

**APPENDIX 2****YORK POTASH HARBOUR FACILITIES ORDER – ALTERNATIVES**

1. The Order contains alternatives in respect of two aspects of the proposed development, being the quay (open or solid) and the conveyor routes (northern or southern). This note confirms the position of the Applicant with regard to the need to retain these alternatives.
2. The Applicant is very aware that the inclusion of alternatives made the submission of the application more involved and results in a more complex form of Order. For this reason the Applicant thought long and hard before including the alternatives in the application and would not have done so unless it felt it was prudent, and indeed necessary, to do so.
3. The harbour facility is part of a much larger project bringing major benefits to the region and the national economy. The scheme relies upon each element of the scheme being delivered and until the harbour is in operation the major benefits arising from the wider scheme will not be realised. Any delay in the construction of the harbour will threaten the scheme as a whole. The inclusion of the alternatives provides resilience which materially reduces the risk of such delay.

Quay

4. The reason for keeping the alternative quay options is referred to in the environmental statement and summarised in paragraph 11.2 (Works No.2) of the Explanatory Memorandum (Document 4.2) and further expanded upon in the Applicant's response to the Examining Authority's First Questions, CA1.1.
5. Both quay options have been fully assessed and been found to be acceptable. No party (including the statutory agencies) has objected to either quay. The applicant wishes to retain the flexibility afforded by these options.

Conveyor Routes

6. The reason for keeping the alternative conveyor options is referred to in the environmental statement and summarised in paragraph 11.2 (Works No.4) of the Explanatory Memorandum (Document 4.2) and further expanded upon in the Applicant's response to the Examining Authority's First Questions, CA1.1.
7. Both options have been fully assessed and there are no objections relating to the choice of route from any statutory authority.
8. There is an objection in principle from one party to the southern route (BP Cats) and an objection to the southern route from some pipeline asset holders represented by Bond Dickinson which is acknowledged by them to be capable of being resolved by appropriate protective provisions.
9. There are objections in principle to the northern route from three parties, being Tata Steel (UK) Limited ("Tata"), Sahaviriya Steel Industries UK Limited ("SSI") and Redcar Bulk Terminal ("RBT").
10. The southern route is the favoured route of the Applicant. It is operationally far superior, as is evident from the more straightforward route it takes between the material handling facility and the quay. It involves less infrastructure (fewest components) and as a result of fewer transfer towers will minimise the product degradation caused by changes of direction and level. Significantly, and in accordance with relevant guidance, it also minimises the need for compulsory acquisition, it being focussed on an area where the Applicant has been able to acquire the land.
11. The southern route will be progressed by the Applicant and the only circumstances where the northern route would be progressed would be where constraints as yet unknown prevent the southern route proceeding. A large part of the southern route is along the pipeline corridor. Whilst significant effort has been made to locate and identify the assets

along that corridor, for obvious reasons, it has not been possible to undertake extensive intrusive ground investigations in relation to the positioning of the conveyor legs. The Applicant has significant flexibility in the location of the conveyor legs to accommodate any issues arising (they do not have to be evenly spaced) however notwithstanding that it is still a possibility that there might be something uncovered which frustrates the implementation of that route. In those circumstances the northern route is vital as a consented alternative enabling the project to proceed within the project timeline.

12. It was, and is, not possible to address the situation through obtaining an Order for the southern route alone and then, if found to be unworkable, to pursue an amended Order or substitute Order. The timescales involved in dealing with these sequentially would involve unacceptable delay to the harbour and therefore to the remainder of the scheme such that the whole York Potash project would be in jeopardy.
13. The draft DCO incorporates provisions whereby as soon as the southern route is known to be implementable the CA powers in respect of the northern route fall away.