

PLANNING ACT 2008

INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

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

**SUMMARY WRITTEN REPRESENTATION OF HUNTSMAN POLYURETHANES (UK) LIMITED
(Unique Reference Number 10031262)**

1. INTRODUCTION

- 1.1 This is the Summary Written Representation of Huntsman Polyurethanes (UK) Limited to the proposed York Potash Harbour Facilities Development Consent Order.
- 1.2 The form of this document is identical to the submissions of SABIC and DEA.

2. DEFINITIONS

- 2.1 In this written representation the words and phrases in column (1) below are given the meaning contained in column (2) below.

| (1) Words and Phrases | (2) Meaning |
|-----------------------------------|---|
| 2008 Act | The Planning Act 2008 |
| A1085 Roundabout | The roundabout at the junction of the A1085 and the northern access to the Wilton Site |
| Application | The application for the Order |
| DEA | DEA UK SNS Limited |
| DEA Sub-riverbed Apparatus | DEA's sub-riverbed cables and pipeline immediately adjacent to and to the west of the proposed quay comprising Work No.2 in the Draft Order |
| Dogger Bank DCO | The Dogger Bank Teesside A and B Wind Farm Order 2015 |
| Draft Order | The draft York Potash Harbour Facilities Development Consent Order in the form submitted with the Application |
| Huntsman | Huntsman Polyurethanes (UK) Limited |
| Number 2 Tunnel | The tunnel under the River Tees adjacent to and to the west of the proposed quay comprising Work No.2 in the Draft Order |
| Objectors | Together SABIC, Huntsman and DEA |
| Order | Such Order as may be made by the Secretary of State pursuant to the Application |

| | |
|--------------------------|---|
| Pipeline Corridor | The Pipeline Corridor operated by Sembcorp and used by the Objectors which links the Wilton Complex with the Number 2 Tunnel and the DEA Sub-riverbed Apparatus |
| Requirements | The requirements set out in Schedule 2 of the Draft Order |
| SABIC | SABIC UK Petrochemicals Limited |
| Sembcorp | Sembcorp Utilities UK Limited |
| Wilton Complex | The multi-occupancy chemical manufacturing site known as Wilton International |
| Wilton Site Roads | The roads made available for common use within the Wilton Complex and the Pipeline Corridor |
| Works | The works comprised in the Authorised Development |

2.2 The following words and phrases shall have the meanings given to them in the Draft Order:

Authorised Development

3. SUMMARY

3.1 Subject to the proper protection of their undertakings, the Objectors do not object in principle to the making of the Order. The Objectors are currently engaged in positive negotiations with the Applicant in relation to revised protective provisions for their benefit and an agreement that will satisfy their concerns. However at the time of submission of this document those negotiations are on-going. As a result, the Objectors' interests are not adequately protected and their objections are therefore sustained.

3.2 Specifically, the Objectors object to the following:

3.2.1 The making of the Order, as the adverse impacts of the Authorised Development would outweigh its benefits contrary to Section 104(7) of the 2008 Act.

3.2.2 The granting of rights of compulsory acquisition, as the Applicant has not shown that all of the land is "required" or satisfied the public interest test under Sections 122(2) and (3) of the 2008 Act.

3.2.3 The potential effect of dredging and the building of the quay on the integrity of the Number 2 Tunnel and the DEA Sub-riverbed Apparatus .

3.2.4 The potential effect of the construction and operation of the Authorised Development on navigation in the River Tees.

3.2.5 The inclusion of the southern conveyor route in the Draft Order.

3.2.6 The breadth of ancillary works permitted by Article 6 of the Draft Order.

3.2.7 The breadth, flexibility and complexity of the proposed limits of deviation.

3.2.8 The application of Articles 10 to 13 (streets) to the Wilton Complex and the Pipeline Corridor.

- 3.2.9 The temporary stopping up and temporary possession of the A1085 Roundabout in terms of access to DEA's apparatus and the potential cumulative effects of the Draft Order and Dogger Bank DCO in terms of restriction of access to the Wilton Complex.
- 3.2.10 The powers of compulsory acquisition in Articles 24 to 30 of the Draft Order which provide powers that could be used to extinguish the Objectors' rights to maintain their apparatus, remove that apparatus and restrict access to the apparatus.
- 3.2.11 The inadequacy of the proposed guarantee in respect of the costs of compulsory acquisition in Article 23 of the Draft Order, particularly the length of the guarantee and the method for determining the sum covered.
- 3.2.12 The terms of the Requirements.
- 3.2.13 The inadequacy of the proposed protective provisions in relation to the Works and their silence with respect to use of the Wilton Site Roads.
- 3.2.14 The proposed undergrounding of the conveyor under the A1085.
- 3.2.15 Until the above issues are resolved to the Objectors' satisfaction, the making of the Order.

Bond Dickinson

21 August 2015