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Subject: 151103 TR030002 P D Teesport Limited - Response to second round of questions
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Attachments: [LON_LIB1-#13267505-v1-Response to ExA Questions - DCO2 2 - PD Ports - YP DCO.DOCX](#)

Dear Sir

I am attaching the response by PD Teesport Limited to the items in the second round of questions dated 16 October 2015 relevant to them. The responses have been shared with the Promoters who have confirmed that they are content with them.

Please acknowledge receipt.

Your faithfully

Monica Peto

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PLANNING ACT 2008
INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010
TRO 30002
OBJECTOR REFERENCE – 10031188
PROPOSED YORK POTASH HARBOUR FACILITIES ORDER
PD TEESPORT LIMITED
RESPONSE TO EXA'S SECOND ROUND OF QUESTIONS 16 OCTOBER 2015

1. **Question CA 2.4**

S.127 and S.138 including Protective Provisions

Please provide a further update of negotiations with all statutory undertakers and provide additional or amended protective provisions for inclusion in the DCO and of any related agreements, particularly the provisions necessary to address the objections of Northumbrian Water, but also any further changes that may be required beyond the 2 October 2015 version of the DCO.

PD Teesport Limited's response:

We confirm that Schedule 11 as amended in the draft DCO (2 October 2015) reflects the protective provisions as agreed between the Promoters and PD Teesport Limited ("PDT") subject to two minor corrections which the Promoters have stated will be made in the next version of the DCO:

In paragraph 4(11) of Schedule 11, leave out "*sub-paragraphs (12) and*" and insert "*sub-paragraph*".

In paragraph 23(1)(b) of Schedule 11, "*...as harbour authority and which...*" should be "*...as harbour authority or which ...*"

2. **Question DCO 2.2**

Please provide the amendment to the Explanatory Memorandum promised to explain the import of the latest changes made to the DCO that relate to the jurisdiction of the Harbour Authority.

PDT and the Promoter have agreed the following:

Schedule 11 includes a reference to the harbour authority's "relevant limits of jurisdiction". This is because the jurisdiction of the harbour authority extends into a significant part of the land side of the Order land, for historic reasons. The purpose of identifying the "relevant " jurisdiction is to ensure that the protective provisions for the harbour authority will not apply in relation to activities on land which is above the level of high water unless the activities actually affect the River Tees or any function of Tees Port Authority as harbour authority.

3. **Question DCO 2.4**

Article 34 and Schedules 7-11 Protection of Interests

Please provide an update of progress on securing agreed protective provisions, together with amended schedules for the DCO.

PD Teesport Limited's response:

See response to Question CA 2.4.

4. **Question DCO 2.12**

Schedule 11

Paragraph 3 controls the location of the quay with reference to the parameters in Article 4, but is there a need to refer to the provisions of the DML (i.e. Deemed Marine Licence)?

PD Teesport Limited's response:

The provisions of the DML are set out in Schedule 5 to the DCO. Paragraph 3 of Schedule 3 restricts the dimensions of the quay and paragraph 4 of Schedule 5 sets out design constraints. PDT are only concerned to restrict the extent to which the quay can extend into the river – as provided in paragraph 3 of Schedule 11. So the protective provisions do not need to refer to the provisions in the DML which control the dimensions and design of the quay further.

Eversheds

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3 November 2015