

SABIC UK PETROCHEMICALS LIMITED (URN 20049383)

SABIC TEES HOLDINGS LIMITED (URN: H2TS-AFP121)

SABIC PETROCHEMICALS BV

**APPLICATION BY H2TEESSIDE LIMITED FOR AN ORDER GRANTING DEVELOPMENT CONSENT
FOR THE H2TEESSIDE PROJECT (EN070009)**

DEADLINE 6A

**WRITTEN SUMMARY OF SABIC'S REPRESENTATIONS TO COMPULSORY ACQUISITION
HEARING NO.2 HELD ON 13 JANUARY 2025**

1. AGENDA ITEM 4: PROGRESS OF NEGOTIATIONS

- 1.1 SABIC confirmed that since the last Compulsory Acquisition Hearing weekly meetings have been held with the Applicant in relation both to technical issues and protective provisions.

2. AGENDA ITEM 4: PROTECTIVE PROVISIONS

- 2.1 SABIC stated that they have adjusted their position in relation to certain protective provisions with the intention of opening up negotiations. Negotiations are now reliant on the Applicant continuing to engage and adjusting their own stance to try to reach an agreement.
- 2.2 The Applicant included the Net Zero Teesside protective provisions at Deadline 5. SABIC does not feel these provide adequate protection as they do not contain any protection from compulsory acquisition. Therefore, SABIC can not comment on the applicant's proposals to protect it from compulsory acquisition or temporary possession at this time.

Post hearing comment: SABIC provided additional analysis at Deadline 5 [REP5-086] in its response on Q2.6.11 as to why the Net Zero Teesside protective provisions do not provide adequate protection in respect of compulsory acquisition and temporary possession.

- 2.3 Consequently, SABIC will submit some revised protective provisions at Deadline 6 reflecting the current draft which is before the Applicant and based on a comparison with the terms included in the Applicant's Deadline 5 draft DCO.

Post hearing comment: SABIC provided a point by point analysis at Deadline 6 [REP6-010] of the differences between SABIC's protective provisions and the protective provisions contained in the Applicant's Deadline 5 dDCO [REP5-005] explaining briefly why additional drafting is necessary to provide adequate protection.

- 2.4 Based on the above there is a prospect of agreeing protective provisions before the end of examination. However, the challenges of reaching an agreement before the end of the Examination should not be downplayed: both in terms of timing and consensus on terms.
- 2.5 SABIC is concerned that the current Examination Timetable does not provide a route for the parties to set out their respective submissions in relation to protective provisions. In particular SABIC is concerned that it should have an opportunity to address any comments which the Applicant might have to justify their deviation from SABIC's preferred protective provisions. Had SABIC delayed its Deadline 6 submission on protective provisions [REP6-010] until Deadline 7, only Deadline 8 would remain for the Applicant's comments and SABIC would not be afforded the opportunity to reply.

- 2.6 SABIC's submission is that it would be most helpful for there to be additional deadlines to ensure that:
 - 2.6.1 There is proper analysis before the ExA of the need for the wording sought by Interested Parties (or rejected or suggested by the Applicant);
 - 2.6.2 Both sides are given a fair hearing; and
 - 2.6.3 Sufficient information is before the ExA to allow them to determine whether the Applicant's or Interested Party's form of protective provisions should be preferred.
- 2.7 Possibly this adds weight to the suggestion that there should be a further hearing, as raised by other objectors, including BOC, Natara Global and Redcar Bulk Terminal. That might aid momentum.