

RELEVANT REPRESENTATION ON BEHALF OF ENCIRC LIMITED

1. Introduction

- 1.1 This representation is made on behalf of Encirc Limited ("Encirc") in relation to the HyNet Carbon Dioxide Pipeline Development Consent Order Application ("the Project").
- 1.2 We recognise that the deadline to register as an Interested Party has passed and that the Examination has commenced. We ask that Examining Authority exercises its discretion to accept this late submission and grant Encirc Interested Party status to allow it to participate fully in the Examination process and to protect its interests.
- 1.3 We would ask the Examining Authority to take into consideration the following:
 - 1.3.1 Encirc is an affected person with a significant amount of land impacted by the Project. This land is vital for the operation of the Encirc site and Encirc should therefore be allowed to make representations in this regard, participate fully in the Examination process and appear at any necessary hearings including the compulsory acquisition hearings;
 - 1.3.2 The Encirc site is recognised in the Environmental Statement (Appendix 16 – Land Use and Assets) as having high sensitivity and it is set out that the Project will have a 'moderate adverse (significant)' effect on it. Encirc believes that these impacts can be minimised and would welcome the ability to make representations in this regard;
 - 1.3.3 Encirc is currently pursuing a program of development at its site which is well publicised and is concerned that the Project could sterilise or prevent these important works. This Project could also cause co-ordination issues with the Project and this has not been taken into account by the Promoter;
 - 1.3.4 Given the change requests made by the Promoter and the changes to the Project introducing new issues and interested parties and consequently to the Examination timetable, allowing representations from Encirc should not prejudice the progress of the Examination. Further, the Promoter is already aware of the issues outlined by Encirc below and so Encirc is not raising any new issues in this regard; and
 - 1.3.5 In its section 42 response dated 22 March 2022, it was requested that copies any future documents were sent to Lichfields and Eversheds Sutherland. No formal correspondence on this Project has been received by either party to date. Further, Encirc consider that the Schedule of Negotiations submitted by the Promoter indicates a low level of engagement considering the impact of the Project on Encirc's land and the sensitivity of the site.
- 1.4 Encirc is ultimately supportive of the principle of the Project but is concerned about the impact of the current plans on the operation of its site and is keen to work with the Promoter to ensure that such impacts are minimised.
- 1.5 Encirc notes the recent change request which was accepted by the Examining Authority which impacts Encirc's land interests. A relevant representation in respect of these changes will be submitted in due course but Encirc wishes to be able to protect all its interests through the Examination process.

2. Encirc

- 2.1 The Encirc Elton facility was originally established in 2005 to manufacture glass containers. This has evolved to include the filling, packaging and storage of glass containers, as well as the final distribution to the point of sale.

- 2.2 Encirc is home to the largest glass container furnace of its type in the world and approximately 2.2 billion glass bottles are produced at Encirc each year.
- 2.3 Encirc has Europe's largest fully automated bonded warehouse, providing HM Revenue and Customs approved storage and onward transport processing facilities for tax and duty suspended goods (alcoholic beverages).
- 2.4 Encirc's workforce in Elton has increased to more than 900 staff, plus a further 130 full time contractors.

3. **Land Impacted**

- 3.1 Land owned and occupied by Encirc has been included in the Book of Reference and the Promoter has applied for the compulsory acquisition of rights over the following plots:
 - 3.1.1 Plots 1-01, 1-01a, 1-02, 1-03, 1-06, 1-06a, 1-06b, 1-06c, 1-21, 1a-01, 1a-02, 1a-03 – required for access to the Ince AGI.
 - 3.1.2 1-01, 1-02, 1-03, 1-06, 1- 20, 1-21, 1-221-20 and 1-22 required for the pipeline
- 3.2 Encirc objects to any compulsory acquisition of land or rights in its ownership.
- 3.3 Encirc is currently in the process of negotiating private treaty agreements with the Promoter for the land rights required by the Promoter.

4. **Concerns**

- 4.1 Encirc has a number of concerns about the Project and the impact which this will have on the operation of the facility and the plans for the future development of the site. These concerns are summarised below and further detail will be provided in due course:
 - 4.1.1 **Future development:**
 - 4.1.1.1 Encirc is concerned that the Project will impact its future development proposals for the facility. Encirc submitted a full planning application for a new distribution hub in February 2023 and remains concerned that the effects of this Project and other proposed projects at the Encirc site are not adequately considered in the submitted Environmental Statement
 - 4.1.1.2 Once this permission has been implemented, part of the proposed Project access route (Works No.3) will be affected.
 - 4.1.1.3 Further future development to realise the full potential of the Site is also planned and well publicised. This includes an ultra low carbon furnace as well as further rail development on site (trials have been taking place to determine feasibility).
 - 4.1.1.4 Construction of Encirc's new infrastructure and the Project works may conflict and it is not clear how traffic movements around this constrained area would be managed. This should be considered in terms of cumulative effects.
 - 4.1.2 **Project Access:** Encirc is concerned that the proposed access route for the Project, as shown on Works Plans 1 (Work No.3), will impact its operations. Particularly the parts of the proposed internal access routes and to the south of the railhead. As stated, part of the proposed Project access route will cease to exist following construction of Encirc's new distribution hub.
 - 4.1.3 **Impact on the Railway:**

- 4.1.3.1 Encirc is legally obligated to bring 12% of its raw material to the site by rail or other alternative sustainable modes of freight transport as set out in an agreement under section 106 of the Town and Country Planning Act 1990. As Encirc's operations expand, it has ambitions to enhance its existing rail capabilities and increase the amount of material that can be brought to site by rail, to ensure that it can maintain its 12% quota. Therefore, the land around the existing railhead must be safeguarded to facilitate this expansion. Encirc is also concerned that the Project construction activity could impact the current operation of its railhead. Operation must be maintained at all times to ensure Encirc can meet its prescribed quotas.
- 4.1.3.2 Further, Encirc is concerned about the safety aspects of the rail crossing and how Encirc's requirements will be taken into account.
- 4.1.4 **Depth of the Pipeline:** Encirc is concerned about the depth of the pipeline. The Project must not sterilise the site and prevent future development.
- 4.1.5 **HMRC bonded site:** Encirc has HMRC approved storage on its facility and must comply with pre-agreed conditions for this. Encirc is concerned that the proposed Project access onto its facility could cause a breach of these conditions. It should be noted that there is no permitted vehicular access to the Encirc Site from Grinsome Road.
- 4.1.6 **Operation and Security of Site:** Encirc is concerned about the wider security impacts of the Project access through its facility.
- 4.1.7 **COMAH:** The Site is regulated under the Control Of Major Accident Hazards (COMAH) Regulations 2015 and as a result must operate strict site access to comply with obligations.
- 4.1.8 **Ash Road HGV Movements:**
 - 4.1.8.1 There is a daily limit of 912 HGV movements to the Encirc facility agreed through planning permission ref. 18/04948/S73. Encirc is concerned that movements associated with the Project will consume part of Encirc's pre-agreed limits.
 - 4.1.8.2 In addition, Encirc has a S.278 agreement with the Council to pay for improvements to Ash Road, as required. If movements associated with the Project cause deterioration of the road, then Encirc should not be liable for the cost of these improvements.

5. Next Steps

- 5.1 Encirc would ask that the Examining Authority exercise its discretion to grant it Interested Person status and to participate fully in the Examination.
- 5.2 If accepted, Encirc will provide full a full written representation setting out the issues outlined above in further detail.
- 5.3 Encirc will submit a relevant representation in relation to the change request impacting its site.
- 5.4 Encirc are happy to provide any further details or information which us required by the Examining Authority.