

Email from Rod Brookfield (CWAC Council) to Liam Byrne on 23 July 2014

From :Rod Brookfield
Subject:Northwich Waste Incinerator – Compliance with Planning Consent– Response
Date: 23 July 2014
To: Liam Byrne

Dear Mr. Byrne.

Thank you for your e-mail .

You will know, of course , Mr Jon Sutcliffe who represented the Council at the Public Inquiry. Jon has now left the Authority and the case load now falls to me to deal with.

I do agree with your comments to some extent. The current position is that TATA have yet to discharge any of the pre-commencement conditions in order to implement the permission. In principle, the whole of the built development must be constructed , in accordance with the approved plans, drawings, and conditions. However, the permission does not include a condition that specifies that the maximum capacity of the site must be met. Should TATA decide to make significant major changes to the layout, **phasing of construction**, or major revisions to site construction, **then a new planning application will have to be submitted to the Council for approval**. Minor changes may not require a planning application and can be dealt with through the submission of amended plans. This is quite common on major projects but the changes must have no or little impact on the environment or local residents

Such an application will of course be considered by the Planning Committee and will follow the full consultation process. It is possible that an application could be refused and become the subject of another appeal. I have to say that having gone through the Public Enquiry process for a 60MW , it may be difficult to refuse a lesser capacity facility.

The Council has already made it clear to TATA that the built development must be completed in full within the approved timescale. If TATA discharge all the conditions the operation can commence but I cannot take enforcement action if the full capacity of the facility is not met. The submission of schemes etc, to discharge a condition are not subject to the consultation process.

As we both know, TATA have announced they have not obtained some of the waste contracts which will impact on the energy production. It remains to be seen if the Lostock site will ever be implemented. I will of course inform you if there are further developments in the matter.

I hope this clarifies the situation.

Regards,

Rod Brookfield
Principal Planning Enforcement Officer
Cheshire West and Chester
Strategic Projects Development Management