

HyNet Pipeline Development Consent Order

Our ref 41915/03/JG/MKR
Date 4 July 2023
From Encirc

Subject Encirc Deadline 5 Representation

1.0 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 5 (“DL5”). It provides a response to the second set of questions (“ExQ2”) raised by examining authority (“ExA”)
- 1.2 Encirc has already made representations in relation to the Project at Deadline 3 (“DL3”) (ref. REP3-050); Change Request 1 (ref. CR1RR-005); and Deadline 4 (“DL4”) (ref. REP4-280).

2.0 Response to Questions

Q2.1.1

Given the change requests submitted by the Applicant [CR1-001] and [CR2-016] have been consulted upon and/ or are currently undergoing statutory consultation, and assuming all formal consultation provision has been declared and verified as being met for the Change Requests, the ExA would ask whether if further Hearing(s) or ExA written questions, beyond those already programmed in the Examination timetable, would be required as pertinent avenues to address any remaining Examination matters. Applicant/ IP comment is invited if considered appropriate.

Response

- 2.1 As set out in Encirc’s response to DL4, at the Hearings on 8th June 2023, it was agreed that the Applicant would insert Protective Provisions in favour of Encirc. The Applicant and Encirc have since exchanged draft Protective Provisions and are in the early stages of discussions surrounding these.
- 2.2 Encirc is hopeful that the Protective Provisions will lead to 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, if an agreement cannot be reached between the parties in respect of the Protective Provisions, or the changes to the rights of access made through the applicant’s Change Request 3 do not address Encirc’s concerns, then additional Hearings sessions may be required to find a solution.

Q2.1.2

The concerns of the Council, Peel NRE and Encirc concerning the potential impacts on Protos Plastics Park, delivery of the railway line that formed part of the overarching planning permission (14/O2277/S73) and the potential expansion of the Encirc Glass Manufacturing Facility are noted, including potential loss/ sterilisation of part of a strategic site and/ or safeguarded site(s). The ExA would urge the Applicant to resolve the concerns of the relevant IPs as a priority and provide an update to the ExA in regard to what is being done to address these matters and how they are to be resolved within the remaining Examination period.”

Response

- 2.3 Encirc held discussions with the Applicant on 23 June 2023 to discuss changes that could be made to protect the operation of its facility and ensure that Encirc’s future development plans can be brought forward. It is understood following these discussions that the Applicant will submit a Change Request 3. Encirc will review and comment on whether these changes address the concerns that were raised on behalf of Encirc at the Hearings session on 8th June 2023, as summarised in Encirc’s response to DL4.
- 2.4 Encirc has requested that rights of access over plot 1-21 are downgraded to temporary in order to safeguard the future development of an enhanced rail facility, which will be located approximately 300m along the existing rail lines. This new facility will include new rail sidings and an intermodal area. It is important that the applicant confirms that their land interest/temporary access right will not prejudice the implementation of this rail enhancement scheme. Following the meeting between Encirc and the Applicant on 23 June 2023, the rights of access over 1-21 remains subject to further discussion between the parties. Until a solution is agreed, whether it be through Protective Provisions or by downgrading 1-21 to temporary rights of access, Encirc’s objection still stands.