

CHAIN

Cheshire Anti Incinerator Network



Closing Statement

1. Prior to its comments on the nine issues that the Secretary of State has asked to be informed on in respect of TATA/E-ON's application to build a Sustainable Energy Plant (SEP) at the Lostock Northwich site, CHAIN would like to make the following general observations which have become apparent during the Public Inquiry (PI):-
2. Communication with the General Public on this application has been poor. CHAIN and the Rule 6 parties in the PI have repeatedly drawn the Inspector's attention to lack of information available to local residents, inadequate discussions with local Parish Councils and a tardiness in replying to requests for information from local inhabitants. Even the Central and Eastern Cheshire NHS and Cheshire and Merseyside HPA have commented adversely on communications, especially on health perceptions and fears, which have taken place between TATA/E-ON and the General Public on this application (CHAIN/ 5b App17). In CHAIN's opinion, it is simply not good enough to do the minimum required by the rules and regulations on a matter of prime

concern to the people of Northwich on such a major and fundamental development as the SEP.

3. A great deal of emphasis, throughout the Inquiry, has been placed on factual and proven evidence, especially on human health matters. Clearly this is important, but not to the extent whereby evidence on adverse health matters is dismissed entirely if it is not peer reviewed and proven, beyond doubt, by the respective health advisory bodies. CHAIN believes that there is a place for, and some weight should be given to, both sides of the argument on health considerations and when doubt exists, the "Precautionary Principle" is a wise way forward. On too many occasions in the past, we have proceeded in situations where there was some doubt on adverse health effects, only to our detriment and regret (asbestos, thalidomide, many manufactured chemicals now known to be carcinogenic etc etc). Either way, the public's fears and perceived impact on adverse health matters of this development are important, and we respectfully suggest that the Secretary of State should take due note of the feelings of the people of Northwich on this matter.
4. CHAIN fully supports the concept of energy from waste but believes that there are cleaner, greener, modern technologies which are

environmentally more friendly and achieve the same goals.

Throughout the PI, TATA/E-ON and its Expert Witnesses have put Energy first and waste processing in second place. The plethora of new guidelines and papers on the subject appear, at first sight, to promote this concept. There should, it appears, be a “dash for renewable energy” policy, overriding all other considerations and at any cost! CHAIN believes that the latest policies (The Government Review of Waste Policy for England 2011, EN-1 and EN-3) give due weight to other factors and that SEP developments such as the TATA/E-ON application should pay due attention to where they are sited with regards the resource and in accordance with local and regional waste policies, including taking into account existing waste treatment capacity. Furthermore, commercial considerations should not be a prime consideration when planning is determined and all costs, desirable and undesirable, are important factors to be taken into account.

5. It became clear during the Inquiry that the TATA/E-ON presentation on alternative technologies for the SEP application had not been researched as thoroughly as it should have been. Recent developments in Plasma Arc Technology (CHAIN/100) are at the stage where plants of a similar size to that of the SEP are about to be installed in the UK.

This kind of technology would alleviate many concerns that CHAIN has on unacceptable emissions from waste treatment plants. In addition, a re-cycling/composting/pyrolysis project, the Bedminster Proposal, has already gained planning permission on the Lostock site. It is clear that TATA/E-ON has never looked at the possibility of producing steam and electricity from this type of technology whereas steam/electricity could be a product of this already sanctioned project. It was also apparent that TATA/E-ON's Expert Witness on this subject was unaware of the global plants Bedminster has had working on this technology processing in excess of one million tonnes/annum of waste arisings (CHAIN/105). It is unfortunate that the Alternative Technology research, carried out by TATA/E-ON's Expert Witness, was not an exhaustive submission on the subject.

6. At this PI, the main parties, TATA/E-ON and CWAC, have had sound legal advice and impressive advocate presentation. It should be clearly understood that the extent and degree of third party representation in opposing this application, without the benefit of legal advice, is a clear indication of the adverse reaction of the residents of Mid-Cheshire to this SEP. Whilst these third party objectors have not had the representation or resources to research and present their case in the manner they would have ideally chosen, CHAIN is of the opinion that

their principle objections are, in the main, over and above those put forward by CWAC. In particular, the perceived unsatisfactory aspects of health, transport, landscape, socio-economic and sustainability would not have been brought to the attention of the Secretary of State, via the Inspector. It could and should be perceived by the above that the efforts made by these third parties are a clear indication of the depth of feeling existing, in and around the town of Northwich, to this SEP development.

7. Turning now to the nine issues that the Secretary of State has specifically drawn to this Inquiry's attention:-

8. The first issue is:-The extent to which the proposed development would be in accordance with the relevant development plan(s) for the area, and in particular, policies 1, 2, 3 and 34A of the Cheshire Replacement Waste Local Plan (2007).

8.1. Policy 1 in the CRWLP deals with "Sustainable Waste Management" and states that a development must demonstrate 5 aspects (a-e). This development (SEP) clearly does not satisfy the objective of enabling waste to be disposed of in one of the nearest appropriate

installations (item b). If, as is the case here, waste will be travelling long distances (from virtually any location in the UK), it could not be construed that the nearest appropriate installation had been used. Clearly item c would not be satisfied since, despite PCT/HPA recommendation, the opportunity for maximising rail transport for transporting waste has not been pursued. The last issue e, to optimise the use of previously developed or used land or buildings, can only be satisfied if the search for optimum alternative technologies for this SEP had been fully researched. In CHAIN's opinion, it has not and therefore the optimum use of land/buildings has not been carried out. Since 3 items b, c, and e have not been fulfilled, it is concluded that Policy 1 has not been satisfied.

- 8.2. Policy 2 in the CRWLP deals with the Need for Waste Management Facilities. There is clearly no need for this development to treat waste arisings in Cheshire. It is thus a purely commercial matter to satisfy TATA/E-ON's ongoing manufacture of certain products. This theme is further developed under item (iii) of the Secretary of State's request for information but the development does not satisfy Policy 2 regarding overall need for waste management facilities.

8.3. Policy 3 in the CRWLP deals with the phasing of sites for landfill/landraise and/or thermal treatment. The proposed site is a designated site in the Cheshire Replacement Waste Local Plan (2007) for thermal treatment and hence this policy is satisfied.

8.4. Policy 34A deals with the ability of the Application to satisfy 2 criteria:-

- a. It makes provision for energy recovery.
- b. It uses a waste stream that has already been subject to source separation of recyclate and/or treatment and recovery of recyclables prior to thermal treatment.

The application satisfies the first criteria, a condition has been agreed to go part way into satisfying the second criteria but CHAIN is not fully convinced that efficient and substantial source separation will be carried out on all waste fed to this SEP.

Overall, this application does not fully satisfy the Policy Statements 1,2,3 & 34A in the Cheshire Replacement Waste Local Plan (2007).

9. The second issue is:-The extent to which the proposed development will maximize the opportunities for waste to be managed in accordance with the waste hierarchy, minimize avoidable carriage of waste over

long distances and take advantage, where practicable, of opportunities to transport waste by rail and water.

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9.1. The overall trend in the volume of waste produced in England is in decline (CD4.4 pages 5, 10 & 17). All areas of the UK are increasingly re-using and re-cycling material from waste. The management of waste is thus in an upward direction as far as the Waste Hierarchy is concerned. Incineration with energy recovery is towards the bottom of the waste Hierarchy and likely to remain on the last but one level of the waste Hierarchy. It must surely follow that the emphasis must be placed on continually moving waste in an upward direction and this could be compromised if large quantities of waste are required over the next 25-30 years (the lifespan of the new SEPs in the UK) for the increasing number of scheduled and planned waste incinerators in the UK. One has to conclude that this SEP will not maximize the opportunities for waste to be managed in accordance with the Waste Hierarchy.

9.2. This development (SEP) will not minimize the avoidable carriage of waste over long distances since it is stated in the Application that waste will be transported considerable distances; 200 miles has been indicated. Regarding the opportunities to transport waste by

rail, the PCT/HPA letter of 3 February 2011 (CHAIN/5b, App17) recommendation that “planning conditions include measures to ensure that the bulk of fuel deliveries come by rail” has not been accepted by defining the quantities which will be transported in this way. It is concluded that this issue has not been satisfied.

10.The 3rd issue is :- The extent to which a need for the proposed development as a means of managing waste has been demonstrated, in particular by reference to the capacity of existing waste management facilities in the sub-region.

10.1. CHAIN believes it has demonstrated, during its Evidence in Chief, that the capacity of existing and secure planned facilities for waste treatment in Cheshire is far in excess of the decreasing waste arisings in Cheshire. The so-called areas of doubt in the above statement, which have arisen during the PI appear to be centred around whether secure planned capacity should be considered and what exactly is meant by sub-region.

10.2. Commonsense should surely prevail when considering the waste treatment capacity that will become available well before this SEP is

in operation. CHAIN believes that it is a fallacious argument to only bank on those waste treatment facilities that are actually processing waste at this moment in time. How can one not take account of a waste treatment facility, such as INEOS CHLOR, Runcorn, which is half way through actual construction! It is clearly more sensible, irrespective of what the new guidelines dictate, to make an honest estimation of the certain projects that will come to fruition (especially when halfway through construction) over the next few years. Taking this constructive approach, CHAIN has demonstrated that there is no need for this SEP from a waste management point of view.

10.3. The sub-region argument is rather nebulous. The above rationale includes Cheshire, but even if one includes the whole of the North West Sub- Region, there is good evidence to suggest that the area already has sufficient planned waste treatment capacity to deal with a much wider geographical area.

10.4. CHAIN thus concludes that this issue is clear on planned waste management capacity and concludes that self sufficiency will be satisfied, without this SEP, in the next few years.

11.The 4th issue is:- The extent to which the proposed development is consistent with the objectives of the Government's policy on the energy mix and maintaining a secure and reliable supply of electricity, as the UK makes the transition to a low carbon economy and achieving climate change goals.

11.1. Overall, CHAIN is of the opinion that this issue is mainly pertinent to large power stations producing only electricity. The SEP is a commercial venture to deal with TATA/E-ON's need for steam and small amounts of electrical energy (small in comparison with overall public consumption figures) for its chemical production capability at the Lostock site.

11.2. CHAIN has pointed out that TATA/E-ON already have a "state of the art" CHP gas fired plant at its Winnington site which has more than sufficient energy capacity to service both Winnington and Lostock sites. Since gas is a relatively clean fuel, does feature large in the Government's future policy on energy mix (CD/4.21, 3.8.19 & 3.3.4) and fires a plant that has many years of useful life left in it, CHAIN would cast great doubt on the need to build a further energy plant (the SEP) with its attendant undesirable features. In

particular, the need to transfer waste large distances to service the SEP is clearly a carbon emitting exercise, whichever way one looks at it.

11.3. TATA/E-ON compare the carbon footprint of the SEP only to that of landfill, as though that will be the only alternative solution for the next 25 years, instead of comparing to other newer technologies. Irrespective of the carbon footprint calculations portrayed for this SEP, which CHAIN think are not all embracing enough for meaningful comparisons with the alternatives, waste burning plants do emit large quantities of CO₂ (a greenhouse gas) into the atmosphere. It was agreed at the Inquiry (and CHAIN has presented proof in its references – CHAIN/4b App 6) that for every tonne of waste burned, up to one tonne of carbon dioxide is emitted from the exhaust stack. The argument of inherent carbon composition is not relevant here. This carbon is actually emitted into the atmosphere in the form of carbon dioxide gas. For this SEP, therefore, we would have up to 600,000 tonnes per annum of carbon dioxide emitted into the atmosphere around Northwich. As CHAIN indicated in its evidence in chief, this quantity of carbon

dioxide is equivalent to that which would be emitted along a 50 mile stretch of a typical motorway (CHAIN/4b App6)!

11.4. Would this SEP make a step towards the transition to a low carbon economy and contribute to achieving better climate change goals?

CHAIN, on the evidence above, doubts this and thus concludes under issue (iv) that this objective is not satisfied.

12.The 5th issue is:- Concerns about perceived health impacts of the proposed development.

12.1. Since this issue concerns itself with “perceived health impacts”, CHAIN does not intend repeating its concerns about possible direct health impacts of this proposed development. During its evidence in chief, CHAIN developed the theme of perception of risk. Community or peoples’ fear/anxiety on health impacts is concerned with the perception of risk. It was pointed out that it was not surprising that people are fearful of this development when a letter from the PCT/HPA (CHAIN/5b App17) was far from convincing regarding the current state of knowledge on health matters pertaining to this SEP. Perception of risk is an important factor which the public either knowingly or unknowingly have at the back of their minds relating

to the siting and presence of facilities that might be construed as posing a threat to health.

12.2. There is little doubt that liaison with the public on health matters has not been good (PCT/HPA letter, CHAIN/5b App17). The PCT/HPA actually say in their letter of 3 February 2011, and I quote:- "It is disappointing that there was no engagement with organizations, beyond district, town and parish councils, who represent particular sections of the community. Perceptions and fears can have important psychological effects on health and should not be underestimated. Addressing perceptions and fears needs more than the presentation of facts. We recommend that further work be done to engage the community, not just inform them, but respond to their perceptions and fears".

12.3. CHAIN is not aware that any further constructive discussions have taken place with the general public on perceived health impacts of this development by TATA/E-ON following the implied criticism by the PCT/HPA above. Clearly, there is an overriding fear from the people living in and around Lostock on the possible adverse effects which could ensue from the siting of this SEP. An analysis carried

out by DECC (CHAIN/5b App18) on the 4,000 letters of objection raised against the SEP indicated that health, 33.7% on the bar chart, is a major concern to the local populace.

12.4. It is concluded that there is much concern about perceived health impacts of the proposed development.

13.The 6th issue is:- The impact of constructional and operational traffic associated with the proposed development on the local highways, including users and safety.

.1 The impact of construction and operational traffic associated with this proposed development received much attention during the Inquiry proceedings and reflected the scale of genuine public fears and concerns. This was supported by the number of written objections to DECC on the topic (CHAIN/7b App19 – 47.4%) and the contributions by members of the community at the evening meeting of the PI.

.2 Adverse impacts of construction and operational traffic arises because the applicant proposes to site what would be one of the largest waste incinerators in Europe in a small industrial estate

almost entirely surrounded by densely populated relatively small scale houses, typically terraced or semi detached. Furthermore, the applicant intends to use a narrow, minor road which is already extensively used by passenger cars and commercial vehicles, to transport materials to and from the incinerator plant. The road is also prone to frequent periods when it is covered in dense fog-like steam vapour which comes from the existing chemical complex. Despite being repeatedly challenged by CHAIN to produce evidence of a similar development elsewhere operated by E-ON, no convincing example has been produced. The sole attempt in their document, TATA 32, failed for a number of reasons, including the fact that the incinerator was separated from the relatively sparse housing in the area by a long stretch of dual carriageway which is obviously used to service the incinerator.

- .3 CHAIN would like to highlight the traffic situation on the A530 King Street south from Middlewich Road to the roundabout on the A556 known locally as Morrison's roundabout This is a single lane minor road, 7metres to 5.8 metres wide, with residential developments on both sides, a service station and retail store and a number of intersections. This it bordered by narrow pavements, there are no yellow lines to restrict parking and it forms part of a recognised and

recommended national cycle route into the centre of Northwich. The cab width of a typical modern HGV tractor unit, such as a DAF XF series, as illustrated in CHAIN 115 is 3.20metres, including wing mirrors. This means that as far as HGVs are concerned, the road can accommodate only two vehicles across its width and even then it is a tight and hazardous squeeze. Clearly, this represents a serious danger to cyclists when being overtaken by HGVs and to other vehicle users when overtaking parked or immobilised vehicles. There can be no doubt that the road is not wide enough to safely cope with any increases in road traffic and particularly planned future traffic movements.

- .4 The applicant has provided copious statistics to justify their intentions some of which were debated and challenged by CHAIN and others during the Inquiry. However, in CHAIN's opinion, the key set of core numbers which emerge are the following:
- .5 In 2016, assuming the applicant's SEP and the other committed developments are operational, the average traffic flow on King Street between 7.00am and 7.00pm would be one HGV every 40 seconds and one car every 2.4 seconds (CHAIN/6b,App 4&8) These figures are astounding and help explain and justify the fears

expressed by residents about the impact such traffic would have on their health, their personal safety and quality of their lives. As many have said, "it would simply make life unbearable".

.6 CHAIN offers no apology for taking the effects of other committed developments into account. The arguments put forward by the applicant during the Inquiry that, because of the guidelines, future traffic flow developments are not relevant, is unreasonable and does not represent the real future situation. We note that they are 'guidelines' only and should not prevent the Inspector and the Secretary of State looking at the reality, and that reality would be one large juggernaut lorry driving on a narrow road through a residential area on average, and we stress it would be an average, every 40 seconds. Furthermore, we wish to record that CHAIN has discovered a significant error in the data provided by the applicant which understates the total number of HGVs which would be using King Street in 2016. This is addressed in CHAIN 117.

.7 The reaction by the applicant during the Inquiry, when the evident danger to pedestrians walking on the pavement along the A530 of passing large HGVs was demonstrated using the photographs included in CHAIN's evidence (CHAIN/6b App7). When it was

pointed out that the mother who was guiding her two young children on the pavement had no alternative to protruding her shoulder and arm over the road way and in the path of an oncoming HGV, the response was unacceptable. In effect it was 'pedestrians beware' even if they are going about their lawful business walking on a pavement looking after their children. This comment was not considered satisfactory by CHAIN on purely safety considerations.

.8 The applicant has argued that the remedial measures they have proposed will solve the problems that we describe here. In our opinion, which is shared by the local community, as shown at the evening meeting of the PI, this is wishful thinking. The provision of traffic lights and a pedestrian crossing are far more likely to make a bad situation worse by causing long traffic queues and creating higher levels of emissions pollution by engines idling as they slow down, halt and accelerate again as pointed out in CHAIN's evidence in chief.

.9 Prospective health problems, including physical and mental health, associated with the increased traffic due to the SEP have been addressed by the authorities who have extensive medical

expertise in the field and detailed knowledge of the health profiles of the local population. CHAIN, refer to the Central and Eastern Cheshire NHS Primary Care Trust. In the recommendations contained in their letter of 3 February 2011 (CHAIN/6b APP1), Dr Grimbaldston of the PCT and Dr Stewart of the Health Protection Agency recommend that 'planning conditions take account of the worst case increase in road traffic and include measures to ensure that the bulk of fuel deliveries come by rail'. It is CHAIN's strong contention that the fears about the health impacts of this development, particularly relating to road traffic, would, at the very least, be partially allayed if the applicants fully implemented their recommendations.

- .10 It is appropriate here to take a look at the situation on the southern leg of the Morrison's roundabout particularly the stretch of the A530 leading up to the entrance to Morrison's distribution centre. This length of road was rebuilt as dual carriageway to service the many vehicles which access Morrison's premises and it certainly meets that objective. The vastly increased number of HGVs that would use King Street and Griffith Road justify a similar solution but, of course , it is not feasible. Hence, the suggested

solution being proposed, is unconvincing and takes unwarranted risks with peoples safety.

.11 In summary, there would be the large number of HGVs constantly moving on King Street and Griffith Road between 7.00am and 7.00pm, in winter months, with much of the time in darkness. The average number is one HGV every 40 seconds on a single lane road but there would be many occasions when, logically, the flow would be at a higher rate than this. CHAIN contends that the worries the community has about the implications of increased traffic on the local network are well founded and realistic. If the SEP becomes operational, in CHAIN's view, it would only be a matter of time before somebody was killed or seriously injured whether they be pedestrians or cyclists or vehicle users. On transport and traffic grounds alone, the Secretary of State owes it to the people of Northwich to refuse the application.

14 The 7th issue is:- The visual impact of the proposed development.

- .1 The SEP would be a combination of very large buildings (highest 48 metres) with two extremely high exhaust chimney stacks (90 metres). The enormity of these structures, irrespective of the industrial nature of adjacent chemical plant buildings, would stand out and the exhaust stacks would be visible for many miles.
- .2 Landscape and photomontages, at best, give an idea of the visual impact on the surrounding area but invariably do not portray the development at its worst with respect to adverse visual effects on those who have to live and work in this vicinity.
- .3 Landscape and visual impact are two crucial assessment factors since their effect is felt on an everyday basis, especially to local inhabitants. During the Inquiry, CHAIN drew attention to the basic guidelines on landscape matters (CD/11.6) and pointed out that certain stakeholders had not been given adequate discussion time on matters of visual impairment. The guideline is quite clear on this particular design pointer (CD/11.6) i.e. that stakeholders (people who would be in the immediate vicinity of this development) should have an involvement on this aspect of the development if the judgments made are to command wide

support. CHAIN maintains that whilst consultation of a kind has taken place, the nett outcome is that the majority of people living in the immediate area, whose lives would be affected by the development, believe that it would have an adverse effect on the landscape and their own particular visual amenity. On visual impact, the percentage marking of adverse effect in the analysis carried out by DECC (CHSAIN/5b App18) in the 4,000 letters of objection raised against the SEP was 18%.

- .4 Visual impact is largely subjective but on this development, there is clearly strong feeling amongst the populace that it would have an unsatisfactory visual impact and visual impairment would result.

15 The 8th issue is:- The cumulative impact of the proposed development with other proposed and operational developments of a similar nature within the region.

15.1 There is little doubt that numerous other developments of a similar nature are planned in the immediate future within the region (CHAIN 3, page 1, table).

15.2 In its evidence in chief, CHAIN drew attention to the lack of actual health statistics on the effect of operating multiple incinerators in relatively close proximity. TATA/E-ON has provided modeling studies only in their attempt to negate this aspect and risk. CHAIN wishes to draw attention again to two important facts on the aspect of operating multiple waste incinerators in relatively close proximity:-

- a) Health Protection Scotland, The Scottish Environment Protection Agency and NHS Scotland clearly have concerns on this issue since they recommend in their recent report "Incineration of Waste and Reported Human Health Effect" (CHAIN/5b App15), that "Planning controls should prevent new incinerators being sited within the locality of existing facilities".
- b) The PCT/HPA in their letter of 3 February 2011 (CHAIN/5b App17) say:- "Given that the impact of multiple sites is both controversial and under-researched, the presentation of zones of maximum deposition as points on a small scale map with a statement of "no-risk" is not the best way to test the cumulative impact of such sites. We recommend that a condition of planning is that the applicant is required to undertake further work to examine the possible impact of multiple sites on health".

15.3 Owing to the possible risks to human health, it is concluded that the cumulative impact of the proposed development with other proposed and operational developments of a similar nature within the region, requires further investigative work, preferably before this development receives planning permission.

16 The 9th issue is :- The proximity of the proposed development to residential dwellings and other non-industrial units.

16.1 TATA/E-ON has repeatedly referred to the Lostock site as being predominantly an industrial area. This is not strictly correct. The nearest residential dwellings are approximately 300 metres away with a direct view of this development. Furthermore, the urban village of Rudheath lies along one side of the current works and the residential homes in Lostock Gralam are not much further away. The site may be industrial, but this area is a mixed urban/ industrial complex. Within half a mile of this proposed development there are 2 children's playgrounds, over 200 residential homes with planning consent for a further 200, a sheep rearing farm and the Trent and Mersey Canal together with its footpath which runs alongside the plant. The town of Northwich lies within a mile of the site as do several major retail outlets

including Tesco, Sainsburys, B&Q and Argos and several schools and nurseries. If this application is granted, over 10,000 people within the Northwich area will live within 2 kilometres of this development.

16.2 Northwich is undergoing major regeneration. There are well advanced plans for major housing developments within a short distance of the current site and the “Northwich Vision” concept is still a reality.

16.3 For years, ICI and latterly Brunner Mond, now TATA, and other chemical manufacturing companies have occupied the area in question. Over the last decade, chemical manufacturing operations have notably diminished whilst new housing development has increased in the area. There is a groundswell among local people who believe that heavy chemical industry on this site has had its day. The general feeling is that after many, many years of chemical manufacture in the area, it is time for a change.

16.4 In the DECC analysis (CHAIN/5b App18) proximity fears that this development was too close to housing scored 18.2%. It is

concluded that the nearness of this development to housing and other amenities is a cause for concern among local people.

17. FINALLY, PROJECTS OF THIS NATURE (SEP) DEPEND ON LOOKING AT THE BENEFITS AND DISADVANTAGES OF THE SEP. CHAIN AND THE MAJORITY OF THE PEOPLE OF NORTHWICH HONESTLY BELIEVE THAT, IN THIS CASE, ON THIS DEVELOPMENT, THE DISADVANTAGES FAR OUTWEIGH THE FEW BENEFITS THAT WOULD ACCRUE TO NORTHWICH. WE URGE THE INSPECTOR TO RECOMMEND TO THE SECRETARY OF STATE THAT THIS APPLICATION BE REFUSED PLANNING PERMISSION.
