

From: [Green, Ian](#)
To: [York Potash Harbour](#)
Subject: 150821 TR030002 TATA Steel UK Limited and others - WR
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[70558711_1_UKMATTERS\(Tata - YPL First Written Reps\).DOC](#)
Importance: High

Please see attached Written Representation of Tata Steel UK Limited and others (Reference: YPOT - AFP050). A Summary will follow as soon as possible. Please note that the representations include comments on the Relevant Representations.

We also give notice that Tata Steel UK Limited wishes to attend and be heard at the Compulsory Acquisition, Open Floor and the issue-specific (DCO) hearings, unless otherwise advised.

We submit that the Examining Authority should visit (subject to the necessary arrangements) Bridges 20 and 22 which carry SSI/Tata's rail, road and services over the Sembcorp Corridor. Tata wishes to attend the Site Visit insofar as this is required to facilitate the proposed itinerary items above.

Please acknowledge safe receipt.

Kind regards

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The Planning Act 2008 (as amended)

The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended)

The York Potash Harbour Facilities Order

Planning Inspectorate Reference: TR030002

Summary Written Representation of Tata Steel UK Limited and others (Reference: YPOT - AFP050)

21 August 2015

1. BACKGROUND AND ISSUES

- 1.1 These first written representations are submitted by Tata Steel UK Limited (Tata) on its behalf and also on behalf of Sahaviriya Steel Industries UK Limited (SSI). These parties together own and operate Redcar Bulk Terminal Limited (RBT). All three parties are Affected Persons and wish to raise objections and concerns in respect of the DCO application.
- 1.2 RBT manages and operates the port of Redcar which handles raw material imports of iron ore and coal.
- 1.3 RBT is linked by conveyor to SSI's Redcar Works blast furnace producing molten iron which is processed at SSI's Plant at Lackenby. Molten iron is transported via the Hot Metal Rail (HMR).
- 1.4 The proposed conveyor system passes over the HMR at "Bridge 20" which itself passes over Sembcorp's pipeline corridor carrying services and materials and the Breagh gas pipeline. Tata/SSI have rights for the HMR and bridge to pass over this corridor. Tata/SSI have high voltage and data cables running at positions shown on Figures 1 and 2).
- 1.5 The land has a top-tier COMAH designation.

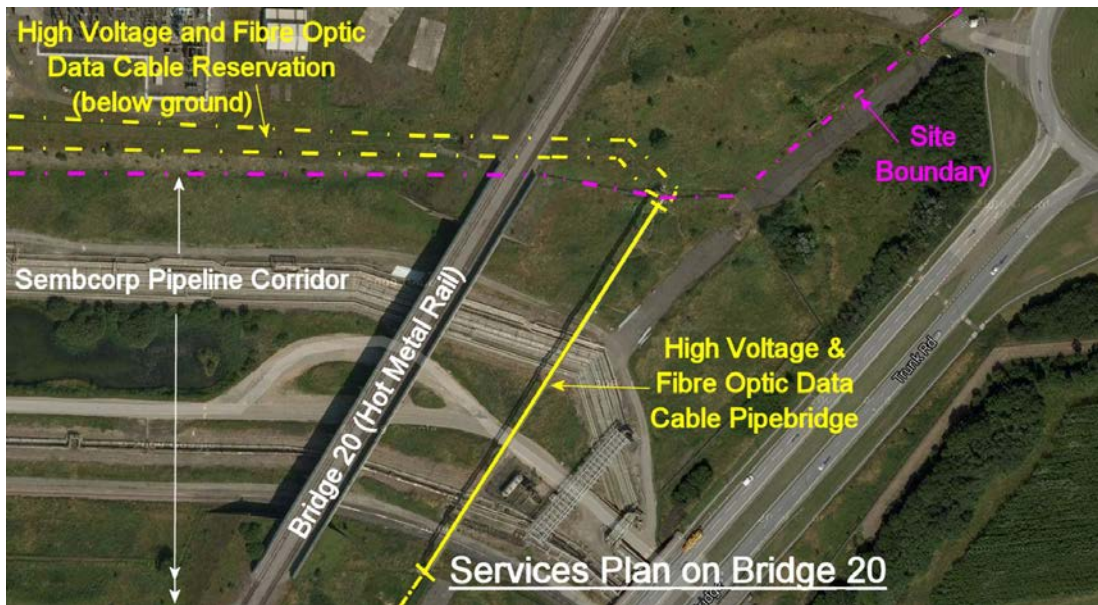


Figure 1 - Services Plan relative to Bridge 20

- 1.6 The conveyor would significantly limit or prevent recovery operations in the event of a derailment, which is only feasible by crane on Bridge 20.
- 1.7 The conveyor span may need to be removed to allow recovery.
- 1.8 The positioning of the conveyor structure over the Hot Metal Rail, its bridge and the Sembcorp corridor gives rise to a significant risk of expensive operational disruption to all parties, together with associated health and safety risks. Alternatives should be considered.
- 1.9 The proposed conveyor passes over the "Blue Main Route" at "Bridge 22". This Route extends from the Coke Works to the RBT and comprises road, freight rail and services (Figure 2). As for Bridge 20, Tata and SSI have rights to run the route and bridge over the Sembcorp corridor.

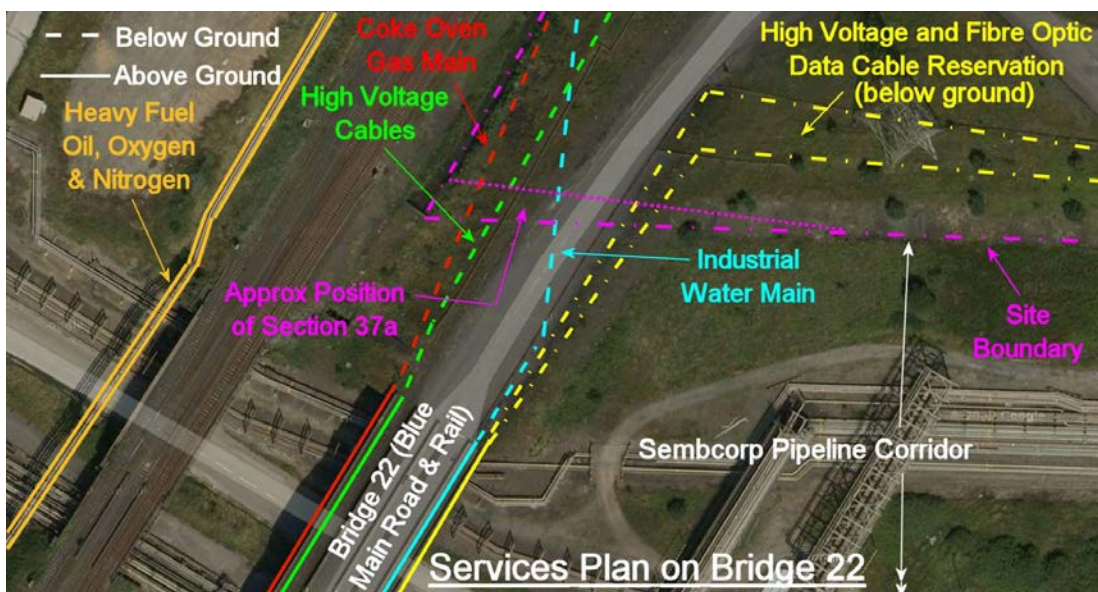


Figure 2 - Services Plan relative to Bridge 22 (Blue Main Route)

- 1.10 The conveyor proposals could inhibit possible future expansion of the illustrated services corridor. Full access and maintenance of these critical services is required. The location of all of these services must also be protected from the construction of the supporting structures of the conveyor.
- 1.11 The Route provides an unrestricted height route across Tata/SSI land from PD Port to the Steel House roundabout on the A1085.
- 1.12 The Route (including Bridge 22) conveys coal, coke and slag product to and from RBT, Coke Works and Hanson/Tarmac with up to 30 large trucks on 24/7 turnaround. Such traffic would represent a potential risk to the proposed conveyor supports.
- 1.13 The conveyor clearance height of 8.24m would set a limitation for the height of future abnormal loads which do not currently exist. This is likely to require significant alteration to other entrances to allow abnormal loads to access the Lackenby site by other routes.
- 1.14 The freight rail line is the proposed emergency Hot Metal route for SSI. Similar HMR issues as for Bridge 20 would arise.
- 1.15 Regarding the proposed Northern Route, it is not clear why the promoter cannot commit to its preferred route and the uncertainty as to whether or not their interests are to be affected is of concern to Tata/SSI/RBT. The interests that may be affected are Plots 9 and 10.
- 1.16 Plots 9 and 10 are within the stocking area for the Redcar works, used for the storage of raw materials and moved by large machinery, bounded by a perimeter fence to secure the site. These plots would no longer be capable of beneficial use.
- 1.17 A buffer zone will no doubt have to be formed to segregate stockyard activity from the conveyor, further limiting operational activity. Such zones are not catered for in the draft DCO and the limits of deviation for the proposed compulsory acquisition.
- 1.18 Being a top-tier COMAH site, YPL access would either require:
 - 1.18.1 Segregation from the RBT/SSI operational land with a new security fence and buffer zone; or
 - 1.18.2 Controlled access by YPL personnel under the management of RBT/SSI.
- 1.19 The new YPL wharf would clearly inhibit any possibility of expansion plans that RBT might have for the future. There is the real prospect of an impact on shipping movements at RBT. Impacts extend to potential demurrage shipping charges.
- 1.20 Dredging activity is also likely to have a significant impact on shipping.
- 1.21 If conveyor construction cannot take place within the planned shut-down periods, there would be an immediate operational impact on SSI.
- 1.22 The proposed location of the conveyor will impact significantly in relation to any major maintenance work required to be carried out on Bridges 20 and 22. It is possible that such

works of maintenance are rendered impossible or excessively expensive due to the location, clearance height and/or design of the conveyor structure.

- 1.23 The first meeting to fully discuss the Tata/SSI operational issues relevant to the scheme did not take place until 13 August 2015. It is clear that the project has been designed without input from Tata/SSI.

2. SUBMISSIONS ON THE EXAMINING AUTHORITY'S INITIAL ASSESSMENT OF PRINCIPAL ISSUES

Visual issues

- 2.1 the proposed conveyor is bridging a number of roads and rail infrastructure. Impact is not confined to visual impact but also health and safety and operational issues.

Biodiversity, Ecology and Natural Environment

- 2.2 We are concerned as to the extent of the Protective Provisions in terms of Affected Persons and their responsibilities in respect of ecological stewardship and duties.

Transportation and Traffic

- 2.3 This issue appears to be focused on the transportation matters relating to the project itself but does not include proper consideration of the impact of the scheme upon the existing and future transportation requirements of the Affected Persons and adjacent interests. The conveyor bridge and the shipping activity associated with this project is capable of significantly prejudicing road, rail and shipping movements in the area. The Protective Provisions do not adequately address these issues.

Compulsory Acquisition

- 2.4 The DCO and the supporting justification for the seeking of Compulsory Acquisition powers are ambiguous as to the nature of the interests to be acquired. There is a lack of certainty and hence, necessity, in terms of the extent of the interests required (and in particular the lack of certainty as to the route of the conveyor system). There is concern that powers of Compulsory Acquisition are being sought in order to enhance the Promoter's negotiating position and to provide undue flexibility as to the final layout of the project (i.e. greater than reasonable limits of deviation).
- 2.5 The powers of Compulsory Acquisition being sought are too wide. In particular, the power to extinguish existing private rights at Article 24 (2) is stated as being exercisable "in so far as their continuance would be inconsistent with the carrying out and use of the authorised development"; without any further qualification, it is not clear as to the scope of this power and the nature of any rights that may be affected. Given that the promoter is not (apparently) seeking to acquire land but merely rights over land, there will inevitably be a need for these new rights to coexist with present rights enjoyed by the Affected Persons. Tata/SSI and RBT currently enjoy a number of private rights over Order Land which are essential to their operations.
- 2.6 We are concerned that the Book of Reference does not identify key private benefiting Tata (and SSI/RBT) in respect of Order Land. This is particularly relevant to operational activities

including the HMR and the Blue Main Route. We are investigating this further and reserve the right to make further representations in this regard.

The Wording of the DCO

- 2.7 As is clear from the issues outlined in Section 1 (above) the Protective Provisions are clearly inadequate as currently proposed. There had been no significant consultation or discussion as to the extent of impact prior to the drafting of the DCO and therefore the Protective Provisions do not properly reflect or take into account the concerns of the Affected Persons. The Protective Provisions are currently limited to only part of the interests subject to the proposed Compulsory Purchase and do not extend to all land (operational or otherwise) that is to be subject to the new rights. Given that existing operations of Affected Persons and any new rights granted under the DCO (if made) may need to coexist, this needs to be reflected in the Protective Provisions. We understand that there has been a very recent meeting (13 August 2015) between the promoter and Tata/SSI and we reserve the right to comment in detail on the Protective Provisions once (as is anticipated) they are redrafted to reflect that and any further discussion.

The Planning Act 2008 (as amended)

The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended)

The York Potash Harbour Facilities Order

Planning Inspectorate Reference: TR030002

Written Representation of Tata Steel UK Limited and others (Reference: YPOT - AFP050)

21 August 2015

1. Introduction

1.1 These first written representations are submitted by Tata Steel UK Limited (Tata) on its behalf and also on behalf of Sahaviriya Steel Industries UK Limited (SSI). These parties together own and operate Redcar Bulk Terminal Limited (RBT). All three parties are Affected Persons.

1.2 These representations are structured so as to set out the relevant background and to highlight the issues to which the application gives rise and which form the basis for the concerns and objections of Tata, SSI and RBT in respect of the draft DCO. The representations go on to provide a summary of the consultation between the promoter and Tata/SSI/RBT, our comments in respect of the Examining Authority's Initial Assessment of Principal Issues (where we set out our key objections/concerns) and the Relevant Representations. Reference is also made to the First Written Questions.

2. Background and Issues

2.1 Tata Steel is one of the world's most geographically diversified steel producers, with operations in 26 countries and commercial offices in over 50 countries. The company serves many demanding markets worldwide, including Aerospace, Automotive, Construction, Consumer Products, Defence & Security, Energy & Power, Lifting & Excavating, Packaging, Rail, and Shipbuilding.

2.2 Tata is the second largest steel producer in Europe. Its UK business contributes over 25% to its revenues. Tata's operations at Teesside include:

- The Teesside Beam Mill at Lackenby makes heavy sections; special sections are made nearby at Skinningrove.
- A wide variety of steel tubes is manufactured at Hartlepool on Teesside.
- The Redcar Bulk Terminal (RBT)

2.3 RBT is a joint venture limited company set up in March 2011 and is jointly and equally owned by SSI and Tata. Tata works with SSI on joint services, maintenance, security, etc..

2.4 RBT manages and operates the port of Redcar which handles raw material imports of iron ore and coal from Europe, Australia, Brazil, South Africa and the United States.

- 2.5 Redcar which is the deepest port on the East Coast of the United Kingdom is located on the South Bank of the river Tees and provides access to vessels of up to 17 metres draft enabling it to handle “Cape Size” ships of up to 180,000 tonnes deadweight.
- 2.6 The wharf operates 24 / 7 all year round and is equipped with two Wharf Unloaders fitted with large grabs capable of discharging in excess of 40,000 tonnes in a working day.
- 2.7 The RBT Port estate which occupies a site in excess of 125 hectares has a direct link by conveyor into the adjacent Redcar Steel Works enabling the swift transfer of raw materials required for steel making. The port estate has direct road and rail links providing easy access to all areas of the UK.
- 2.8 SSI own (since 2011 purchase from Tata) and operate the Redcar Works adjacent to RBT and which includes a blast furnace facility producing molten iron which is processed at SSI's steel plant at Lackenby. This molten iron is transported from the blast furnace via the Hot Metal Rail (HMR) line owned by SSI to the steel works at Lackenby where steel is manufactured. Tata's Beam Mill sources steel from SSI Lackenby from time to time.

PRINCIPAL ISSUES

HOT METAL RAIL

- 2.9 The HMR and its infrastructure (including bridges) is owned by SSI to run their hot metal containers (torpedoes) from the Blast Furnace at Redcar Works to their Steelplant at Lackenby Works. Twin tracks link the Redcar Site owned by SSI (where the iron is made in the blast furnace) to the Lackenby Works where the iron is manufactured into steel products.
- 2.10 Molten iron is transferred from Redcar to Lackenby by the HMR in trains consisting of one locomotive and two torpedo wagons at a time when laden and up to two locomotives with three torpedo wagons when empty.
- 2.11 The torpedo wagons weigh up to 750 tonnes each when laden and have a 46 Tonne axle loads. This is significantly more than the 25 Tonne maximum axle loads permitted axle on Network Rail.
- 2.12 Trains run approximately every 20 minutes in each direction. There is no signalling so trains operate using ‘line of sight’ at low speed (circa 10mph) with radio communication.
- 2.13 The two tracks are normally operated as an ‘up’ and a ‘down’ line.
- 2.14 In the loading and unloading areas locomotives are permitted and capable of pulling up to 3 empty torpedoes and pulling or pushing up to two laden torpedoes. For driver visibility the locomotives has to be at the head of the train on the ‘running’ lines.
- 2.15 As the curves are predominantly of one hand, to even out flange wear, rolling stock is ‘turned’ on a weekly using a triangle of tracks at the Lackenby site.
- 2.16 The proposed conveyor system passes over the HMR at "Bridge 20" which in itself passes over one of the main pipeline corridors (Sembcorp) carrying services and materials (chemicals, etc.), including the Breagh gas pipeline. Tata and SSI have the benefit of rights for the HMR and bridge to pass over the Sembcorp corridor. Tata/SSI have high voltage and data cables running parallel alongside the Sembcorp corridor's north boundary, and at

positions shown on the Figure 1. These run over the top of the Sembcorp corridor at Bridge 22 (see below and Figure 2) and also the pipebridge structure east of Bridge 20.

2.17 The relevant land is comprised in a top-tier COMAH designation.

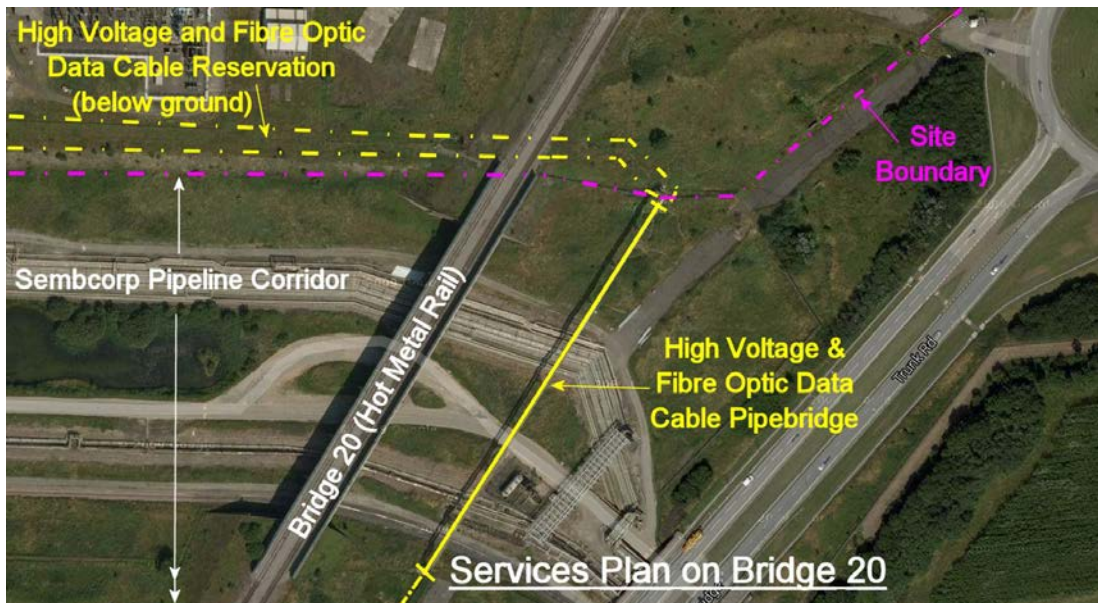


Figure 1 - Services Plan relative to Bridge 20 (Hot Metal Rail)

- 2.18 The Hot Metal Railway is not fenced off within the SSI /TATA estate (although the estate itself is subject to security and access restrictions) and so an exclusion zone for personnel and equipment of 3m from the nearest rail is enforced in line with practice at Network Rail practice in yards. Access within this 3m zone and onto the track must be arranged through SSI/Tata.
- 2.19 There are two planned outages per year when the blast furnace stops production and torpedo trains do not need to run.
- 2.19.1 A spring outage of one day (24 hours).
- 2.19.2 An autumn outage of three days (72 hours).
- 2.20 The break in train movements lags behind the break in blast furnace production by about 6 hours.
- 2.21 Approximate dates for these are proposed 2.5 months in advance and set 1.5 months in advance. The dates for the 3 day outage tend to be more fixed due to the quantity and cost of committed resources but the 1 day outage is may still be subject to later revision in order to accommodate production.
- 2.22 According to the promoter's latest drawings the proposed maximum height from the HMR to the underside of the conveyor structure would be 7.85m. Although this gives sufficient clearance for the locomotive and torpedo carrying the liquid iron to pass under the conveyor, this restricted height would be an issue in the event of a derailment on the HMR.

Derailment

- 2.23 A derailment on the HMR at or near to Bridge 20 causes significant problems, particularly where both routes are blocked, if the conveyor is in place as access put right a derailment would be severely restricted/hampered by such an overhead structure. This is a potential works closure event for SSI.
- 2.24 In 2014 alone there had been 12 derailments, 5 of which were laden torpedoes.
- 2.25 Due to the high axle loads derailment and recovery can cause extensive damage to track. If a derailment takes place on a switch, the switch will need to be replaced.
- 2.26 The priority following a derailment of a laden torpedo wagon was to get the torpedo wagon to a point where the molten metal can be discharged before it cools and solidifies in the torpedo. There is a window up to 48 hours before the metal becomes semi solid. This may require 'charging' the load with coke to generate heat or other measures to slow the rate of cooling.
- 2.27 There is one torpedo wagon (TATA period) which was not recovered in time and is full of solid metal. The value of the associated loss is considered to be £8.0M.
- 2.28 The principal concern for Tata and SSI is that the conveyor would significantly impact upon the recovery operation in the event of a derailment underneath it. It may even prevent such a recovery.
- 2.29 Each derailment is different but the options for dealing with them are:
- 2.29.1 Jack back onto rails.
 - 2.29.2 Pull back onto rails.
 - 2.29.3 Lift back onto rails using cranes.
- 2.30 These options, however, are not all suitable for sensitive locations. Jacking is not suitable on bridge structures.
- 2.31 Pulling would only be possible if the locomotive was still on the tracks and only the torpedo bogie was derailed. The pull would have to be with the derailed bogie furthest away from the locomotive. This would cause significant damage to the bogie and the railtrack for the length of approx 50-100 metres and as such pulling would probably only happen as a last resort i.e. a hot metal breakout from the torpedo whilst in a sensitive location such as the bridge over Sembcorp's chemical pipes.
- 2.32 The current derailment strategy on Bridge 20 would be to use large cranes to lift and re-rail torpedoes.
- 2.33 As explained, the conveyor crosses the Hot Metal Rail above the northern span of a multi span underbridge over the Sembcorp corridor.
- 2.34 In doing so the conveyor is routed above the 'Breagh' gas pipeline and therefore in a zone already restricted for positioning crane outriggers.
- 2.35 Jacks cannot be used on the bridge deck and the combination of the deck construction, orientation of the derailment and adjacent obstructions such as the linklines to the south may preclude pulling the wagon. Consequently cranes could well remain the only option. Two

cranes may be required for re-railing in order to manoeuvre the articulated components. On the last occasion a 750tonne and 950tonne crane were used.

- 2.36 The proposed conveyer would become a huge obstruction to any planned lift. Also there would be an increased liability to SSI due to the risk from a possible hot metal spillage damaging the support structures for the proposed conveyer structure.
- 2.37 It is likely that if a derailment occurred under the conveyer then the conveyer span would need to be removed before the wagon could be lifted.
- 2.38 In short, the positioning of the conveyer structure over the Hot Metal Rail, its bridge and the Sencorp corridor gives rise to a significant risk of expensive operational disruption to all parties, together with associated health and safety risks. Accordingly, it would be far preferable for the conveyer to take an alternative route to avoid the HMR and/or the Sencorp corridor, or, if no alternative route is possible to run under the HMR and bridge.

BLUE MAIN ACCESS ROUTE - ROAD AND RAIL

- 2.39 The proposed conveyer also passes over the "Blue Main Route" at "Bridge 22". The Blue Main Route extends from the Coke Works at South Bank to the RBT and comprises both road and freight rail together with crucial services. The route is owned by Tata and to some extent SSI with its use shared by Tata, SSI and RBT plus a large number of on-site contractors and businesses. As for Bridge 20, Tata and SSI have rights to run the route and bridge over the Sencorp corridor. Bridge 22 passes over the Sencorp corridor. This is a top-tier COMAH site.

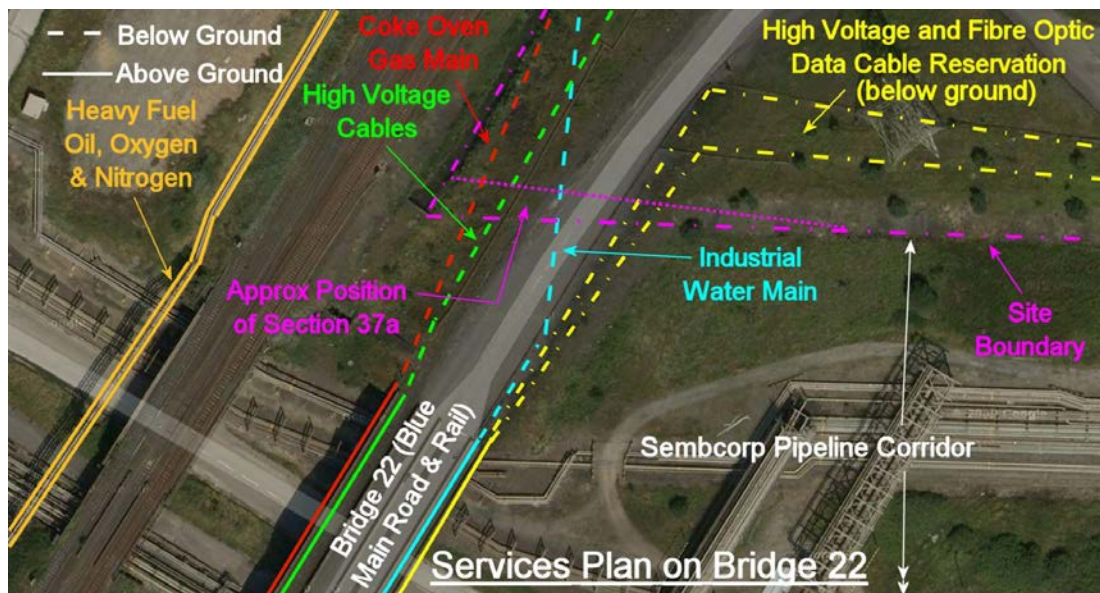


Figure 2 - Services Plan relative to Bridge 22 (Blue Main Route)

- 2.40 The relevant Affected Land is Plot 37a.
- 2.41 The Blue Main Route not only provides a private road link between the Lackenby and Redcar sites but also a route unrestricted in height from PD Port, through the Lackenby site, across

the Hot Metal Railway to the Steel House roundabout on the A1085 and thence to the Wilton site which was formerly owned by ICI.

- 2.42 There is an historical agreement (made by British Steel, Associated British Ports and ICI) to preserve the route's unrestricted headroom capability. There may therefore be other stakeholders such as PD Teesside and Sembcorp reliant on this unrestricted access. See further below.
- 2.43 Such abnormal load movements are arranged on an ad hoc basis.
- 2.44 The Blue Main route is a heavy haul route used to convey:
- 2.44.1 Coal from the RBT to SSI's Coking Plant at South Bank (to the south west of the Teesside site).
 - 2.44.2 Coke from the South Bank Coking Plant to the Redcar Blast Furnace.
 - 2.44.3 Slag (as a by-product in the manufacture of iron) purchased by Hanson/ Tarmac from Redcar Blast Furnace and transported via the Blue Main Route and Bridge 22 to their works located adjacent to the South Bank Coking Plant.
- 2.45 The coking operation runs 24/7 with between 4 and 30 trucks on turnaround. The trucks are quarry type dump trucks and special articulated lorries which are too big and or unlicensed to run on public roads. They also need to run via a weighbridge on the Redcar site which is accessed via the route.
- 2.46 There is a risk of increased liability from possible HGV & quarry type vehicles leaving the road and impacting on the conveyor supports, also increased difficulty for recovery of said vehicles.
- 2.47 The quarry type dumper trucks are large and have difficulty passing one another in places so tend to run along off the side of the road carriageway.
- 2.48 Any temporary closure of the Blue Main route would therefore require stocks of coal and coke to be built up in advance so that the haulage operation could be suspended, This would be likely to have a cost and operational impact. The impact on Hanson/Tarmac is yet to be explored.
- 2.49 The current proposed height of the conveyor crossing at the point it oversails the Blue Main Road is 8.24m (minimum) from the top of the road surface to the underside of the conveyor structure. Tata's Teesside Site is currently used to transport abnormal loads from the river Tees (PD Ports) to the public highways if access cannot be gained down Tees Dock Road. One of these abnormal load routes is to exit via Redcar Wide Load gate (next to the Redcar Main Entrance). This route takes the abnormal load over Bridge 22 and will pass underneath the proposed conveyor. The conveyor clearance height of 8.24m would set a limitation for the height of future abnormal loads which we currently do not have. This is likely to require significant alternation to other entrances to allow abnormal loads to access the Lackenby site by other routes. This has not been discussed or designed with the promoter (see Consultation at Section 3 below) but is likely to require significant expenditure.
- 2.50 The railway track parallel to the road connects the sidings on the Lackenby Site with those at the Redcar Bulk Terminal both of which have an independent connection to Network Rail.

- 2.51 Although the single track rail line is currently used for freight only, it is also the proposed emergency Hot Metal route for SSI (currently under development). Any implications/restrictions resulting from an overhead conveyor passing over this rail line (i.e. HMR derailment) would be the same as for Bridge 20.
- 2.52 It should further be noted that a large services corridor consisting of High Voltage cables, plus the main fibre optic data cables for the Lackenby Site runs adjacent to the perimeter of Tata's land next to the Sembcorp Corridor border from Bridge 20 to Bridge 22. This runs very close to Plot 37a and any restrictions to this section of land would inhibit possible future expansion of this services corridor. These services must also be protected from the construction of the supporting structures for the conveyor.
- 2.53 In addition, Plot 37a also contains the main Coke Oven Gas Main, Industrial Water Main, plus further High Voltage cables which run from the Redcar to Lackenby Sites alongside Blue Main Route and which run under the proposed route of the conveyor. The proposed scheme cannot restrict access and maintenance of these critical underground services. The location of these services must also be protected from the construction of the supporting structures of the conveyor.

NORTHERN CONVEYOR ROUTE

- 2.54 The promoter is seeking authority and compulsory purchase powers to pursue its choice of conveyor routes, one of which impacts upon Tata and SSI/RBT interests. It is not clear why the promoter cannot commit to its preferred route and the uncertainty as to whether or not their interests are to be affected is of concern to Tata/SSI and RBT. The interests that may be affected are Plots 9 and 10 (Plot 9 belonging to RBT (Tata and SSI) and Plot 10 belonging to SSI). Plots 9 and 10 lie along the edge of the RBT/SSI sites where they meet the lagoon and the waste treatment works. Whilst these plots appear relatively narrow, the overall land take is significant (13631 sqm and 28261 sqm respectively, totalling 41892 sqm) and the rights sought effectively sterilise the entire length of the RBT/SSI land along the lagoon.
- 2.55 Plots 9 and 10 are part of the stocking area for the Redcar works and are used for the storage of raw materials which are moved by very large quarrying-type machinery. A perimeter fence runs along the lagoon side to secure the site.
- 2.56 Any limitation of access to these Plots inhibits access to the current perimeter fence. It reduces the storage capacity of the stockyards. It also introduces the high risk of possible impact damage to the proposed conveyor supports due to the large 'quarry type' earth moving machines which work on the adjacent stockyards. This increases the risk of liability to RBT and SSI, but also further restricts the operational area of the stocking grounds as buffer zones will no doubt have to be formed to segregate the machines from the conveyor supports. Such zones are not catered for in the draft DCO and the limits of deviation for the proposed compulsory acquisition.
- 2.57 It is not clear how the promoter is intending to access these Plots for construction and maintenance purposes. Access from adjacent SSI/RBT land would inevitably give rise to further operational restrictions.
- 2.58 As well as site security implications, due to the Site being a top-tier COMAH site this would then either require:

- 2.58.1 Segregation from the RBT/SSI operational land with a new security fence and buffer zone to be installed to segregate the North Conveyor from RBT/SSI, this would have to be included as a responsibility of the promoter; or
 - 2.58.2 Controlled (security, health and safety, training) access by YPL personnel under the management of RBT/SSI with the consequent costs to be borne by YPL.
- 2.59 In any event, normal site conditions would apply to YPL's contractors, i.e. Steel House Site Inductions, Approved Contractors, Safety Passports, HGV Induction Centre (check in/check-out) etc., incurring additional management and administrative time and expense.

THE DEVELOPMENT OF THE NEW WHARF FACILITY ADJACENT TO RBT WHARF

- 2.60 The new YPL wharf would clearly inhibit any possibility of expansion plans that RBT might have for the future. There is the real prospect of an impact on shipping movements at RBT, e.g. an RBT ship cannot berth or leave berth if a YPL ship is approaching/leaving dock. Potential impacts extend to potential demurrage shipping charges. The impacts on RBT shipping do not appear to have been considered by the promoter.
- 2.61 Dredging activity is also likely to have a significant impact on shipping.

CONSTRUCTION/MAINTENANCE ISSUES

- 2.62 It has been stipulated that installation of the length of conveyor over the Hot Metal rail track at Bridge 20 can only be carried out during a Blast Furnace shutdown. This is normally a 3 day window of opportunity for YPL to lift into place that section. Although this date will have been planned, the date could fluctuate due to production issues and there should be no penalties incurred to SSI. If 3 days is not enough time for the construction works to be completed, there would be an immediate operational impact on SSI.
- 2.63 It has also been suggested that installation of the length of conveyor over the Blue Main road and adjacent freight rail track at Bridge 22 could be carried out over a weekend if sufficient prior notice is given. This would entail closure of freight rail traffic and also closure of Blue Main road. To close Blue Main road, all movement of HGV Blast Furnace slag would have to cease, this would mean no HGV's or Quarry type vehicles transporting slag or coke from one site to the other. Additional work and extra vehicles would have to be used on the weekend before and after to stockpile materials to allow this closure to take place, this would incur additional costs to facilitate this. YPL would have to manage the road closure in such a way as to allow the passage of emergency vehicles and periodic non taxed maintenance vehicles along Blue Main road across Bridge 22 as this is the only internal road which links the Redcar and Lackenby Sites. Again, any overrun in the construction schedule would have immediate and direct impact on RBT/SSI operations.
- 2.64 Once on SSI/RBT land, normal site conditions would apply to contractors i.e. Steel House Site Inductions, Approved Contractors, Safety Passports, HGV Induction Centre (check in/check-out) etc. incurring additional management and administrative time and expense for Tata/SSI.

- 2.65 Historically, excavation on the Redcar site is through old reactive slag which is unstable and can cause movement in years to come. Tata/SSI/RBT cannot be held responsible for this to the extent that it may affect the project.
- 2.66 The proposed location of the conveyor will impact significantly in relation to any major maintenance work required to be carried out on Bridges 20 and 22. For example, main deck replacement would require crane access which may not be possible due to the presence of the conveyor overhead. It is possible that such works of maintenance are rendered impossible or excessively expensive due to the location, clearance height and/or design of the conveyor structure. Further consideration of this issue is a fundamental requirement.

ECOLOGICAL

- 2.67 Tata and SSI are reviewing their ecological duties as regards RBT and the relevant Order Land and reserve the right to raise further issues and requirements in this regard as part of the Examination.

3. CONSULTATION

- 3.1 Whilst there has been some communication between the promoter and Tata/SSI, this has been extremely limited in extent. Despite Tata indicating to the promoter on several occasions since over the last few years that there are significant technical difficulties with the proposed scheme (as have been identified above), the first meeting to discuss the operational issues relevant to the scheme did not take place until 13 August 2015, just one week prior to the submission date for these representations. Prior to that, the last meeting of the parties was in November 2014 where the promoter outlined the project. It is clear that the project has been designed without input from Tata/SSI.

4. COMMENTS ON THE EXAMINING AUTHORITY'S INITIAL ASSESSMENT OF PRINCIPAL ISSUES

Visual issues

- *The visual impact of the proposed conveyor bridge over A1085 – whether there are any realistic alternatives to provision of such a bridge and, if not, the appropriateness of the proposed design.*
- *Any other visual issues including in relation to Dormanstown or cumulative landscape effects with the wider Yorkshire Potash Project.*

- 4.1 We would note that the proposed conveyor is bridging a number of roads and rail infrastructure. Impact is not confined to visual impact but also health and safety and operational issues.

Biodiversity, Ecology and Natural Environment – including Habitats Regulation assessment

- *Adequacy of baseline assessments and adequacy of proposed monitoring of effects including in relation to the intent for a phased development.*
- *Ensuring that all necessary mitigation measures including on-going requirements are secured through the wording of the DCO/DML, as appropriate.*

· *Ensuring that there will be no adverse effects on the integrity of European Sites after taking account of the intended mitigation measures, in view of the sites' conservation objectives.*

4.2 We are concerned as to the extent of the Protective Provisions in terms of Affected Persons and their responsibilities in respect of ecological stewardship and duties.

Transportation and Traffic

· *Means and effects of transporting construction materials and personnel to site*

· *Whether the proposed conveyor bridge from the proposed MHF precludes or prejudices use of other means of transport of Polyhalite or other bulk materials to the proposed wharves, including use of rail.*

4.3 This issue appears to be focused on the transportation matters relating to the project itself but does not include proper consideration of the impact of the scheme upon the existing and future transportation requirements of the Affected Persons and adjacent interests. The conveyor bridge and the shipping activity associated with this project is capable of significantly prejudicing road, rail and shipping movements in the area. The Protective Provisions do not adequately address these issues.

Compulsory Acquisition

· *The need for the rights proposed to be subject to compulsory acquisition.*

· *Whether there are sufficient protective provisions to safeguard the interests of statutory undertakers or other enterprises whose activities might be affected.*

4.4 The DCO and the supporting justification for the seeking of Compulsory Acquisition powers are ambiguous as to the nature of the interests to be acquired. There is a lack of certainty and hence, necessity, in terms of the extent of the interests required (and in particular the lack of certainty as to the route of the conveyor system). There is concern that powers of Compulsory Acquisition are being sought in order to enhance the Promoter's negotiating position and to provide undue flexibility as to the final layout of the project (i.e. greater than reasonable limits of deviation).

4.5 The powers of Compulsory Acquisition being sought are too wide. In particular, the power to extinguish existing private rights at Article 24 (2) is stated as being exercisable "in so far as their continuance would be inconsistent with the carrying out and use of the authorised development"; without any further qualification, it is not clear as to the scope of this power and the nature of any rights that may be affected. Given that the promoter is not (apparently) seeking to acquire land but merely rights over land, there will inevitably be a need for these new rights to coexist with present rights enjoyed by the Affected Persons. Tata/SSI and RBT currently enjoy a number of private rights over Order Land which are essential to their operations.

4.6 We are concerned that the Book of Reference does not identify key private benefiting Tata (and SSI/RBT) in respect of Order Land. This is particularly relevant to operational activities including the HMR and the Blue Main Route. We are investigating this further and reserve the right to make further representations in this regard.

The Wording of the DCO including the Deemed Marine Licence, Protective Provisions and Requirements

· *Whether the wide limits of deviation can be justified in relation to all aspects of the proposed works, in particular the standard application in respects of all boundaries between works.*

· *Whether wording throughout sufficiently safeguards the interests of statutory undertakers, the bodies responsible for navigation in the Tees Estuary and those of other enterprises whose activities may be affected.*

4.7 As is clear from the issues outlined in Section 1 (above) the Protective Provisions are clearly inadequate as currently proposed. There had been no significant consultation or discussion as to the extent of impact prior to the drafting of the DCO and therefore the Protective Provisions do not properly reflect or take into account the concerns of the Affected Persons. The Protective Provisions are currently limited to only part of the interests subject to the proposed Compulsory Purchase and do not extend to all land (operational or otherwise) that is to be subject to the new rights. Given that existing operations of Affected Persons and any new rights granted under the DCO (if made) may need to coexist, this needs to be reflected in the Protective Provisions. We understand that there has been a very recent meeting (13 August 2015) between the promoter and Tata/SSI and we reserve the right to comment in detail on the Protective Provisions once (as is anticipated) they are redrafted to reflect that and any further discussion.

Relationship to permitting or other licencing requirements

· *Ensuring that there is no harm to human health or to ecology through works on or adjacent to the Bran Sands waste disposal site or in the disposal of contaminated silt from capital dredging.*

4.8 We reserve the right to comment on this and further on the other initial principle issues later in the examination.

5. Comments on Relevant Representations

5.1 We have reviewed the Relevant Representations as at 21 August 2015 and comment as follows:

5.1.1 Trinity House

5.1.2 We endorse the view of Trinity House that this project has implications for navigation within the jurisdiction of Trinity House and that this may impact on existing shipping.

5.1.3 PD Teesport

5.1.4 We endorse the view of PD Teesport that the project construction and operation could potentially adversely affect the harbour undertaking and other harbour users. We agree that the proposed Protective Provisions in this regard are inadequate. We await sight of any amendment to the Protective Provisions before being able to comment further as to their adequacy.

5.1.5 Maritime and Coastguard Agency

- 5.1.6 We endorse the approach of the Agency as regards the requirements of the Port Marine Safety Code and await sight of the navigational risk assessment before being able to comment further.
- 5.1.7 **SABIC UK Petrochemicals Limited**
- 5.1.8 We share the concerns expressed by SABIC UK Petrochemicals Limited.
- 5.1.9 **Huntsman Polyurethanes UK Limited**
- 5.1.10 We share the concerns expressed by Huntsman Polyurethanes UK Limited.
- 5.1.11 **Northern Powergrid (Northeast) Limited**
- 5.1.12 We share the concerns expressed by Northern Powergrid (Northeast) Limited as to the scope of the powers of compulsory acquisition and the adequacy of the Protective Provisions in respect of essential services.
- 5.1.13 **National Grid Electricity Transmission Plc (NGET)**
- 5.1.14 We share the concerns expressed by National Grid Electricity Transmission Plc (NGET) as to the scope of the powers of compulsory acquisition and the adequacy of the Protective Provisions in respect of essential services.
- 5.1.15 **Natural England**
- 5.1.16 We endorse the approach of Natural England in respect of the impact of the project on the natural environment.
- 5.1.17 **DEA UK SNS Limited**
- 5.1.18 We endorse and agree with the concerns of DEA UK SNS Limited and require similar provisions in respect of our interests.
- 5.1.19 **Environment Agency**
- 5.1.20 We agree with the approach of the Environmental Agency as to the relevant issues of importance in respect of this application. Further, we endorse the requirement for compensation/mitigation in respect of loss of intertidal habitat.
- 5.1.21 **Redcar and Cleveland Borough Council**
- 5.1.22 We fully agree with and endorse the views expressed by the Council, particularly as regards the failure/health and safety aspects of the conveyor scheme, and would extend these concerns to the whole of the proposed routes for the conveyor. Consideration of alternatives to the conveyor bridge is inadequate and consultation as to the preferred approach to the transportation of polyhalite and its design has been wholly lacking. We require a proper consideration of tunneling or underpassing of the system.
- 5.1.23 **Network Rail Infrastructure Limited**
- 5.1.24 We endorse the imperative of protective provisions and consider that the provisions relevant to Network Rail are equally relevant to other rail

infrastructure affected by the project and which should enjoy similar levels of protection under the DCO.

5.1.25 **Sembcorp Utilities (UK) Limited**

5.1.26 It is important to stress that Tata/SSI/RBT hold key operational interests in respect of land owned by Sembcorp. It should be pointed out that any negotiations for agreements that Sembcorp is progressing with the promoter have not involved Tata/SSI/RBT at any stage and do not and cannot therefore address Tata/SSI/RBT's concerns or requirements in relation to their interests.

6. **COMMENTS ON EXAMINING AUTHORITY'S FIRST ROUND OF QUESTIONS DATED 27 JULY 2015**

6.1 We have reviewed the EA's Questions and consider that the points raised are relevant to Tata/SSI/RBT's case. However, we wish to reserve our position until we have had the opportunity to consider the responses to the Questions before commenting in detail.

- END OF WRITTEN REPRESENTATION -