



20 Western Avenue, Milton Park, Abingdon, Oxfordshire OX14 4SH  
T +44 (0)1235 821888 F +44 (0)1235 834698 E [rpsox@rpsgroup.com](mailto:rpsox@rpsgroup.com) W [rpsgroup.com](http://rpsgroup.com)

Our Ref: CF/rh/OXF10890

E-mail: [Lecointec@rpsgroup.com](mailto:Lecointec@rpsgroup.com)  
Direct Dial: 01235 821888  
Date: 24th September 2018

The Secretary of State for Business, Energy and Industrial Strategy  
C/o Ms N Williams  
Energy Infrastructure Planning Consents  
Level 3 Orchard 2  
1 Victoria Street  
London  
SW1H 0ET

Dear Ms Williams,

**APPLICATION ON BEHALF OF TATA CHEMICALS (EUROPE) LIMITED TO VARY THE SECTION 36 CONSENT DATED 2<sup>ND</sup> OCTOBER 2012 FOR AN ENERGY FROM WASTE GENERATING STATION AT LOSTOCK, NORTHWICH, CHESHIRE**

We write on behalf of TATA Chemicals (Europe) Limited (the 'Applicant') in respect of the above section 36C variation application submitted to BEIS on 21<sup>st</sup> June 2018 and advertised from August 2<sup>nd</sup> 2018. The consultation period for this application closed on 7<sup>th</sup> September 2018.

Now that the consultation period has closed, we address the issues raised within the consultation responses received, by way of this letter. The accompanying table summarises the responses received to date.

**1 HGV movements**

The higher power output 90MW Lostock Sustainable Energy Plant (SEP) will comply with the limitations on traffic movements imposed by the original planning consent granted on 2 October 2012. This means that the Applicant is not seeking to increase HGV movements beyond those permitted by conditions 8 and 9 which were previously found to be acceptable by the Secretary of State. Further, no change is being sought to the terms of the legal agreement requiring highway works to be carried out before the Lostock SEP becomes operational.

**2 Air quality**

As set out in the variation application and screening request, the emission rates for the higher power output 90MW Lostock SEP remain below the conservative rates reported in the original Environmental Statement. There is no change in the stack height and the reported levels of significance are unchanged.

**3 Efficiency, power output and CV**

Our aim is that the SEP makes use of the more efficient boilers and turbines now available on the market so that the plant will generate more energy per tonne of waste than the original consent. In recent years, boiler manufacturers have made significant incremental advances in corrosion-



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20 Western Avenue, Milton Park, Abingdon, Oxfordshire OX14 4SH  
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resistant surfaces, tubes and refractory protection of boilers, allowing for higher steam pressure, leading to higher steam temperature and a more efficient energy conversion process and hence more power output. Turbine manufacturers have been able to model and simulate different types of steam blades and now can reach over 90% efficiency.

For example, modern boilers and turbines are able to accommodate, by comparison with those available at the time of the original application, the following increases:

- in steam pressure from 48 Bar up to 85;
- in steam temperature from 410 degrees up to 450; and
- in thermal input i.e. plant thermal capacity from 207 MWth up to 240.

The increase in thermal energy that the plant equipment will be able to extract from the waste fuel at 240MWth will enable the plant to generate up to a maximum of 90MW gross of electricity, when the plant is not supplying TATA, due to boiler and turbine efficiencies.

Increases in energy efficiency are consistent with Government policy as set out in the National Policy Statement EN1 and the Permitting regime (Article 14 of the Energy Efficiency Directive 2012).

As stated at the Inquiry, in reality, the plant will process waste with a varying calorific value and will export varying quantities of steam, leading to varying electrical generation.

By itself, variance in the average assumed CV makes no difference to the plant energy output except that if the waste material received has a calorific value (CV):

- at or greater than the assumed average CV, the input of waste will be limited by the thermal capacity of the plant (ie the thermal capacity can be achieved with less fuel input and the energy recovery from the waste is therefore more efficient);
- less than the assumed average CV it will be limited by the number of traffic movements permitted by the existing consent conditions.

By optimising the boiler and steam turbine, more electricity output can be generated from the same heat input to the boiler as would be the case for the 60MW plant. In addition to supporting Government energy efficiency policy, the higher output plant complements the national recycling effort by providing essential thermal processing capacity for the residual material. In turn, the increased electricity generation contributes to urgently needed national renewable energy capacity, using waste that conforms with the original consent.

#### **4 Waste types**

The Applicant is not seeking to amend conditions 31 or 32 of the existing consent which regulate the fuel types to be used by the SEP.

In compliance with condition 31 of the existing consent, the fuel to be received at the SEP will be pre-treated waste and C&I waste and residual waste collected from a source or kerbside segregated waste stream.

No biomass will be used as fuel for the SEP, in compliance with condition 32 of the existing consent.

For the avoidance of doubt, the reference to biomass in the subject line of an email exchange between ourselves and the Council planning officer should not be taken to mean there is an intention to use biomass as a fuel. The reference used by the officer inadvertently referred to a council file reference



dating back to the early days of the planning application in 2010, before biomass was disallowed pursuant to the conditions of the section 36 consent in 2012. No credence should be given to any assertion to the contrary.

**5 Source of waste and potential for rail delivery**

The consent does not restrict the catchment area of the waste. In compliance with condition 11, the plant operators will keep under review opportunities to use rail deliveries.

**6 Supply of steam**

The SEP will be capable of supplying steam to TATA Chemicals (Europe) Limited in accordance with TATA's requirements.

**7 Cumulative effects**

As set out above and in the application, the environmental impact of the SEP was thoroughly assessed and considered at Public Inquiry. Such assessment considered the cumulative effect with other development existing at that time. More recent developments that were subject to Environmental Assessment would also have had to consider the cumulative effects of their schemes with other developments, including where relevant, the consented Lostock SEP. As such there should be no effect that was not properly captured and assessed either in the Lostock SEP or other more recently assessed schemes.

**8 Potential future applications**

Speculation over potential future applications is not a determining factor of this variation application. Should any such application be made, it should be assessed and determined on its own merits.

We trust that the above assists to clarify the applications and sufficiently addresses the points raised by consultees. Should you have any further questions or require clarification please do not hesitate to contact me.

Yours sincerely  
For RPS

A handwritten signature in black ink that reads 'CHRISTOPHER LECOINTE'.

CHRISTOPHER LECOINTE  
**Director of Environmental Planning**

Summary of consultation responses received via BEIS  
20th September 2018

No.	Consultee	Date	Type	Summary of issues raised
1	Statutory Consultee	02/08/2018	No comment to make	
2	Statutory Consultee	08/08/2018	No comment to make	
3	Private individual	21/08/2018	Objection	Applicant does not give clear indication of the effect of these changes, primarily: - what waste will be incinerated - will this increase have any effect on the amount of waste needed and the amount of vehicles needed - will this increase have any effect on the amount of pollution generated Main concern is that increase is due to incinerating more noxious or recyclable waste. Would be extremely disappointed to find out that this increase in output was due to the incineration of waste that can easily be recycled
4	Private individual	21/08/2018	Objection	Identical to No. 3
5	Member of Parliament	28/08/2018	Concern of constituents	Traffic congestion caused by 276 HGV journeys, including on single carriageways and narrow roads. Project will require waste to be imported from outside of Cheshire (uses same text/phrasing as CHAIN) Concern that there could be future variations which further increase traffic Cumulative impact with existing traffic density, air pollution and other plants
6	Private individual	31/08/2018	Objection	Object to application - no reasons given
7	Private individual	31/08/2018	Objection	Object to application - no reasons given
8	Local Interest Group	02/09/2018	Objection	Not clear that the technical case is made that the increased output can be generated from 600,000tpa waste Little details re CV change Concerns over future variations Concern over future removal of condition 32 LPA contracts with the potential to deliver waste by rail have all been let elsewhere. Any waste for Lostock will be delivered by road. Cumulative impacts with existing traffic density, air pollution and other plants
9	Private individual	03/09/2018	Objection	Fails to make clear the fuel stock used to create the change in CV, unclear if plant is sustainable 250+ traffic movements = impact on health according to scientific and medical evidence since plant was approved Suggests BEIS access incinerator study from Public Health England
10	Private individual	03/09/2018	Objection	Unclear how the additional output is to be achieved Cross references conditions 31 and 32 - it is difficult to understand how increase in energy output can be achieved without inclusion of plastic materials or higher CV value material such as biomass Questions availability of 600,000 residual waste given that recycling rates have improved Traffic congestion associated with HGV movements Cumulative impact with other EFW facilities
11	Rudheath Parish Council	04/09/2018	Objection	Nearly a 50% increase in output has the potential to create a 50% increase in environmental impact - would this have been approved originally? Cumulative impact with developments since consent
12	Private individual	05/09/2018	Query	Requesting a response to previous email sent directly to TATA. Forwarded email chain requests quantitative analysis of changes in assumed composition and calorific value to support the variation proposal.
13	Private Individual	05/09/2018	Objection	Concerned what the next steps could imply. Not enough detail to justify the claim that the increase in power can be generated from the same 600,000 tpa input. This seems like an initial step to further variations for more or different material to be burnt. Capacity approved is already several times any local requirement for waste disposal - Cheshire already recycles much more waste than when this incinerator was proposed.

14	Private Individual	05/09/2018	Objection	<p>Little evidence supplied by TATA that they will be able to increase the power output of the plant without significantly altering waste composition</p> <p>Concerned that if the variation is permitted, there will be a further application for a variation in the future</p> <p>This application is a step on the path to remove condition 32</p> <p>Majority of waste will need to be imported into Northwich - Contracts for waste from Cheshire West and Cheshire (CWAC) and Cheshire East (CE) have been awarded elsewhere leaving this project with nothing to burn. The plant is no longer needed.</p> <p>There have been significant changes since 2012 consent:</p> <ul style="list-style-type: none"> <li>- CWACC recycling rates are up (60%), without including biomass or burning recyclable materials this plant cannot be sustainable</li> <li>- Waste contracts awarded elsewhere</li> <li>- HS2; additional burden of HGVs</li> <li>- King street and Griffiths Road will be beyond capacity</li> <li>- Air pollution in UK has worsened (adding this much additional traffic is irresponsible and potential criminally negligent)</li> <li>- Dong and OWM plants would be able to process 330,000 tonnes of waste p/a which is roughly double the CWAC and CE total residual waste. These facilities are addition to the proposed TATA waste incinerator project. The Dong facility was not envisaged when the TATA permission was granted in 2012. Each of these plants has its own implications for HGV traffic. All compete for waste sources. Together, all three plants plan to import a million tonnes of waste a year to this one small site. 7. Do not need three waste processing plants on the same site. We fear this part of Cheshire is rapidly becoming the waste treatment centre and a dumping ground for the rest of the UK</li> </ul>
15	Member of Parliament	06/09/2018	Objection	<p>Application makes no reference to what waste is going to be burnt instead</p> <p>Volume of waste has fallen, operator will have no choice but to look at other options including bringing waste a greater distance (resulting in greater diesel emissions) or burning something other than just waste</p> <p>Original consent limits numbers of trucks but not size</p> <p>Lack of detail within the application is a questionable omission</p> <p>Suggests new EIA should be undertaken, including because of new residential properties built in the area since the original consent</p> <p>2012 permission was already past the limit of what was acceptable to most local residents and this increase is a step too far</p>
16	Private individual	06/09/2018	Objection	<p>Object due to toxicity risk, traffic and safety</p> <p>Application documents do not explain the commercial background to this application, only focusing on technical aspects</p> <p>Lostock would be well placed to accommodate plastic waste as well as other high energy inputs</p> <p>Queries why no EIA when a fundamental change in fuel is envisaged</p> <p>Close proximity of plant to housing</p> <p>Given the possibility of plastics being fed to the modified plant, air quality comments in Request for Screening Opinion are unacceptable</p> <p>As a minimum requirement therefore, the applicants should be required continuously to monitor stock emissions and ground level fallout of the above mentioned materials</p> <p>Traffic implications - local traffic patterns have changed since 2012</p>
17	Private Individual	06/09/2018	N/A	Re-send of correspondence dated 3rd September
18	Pickmere Parish Council	06/09/2018	Objection	<p>Cumulation of waste plants</p> <p>access via narrow street</p> <p>rail understood to not now be an option with increased reliance on HGV, creating increased noise and air pollution and delays to other road users.</p> <p>Consents granted despite local community's objections over the last 20 years</p> <p>cumulative effects, as noted by CHAIN</p> <p>prevailing winds will bring emissions to the parish</p> <p>PC objects to any intensification of the activity or throughput or productivity of the proposed plant on the basis it will inevitably lead to an increase in the deleterious effects on the residents</p>

19	Private Individual	06/09/2018	Objection	<p>Not complied with rules for advertising - there is no mention of the applicant's intention to introduce changes to the fuel composition. Misleading and a serious omission.</p> <p>Applicant has not informed the public about its intention to use biomass as a fuel. Evidence is clear - x ref to email 23rd August from RPS to CWACC which includes "10/00691/DECC-60MW energy from waste and biomass fuelled generating station at Tata Chemicals Europe Works Land Northwich Cw9 7Nu". The truth is crystal clear, and the entitlement of the local community to be informed about the real intentions of the applicant and have their day has been compromised.</p> <p>ES that underpins the existing consent was submitted in 2010 and based on data collected in 2009 and earlier. Much has changed since this time, including local traffic increase - applicant should be requested to produce a new and up to date ES.</p>
20	Private Individual	06/09/2018	Objection	<p>Supporter of CHAIN</p> <p>References two other waste disposal facilities at Lostock</p> <p>County is turning into the waste disposal centre for a much wider area with the inevitable increase in health problems associated with air pollution from stacks and HGV traffic</p>
21	Private Individual	06/09/2018	Objection	<p>Cannot see how Tata can assume that they can increase the power output from the 600,000 tonnes of waste when they do not know the exact source and nature of the waste, and cannot know the calorific value.</p> <p>Concerned about future variation application to removal conditions prohibiting incineration of biomass, a waste source that was included in the original application</p> <p>Many changes since 2012 when consent was granted</p> <p>At the Public Inquiry, much importance was given to the fact that Tata needed heat and power from the incinerator to run their plants in Northwich. No longer the case as the gas-fired power station Tata invested in already generates surplus energy in Northwich and is sold to the National Grid</p> <p>Along with DONG and OWM the air quality assessment submitted in 2012 will no longer be applicable and the impact must be looked at again.</p>
22	Private Individual	06/09/2018	Objection	<p>Tata has not made the technical case that the proposed increase in power output can be generated from the 600,000 tonnes pa of waste input permitted. No quantitative analysis of the anticipated composition of the waste stream to justify expected CV increase. Further detail requested from Tata, but no reply received (beyond an initial acknowledgement)</p> <p>Calorific value increase can only be achieved by breaching one or both of Condition 31 and/or 32</p> <p>Concerned that this application is the first step in a strategy to weaken these conditions. If this variation is permitted, then it seems likely that, at a point in the future, there will be a further application for a variation either to amend the tonnage cap on input or to vary the permitted materials to be incinerated</p> <p>Significant changes since consent granted, including - contracts with potential to deliver waste by rail have been let elsewhere, all waste will thus be delivered by road. Particular concern is the addition of 276 HGVs on local, single carriageway roads. Air pollution has worsened; Tata's case for the need of heat and power from the incinerator for its plants has disappeared and already sells surplus energy to the national grid. Additional waste processing plants on adjacent sites.</p> <p>Dong and OWM facilities proposed / built on adjacent sites.</p> <p>HS2 route now chosen creating major disruption to the road network</p>
23	Private Individual	06/09/2018	Objection	<p>Roads are insufficient to the needs of the HGVs</p> <p>Concern over particulates that could be pumped into the atmosphere; increasing press reports over harm by air pollution and impact on health of the lungs.</p> <p>Amazed and disgusted that this project is being pursued. To find that the company wishes to loosen conditions imposed increases the disgust</p>
24	Private Individual	06/09/2018	Objection	<p>Rumoured that Tata Chemicals is attempting to vary the planning permission to burn imported biomass</p>
25	Private Individual	06/09/2018	Objection	<p>Agree with the representation from CHAIN.</p>
26	Local Councillor	07/09/2018	Comment on behalf of residents	<p>Many residents in Rudheath are extremely concerned about the environmental and health impacts of Lostock SEP and the HGVs which will deliver waste to the plant</p> <p>276 HGVs per day are unacceptable to residents who are concerned about the air quality which will be affected by diesel fumes and also about the numbers of vehicles increasing noise levels and increasing the risks for pedestrians.</p> <p>Acknowledges that TATA have said the variation will not affect any environmental impacts. However I feel it is important to register the deep concerns of residents in the area and for this to be fully considered in making any decisions on the variation on conditions.</p>

27	Private Individual	07/09/2018	Objection	Cannot see how Tata can assume a rise in power output from the same 600,000 tonnes without knowing the calorific value of the waste to be burned. I also have concerns that the waste that they are proposing to burn will not have had as much recyclable and re-usable waste removed as is possible. Cumulative impact: 930,000 tonnes of waste coming to our town, along with the hundreds of HGV lorries every day, will be an environmental disaster, too much for our small town to cope with.
28	Private Individual	07/09/2018	Extension of time request	Many residents know nothing of TATA's planning application. Had we known, there would be more letters and emails
29	Private Individual	07/09/2018	Objection	Additional reason to justify refusal: Arises from information in a document provided to me by CWACC following an FOI request: email from RPS to CWAC dated 18 May 2018: <i>' We can achieve the increase in power output as a result of efficiencies in boiler and turbine design, and given the potential for the CV of fuel to increase over time.'</i>  Unless TATA has devised a way to overcome the basic laws of thermal engineering, the statement is nonsense and reinforces the suspicion that TATA is holding back critical information about the fuel it intends to burn. Community of Lostock and Rudheath is wary of TATA's intentions. They know that the original rationale on which permission to build the Lostock incinerator was granted has disappeared over the years; factory output has drastically reduced and the company already generates more power than it needs in its nearby Winnington power station and the capacity of the waste incineration industry has significantly increased. People are relying on the Secretary of State to protect them and they do not believe the fairy tale that TATA is spinning about achieving a 50% increase in efficiency. It just does not add up.
30	Private Individual	07/09/2018	Objection	Refers to email submitted on 26 August to Lostock Power website, to which no substantive response had been received. Repeats comments from 26 August email - Tata must know CV required to generate 90MW output, must have modelled mix of material types making up waste stream. Tata's reticence to supply information to original request supports my view that the long term aim is to use material that breaches conditions 31 and 32. Failure to supply the requested information is another reason to reject the application
31	Local Interest Group	07/09/2018	Extension of time request	Publication in middle of holidays. Many do not read and/or afford the newspaper. No efforts by applicant of CWACC to explain via other forms of communication. Small print. Questions on type and nature of 'waste'
32	Wincham Parish Council	10/09/2018	Info request	PC have been sent a letter from CHAIN dated 1st September. It is requested that the PC consider whether they support the letter. Note the deadline from members of the public to make submissions has passed, requesting info of when the deadline for organisations such as a PC is.
34	BEIS	10/09/2018	Extension of time request	Holding response to request from time extension
33	Local Interest Group	10/09/2018	Extension of time request	Reply to BEIS's holding response
35	Private Individual	08/09/2018	Objection	CHAIN has provided an information flow not matched by the Applicant Re deadline for comment: No prominence given to yesterday's close date Comments focus on HGV traffic congestion: refers to traffic impacts from other development and proposes cap on source of traffic. No known strategy here for delivery by rail.