

Proposed Energy from waste development, former Lostock Power Station, Lostock, Northwich – position statement 19/4/17

This statement relates to the proposed energy from waste plant at the former Lostock Power Station site near Northwich. This proposal has generated a significant level of local interest and many individual items of correspondence have been received. Therefore the purpose of this statement is to provide an update on the current situation and to respond to a number of questions and concerns raised.

We would wish to start by confirming that the Council does take the views of local residents very seriously. We are very aware of the nature of the development and understand the concerns being raised.

The developer is seeking to carry out a planning permission granted by the Department of Energy and Climate Change in October 2012. As part of this permission, the Secretary of State imposed a number of conditions that required technical information to be submitted and agreed by the Council before any works could start on site. The current submissions relate to the discharge of those conditions (hence are termed 'discharge applications'). It is important to clarify that they are not planning applications. It is not possible to revisit consideration of the original application through this process. The planning permission was granted subject to a 5-year period for commencement, meaning that the developer can start on site at any point up to October this year providing conditions are satisfied. Whilst the Council fully appreciates the points made about how the context has changed since 2012, the fact is that the current process cannot be used to stop the development.

If the technical information is acceptable, then we have no option but to discharge the conditions. We cannot withhold discharge to frustrate the development as we have a time limit of 8 weeks to issue a decision. If we don't, then developer can claim a deemed discharge.

Various points have been raised about whether the developer intends on building out the scheme granted permission or whether it will be a different development. There have been requests for us to insist on the applicant submitting a fresh planning application.

At the present time, we are obliged to consider and determine the discharge applications. The information we have been sent appears to fit within the scope of the planning permission. Whilst there may be some contradictory statements provided within the Environmental Permit application, we need to clarify that it is an entirely separate legislative regime to the planning process. The developer is fully aware that if they wish to build-out a scheme that is different to that granted planning permission, they will need to submit a fresh application depending on the nature and

degree of variation from the consented scheme. At present we have no such application, so we have to assume that the developer will be constructing and operating the scheme within the scope of the current planning permission. If they subsequently build and operate the scheme differently without having first submitted a suitable application to amend the scheme, then that would become an enforcement matter and the Council has powers to take action.

A specific point has been raised about whether operation at a lower output than 60MW would require a new planning application. As described above, the developer will need to build out and operate the development in accordance with the approved plans and conditions. Paragraph 2 of the decision notice attached to the approval letter dated 2nd October 2012 specifies that “the Development shall be up to 60MW capacity”. This means that the operator is not compelled to run the plant at its full capacity at all times; so long as the stated capacity is not exceeded, they are free to operate at a reduced capacity providing they adhere to the approved plans and conditions. In that regard, it is also important to note that there is no condition requiring the plant to operate at its full capacity.

However, notwithstanding the above, development has yet to take place. At the current time, the Council has no power to insist on the submission of a fresh application.

We are currently raising the issue of HS2 with both the developer and HS2 Ltd to ascertain whether this development is likely to give rise to any significant issues in either respect. If it transpires that amendments are required, then the developer may need to submit a fresh application. However, at the present time, the developer has a valid planning permission and we are obliged to consider and determine the discharge applications as submitted as described above.

Given that the current submissions are not planning applications, there is no public consultation nor formal ability for anyone wishing to have an input into the process. Notwithstanding, all items of correspondence are acknowledged and noted. If there is any significant update to report, then we will look to provide updated statements further to this one. As such, anyone with an interest in the development is advised to check the Planning and Building Control webpage if they are wishing to understand the latest position.