

PLANNING ACT 2008

INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

APPLICATION FOR THE YORK POTASH HARBOUR FACILITIES DEVELOPMENT CONSENT
ORDER (Reference TR30002)

RESPONSE TO EXAMINING AUTHORITY'S FIRST WRITTEN QUESTIONS OF
DEA UK SNS LIMITED (Unique Reference Number 10031322)

1. INTRODUCTION

- 1.1 This is the Response to the Examining Authority's First Written Questions of DEA UK SNS Limited (**DEA**). DEA's submission is made on behalf of itself and its joint venture partner, Sterling Resources (UK) Plc.
- 1.2 The form of this document is identical to the submissions of SABIC UK Petrochemicals Limited (**SABIC**) and Huntsman Polyurethanes (UK) Limited (**Huntsman**).
- 1.3 In this document SABIC, Huntsman and DEA are together referred to as **the Objectors**.

2. RESPONSE TO EXAMINING AUTHORITY'S FIRST WRITTEN QUESTIONS

DCO 1.11	<u>Article 34 Protective Provisions</u> In addition to statutory undertakers, Schedules 9 and 10 address concerns of pipeline users and other enterprises whose assets or linking communication or transport links are overbridged or over-sailed. Many of these interests sought protective provisions in relation to the Dogger Bank A & B DCO, the decision in respect of which is required by the Secretary of State no later than 5 August 2015 under the provisions of the PA2008. Please explain the extent to which the position reached during the Examination of the draft Dogger Bank A & B DCO and the decision thereon in relation to Protective Provisions has been embodied in this draft DCO in so far as relevant to the interests concerned.
	The Protective Provisions in Schedule 9 are the relevant protections which are being offered to the Objectors. Schedule 9 does not replicate the Dogger Bank Protective Provisions either in the form requested by the Applicant or SABIC, or in the form granted by the Secretary of State. Apparatus is not dealt with in the same way and, in particular the Schedule 9 provisions do not deal with issues of vehicular access and the closure of site roads which was a key issue for SABIC during the Dogger Bank examination and which is a major concern for the Objectors in respect of the York Potash Scheme. The Objectors do not consider that the draft Protective Provisions in Schedule 9 are

	adequate, especially when placed with their powers of compulsory acquisition (see Sections 6.10 and 6.13 of each of their respective Written Representations). The Objectors have met with the Applicant and have agreed to put a set of revised protective provisions to them in order to address these issues. These are not available at the date of preparation of the Objectors' Deadline 1 Submissions. Consideration is also being given to the terms of the Dogger Bank protections and the extent (if any) to which it is appropriate that they are applied in relation to the current Application.
PAR 1.2	<u>Alternative means of crossing the A1058</u> Given the Relevant Representation from Redcar & Cleveland Borough Council (RR-018), please provide a full explanation of the issues that are said to rule out routing the conveyor beneath the distributor road and other parallel transport routes
	As stated at the Preliminary Meeting, DEA has serious concerns and reservations about the undergrounding of the conveyor beneath the A1085. These are set out in more detail in Section 7 of DEA's Written Representation. DEA is currently considering the extent to which Protective Provisions can allay its concerns in this regard

Bond Dickinson LLP

21 August 2015