

HyNet Pipeline Development Consent Order

Our ref 41915/05/JG
Date 20 June 2023
From Encirc

Subject Encirc Deadline 4 Representation

Introduction

- 1.1 This relevant representation to the HyNet Carbon Dioxide Pipeline Project (“the Project”) is made on behalf of Encirc Limited (“Encirc”) to Deadline 4 (“DL4”). It summarises the oral submission made on behalf of Encirc at Hearings on Wednesday 7th June and Thursday 8th June 2023.
- 1.2 Encirc has already made representations in relation to the Project at Deadline 3 (“DL3”) (ref. REP3-050). Representations were also submitted on 13th June to a consultation on a change request (“CR1”) made by the Applicant, which was accepted by the Examining Authority on 27 March 2023.

Access through the Encirc Facility

- 1.3 At the Hearings, Encirc explained that uninterrupted access to the Encirc Site is essential to the operation of Encirc’s business and therefore it is essential that Encirc retains all rights of access which it currently enjoys. The DCO proposes permanent rights of access to Works No.1 through Encirc’s facility from the north from Grinsome Road (via plots 1-01, 1-02 then 1-03 and 1-04), and from the south from Ash Road (via plots 1-06a, 1-06b, 1-06c then 1-06 and 1-21).
- 1.4 Encirc considers that the southern access from Ash Road, which was included as part of CR1, will result in the removal of the need to have a connection through the Encirc site between plot 1-06 and 1-02/1-03. At the hearings, it was suggested that this connection is removed from the draft DCO if not required to provide certainty and comfort for Encirc in terms of access to the site. No connection currently exists between land plots 1-06 and 1-02/1-03, and any such amendment of the internal security fencing line would result in breaches of Encirc’s obligations as HMRC bonded warehouse under the provisions on the Customs and Excise Management Act 1979 and subordinate legislation (please see appendix 3 to this submission which provides a short outline of the meaning of an HMRC bonded warehouse). Encirc is also subject to the COMAH Regulations a summary of which is also contained in Appendix 3.
- 1.5 Encirc hopes that discussions with the applicant in respect of Protective Provisions and an associated private Agreement will result in agreement to Horizontal Directional Drilling (HDD) below the rail lines at land plots 1-19, 1-20, 1-22 and 1-23 which will help to lessen the impact of the project on Encirc. On this basis, it was agreed that the permanent rights over 1-21 can be downgraded to temporary.

- 1.6 HGV movements to Encirc's site via Ash Road are currently restricted by planning permission ref. 18/04948/S73, under which the Glass Manufacturing and Filling Plant operates. Thus, Encirc considers that for access to plots 1-06a, 1-06c, 1-06 and 1-21 should remain for monitoring and maintenance purposes only (subject to Protective Provisions ensuring the continued operation of Encirc's rail terminal and the planned further development of rail infrastructure).
- 1.7 Encirc considers that the northern access through its site, along plots 1-01 and 1-02 is not necessary to provide a road connection to the Ince AGI. A current proposal, subject to a planning application before Cheshire West and Chester Council by Forsa Energy (21/04024/FUL) will provide a direct access route from Grimstone Road to the Perimeter Road (as shown on the site plan at **Appendix 1**). This alternative access to the Ince AGI precludes the need to access the perimeter road through Encirc's facility via plots 1-01, 1-02, and 1-03.
- 1.8 Encirc requires that rail access to its facility is maintained at all times. Encirc has legal obligations to bring a proportion of its raw materials to site by rail. Access to land around the railhead and rail operations must be safeguarded at all times throughout the construction and operation phase of the Project.

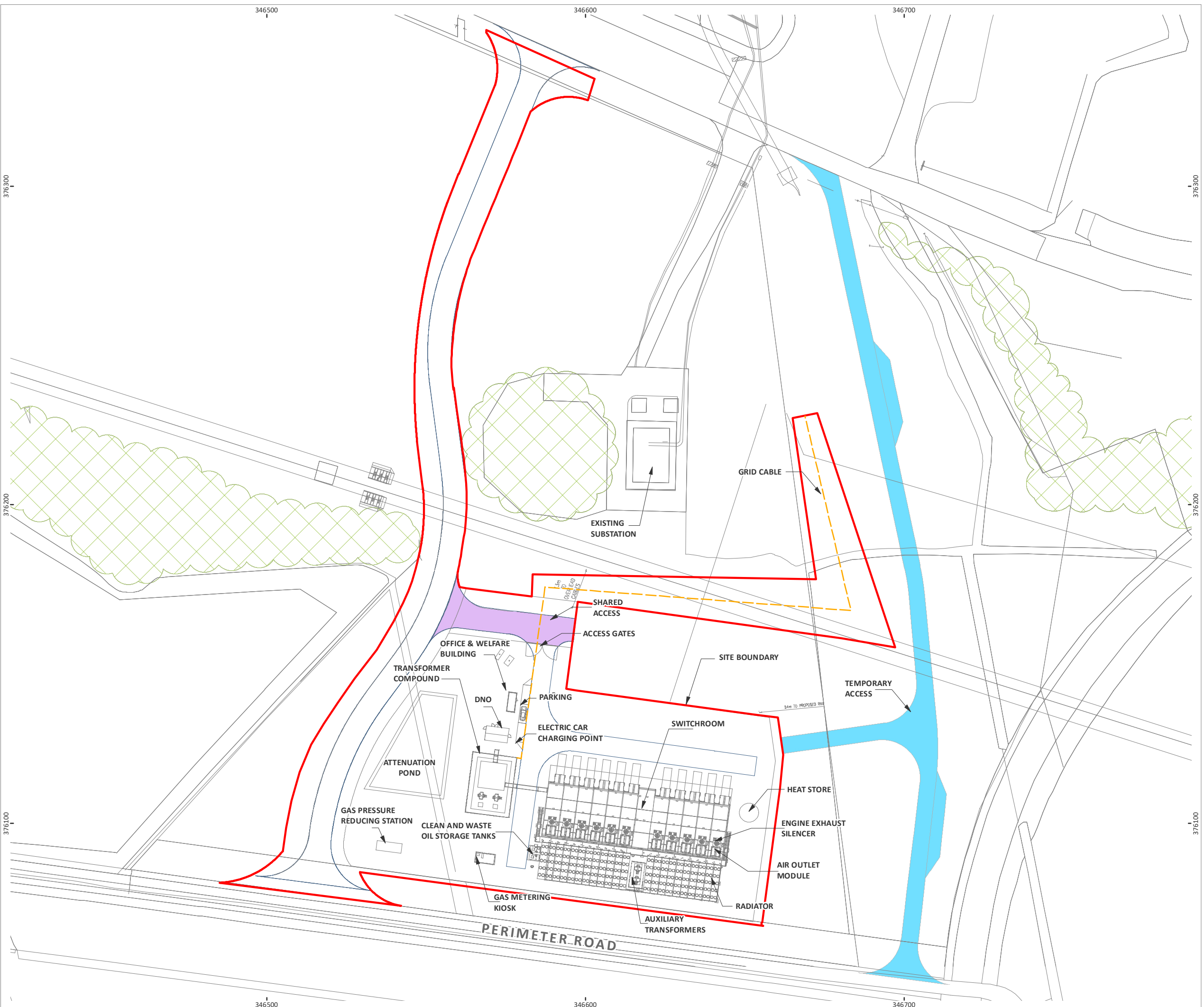
Future Development

- 1.9 Encirc's representations to DL3 and CR1 made clear its future development plans (automated warehouse, new rail sidings and intermodal area, and hydrogen powered furnace), all of which are either with the local planning authority or well publicised. This future development at the Encirc Site is essential to the future of the Encirc business. These development intentions and their relationship to the submitted DCO were explained at the Compulsory Acquisition Hearing on 7th June 2023.
- 1.10 The site plan for Encirc's automated warehouse development proposal is attached at **Appendix 2**. A full planning application for this development was submitted in February 2023. The site plan shows that rights of access through Encirc's facility, as shown on the Land Plans, are incompatible with these development proposals.
- 1.11 The site plan at **Appendix 2** shows that the internal route marked up for means of access through Encirc's site will be rerouted and no longer exist as shown along plots 1-06 and 1-06a. Plots 1-02 and 1-03 also intersect the site and would be incompatible with Encirc's proposed development.
- 1.12 As part of Encirc's automated warehouse development, the security gatehouse will be placed on land marked as plot 1-06a. Access beyond the gatehouse is restricted in accordance with conditions imposed by HMRC. Encirc's obligations in this respect will need to be complied with at all times.
- 1.13 As explained at Issue Specific Hearing 1, the depth of the pipeline underneath Encirc's facility must not sterilise its future development plans. Encirc's plans for rail development are well publicised in recent rail trials between sites, and new rail sidings and an intermodal

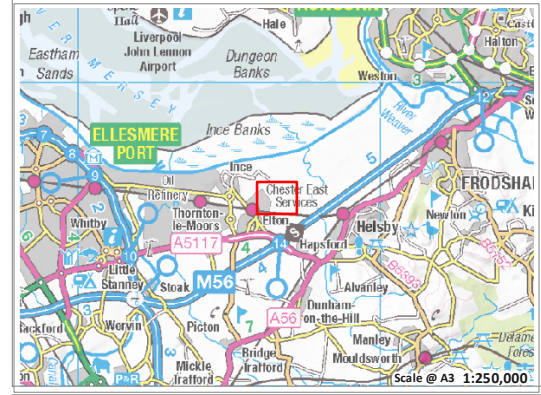
area are in the initial design phase for the site, which will see a new rail facility located approximately 300m along the existing rail lines on site.

Agreed Next Steps

- 1.14 During the Issue Specific Hearings on 8th June 2023, it was agreed that the Applicant would insert Protective Provisions in favour of Encirc. Encirc is hopeful that through these protective provisions the parties will be able to find a way in which the Project can be implemented whilst protecting the operation of the Encirc facility, maintaining the required access to the Encirc Site, and ensuring that Encirc's future development plans can be brought forward. However, until the issues outlined in this relevant representation are resolved with the Applicant, Encirc maintains its objection to the DCO.
- 1.15 Encirc is engaging with the Applicant in respect of the Protective Provisions and will keep the Examining Authority updated in this regard.
- 1.16 We have received notification of Accompanied Site Visits on 7th and 8th August, whilst noting that the itinerary has been said, if it is possible Encirc would ask that the Encirc site is included in the visit with a representative of Encirc present to allow the site constraints to be illustrated.



- Site Boundary
- Grid Cable
- Shared Access
- Temporary Access



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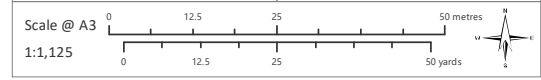


Site Layout

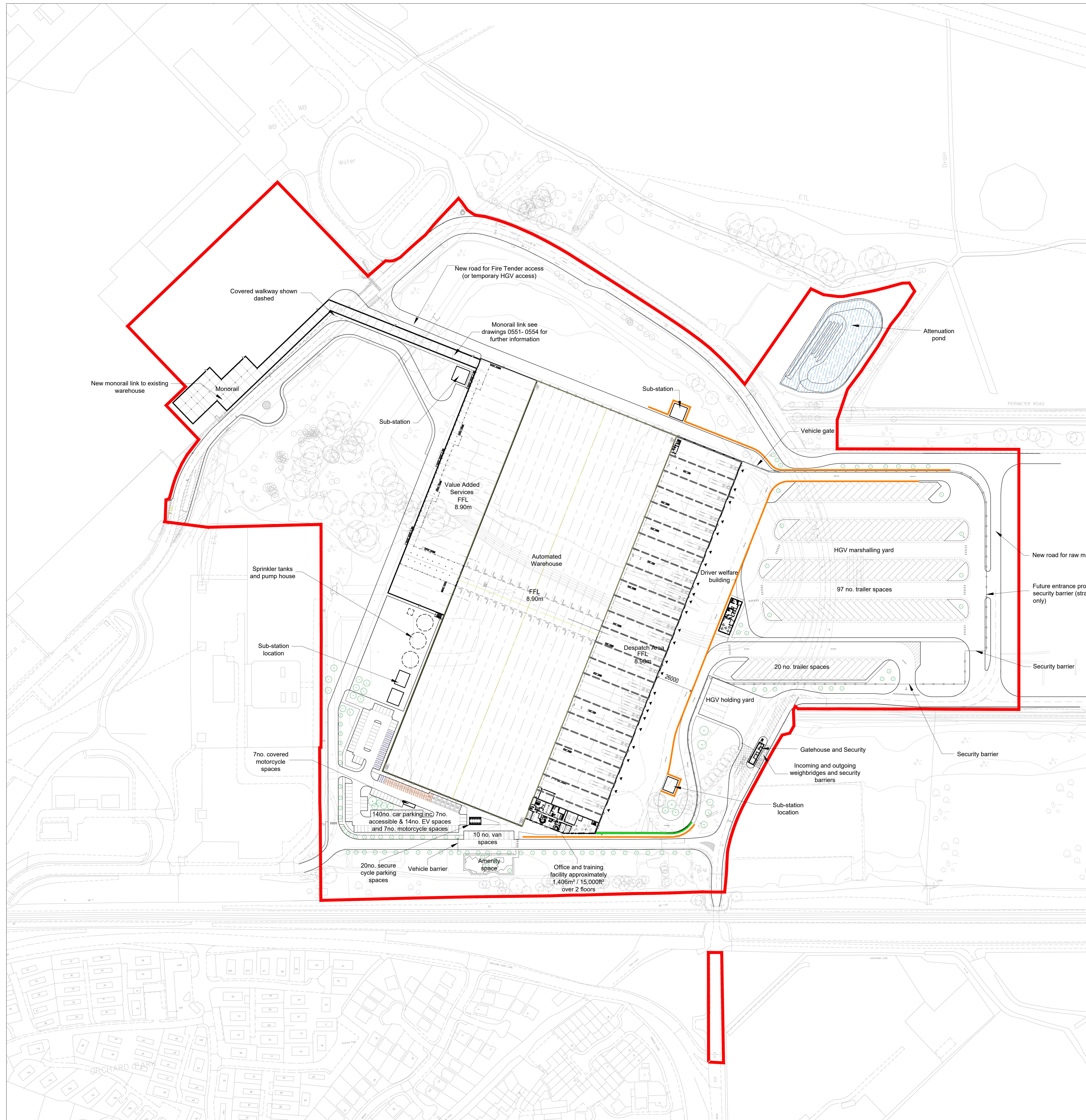
**Gas Energy Generating Site
Protos, Ince Marshes, Chester**

NOTE:

Ref: FE/017/499
Date: 20/03/2023
Produced: VM
Approved: RW



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Schedule of Accommodation

Unit	Ground Floor GIA	First Floor GIA	TOTAL UNIT GIA
Automated Warehouse	32,239m ² / 347,017ft ²	1,623m ² / 17,470ft ²	33,862m² / 364,487ft²
Office	712m ² / 7,664ft ²	712m ² / 7,664ft ²	1,424m² / 15,328ft²
Value added services	7,723m ² / 83,130ft ²	1,362m ² / 14,660ft ²	9,085m² / 97,790ft²
Despatch area	13,875m ² / 149,349ft ²		13,875m² / 149,349ft²
Driver welfare facility	194m ² / 2,088ft ²		194m² / 2,088ft²
Gatehouse	52m ² / 560ft ²		52m² / 560ft²
Monorail	2,475m ² / 26,640ft ²		2,475m² / 26,640ft²
TOTAL GIA			60,967m² / 656,242ft²

NOTES AEWTP033B

- All dimensions and levels are to be checked on site
- Any discrepancies are to be reported to the architect before any work commences
- This drawing shall not be scaled to ascertain any dimensions. Work to figured dimensions only.
- This drawing shall not be reproduced without express written permission from AEW.
- The overlay drawings and ownership boundaries are produced using all reasonable endeavours. AEW cannot be responsible for the accuracy or scale discrepancy of base plans supplied to them.
- All works are to be undertaken in accordance with Building Regulations and the latest British Standards.
- All proprietary materials and products are to be used strictly in accordance with the manufacturers recommendations.

CDM 2015
 Client notified of duties: Jan 2022
 Principal Designer: Dopley Associates
 Unless noted below, all known hazards have been highlighted on the drawing.

0 10 20 30 40 50m
 Scale 1:1000

P23 15/02/23 AW BL
 General note updated.

P22 17/01/23 AW BL
 Substation location amended to avoid the claim with existing site.

P21 23/12/22 AW BL
 Ground floor plan updated.

P20 20/12/22 AW BL
 Building dimensions updated and schedule of accommodation table revised. Monorail link updated and road amended to suit monorail.

P19 14/10/22 EF BL
 Schedule of accommodation table updated.

P18 15/09/22 AW BL
 Automated link scale parameters noted and red line amended to include Ash Road following Landlord's comments. Amenity space updated as per Landscape Plan.

P17 02/09/22 AW BL
 Minor updates to rail as per Transport Information. Minor updates as per Landscape Plan.

P16 16/08/22 EF AS
 Red line amended, attenuation pond relocated, amenity space shown and acoustic wall extended as per client request.

P15 09/08/22 EF AS
 Footpath for access to client cabins shown.

P14 04/08/22 EF AS
 Drawing updated to Curtins information, red line boundary amended to north-west and area schedule updated.

P13 01/08/22 EF AS
 Drawing updated to latest marshalling yard design in line with client comments. Driver welfare amended to suit new positioning. Footpath widened to 3m for welfare access.

P12 19/07/22 EF AS
 Building footprints amended and plant yard relocated.

P11 08/07/22 EF AS
 Layout tweaked to optimize vehicle movement.

P10 06/07/22 EF BL
 Layout amended in line with new ramp option 1 design. North arrow amended.

P09 17/06/22 BL AS
 Red line boundary updated.

P08 15/06/22 BL AS
 Red line boundary updated to suit the drainage strategy.

P07 01/06/22 AW AS
 Updates made regarding link to existing automated warehouse and retaining structure.

P06 30/05/22 AW AS
 Updated as per project review comments on 26.05.22. Revised trailer parking layout and access via levels.

P05 23/05/22 AW AS
 Updates to sub-stations and landscaping as per design workshop on 12.05.22.

P04 05/05/22 EF AS
 Updates made following meeting on 27.04.22.

P03 27/04/22 AW AS
 Updated areas and building footprints of office and gatehouse.

P02 22/04/22 AW AS
 HGVs moved back into loading bays.

P01 11/04/22 AW AS
 Initial Issue

REV Date Drawn by: Checked by:
 Status Purpose of Issue
 S2 For Information

drawing stage **Planning**

client **Encirc Glass**

project **Elton, Encirc**

drawing title **Proposed Site Plan**

date 11/04/22 drawn AW
 scale@AO 1:1000 checked AS

job No: 12473-AEW-XX-XX-DR-A-0501
 www.aewarchitects.com

- Key:**
- Red line site boundary: 50.76acres / 20.54ha
 - Attenuation pond
 - Proposed EV charging and ducting
 - Retaining Wall
Exact extents to be to Civil Engineers design
 - 4.2m high Acoustic Screening with living wall to frontage
 - Future EV charging bays for Building Regulations compliance

For soft and hard landscaping information please refer to drawing 12473-AEW-XX-XX-DR-A-0508-External Works Plan

APPENDIX 3

Bonded Warehouse

1. A bonded warehouse is a secure space in which goods liable to import duty and VAT are stored. Customs duty and VAT payments on these items are deferred until the goods are sold or removed from the bonded warehouse.
2. The key use of a bonded warehouse is to manufacture and/or store goods without the implication of VAT/duty until the goods are released. The payment of the VAT/duty will then be made when the goods leave the warehouse or can be 'duty suspended' (i.e. the goods get handed over to the retailers in a 'duty suspended' state and the retailer pays the duty/tax at the point of sale).
3. Bonded warehouses are strictly controlled by HMRC and all goods must be fully documented before entering. Rules must be strictly followed and there are regular checks to ensure that such warehouses are being used properly.
4. As set out in the Government guide, 'Managing your customs warehouse' ([Managing your customs warehouse - GOV.UK \(www.gov.uk\)](http://www.gov.uk)), Customs warehouse stock records must always show the current stock of goods under the procedure (real time).
5. Given the rules and regulations which must be complied with and the need for accurate records to be kept, it is essential that Encirc can effectively manage access to its site to ensure that these obligations can be complied with and its business can operate effectively.

Control of Major Accident Hazards (COMAH) Regulations 2015

6. The COMAH Regulations were introduced to help both prevent and moderate the impact of accidents involving dangerous substances. These regulations mainly impact the chemical industry, but also apply to storage facilities.
7. Under the Regulations, every operator is subject to a duty to take all measures necessary to prevent major accidents and to limit their consequences for human health and the environment and also must demonstrate to the competent authority that it has taken all measures necessary as specified in these Regulations.
8. Operators must have in place major accident prevention policies which can be effectively implemented to prevent or limit the impact of a major accident.
9. It is therefore essential for Encirc to have control over its site boundaries and site access and to ensure that it can comply with its obligations under the COMAH Regulations.
10. The Encirc facility involves large operation with 2x 900 tonnes per day glass furnaces being run which involve dangerous substances. In this context, site security/control and access are vital.