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Date: 21<sup>st</sup> June 2018

The Secretary of State for Business, Energy and Industrial Strategy  
C/o Ms N Williams  
Case Manager, Energy Infrastructure Planning  
Department for Business, Energy and Industrial Strategy  
3 Whitehall Place  
LONDON  
SW1A 2AW

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 consent granted on 2<sup>nd</sup> October 2012 ('the Consented Development') under section 36 of 'The Electricity Act 1989' (the '1989 Act') to construct and operate a 60 megawatt ('MWe') energy from waste generating station, known as Lostock Sustainable Energy Plant (SEP), on land at the TATA Lostock Works Site, Griffiths Road, Northwich, Cheshire. The Applicant now seeks to vary the Consented Development to increase the electrical power output of the SEP.

By this letter and accompanying documents, the Applicant applies to the Secretary of State (the 'SoS') for Business, Energy and Industrial Strategy ('BEIS') pursuant to Section 36C of the 1989 Act to:

1. Vary the Consented Development to increase the approved power output of the SEP from up to 60MWe to up to 90MWe (gross); and
2. make consequential amendments to the deemed planning permission granted on 2 October 2012, pursuant to the SoS' powers under Section 90 (2ZA) of the Town and Country Planning Act 1990 (the '1990 Act').

Together referred to as the 'Variation Application'.



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### **Application Documents**

The Variation Application comprises two hard copies of the following documents in addition to four electronic copies (CDs):

1. Application Cover Letter dated 21<sup>st</sup> June (this letter) (Document 1).
2. Explanatory Memorandum (Document 2).
3. Compliance with Regulation 3 'Content of variation applications' of The Electricity Generating Stations 2013 Variation Regulations schedule demonstrating compliance with said Regulation (Document 3).
4. Consultees schedule – listing those bodies and organisations consulted prior to the submission of the Variation Application (Document 4).
5. The Section 36 Consent and Section 90 deemed planning permission dated 2<sup>nd</sup> October 2012 (Document 5).
6. The Planning Obligation by Deed of Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990, dated 30th November 2011 (Document 6).
7. A 'track change' and 'clean' version of the S36 Consent showing the proposed changes (Document 7a and 7b).
8. A 'track change' and 'clean' version of the S90 deemed planning permission showing the proposed changes (Document 8a and 8b).
9. Site Location Plan Ref: Figure 1.1 May 2011 (Document 9).
10. Application Site (red line) Plan Ref: Figure 1.2 May 2011 (Document 10).
11. The Lostock SEP Section 36C Variation Application Supporting Statement (Document 11).

In accordance with the guidance note 'Varying consents granted under section 36 of the Electricity Act 1989 for generating stations in England and Wales, July 2013 (the Guidance), no fee is payable for an application to vary a Section 36 consent.

### **Background to the Application**

The Lostock SEP is a consented energy from waste generating station of up to 60MWe capacity at the TATA Lostock Works site in Northwich, Cheshire. Following a Public Inquiry, the construction and operation of the SEP was authorised by the 2012 Consent granted under section 36 of the 1989 Act

and deemed planning permission granted under section 90(2) of the 1990 Act. These consents were granted on 2 October 2012 by the Secretary of State for Energy and Climate Change.

Paragraph (2) of the 2012 Consent states that:

*“2. Subject to paragraph 3(1), the Development shall be up to 60 MW capacity and comprise:*

*(a) a steam turbine generator;*

*(b) a fuel reception hall;*

*(c) boiler house and switchgear building;*

*(d) flue gas treatment building;*

*(e) emissions stacks;*

*(f) air cooled condenser;*

*(g) ash handling facility;*

*(h) associated infrastructure including onsite pipelines for the collection and distribution of steam, transformer compound, internal roads, parking, gatehouse, weighbridge, rail connection, water treatment, fuel store, fencing, landscaping and offices; coke fuel storage area; and*

*(i) demolition of existing power station buildings on the Site.”*

### **The Variation Application**

The Applicant is seeking to vary the Consented Development to increase the gross electrical power output capacity of the SEP by 30MWe up to 90MWe (gross). The proposed Variation Application does not seek any changes to the approved design and layout and does not affect the previously reported environmental effects.

Discussions with contractors have identified the opportunity of improved efficiencies in the type of plant that can be used, as well as changes to fuel composition which together will allow TATA to, increase the maximum electrical power output of the SEP by 30MWe up to 90MWe (gross).

Variations to the Section 90 planning permission are necessary to reflect the scheme information already submitted to and approved by Cheshire West and Chester Council in accordance with the original permission.



## **Environmental Impact**

The previous application that resulted in the 2012 Consent included an Environmental Statement ('ES') that was prepared in accordance with 'The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000 (The '2000 EIA Regulations')'.

The Variation Application does not affect the environmental impacts that were reported within the May 2011 Environmental Statement and considered at the Public Inquiry. Please refer to the Supporting Statement (Document 11) for details. On this basis, the Applicant submitted a Screening Request to BEIS on 12<sup>th</sup> April 2018 pursuant to regulation 10(1) of The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017 seeking confirmation that the Variation Application does not necessitate further environmental impact assessment. A Screening Opinion was subsequently received from BEIS on 20<sup>th</sup> June 2018 confirming this position.

Should the SoS consider the Variation Application to be suitable for publication and give notice of his decision pursuant to Regulation 4(6) of the 2013 Variation Regulations, the Applicant will comply with the publicity and advertising requirements set out at Regulation 5 of the 2013 Variation Regulations. The application documents will first be published on the project website with a copy served upon the Local Planning Authority, Cheshire West and Chester Council. Following this, the Applicant will notify the consultees listed in the Consultee Schedule (Document 4) and place a notice in The London Gazette and for two consecutive weeks in The Northwich Guardian, being the local newspaper circulating within the vicinity of the Site.

Under the terms of paragraph 22(a) and 23(a) and (b) of the Guidance this application falls to be considered as appropriate for a Section 36C variation application. As set out in the enclosed documents, the Variation Application does not result in any changes to the approved design and layout of the SEP or to the environmental factors assessed, its impacts or their significance. As such, we respectfully request the Secretary of State to permit the variation.

We would be grateful if you could kindly confirm receipt of the Variation Application. In the meantime, should you have any queries regarding the submission and its contents please do not hesitate to contact me.

Yours sincerely  
For RPS

A handwritten signature in black ink, appearing to read 'Christopher Lecoïnte', written in a cursive style.

CHRISTOPHER LECOINTE  
**Director of Environmental Planning**

Enc.