

CHAIN

Cheshire Anti Incinerator Network



News Release

18 December 2012

Northwich can still avoid incinerator disaster

Following confirmation that funding would be available, CHAIN and fellow Northwich campaign group, SID, requested an expert opinion on the feasibility of a legal challenge to the decision by the Government to allow the TATA/E-ON Northwich waste incinerator. Accordingly, Mr Anthony Crean, the eminent QC who represented Cheshire East Council in their successful action to prevent a waste incinerator in Middlewich, was instructed.

We have now received Mr Crean's advice and, according to our solicitor, he believes that 'CHAIN has strong grounds and should win' a legal challenge on a number of grounds about which he provided details.

In very brief summary, these grounds are:-

- 1 There is already permitted waste incinerator capacity, such as at Runcorn and Ince Marshes near Frodsham, which far exceeds requirements in Cheshire. (In fact, they will be capable of burning more than 10 times the amount of domestic waste generated in the county)
- 2 The negative impacts of the incinerator development on the human rights of local people.
- 3 Procedural unfairness in the Planning Inquiry process.

Mr Crean also argues that a number of national and local planning policies were not applied correctly. Finally, and very importantly, he contends that there is no justification for the inconsistency between the decisions regarding incinerators in Middlewich and Northwich.

Brian Cartwright , Chairman of CHAIN stated:-

"This is very encouraging news for the people of Northwich. It means that all is not lost in their fight against the incinerator. I again express our thanks to the nine CWAC Councillors and Rudheath Parish Council for their financial support in getting this far in the legal process. We did say that if Mr Crean advised that the case was hopeless we would have to walk away. However, he has actually said something very different and we now owe it to the local community to carry on the legal struggle. It would be unthinkable to ignore the advice of Mr Crean who is one of the most proficient practitioners in this area of law. Working again with SID, we are urgently asking CWAC Council to finance going to the next stage in the legal procedure. Time is fast running out. Most people now agree that what would be one of Europe's largest waste incinerators at the edge of our town centre would be a disaster and we trust that the Council will show its commitment to preventing that by using some of the council tax it collects in the locality to support a legal challenge."