

Cheshire Anti Incinerator Network

CHAIN - Closing Statement

Prior to the closing Statements on the individual areas outlined in the case made by CHAIN, CHAIN would like to document certain observations made during the Public Inquiry:-

- There now appears little doubt that the original Environmental Statement has undergone changes and additions leading to a Consolidated Environmental Statement (CES). Even now, we are faced with a new Supplement to the CES to accommodate other areas of Midpoint 18. CHAIN would like to ask the question whether this constant change has been fair and understood by those people of Middleswich and surrounding areas who had the will to understand the environmental matters posed by this development?
- Throughout the Public Inquiry, Covanta and its Expert Witnesses appear to have made the case that this development is an EFW plant and benefits as such from Energy Policy. Furthermore, it would appear that they stressed the point that Energy overrules Waste Policy. There would, it appears, be a “dash for renewable energy” policy, overriding all other considerations and at any cost! The “Government Review of Waste Policy for England 2011” and new policies EN-1 and EN-3 state that EFW plants should be sited with regards to the resource and in accordance with local and regional waste policies, including taking into

- account existing waste treatment capacity. Commercial considerations should not be a prime consideration when planning is determined.

CHAIN would like to ask the question whether these recent publications override previous policy documents?

- It should be clear to all by now that, even if a bypass was constructed at some time in the future, planned developments in Middlewich would result in an unsustainable traffic problem both within the town itself and also on the surrounding roads.

CHAIN would like to understand why the relative tranquillity of a rural market town should be put at risk when the roads in and around Middlewich are 19th century roads already trying to accommodate 21st century traffic?

- Throughout Expert Witness testimony, there has been an attempt to play down the landscape considerations of this proposed development. By photomontage and other pictorial representations, the view has been expressed that the plant structure (including the 80 metre high chimney stack) would not really pose a problem for the local population. Indeed, some of the pictorial representations indicated that this development would not be visible from some areas around the town of Middlewich. The site visit will clearly indicate that this is not the case.

CHAIN would like to make it quite clear that it is impossible to put such a massive structure in close proximity to any town complex without an adverse effect on the people who live in that town.

Moving on to the actual statements and proofs given by CHAIN during the Public Inquiry and CHAIN's cross-examination of Covanta's Expert Witnesses:-

THE NEED FOR A WASTE INCINERATOR AT THE PROPOSED LOCATION, THE PROXIMITY PRINCIPLE AND THE CHESHIRE WASTE LOCAL PLAN.

Cheshire East Council, during the course of the Inquiry, has made a sound case, where need is concerned, that this development is just not warranted or necessary to treat either municipal or commercial and industrial waste arisings within Cheshire. There is little doubt now that this is the case, despite attempts to re-allocate categories of waste destined for treatment at the Ince, Runcorn plant, the constant undermining of the role the Bedminster plant could play and the attempted refusal to accept that the waste treatment position is constantly changing. (CH1/47). We should now, therefore, accept that this Covanta development is not for Cheshire's waste but purely and simply a commercial venture to produce steam and power from a relatively cheap and easily accessible feedstock (waste) from a much wider area. However, waste available will decline over time as recovery and recycling will surely increase, leaving less waste for thermal treatment.

Expert witness from Covanta's Mr. Wright and Mr. Aumonier, in CHAIN's opinion, has failed to demonstrate both need, the proximity principle and the up-to-date waste hierarchy principles as laid down in recent guidelines on these issues (viz EN-1, EN-3 and the Government Review of Waste Policy for England 2011). In addition, Mr. Aumonier's witness was unclear in several areas and contained numerous mistakes and omissions. CHAIN has questioned this latter witness on several occasions (CH1/46 & CH1/48). To date, there have been a number of responses by Mr. Aumonier,

in reply to CHAIN's questions, in attempting to correct and clarify his original submission. CHAIN does not wish to pursue this any further but wishes to make the point that repeated corrections/explanations do not improve the general understanding of the case that Mr. Aumonier was trying to make on behalf of Covanta. CHAIN respectfully accepts Mr. Aumonier's apologies both during his original witness and in later dispatches on this sorry saga.

Key questions have been posed by the issue of recent guidelines referred to earlier which have a not insignificant effect on the issue of "need" in this Inquiry.

Firstly, the "Government Review of Waste Policy for England 2011". There are many principles/ideals in this new document but CHAIN would like to highlight here, those which have been stated more positively than in previous publications:-

- i. The Minister states that "Our aim is to get the most energy out of genuinely residual waste, not to get the most waste into energy recovery". (para 22)

In CHAIN's opinion, the genuinely has a significant meaning and negates the view that there is no cap on energy generation schemes from waste processing.

- ii. This document indicates that waste has been declining over the years but, more importantly, will continue to decrease in time. This appears at odds with the evidence and views of Mr. Aumonier.
- iii. Landfill targets appear to have been confirmed that the UK met its 2010 landfill directive target and that following the recent spending review of PFI credits, the Government was quite relaxed that Cheshire would no longer require any further funds to fulfil the 2020 landfill diversion targets set by the European Union (para 246). CHAIN is amazed that this simple

instruction is still being brought into question by the recent supplementary proof of Mr.

Aumonier, section 3 p35!

Secondly, the Draft National Planning Policy Framework, July 2011, whilst only at draft stage, clearly indicates Government forward thinking in terms of national planning policy. There are several new thought directions in these documents but special mention needs to be made of the following:-

- i. In para 5 it states, “it provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities”.
- ii. The Cheshire Replacement Waste Local plan is exactly what is stated under para 5 above. It has been adopted, it is not ‘out of date’ and is a clear understanding of what local people and their councils require for East & West Cheshire.

Thirdly, the series of National Policy Statements, issued in July 2011 give an indication within which major planning applications will be determined. Again, a few important aspects are considered worthy of highlighting:-

- i. Whilst EN-1 and EN-3 refer specifically to nationally significant major projects, the guidelines may be a material planning consideration for smaller projects viz the Covanta waste incinerator.
- ii. In relation to Environmental statements, EN-1 makes it clear that cumulative effects need to be considered, particularly when there are competing facilities – para 4.2.5
- iii. EN-1 para 4.4.2 makes it abundantly clear that where European Protected Species are involved, alternatives may need to be considered. CHAIN is of the opinion that

alternatives, this means site, technology and the do nothing option, have not been given due consideration.

In CHAIN's Statement/Proof, attention was drawn to the waste ash production arising from both bottom and fly ash when material is burned in an incinerator. Fly ash, which is toxic and requires special arrangements at a registered site for disposal, is a problem. However, the bulk of waste ash, referred to as bottom ash or IBA, from this particular incinerator will go to a separate ash processing plant operated by Ballast Phoenix (an independent ash processing company). A visit to one of Ballast Phoenix's plants at Sheffield revealed an apparently well run organisation. However, a dry day with little wind/turbulence did not really alleviate CHAIN's major concern ie. that of dust fly from this plant and its consequent effect on the surrounding environment. By very nature of its operations, the Ballast Phoenix plant was not exactly clean. It took the writer of this report a good hour to get the washings from the plant off the underside of his private car. The car in question was not parked within the plant area but in a space allocated for parking! One has really got to ask whether the most efficient way of recovering material for producing aggregate is to pass it through an incinerator, with all its attendant costs. During the Ballast Phoenix visit, at the debriefing session, CHAIN put it to the MD of Ballast Phoenix that with a few minor additions, the Sheffield plant could take C&I waste and produce aggregate plus other recoverables. He declined to answer, his exact response was that "this was a political question"?

A final point on bottom ash processing /treatment is that whilst the intent is to convert this IBA into something useful which can be sold to the market, the Planning Obligation (6 Sept 2011 Draft 1) is far from clear and resolved on this issue. On p25, para 5.1, the statement is made that "Covanta shall

use reasonable endeavours to secure that incinerator bottom ash produced by the EFW constructed at the Property is processed at the Ash Processing Building to allow recovery of incinerator bottom ash aggregate (IBAA) and metals rather than dispose of in landfill to the extent reasonably practicable". Reasonable, used twice in this sentence is an obvious "opt out" clause despite assurances from Covanta's Mr. Wright during cross-examination that it was 98% (?) certain that all IBA would be processed to re-use! CHAIN suspects that, in practise, especially if all the planned waste incinerators in the area are sanctioned, much of the IBA produced in the area will be landfilled.

During CHAIN's statement, it was stated that people in Middlewich would be actively discouraged from sorting and recycling their own domestic waste if a development of this nature was built. These views were put to CHAIN on many occasions and the Inspector questioned this at the end of CHAIN's cross-examination. An Audit Commission Guide, issued August 2007 (CHI/51) to Inspectors working with Local Authorities, reported that Councils with incinerators had poor recycling rates. The Commission said that this was because of their need for regular supplies of waste. This clearly helps to counter the claim that incinerators do not reduce recycling (higher in the waste hierarchy than waste treatment).

EFFECTS ON HEALTH OF EMISSIONS FROM THE INCINERATOR AND RESULTING TRAFFIC.

This is clearly a very emotive subject and maybe the most difficult to qualify and quantify because of the long gestation of adverse health effects.

In CHAIN's cross-examination of Dr. Bethan Tuckett Jones, we attempted to differentiate the adverse results from "old style" incinerators to those of the so called "new style" incinerators. In truth, there is little difference between old and new, technology wise, but it is accepted that emission standards have become tighter regarding gaseous emissions. However, insufficient time has elapsed for meaningful health results to be evident on the "new style" incinerators. One only needs to make the comparison with asbestos, thalidomide and many carcinogenic chemicals on time-scale for the verity of this statement to be seen.

Cross-examination of Dr. Tuckett Jones revealed some rather interesting observations:-

- Covanta do not appear to take seriously, adverse health statements made by external bodies to the health statutory bodies (HPA etc) even when these are underpinned by world authority names such as Professor Vyvyan Howard!

CHAIN argued in its witness that there are just too many external health specialists making adverse comments on the health of people housed around incinerators for these comments to be just ignored. The "precautionary principle" was argued when doubt exists.

- Covanta has stated, via Dr. Tuckett Jones, that, and I quote, "Since any possible health effects are likely to be very small, if detectable, studies of public health around modern, well managed municipal waste incinerators are not recommended".

In view of the uncertainties existing, health wise, from current emissions, new studies about to start, the complete lack of information on small particles (nano-particles) and no information whatsoever from waste incinerators in close proximity to each other (so called clusters), CHAIN finds this viewpoint unbelievable and quite reprehensible.

- CHAIN cross-examined Dr. Tuckett Jones on the measurement of small particles ie PM 2.5 and below. Despite European legislation on this subject (measurement of particles of PM 10 and above is the present procedure in the UK), there is no legislation for particles approaching PM 2.5 and below to be measured and monitored. It was understood by CHAIN that Dr. Tuckett Jones agreed that this was the case on cross-examination. However, it was not agreed that small particles (Pm 2.5 and below – nano particles) could cause adverse health problems despite the literature existing on this subject. The effects of inhaling small particulates causing respiratory diseases and cardiovascular effects is becoming a proven fact as witnessed in the rapid increase of respiratory problems (especially in children) in many areas of the UK. There are clearly many factors influencing this rapid increase in today's environment and changing social patterns. Small particles emitted by incinerators are, at best, an unknown and little researched subject but surely should be viewed with caution.
- Dr. Tuckett Jones stated that “The Central and Eastern Cheshire Primary Care Trust “ concurred with her assessment that potential cumulative impacts of a Middlewich EFW facility and other proposed waste treatment facilities within the region were considered to be insignificant.

CHAIN did point out that this was not the assessment made by H.P. Scotland, the Scottish Environment Protection Agency and the NHS Scotland (CD4/29). In addition, the Central and Eastern Primary Care Trust in a letter to S. Molloy dated 9 June 2009 (CH1/8) actually stated that “Possible adverse effects on health of the cumulative traffic from other developments need further consideration”.

CHAIN is unaware that further consideration has been applied to this request despite a recent joint letter from the PCT/HPA for the TATA, Northwich PI, which recommends that further work be carried out on the subject of waste incinerator clusters in the area.

There is little doubt that long term adverse health problems are a major worry to the people who live in and around this proposed waste incinerator.

CHAIN requests that the Inspector gives adequate weight to these concerns and separates hazard and risk in these matters. We do not have to have a waste incinerator, with its uncertainties on health grounds. There are cleaner technologies, already well proven, which could process waste and produce green energy.

COVANTA’S POOR SAFETY RECORD IN OPERATING WASTE INCINERATORS

It is appreciated that this is not a planning matter. However, there is a deep-seated fear about the health implications from local residents on this proposed development. In this light, CHAIN would argue that “fear” is a factor which should receive adequate attention, and reasons behind it displayed in a transparent manner.

During his cross-examination, Mr. Wright (Covanta Expert Witness), did not dispute that certain Covanta plants in the USA had emitted toxic gases into the surrounding atmosphere over the years. This is a fact. CHAIN cross-examined both Mr. Wright and Dr. Tuckett Jones (both Covanta Expert Witnesses) on these emissions and was assured that the emissions were rare and had now ceased. CHAIN has recently been made aware of yet another serious breach committed by Covanta by way of toxic emissions from one of its plants in the USA. In July 2011, Covanta were fined \$400,000 after releasing cancerous dioxins into the atmosphere (CHAIN submission CH1/50). This followed a shut down at the plant concerned of nearly a year following a routine annual test in July 2010 which revealed dangerously high levels of carcinogenic dioxins! The latest emissions bulletin followed an investigation by BBC Wales on the suitability of Covanta to build and operate a waste incinerator on the outskirts of Merthyr Tydfil in Wales.

During cross-examination, a great deal was made of the fact that some of the USA plants used a different burn technology to that proposed for the Covanta development in Middlewich. With due respect, this is not the major fear for people who live in Middlewich. It is the common operator of all these plants (USA and Middlewich) viz Covanta, who must take the responsibility for the safe operation of all of its waste treatment facilities.

CHAIN and the people of Middlewich are not impressed with the record of a company who plans to do business in the UK. There is fear and apprehension, understandably, arising from a safety record which in the past has been poor in operating waste incinerator plants. Clearly, this poor record has not yet been improved and this is a worrying fact for local people.

PUBLIC OPINION AND THE STATEMENT FROM CENTRAL GOVERNMENT

There can be little doubt now as to the depth of adverse feeling from the general public concerning the building of an incinerator in Middlewich. CHAIN's Proof of Evidence detailed in excess of 7,000 letters lodged with Cheshire East Council against incinerating waste in Middlewich. This figure is over 60% of the voting population of Middlewich.

In addition to the above, over 3,000 individual letters against planning permission were received by the Planning Inspectorate. The local MP Fiona Bruce, Middlewich Town Council, Holmes Chapel Town Council, Sandbach Town Council, several Parish Councils and Cheshire East Council are all against this development. Covanta would, therefore, have a considerable "mountain to climb", despite their promises of cheaper electricity, community goodies and minor contribution to the by-pass, to convince local people that this was a good development for Middlewich.

The Localism Bill was cited during the Inquiry and its intentions since then have been re-stated and re-examined. New advice papers such as EN-1, EN-3 and the Government Review of Waste Policy in England 2011 appear to strengthen the Localism Bill concepts. The latter points out that people care about waste and want to play a part in protecting the environment. It goes on to stress that in planning and appeals, too often decisions that make a big difference to people's lives are made by people remote from the affected communities whilst not directly affected by the consequences. The principle should be that those most affected should benefit most across all areas from street to neighbourhood to local authority. Clearly, if this development is allowed to go ahead, this principle would not be met in Middlewich.

CHAIN has stated in its Proof of Evidence that the much discussed “Eastern By-Pass” should not be considered within the scope of this Appeal (last paragraph under ‘planned traffic increases’ p. 13).

The rationale here is that the situation could arise whereby the incinerator was built and operating for many years without the by-pass being sanctioned owing to lack of adequate funding. In these times of financial hardships, this is a situation which could easily prove to be the case. In these circumstances, Middlewich would have an incinerator and an even worse traffic problem. There is considerable feeling in Middlewich on this latter issue, as pointed out during the Inquiry.

Yesterday Mr. Phillips asked Covanta’s Expert Witness, Mr. Morrison, whether in his opinion CHAIN supported the By-Pass. His response was “yes”. CHAIN would like to make it clear that they have never voiced an opinion on the By-Pass and therefore the response in the affirmative is just not true. However, CHAIN and the people of Middlewich are not “Luddites” and whilst it cannot be proven, at this moment in time, CHAIN believes that a groundswell of opinion in the town would rather have no by-pass than have an incinerator plus by-pass. In other words, there are stronger adverse feelings against the incinerator than good feelings on a by-pass.

The Inspector should not be under any illusions about the feelings this development has produced within the local population of Middlewich. CHAIN urges that, in the light of recent advice/legislation from Government, sufficient weight be allowed to this issue.

LANDSCAPE, POTENTIAL FLOOD AREA AND VISUAL IMPACT ASSESSMENT.

In this section of CHAIN's submission, landscape and visual assessment could be considered subjective but potential flood area is a matter of fact.

The effect of this development on the landscape and visual impact assessment has been investigated, in some depth, by Covanta's Expert Witness, Mr. Goodrum. He has presented us with various photomontages at different viewpoints from the surrounding area. We assume that these viewpoints were chosen somewhat haphazardly, they certainly do not portray the development at its worst with respect to adverse effects on landscape. Photomontages are somewhat inaccurate and can only be a second best expression of reality. The CHAIN balloon, which should be on view during the site visit, and which in height will be the same as the chimney stack of the incinerator, will give a much better, in fact exact representation, of this development from the various viewpoints. It will be of no surprise to CHAIN, therefore, that the balloon can be clearly seen from virtually all over Middlewich and most of the photomontage viewpoints.

During the Inquiry, when cross-examining Mr. Goodrum, CHAIN pointed out that in CD4/8,(Landscape Character Assessment- Guidance for England & Scotland), there were some good practical pointers which planners were expected to take note of. Firstly, on page 58 of this guide, the first pointer was:-

"It is particularly important to find ways of involving stakeholders in this part of the process (ie landscape matters) if the judgements made are to command wide support".

and, from the same page, the last bullet point is:-

“It is particularly important that – extent and nature of stakeholder involvement should be made clear”

At this closing statement stage, CHAIN would like to make 3 points:-

- i. We believe, one of the most important stakeholders in this development are the people of Middlewich and surrounding areas.
- ii. We believe that, in the core document reference, the stakeholder reference did indeed refer to the people who were involved in any development.
- iii. The people of Middlewich, important stakeholders, have not been involved to the extent that they should have been in the landscape and visual impact effects that this development would create, in particular the adverse effects.

In addition to the above, again turning to core document CD4/8 page 69, paragraph 8.24 states that:-

“The aim of design guidance should be to ensure that essential change is sympathetic to the character of the landscape and where possible enhances it”.

CHAIN is of the opinion that “sympathetic to the character of the landscape” is difficult to believe.

One would really have to be looking through rose tinted spectacles to come to the conclusion that this development (viz the incinerator) enhances the landscape.

Landscape and visual impact are two crucial assessment factors since their effect is felt on an everyday basis. There are people living at a distance of some 80 metres from the boundary of this development (Mr. Goodrum Proof of evidence P 43-45) who would be visibly impaired by the sheer size and nature of this development, since they would have a complete view of the development, in their own backyard as it were!

Turning now to the potential flood area aspect of the actual area and surrounding land intended for this development. Not only is the area and surrounding land of the development subject to flooding (CHAIN's actual pictures of flooding in its proofs CH1/21) which are self-explanatory, but the area is in the middle of a fault line brought about by salt/brine extraction over the years (Chain proof CH1/22) . Extensive land subsidence has been evident in many adjacent areas to this intended plot and local knowledge appears to have been completely ignored on this aspect of the planned development. CHAIN would respectfully point out once again that the intended plot in this area of Middlewich is not suitable for a major building project of this size and nature. There is immediate evidence that the area is, on occasion, liable to severe flooding and land subsidence has taken place in demonstrable areas close to the actual site.

CHAIN would ask the Inspector to give some weight to those local people living in close proximity to the development whose lives would be adversely affected by deterioration in the immediate landscape and visual impairment experienced by living in close proximity to this development.

THE SOCIO ECONOMIC CHARACTER OF MIDDLEWICH, THE NEGATIVE EFFECTS ON
CURRENT EMPLOYMENT AND EFFECTS OF NUISANCE AND STRESS TO NEARBY
RESIDENTS AND WORKERS IN THE VICINITY.

It is CHAIN's belief that the socio economic case, put forward by Covanta in justifying its application, is fundamentally flawed and this was proven in cross examination. The expert witness was asked to reconcile the applicants assertion that Middlewich is 'heavily industrialised' as mentioned in the environmental statement and the description elsewhere in their evidence that it is a

‘rural market town’. Nor when challenged, were they able to provide a comparable example of a town of the size and characteristics of Middlesbrough having a large waste incinerator so close to its centre. That is not surprising because no such place exists. The examples, such as Newhaven and Stoke, mentioned in their evidence, the waste incinerators were 35% and 46% smaller respectively.

We then move on to the applicants literally incredible claims about job creation. First, as a general principle, it is axiomatic that recycling of waste creates and maintains more jobs than incineration. So the case advanced by the applicants that it would attempt to attract C & I waste which is currently processed elsewhere in Cheshire was undermined by the statement from the Nick Brookes Group that their waste recovery business in Nantwich, which employs 135 people, would be in jeopardy if the waste incinerator application is approved. But that is just a small example of the potential negative impact on employment.

On a much larger scale, it is notable that the applicants had no cogent response to CHAIN’s point about the comparable density of jobs which would be attributable to a waste incinerator, admitted as being less than 50, compared to the mixture of industries currently located on Midpoint 18. A ratio of 37 to 1 (CH1/38). We agreed that the site has qualities, its geographical position within the region and proximity to the motorway, which means there is a potential magnet for employment. However, building a waste incinerator with up to 50 jobs would mean excluding 37 times that number, approximately 1850, that could be located there when the economic climate improves.

We now move on to the applicant’s unbelievable claims about the tenuous, to the point of being invisible, link between permission to build a waste incinerator and the creation of 3000 jobs (or was

it 5000?) in Middlewich. To be fair, the applicant hedged its bets under questioning by admitting that it would be at least a decade after an incinerator commenced operations before anything like that number appeared, long enough for so many other factors to muddle the picture that any such speculative assurance should be considered meaningless by the Secretary of State.

CHAIN has deliberately decided in this summing up not to enter into the convoluted and arcane debate about the financing, in whole or in part, of a Middlewich By-Pass, which took up so much time in the Planning Inquiry. In our view it was a deliberate ploy by the applicants to distract attention from the purpose of the Inquiry which is whether it would be appropriate and in the public interest to build a large waste incinerator close to the centre of a small English rural market town. The attempt by the applicant's witness in his evidence and under cross examination to convince the Inquiry that the only possible way that the town might obtain the benefits of a by-pass would be by having a waste incinerator which would destroy the character of the town, was entirely unconvincing and without substance.

Perhaps the best indicator of the weakness of Covanta's case has been its abject failure to convince any group of stakeholders in the area that a waste incinerator would be in their interests. Unsurprisingly, letters of support were provided by a couple of parties, Pochin's and British Salt which is part of TATA, who have a vested interest and, we suggest, should be taken with a large pinch of salt! Most significantly the people of Middlewich and the surrounding areas, those who might benefit if the exaggerated claims about job creation were to materialise or would receive a discount on their electricity bills, continue to say no to the incinerator, in passionate and eloquent terms, as we saw in Middlewich Civic Centre in March. That also applies, of course, to the various

parish councils and Cheshire East Borough Council whose experienced members have looked at the socio economic costs, the health risks, stress on residents and the traffic issues and the alleged benefits, in this case the jobs and the by-pass, and continue to give a unanimous thumbs down to Covanta's proposal.

EFFECT ON MIDDLEWICH AND SURROUNDING AREAS OF THE INCREASED TRAFFIC GENERATED BY THE PROPOSED WASTE INCINERATOR

CHAIN believes that it has clearly demonstrated in its evidence/proofs the unsatisfactory traffic flow situation that is currently present in and around Middlewich, especially at peak flow hours (AM & PM). There should be little doubt remaining on this unacceptable situation under normal conditions. However, an increasing number of vehicles on the road network in and around Middlewich and, on fairly frequent occasions when traffic has to be diverted from the M6, give rise to a rapidly approaching unsustainable state of affairs for the people of Middlewich.

Construction of the Eastern By-Pass, if it takes place in the foreseeable future, would not substantially change the unsustainability of the increased traffic flow in the centre of Middlewich. It would, effectively, put an intolerable load on the Pochin roundabout and traffic would likely back down into Middlewich town itself!

CHAIN would like to summarise some, in its opinion, important points that arose during the cross-examination of Covanta's Expert Witness, Mr. Stoneman, on the subject of traffic and transport.

- The PB traffic Surveys included a road (the A530) where HGVs would travel to and from Middlewich town centre. It was pointed out during the Inquiry (by CHAIN's Mr. Davies) that HGVs could not travel this road because of the low aqueduct bridge just outside the town centre! This does have an unknown effect on the traffic flow surveys in and around Middlewich town centre.
- Official DoT figures for 2008 show that the A54 has 3000 HGV's per day on this road from J18 of the M6 to the Pochin Roundabout. These figures confirm that this is already four times the national average for this type of road. The recently sanctioned land fill operation on the A54 with permission for up to 344 HGV movements per day (172 in and 172 out) and the Covanta operation with 292 HGV movements (146 in and 146 out) would be additional to the above figure. This represents over 600 extra HGV movements per day over a 8 or 9 hour period and this figure does not include any new operations that will clearly wish to use this road since it has direct access to the M6 (eg Kuhne & Nagel and Wincanton have already taken up residence on Midpoint 18 and operations have commenced).
- In order to ensure that traffic around the Pochin roundabout will not impede the operation of their plant, Covanta have put forward a proposal to alleviate the daily traffic congestion in the town centre on the A54. This proposal would result in the installation of equipment at the main town traffic lights to allow more 'green time' to the A54 west bound traffic but this is at the expense of queuing traffic for north bound vehicles through the centre of the town on the A533. This A533, the Sandbach Road, already has a record accident rate which is currently over 50% more than the average for similar roads and conditions. Furthermore, whilst

Covanta are dismissive of any concerns raised on this issue it has come to light that the change to the sequencing of the main town centre traffic lights WILL result in the north bound queues being almost 5 times longer than they are at present. (The CES gives less than 20 pcu's at present with predictions of 82 to 96 pcu's if the changes go ahead) Despite statements to the contrary there is clear evidence that this will result in rat-run traffic going on to 3 of the main schools in the town. There is now substantive and quantifiable evidence on the Video/DVD as presented at the PI to show what would happen when extensive queuing does occur on the A533.

- Initially CEC's position on the Traffic situation in reference to the incinerator was that they had no concerns with 'highways issues' and this was based on design criteria ie. DMRB (Design Manual for Roads and Bridges) and COBA speed curves etc (Cost Benefit & Analysis) but this took no account of the specifics or the further detailed information which has now emerged. Whilst CHAIN cannot speak formally for CEC, it would now appear that because of the significant changes, now proposed (by the appellant), the clear and unequivocal statement has been made that The Council considers the reliance on road transport is unsustainable. (CEC 7 para 2).
- The A54 between the Pochin roundabout and the signalised junction of the A54/A533 has an accident rate higher than the national average (CES Section 8, Traffic & Transport P.107, 8.4.30). The A533 to the south of the signalised junction of the A54/A533 has an accident rate double that of the national average (CES section 8, p.123 8.7.37). It is clear that traffic flow levels (current and projected) would increase substantially on present levels. On these

19th century designed roads, does anyone honestly not believe that accident rates would increase markedly?

CHAIN believes that traffic surveys and statistics do not necessarily portray the real picture on the current and projected traffic situation in and around the roads of Middlewich. It wishes to make a strong and robust protest on behalf of the people of Middlewich who believe that traffic saturation is already present on the roads in question and that any further additions would increase their fear of increased congestion and accidents.

ENVIRONMENTAL ASPECTS IN THE CES AND FOLLOWING ADDITIONAL STUDY WORK ARISING FROM REGULATION 19.

Pre Regulation 19, environmental work centred around the CHP pipe line to British Salt, the Grid Connection and the proposals for a GCN Receptor Site, which included the creation of 3 ponds, 4 hibernaculares, wet grassland and areas of scrub.

The main concern, prior to the latest study, appeared to centre around the GCN and mitigation attempts designed to support sustainable life of this species. During CHAIN's cross-examination of Covanta's Expert Witness, Ms. Elizabeth Spedding, several concerns were expressed and these are summarized in CHAIN's witness statement.

Wider environmental work, recently completed following Regulation 19, and now incorporated into

the last edition of the CES, concerns ecology aspects arising from the labyrinth of CHP pipes distribution to the rest of the Midpoint 18 land area. This latter environmental study opens up a much more serious problem with respect to protecting the current ecological balance in the area. We are now looking at a totally different picture regarding protected species, established flora and the physical dimensions of the new area involved (ie phase 3 of Midpoint 18).

Recent study work appears to have highlighted the following species habiting or that may habit this area:-

Otter, Water Vole, Kingfisher, Badger, Bat, GCN and Lesser Silver Water Beetle (LSWB).

Clearly, a study can only give the positive and the indicative but in the species referred to above, the LSBW situation is one of national concern. It is considered a “near threatened” species and is on the “Red” list. More worrying is the fact that there appears to be only 4 sites in the whole of the country where this species thrives ie Cheshire, Wrexham, Flintshire and Somerset. Its continued propagation depends on some interesting facts such as, it thrives where cattle poach near to its pond habitat.

Are we really serious in putting this species at risk on this site?

There certainly won't be any grazing cattle on this site when Midpoint 18 is fully developed.

In addition to creature species, the area now involves 2 different categories of land sites, nationally designated and locally designated. There is a nationally designated site within 450 metres of the study area. This is a “rare site” in that it supports unusual fauna and flora. This is owing to the salt deposits in this area and this type of salt laden area, inland, is unusual. The fauna and flora present on this site is correspondingly rare.

There are locally designated sites of biological interest within 2 kilometers of the study area, Cledford Lane Lime Beds and Union Gorse. The Cledford Lane Lime Bed area supports diverse flora and is of ornithological interest, primarily for wintering birds, including the Green Sandpiper, one of a type noted as “uncommon” in this part of the country. There are diverse flora species also present in this area with some reasonably rare specimens. The Union Gorse area is primarily woodland and represents a varied and valuable tree cover in a sparsely wooded area.

In summary, we now have an extended area under scrutiny which, if this development proceeds, stands a chance of partial destruction of its environmental heritage. Being strictly realistic, we all know that mitigation only works to a degree and that loss does occur. There is a chance here that near endangered species will be wiped out completely in this area and this is not acceptable. We could have an ecological disaster on our hands, all because we intend to build an industrial plant, within this area, which we do not need.

FINALLY, PROJECTS OF THIS NATURE IE THE WASTE INCINERATOR, DEPEND ON LOOKING AT THE BENEFITS AND DISADVANTAGES OF THE PROPOSAL. CHAIN AND THE PEOPLE OF MIDDLEWICH HONESTLY BELIEVE THAT, IN THIS CASE, ON THIS PROJECT, THE DISADVANTAGES FAR OUTWEIGH THE VERY FEW BENEFITS THAT WOULD ACCRUE TO THE PEOPLE OF MIDDLEWICH. WE THUS URGE THE INSPECTOR TO TURN DOWN THIS PLANNING APPLICATION.