



Our Ref ANT/3004/00002/CMW/VB  
Your Ref YP02/AFP004 and TR030002



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21 September 2015

The Planning Inspectorate  
3/18 Eagle Wing  
Temple Quay House  
2 The Square  
BRISTOL  
BS1 6PN

Dear Sirs

**APPLICATION FOR THE YORK POTACH HARBOUR FACILITIES DEVELOPMENT CONSENT ORDER**

We refer to our letter of 21 August 2015, and the Applicants' response.

Ahead of the hearings scheduled for 24 and 25 September 2015, we thought it may assist the Examining Authority, Applicants and other parties to provide further detail on our position following the information provided by the Applicant.

As set out in our submission of 21 August 2015, the CATS pipeline is key piece of national infrastructure. It is classified as a "*Major Accident Hazard*" pipeline and is subject to stringent legislative controls.

In our representation we confirmed that it was our position that the southern conveyor belt route, as proposed by the Applicants, should not be approved, and that, subject to the necessary protective provisions, the northern route only should be included in the Development Consent Order ("*DCO*").

We note the Applicants' response and their submissions in support of the southern route. These submissions rely on the operational advantages to the Applicants of this route. In our view, operational matters should be afforded only limited weight compared to the significant safety issues that the proposed southern route would give rise to. We confirm that it remains our view that the southern route should not be permitted.

### **Protective Provisions**

The Applicants have made a number of changes to the protective provisions including Schedule 9 of the DCO, and we welcome the majority of these changes.

However, it is clear from the terms of the draft DCO, that the Applicants have not fully appreciated the safety risks associated with the CATS pipeline.


We have included with this letter an amended version of Schedule 9 showing the changes we would request are made to the DCO. These changes are required to reflect the particular issues associated with the CATS pipeline.

### **Site Visit Itinerary**

We note that an itinerary for the site visit has now been published. We would request that as part of the site visit the examining Authority inspects the location of the CATS pipeline in respect of the proposed southern route for the conveyor. We can also confirm that the Site Manager, Craig Wreglesworth, will be attending the site visit on our behalf.

We can also confirm that we will be attending the Open Floor Hearing on 24 September and the Site Specific Hearing on 25 September 2015.

Yours faithfully



Andy McDonald

**For and on behalf of Amoco (U.K.) Exploration Company, LLC in its capacity as CATS Operator**



**FOR THE PROTECTION OF THE PIPELINE CORRIDOR**

This Schedule shall apply to all pipes within the pipeline corridor

- 1 The following provisions of this Schedule shall have effect, unless otherwise agreed in writing between the undertaker and the owner of the relevant pipe in the pipeline corridor.

- 2 In this Schedule –

“affected owners” means owners and, if different, the operators of the pipes within the pipeline corridor;

“the engineer” means an engineer appointed by the owner of the relevant pipe in the pipeline corridor for the purposes of this Order:

“pipeline corridor” means the corridor along which the conveyor is to be erected within the Works No. 4 and Works No. 5; and

“pipe(s)” means the pipe or pipes located in the pipeline corridor and all ancillary apparatus including such works and apparatus properly appurtenant to the pipes as are specified by section 65(2) of the Pipelines Act 1962(a).

**General, consent and insurance**

- 3 (1) The undertaker must not in the exercise of the powers conferred by this Order acquire, appropriate, extinguish or suspend any rights in the pipeline corridor if the authorised development can reasonably and practicably be carried out without such acquisition, appropriation, extinguishment or suspension.  
  
(2) The undertaker must in the exercise of the powers conferred by this Order at all times act so as to minimise, as far as reasonably practicable, any detrimental effects on owners of pipes within the pipeline corridor including any disruption to access and supplies of utilities and other services that are required by them in order to carry out their operations.
- 4 Before commencing any part of the authorised development which would have an effect on the operation and maintenance of the pipes and access to them, the undertaker must submit to the owner of the relevant pipe plans and sections of the proposed works and such further particulars as the owner of the relevant pipe may, within 28 days from the day on which plans and sections are submitted under this paragraph, reasonably require.
- 5 No works comprising any part of the authorised development which would have an effect in full or in part on the operation, maintenance, repair, replacement and/or abandonment of the pipes and access to them are to be commenced until plans and sections in respect of those

works submitted pursuant to paragraph 3 of this Schedule have been authorised by the owner of the relevant pipe.

- 6 Any authorisation by the owner of the relevant pipe required under paragraph 4 of this Part must not be unreasonably withheld or delayed but may be given subject to such reasonable condition as the owner of the relevant pipe may require to be made for –
- (a) the continuing safety and operation or viability of the pipes; and
  - (b) the requirement for the owner of the relevant pipe to have uninterrupted and unimpeded access to the pipes at all times equivalent to that enjoyed at the time of the making of this Order.
- 7 In the event that no response has been received to the submission of plans and sections pursuant to paragraph 3 within fourteen days of the expiry of the 28 day period referred to in paragraph 4 above, if consent shall be deemed to have been unreasonably withheld the undertaker may refer to an expert the matter as a dispute under paragraph 22.
- 8 (1) Before carrying out any works on any part of the authorised development affecting the pipeline corridor the undertaker must put in place a policy of insurance with a reputable insurer against consequential loss and damage suffered by affected owners of the pipes within the pipeline corridor or as may be determined by an expert under paragraph 24, and evidence of that insurance must be provided on request to affected owners.
- (2) Not less than 90 days before carrying out any works on any part of the authorised development affecting the pipeline corridor or before proposing to change the terms of the insurance policy, the undertaker must notify the affected owners of details of the terms or cover of the insurance policy that it proposes to put in place including the proposed level of the cover to be provided.
- (3) The undertaker must maintain insurance in relation to works or the use of the authorised development affecting the pipeline corridor during the operation of the authorised development at the level specified in the notice of proposed insurance.
- 9 If an affected owner notifies the undertaker that it considers that any proposed exercise by the undertaker of a power under this Order breaches paragraph 3 or if there is a dispute about the proposed insurance (including the terms or level of cover) to be provided under paragraph 8 before such a power may be exercised –
- (a) the affected owner may refer the matter to an expert for determination under paragraph 24; and
  - (b) the undertaker must not exercise the power concerned until that determination has been provided.

### **Carrying out of works**

- 10 The undertaker will provide to the affected owners a minimum of 28 days notice prior to work commencing in the pipeline corridor in order that the engineer can be made available to advise on the necessary safety precautions when required.
- 11 Any excavation work within 1.5 metres of the known location of the pipes must be hand dug. The pipes and associated apparatus will be located by hand digging prior to the use of mechanical excavation. If an affected owner requests it, the undertaker shall carry out a pipeline settlement and stress analysis to demonstrate any potential pipeline movement will not present an integrity risk and shall monitor the pipeline during any excavation activities.
- 12 Where temporary crossings for construction traffic are required, other than where the pipes are under a carriageway of adequate standard of construction, then the crossing points shall be suitably reinforced with sleepers and/or road plates or a specially constructed reinforced concrete raft or by installing a temporary bridge over the pipe as necessary. The crossing design and construction methodology shall be submitted to the affected owner for approval (such approval not to be unreasonably withheld or delayed). ~~in consultation with the affected owners.~~
- 13 During construction an area, at least ~~4.53~~ metres either side of the pipes, must be fenced off using some form of visual indication such as netlon fencing or “heras” type fence panels. The fencing shall be installed securely, to the affected owner’s satisfaction, so as to ensure it cannot be removed. –Suitable signage warning of the danger of live pipelines must be erected at a minimum distance of every 50 metres.
- 14 No explosives should be used within the vicinity of the pipeline corridor.
- 15 Piling should not be carried out within ~~4.550~~ metres of the pipes without prior consultation with the owner of the relevant pipe in the pipeline corridor. All piling are to be undertaken by non-percussive methods.
- 16 Where excavation of trenches adjacent to the pipes affects their support, the pipes must be supported in a manner approved by the owner of the relevant pipe in the pipeline corridor. All excavations in the direct vicinity of above ground structures such as pipe supports are to have the zone of influence of the excavation calculated and such zone of influence must be agreed with the owner prior to excavation commencing and thereafter observed. The undertaker shall, upon request from the affected owner, undertake pipeline settlement and/or stress analysis that demonstrates any potential pipeline movement does not present an integrity concern to the pipeline. The undertaker shall allow for adequate pipeline monitoring in this situation.
- 17 Where a trench is excavated across or parallel to the line of the pipes, the backfill should be adequately compacted to prevent any settlement which could subsequently cause damage to the pipelines. In certain circumstances it may be necessary to provide permanent support to a pipe which has been exposed over the length of the excavation before backfilling and reinstatement is carried out. Compaction testing should be carried out once back filling is completed. The undertaker shall, upon request from the affected owner, undertake pipeline



settlement and/or stress analysis that demonstrates any potential pipeline movement does not present an integrity concern to the pipeline. The undertaker shall allow for adequate pipeline monitoring in this situation.

- 18 A minimum clearance of one metre should be allowed between any plant being installed and the existing pipes, to facilitate repair operations, whether adjacent plant be parallel to or crossing the pipeline. The owner of the relevant pipe in the pipeline corridor will advise of the actual distance required dependent upon plant to be installed and such distance must be complied with. No manholes or chambers are to be built over or round the pipes.
- 19 Where a pipe is coated with special wrapping and any damage to the wrapping occurs, the owner of the relevant pipe must be notified to enable repairs to be carried out with the undertaker bearing the costs. Where any damage occurs to a pipeline as a result of the undertakers activities, the undertaker shall immediately cease all work in the vicinity of the damage and shall inform the affected owner immediately. The repairs must be subject to testing and if the asset owner requests they must be shown the results of such testing prior to backfilling. Works in the vicinity of the damage shall not recommence until the repairs have been carried out to the reasonable satisfaction of the pipeline owner.
- 20 The undertaker shall be responsible of the cost of any necessary remedial work in the case of any damage to the pipes, causing leakage, or weakening of the mechanical strength of the pipes. In the event that the undertaker does not carry out necessary remedial work timeously then the affected owner shall be entitled, but not obliged, to undertake the necessary remedial work and recover the cost of doing so from the undertaker.
- 21 If any leakage is caused by a contractor or sub-contractor all work in the vicinity shall cease and the asset owner shall be notified immediately. Should an escape of gas be evident, the following action should be taken at once –
  - (a) Remove all personnel from the immediate vicinity of the leak;
  - (b) Inform the owner of the relevant pipe;
  - (c) Prevent any approach by the public, prohibit smoking, extinguish all naked flames and other sources of ignition for at least ~~50~~ 350 metres from the leakage; and
  - (d) Assist police or fire services as may be requested.
- 22 All works must be carried out in accordance with the methods and measures set out in the relevant constructability notes.
- 23 Prior to the commencement of the authorised works the undertaker must prepare an emergency response plan following consultation with the local emergency services and the pipeline operator and provide a copy of that plan to the affected owners. The emergency response plan should be subject to routine testing. Testing should be carried out prior to the

start of the undertaker's construction activities and once every two months thereafter—at regular intervals through the construction phase.

- 24 Any dispute under this Schedule is to be determined by the expert determination procedure as provided for in article 40(2) (arbitration and expert determination).