one of Great Yarmouth's biggest private sector employers, with around 120 people employed by ASCO in the town and an additional circa 30 people employed by its direct tenants. In addition, ASCO has a substantial supply chain and infrastructure in Great Yarmouth. Any disruption to ASCO's business therefore has the potential to affect a wide range of people, and the local economy. ASCO and Perenco are both major employers in the local oil and gas industry which has suffered significant economic decline since the depression in oil price in 2014/2015 which led to other service companies such as Halliburton and Baker GE consolidating its operations in Aberdeen.
- 3.4 ASCO's operations are an integral element of Great Yarmouth's oil and gas service industry as they provide a key interface between the offshore oil and gas industry and the onshore supply network. Its customers include Spirit Energy, Perenco UK Limited ("**Perenco**"), Petrofac, ConocoPhillips and Fraser Offshore.
- 3.5 In addition to its logistics operations, ASCO also operates complementary fuel, waste and ship's agency businesses from Great Yarmouth. Great Yarmouth is also the sole hub for drilling mud plants in the Southern North Sea – MI Swaco and Halliburton are both tenants of ASCO in Great Yarmouth.
- 3.6 ASCO's Great Yarmouth base is also actively involved in expanding its interests and service offering to the developing markets of offshore wind and decommissioning – both of which, it is anticipated, will deliver significant business growth in the next five years.¹

¹ See the following for offshore wind - <https://www.renewableuk.com/page/UKWEDhome> <https://windeurope.org/about-wind/statistics/offshore/european-offshore-wind-industry-key-trends-statistics-2018/> <https://www.energylivenews.com/2019/07/31/uk-leads-offshore-wind-installations-in-europe-in-2019/>; See the the following for decommissioning - <https://oilandgasuk.co.uk/wp-content/uploads/2019/03/OGUK-Decommissioning-Insight-Report-2018.pdf> - see stats on page 8.

4 ASCO'S INTERESTS IN GREAT YARMOUTH

- 4.1 ASCO's main operational site in Great Yarmouth is at Fish Wharf. Fish Wharf is an ISPS (International Ship and Port Facility Security) Controlled operational supply base with an explosives holding licence. Complex activities are undertaken at Fish Wharf, including berthing, loading and unloading vessels; fuelling vessels; storage and road tanker distribution of various liquid products; replenishment of marine gas oil tanks from sea going tankers on a bi-weekly basis working with the tides; and the loading, unloading, storing and transporting of sensitive materials, hazardous waste and dangerous goods. Customers demand a reliable, safe and secure service – often on a just-in-time basis.
- 4.2 The Fish Wharf site can be understood as being separated into two areas:
- 4.2.1 the northern part of the Fish Wharf site, which is sublet by ASCO to Perenco. ASCO's interest in this part of the Fish Wharf site is comprised in four leasehold interests. NCC proposes to acquire part of this land pursuant to the proposed DCO and take temporary possession of part. Importantly, through a service agreement with Perenco, ASCO's employees permanently operate on, and deliver ongoing logistics services from, this site ASCO has a team of 14 employees working permanently on the Perenco dedicated area of Fish Wharf. This Perenco site receives between 80 and 100 deliveries per day on average ranging from small parts to large containers. ASCO handles over 400 ship loadings per year and handles circa 50,000 tonnes of cargo annually plus 25,000 tonnes of marine gas oil and 25,000 tonnes of water; and
 - 4.2.2 the southern part of the Fish Wharf site, from which ASCO delivers services to the majority of its other SNS clients. ASCO's interest in this part of the Fish Wharf site is comprised in one leasehold interest. This part of the Fish Wharf is not subject to any permanent land take nor temporary possession pursuant to the proposed DCO, but will be adversely affected by it.
- 4.3 In addition, ASCO has additional sites elsewhere in Great Yarmouth. These include Gas House Quay, a specialist fuel, decom and renewables facility, situated across from Fish Wharf on the opposite bank of the River Yare. These other sites are not subject to any permanent land take nor temporary possession pursuant to the proposed DCO, but have the potential to be adversely affected by the DCO scheme including in respect of silting up and tidal flow changes, restricted access for vessels during construction, increased traffic flow and congestion during construction, and noise, dust, air and water pollution.
- 4.4 ASCO services its customers from 4 full sized berths (12 a, b, c and d) immediately adjacent to its warehouse and lay down facilities in the River Port. ASCO is able to provide Marine Gas Oil

(MGO) and water at each of these berths. In addition, ASCO provides a full quayside service including crew changes and tank cleaning.

5 ASCO AND PERENCO

- 5.1 Perenco is an important customer of ASCO in Great Yarmouth and, like ASCO, is a significant employer in the area.
- 5.2 The scale of Perenco's business is such that Perenco's operations are serviced by ASCO on the northern part of the Fish Wharf site separately from ASCO's other customers. ASCO has invested in the infrastructure on the Fish Wharf site, particularly in the construction of a modern warehouse and office facility, in order to make it suitable for the provision of services to Perenco.
- 5.3 Reference is made to Perenco's Relevant Representation for an explanation of the effect of the proposed DCO on its operations.

6 THE PROPOSED DCO

- 6.1 The DCO Land Plans identify four plots within the DCO Order Lands in respect of which ASCO has an interest in, namely:
- 6.1.1 plots 4-30 and 4-36, which are subject to proposed powers of permanent acquisition; and
 - 6.1.2 plots 4-27 and 4-28, which are subject to proposed powers of temporary use and possession.
- 6.2 These four plots are currently used as an open storage site for the consolidation, receipt and dispatch of materials to be sent offshore.
- 6.3 Each of these plots is within the northern part of the Fish Wharf site referred to at paragraph 4.2.1 above and is identified in the Statement of Reasons as being required for:
- 6.3.1 4-30 and 4-36: the construction, operation and maintenance of the eastern approach to the crossing, including associated landscaping and the provision of non-motorised user (NMU) facilities; and
 - 6.3.2 4-27 and 4-28: provision of working space, including a construction compound for the construction of the crossing and associated works.
- 6.4 In addition, the construction of the DCO scheme would involve the construction of two new 'knuckles' extending the quay wall into the river to support the new bridge in close proximity to the berths at Fish Wharf. The Application identifies that this will result in a narrowing of the River Yare by approximately 50% compared with its current width as it passes under the bridge and a constriction of water flows.

7 GROUNDS OF OBJECTION

7.1 ASCO objects to the making of the DCO, among other things, for the following principle reasons:

7.1.1 The Application fails to properly assess and/or address and/or mitigate the significant adverse effects and unacceptable impacts on ASCO's business arising from the proposed acquisition (permanent and temporary) of ASCO's land, the construction and operation of the scheme, and the significant damage caused to ASCO's retained land attributable to the scheme.

7.1.2 The proposed temporary and permanent land take and damaging effects of the scheme (both during its construction and its operation) would have a serious harmful effect on the local economy arising from the damage caused to ASCO's business, the business of its customers including Perenco, and the wider oil and gas industry and economy of Great Yarmouth as a whole.

7.1.3 The continuation of the existing use of the ASCO and Perenco land on the Fish Wharf site is more important than the purposes for which its land is proposed to be acquired (permanently and temporarily) by NCC.

7.2 NCC has had insufficient regard in the preparation and promotion of the Proposed DCO to providing for adequate safeguards, and/or protective provisions and/or mitigation measures to preserve and safeguard the continued operation of ASCO's business to the detriment of the wider oil and gas industry and economy of Great Yarmouth as a whole.

7.3 ASCO's concerns in respect of the significant adverse impacts on its business, the harm to the local economy, and the wider public interest in the retention of the existing use of the land are set out in greater detail at section 8 below

7.4 Accordingly, and for the reasons set out above, ASCO considers:

7.4.1 That contrary to the express statutory requirement in section 122 of the Planning Act 2008, NCC have not satisfactorily demonstrated that there is a compelling case in the public interest for the proposed permanent and temporary acquisition of ASCO interests in the Order Land, among other things, as there is no compelling evidence that the purported public benefits arising from the scheme outweigh the significant private and public losses that would be suffered by the irreparable damage caused to ASCO business by the land take and damage to its retained land;

7.5 That the purposes for which NCC are seeking to acquire (permanently and temporarily) ASCO land are a disproportionate and unjustified interference with (i) the retention and continuation of

the existing use of ASCO's land and (ii) its private rights, having regard to Article 1 of the First Protocol to the European Convention on Human Rights.

8 ADVERSE IMPACTS OF PROPOSED ORDER ON ASCO'S BUSINESS AND ECONOMIC HARM TO THE LOCAL ECONOMY

8.1 As explained in section 4 above, ASCO operates complex and highly regulated facilities at both Fish Wharf and Gas House Quay. The safe and successful operation of a complex logistics supply business on a scale of operation carried on at Fish Wharf requires reliable and unencumbered transportation routes both onshore and offshore and sufficient useable quayside, warehousing and laydown space to deliver those operations in a safe and viable way. This is achieved through ASCO and Perenco's current arrangements at Fish Wharf. NCC has failed to properly understand and assess the nature of ASCO's operations at both Fish Wharf and Gas House Quay.

8.2 Without adequate mitigation and safeguards, the proposed DCO would have the following adverse impacts on ASCO's business:

8.2.1 Land take:

- (a) The removal of the land from the Fish Wharf site would have a severely detrimental impact on ASCO's current operations and in particular the delivery of service to its largest SNS client, Perenco. The site is currently laid out in order to create an optimal, efficient, sequential and safe process for the handling and storage of specialist oil and gas equipment, marine gas oil, hazardous waste and dangerous goods. If the proposed compulsory acquisition were to take place, the land remaining in ASCO's and Perenco's control is too small to meet those operational requirements in a safe and efficient manner without the entire site being reconfigured.
- (b) As noted above, there is a significant risk that if the proposed DCO is made, Perenco may relocate its business to another port. The loss of Perenco's business carries a significant risk of impacting on the viability of the remainder of ASCO's business carried out at the Fish Wharf site due to the volume of business necessary to justify the economic operation of the full range of supply base services currently on offer. In that worst-case scenario, ASCO considers that its Great Yarmouth business may need to close causing the loss of some 120 employees directly employed by ASCO and a similar amount of job losses for those employed by various local sub-contractors directly dependent on ASCO's Great Yarmouth business.

8.2.2 The Bridge:

- (a) Changes to water flow arising from the bridge: ASCO is concerned about potential changes in water flow in the River Yare and the impact this may

have on its ability to safely berth, load and unload vessels at its quayside facilities (particularly when the tide is in ebb and/or flood status). ASCO considers that the studies which NCC have undertaken are inadequate and do not adequately demonstrate that the resulting water movements and tidal flows will not present a hazard. ASCO fuels vessels with marine gas oil and loads and unloads dangerous goods at its Fish Wharf and Gas House Quay facility. If there are significant new currents affecting this facility, this has the potential to compromise safety as ASCO handles, among other things, marine gas oil, waste products and, on occasions, dangerous and hazardous materials.

- (b) River congestion arising from the bridge: Due to the immediate proximity of the Fish Wharf and Gas House Quay facilities to the proposed bridge, ASCO is concerned that both during the construction phase and when fully operational there is a high potential for vessel traffic travelling up river to be held south of the bridge. This would compromise ASCO's ability to arrive and depart from its quaysides due to additional traffic. There is also a general history of lifting bridges suffering mechanical failures which adds to this particular concern. ASCO apprehends that in the event of any such failure their berths to the south of the proposed bridge would be used as "emergency Layby" berths. Furthermore, the removal of the adjoining Berth 13 from operational use during the construction process will further reduce the berthing space available. ASCO's operations are time critical and restrictions or delays upon sailing times will not be acceptable to its customers.
- (c) Heavy lift facility: It should be noted that ASCO's heavy lift facility is located at Gas House Quay and forms an essential part of its offering to the developing decommissioning and renewables markets. The nature of this work requires larger vessels to berth and the aforementioned additional river traffic and changes to water flow have the potential to severely compromise these activities.

8.2.3 Road access to ASCO facilities:

- (a) ASCO operates a receipt & dispatch facility for clients at Fish Wharf which entails approximately 100 small and large deliveries on an average working day. Many of these deliveries are time critical for offshore production. ASCO is concerned by the potential disruption to its business caused by proposed changes to the road layout in the immediately proximate area, both during the construction of the scheme and following its completion, particularly in respect of the various temporary road closures and new signalised crossings.

ASCO considers that these have the potential to adversely affect access and egress to its facilities. It is essential that full unimpeded access and egress to ASCO's facility is maintained at all times. ASCO considers that the proposed DCO does not adequately account for this. ASCO has a transport yard on the opposite side of the South Denes Road from the Fish Wharf site where its fleet of circa 40 HGV's are based and which are arriving and departing at regular intervals daily. The continued unencumbered passage of these HGV's is critical to the operations on the Fish Wharf quayside and ASCO considers that this access and egress is highly likely to be significantly comprised during the construction phases of the scheme. Accordingly, ASCO are seeking, among other things, a temporary access gate to Barrack Road to mitigate these construction impacts, and a change to the one-way system.

- (b) ASCO are also concerned about the congestion that will result – both within the Fish Wharf site and along the sea front – as a result of the closure of the access on South Denes Road and the implementation of traffic controls on South Denes Road. This will affect ASCO's operations on site due to increased journey and turn around times, but also creates a potential public safety risk due to traffic, including HGVs, being re-routed along the sea front.
- (c) Linked to the above, Fish Wharf is a Control of Major Accident Hazards Regulations 2015 (COMAH) Tier 2 Facility due to the storage and handling of marine gas oil and lubricants. It is therefore essential that emergency vehicle access to the site is also maintained at all times.
- (d) Further, ASCO considers that the temporary closure of Fish Wharf (Road) to accommodate the construction of a road junction will create severe operational difficulties for its business due to articulated heavy goods vehicles (HGVs) being unable to exit the site. There is currently no space for HGVs to turn within the Fish Wharf site and therefore the closure of one end of Fish Wharf for a period of circa 3 - 6 months will create a major issue which will compromise operations and safety on site. The turnaround of a single offshore supply vessel can involve in excess of 10 heavy goods vehicles requiring access to ASCO's facilities. ASCO does not believe that NCC has given sufficient consideration to this impact.

8.2.4 Security of ASCO'S facility during construction:

- (a) ASCO's Great Yarmouth Facilities are International Ship and Port Facility Security (ISPS) regulated sites. ASCO is therefore concerned to ensure that

during the construction phase, ASCO's site security is not compromised by the Order Works.

8.2.5 Timing and uncertainty arising from the proposed DCO:

- (a) Given the nature of its operations and facilities described above, any proposed temporary or permanent land take or operational impediment (such as road closures) cannot take place at short notice without significant disruption. ASCO is an exceptional case and requires a far longer lead-in time. Protective provisions are therefore required in the proposed DCO to control NCC's activity so as to avoid disruption to ASCO and its clients' operations. In addition, ASCO is concerned that the adverse effects and uncertainty caused by the proposed DCO are a potential disincentive to future investment in the site, and give rise to the potential for key customers, suppliers and supply chain to relocate out of the county.

- 8.3 ASCO queries the adequacy of the assessments carried out by NCC as part of the Application for the proposed DCO – in particular, the suggestion at section 14.8 of the submitted Environmental Statement that, since the owners of land subject to land take would be financially compensated under the Compensation Code, there can be no significant adverse effect on them. For the reasons summarised above, ASCO considers that the proposed DCO would have significant adverse impacts on it, the oil and gas industry and the local economy, and NCC has failed to properly assess or mitigate this.

9 NEGOTIATIONS WITH NCC

- 9.1 ASCO has engaged with NCC over approximately the last 18 months. Through those discussions, ASCO and Perenco have identified a series of safeguards and accommodation works necessary to resolve both ASCO's and Perenco's concerns with regards to the proposed land take. In summary, these proposed safeguards and accommodation works would involve (i) the repositioning of Perenco's operations from the north of the Fish Wharf site to the south, and (ii) ASCO moving the majority of their non-Perenco business to the warehouse and laydown facility adjacent to Berths 7 and 8. Implementing (i) and (ii) above would, in essence, involve the restructuring of both sites to accommodate safe and efficient working practices. As at the date of this submission no binding commitments have been given by NCC to secure the necessary works. However, ASCO remains in dialogue with both NCC and Perenco. ASCO wishes to emphasise that if NCC wishes to keep to its proposed DCO timetable there is an increasingly narrow time window available in order to undertake the necessary works and implement safeguards, without leading to the implementation of the proposed DCO works needing to be delayed. In this regard, ASCO understands that the construction of the bridge is due to start in or around January 2021. If so, ASCO consider that the tendering for its accommodation works programme would need to commence immediately to meet the scheme implementation timescales. In order to ensure ASCO's and its clients' operational integrity, protective works and safeguards must be completed in advance of the implementation of the Proposed Order.

10 CONCLUSION

10.1 For the reasons above, ASCO considers that:

10.1.1 There is no compelling case in the public interest for ASCO's or Perenco's interests in Fish Wharf to be compulsorily acquired (whether permanently or temporarily) and the purposes for which DCO powers are sought over its land does not justify the significant interference with the critical existing use of its land and is a disproportionate interference with its private rights having regard to Article 1 of the First Protocol of the European Convention of Human Rights; and

10.1.2 Unless and until sufficient safeguards, protective provisions, and accommodation works have been agreed and implemented by NCC to mitigate the significant harm arising from the scheme on ASCO, the local oil and gas businesses, and the local economy as a whole, the proposed DCO should not be made by the Secretary of State.

10.2 ASCO reserves its position and right to supplement these written representations further (with the permission of the Examining Authority) for the purposes of the DCO Examination and in particular the proposed Compulsory Acquisition Hearing at which it wishes to attend and make oral representations.

BURNESS PAULL LLP
Solicitors, Edinburgh

AGENT FOR ASCO UK LIMITED

8 October 2019