

# CHAIN

## Cheshire Anti-Incinerator Network



11 December 2014

Good evening Mr Chairman and Councillors. My name is Hilary Cartwright and I am a Member of the CHAIN committee (Cheshire Anti-Incinerator Network) which represents some 25,000 people across Cheshire who are against the building and operating of incinerators in this county.

TATA/E-ON gained planning permission from the Secretary of State at the Department of Energy & Climate Change (DECC) in 2012 to build and operate a 600,000 tonnes per annum waste incinerator in Lostock, Northwich.

Unsurprisingly, they are unable to win enough waste contracts to fill this plant, and it came to our notice that they have had discussions with CWAC on the feasibility of building a 300,000 T/A incinerator instead. This fact has been confirmed to us by CWAC. You can imagine how amazed we were to be told that there are no written or telephone records of what took place during these discussions considering the sensitive nature of this subject to so many thousands of people.

CHAIN believes that should TATA/E-ON wish to construct and operate a 300,000 T/A incinerator instead of the 600,000 T/A plant for which it gained planning consent, then TATA/E-ON must submit new plans to that effect. We believe that to go ahead without new planning permission would be contrary to the conditions laid out in the Consent and would leave the construction of this plant open to Judicial Review for the following reasons:-

1) The Consent granted by DECC was subject to the condition that, *“The Development shall be constructed and operated in accordance with the details contained in para 2 of this consent and the application of the Company in respect of the development dated 24 February 2010, as amended 21 September 2010 and 1 July 2011, subject to any minor changes which may be approved by the Council pursuant to the requirements of deemed planning permission.”*

There is no way that the proposed changes by TATA to the original planning consent can reasonably be deemed “minor”.

2) The original application to build a 600,000 T/A plant was made directly to DECC under the Electricity Act 1989 because the proposed plant would have a capacity exceeding 50MW. The Electricity Act is designed to deal with power stations of strategic national importance. The new proposed 300,000 T/A plant is not classed as a power station of strategic national importance and would not be subject to this act but instead would be covered by the Town & Country Planning Act 1990 and the decision would be determined by CWAC. A similar sized plant proposed by Covanta in Middlewich, which also went to Public Inquiry in 2011, was turned down by the Secretary of State for Communities and Local Government, Eric Pickles. It is safe to assume that had TATA/E-ON proposed this 300,000 T/A EFW plant in 2011, it too would have been rejected by him.

4) At the Northwich Public Inquiry much was made of TATA's need for energy for its two sites at Winnington and Lostock. Since then TATA has announced the closure of most of the Winnington plant and has acquired ownership of the Winnington gas power station from E-ON and E-ON's interest in the proposed Lostock incinerator plant. We therefore call into question TATA's need for this plant in order to meet its now much reduced energy requirements at both of its Northwich sites.

When the original proposal was put before this Council, it was rejected on several grounds and CWAC fought it at the Public Inquiry in 2011 alongside CHAIN ,in support of the many thousands of concerned residents of Cheshire.

Those same points on which you objected then still exist today and we would request that CWAC insists on a new planning application from TATA should it wish to build this different 300,000 T/A incinerator to that for which it has gained consent and that such plans will be open to public scrutiny and consultation. We therefore trust that, once again, CWAC will support the people of Cheshire and turn down this proposal.

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