

**DOCUMENT 3**

**LOSTOCK SUSTAINABLE ENERGY PLANT VARIATION OF CONSENT UNDER SECTION 36C OF THE ELECTRICITY ACT 1989**

**COMPLIANCE WITH REGULATION 3 ‘CONTENT OF VARIATION APPLICATIONS’ OF ‘THE ELECTRICITY GENERATING STATIONS (VARIATION OF CONSENTS) (ENGLAND AND WALES) REGULATIONS 2013’**

<b>Regulation 3</b>	<b>Requirement</b>	<b>Applicant’s Compliance</b>
(1)	A variation application must -	
(a)	Be made in writing;	<p>The Variation Application is made under Section 36C of ‘The Electricity Act 1989’ (the ‘1989 Act’) on behalf of Tata Chemicals Europe Limited (the ‘Applicant’) in writing, and comprises the following documents (2 x hard copies and 4 x CD copies):</p> <ol style="list-style-type: none"> <li>1. An Application Cover Letter dated June 2018 <b>(Document 1)</b>;</li> <li>2. Explanatory Memorandum <b>(Document 2)</b>;</li> <li>3. Compliance with Regulation 3 ‘Content of variation applications’ of ‘The Electricity Generating Stations (Variation of Consents) (England and Wales) Regulations 2013’ (the ‘2013 Regulations’) schedule demonstrating how the Variation Application complies with Regulation 3 (this document) <b>(Document 3)</b>;</li> <li>4. ‘Consultees’ schedule listing those bodies and organisations consulted prior to the submission of the Variation Application <b>(Document 4)</b>;</li> <li>5. The Section 36 consent and deemed planning permission dated 2 October 2012 <b>(Document 5)</b>;</li> <li>6. The Planning Obligation by Deed of Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990, dated 30<sup>th</sup> November 2011 <b>(Document 6)</b>;</li> <li>7. A ‘track change’ and ‘clean’ version of the S36 consent showing the proposed variations <b>(Document 7a and 7b)</b>;</li> <li>8. A ‘track change’ and ‘clean’ version of the S90 deemed planning consent showing the proposed variations <b>(Document 8a and 8b)</b>;</li> <li>9. Site Location Plan Ref: Figure 1.1 May 2011 showing the location of the Application Site <b>(Document 9)</b>;</li> <li>10. Application Site Plan (red line) Ref: Figure 1.2 May 2011 <b>(Document</b></li> </ol>

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		<p><b>10);</b>  11. Lostock SEP Power Upgrade Supporting Statement (<b>Document 11</b>);</p>
(b)	describe the location of the proposed development by reference to a map;	<p>The location of the 'Proposed Development' is shown on 'Site Location Plan' Ref: Figure 1.1 (<b>Document 9</b>). The extent of the Site is shown edged in red on 'Application Site Plan' Ref: Figure 1.2 (<b>Document 10</b>).</p> <p>A description of the location of the Proposed Development is provided at Chapter 3 of the Supporting Statement (<b>Document 11</b>).</p> <p>The extent of the Site includes all the land required for the 'Proposed Development' and remains the same as the consented plans.</p>
(c)	state – (i) why it is proposed that the relevant Section 36 consent should be varied (ii) what account has been taken of views expressed by persons who have been consulted by the applicant about the proposed variation;;	<p>(i) The Application Cover Letter (<b>Document 1</b>) confirms that the reason it is proposed that the section 36 consent dated 2 October 2012 (the '2012 Consent') should be varied is to allow for an increase in the electrical output of Lostock SEP by 30 megawatts ('MWe') to up to 90 MWe.</p> <p>The reasonings for the Variation Application are explained in further detail at Section 3 of the Supporting Statement (<b>Document 11</b>).</p> <p>(ii) The Applicant has consulted with those bodies outlined within Schedule 2 (<b>Document 4</b>) in order to discuss the proposed changes to the development authorised by the 2012 Consent (the 'Consented Development'). Chapter 4 of the Lostock SEP Power Upgrade Supporting Statement (<b>Document 11</b>) describes the consultation that has been undertaken and details the responses received to the consultation and how any comments received have been taken into account.</p>
(d)	include – (i) a draft of the variations which the applicant proposes should be made to the relevant Section 36 consent; and (ii) copies of any maps or plans not referred to in the relevant Section 36 consent	<p>(i) The proposed variations to the 2012 Consent relate to the description of the development and are described in the Lostock SEP Power Upgrade Supporting Statement (<b>Document 11</b>), and are produced in full within the 'track change' version of the 2012 Consent (<b>Document 7a</b>). A 'clean' version is also provided, as requested (<b>Document 7b</b>)</p> <p>(ii) No new plans are required to be referred to within the Section 36 consent if it is varied. The previous plan (Figure 1.2) can be relied upon as there is no change to the application boundary</p>

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	but which the applicant proposes that the relevant Section 36 consent should refer to after it is varied; and	<b>(Document 10).</b>
(e)	if the application relates to an offshore generating station, identify which of the bodies referred to in paragraph (b) of the definition of "relevant planning authority" in Regulation 2(1) are, in the applicant's opinion, likely to have an interest in the variation application.	The Variation Application <u>does not</u> relate to an offshore generating station. Regulation 3(1)(e) is not therefore relevant.
(2)	A variation application must include particulars of -	
(a)	the relevant Section 36 consent, and, if that consent was not granted to the applicant, how the applicant has the benefit of that consent;	The Section 36 Consent granted on 2nd October 2012.
(b)	where the appropriate authority is the Secretary of State, any Section 90 direction given on granting the relevant Section 36 consent;	The Section 90 (2ZA) (of the Town and Country Planning Act 1990) direction (the '2012 Direction') is provided as part of the Variation Application <b>(Document 8a and 8b).</b>
(c)	any permit, licence, consent or other authorisation (other than the relevant Section 36 consent) given in connection with the construction or operation of the proposed development (a "relevant authorisation"), including any variation or replacement of a relevant authorisation; and	The Planning Obligation by Deed of Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990, dated 30th November 2011 <b>(Document 6)</b> ;  Permit EPR/QP3136CV issued to EEW Energy from Waste UK Limited with the permit being determined 16/12/2013. A transfer application was submitted in 2015 to change the Operator from EEW Energy from Waste UK Limited to Lostock Sustainable Energy Plant Limited – permit reference EPR/WP3934AK – all conditions remain unchanged. (refer to Section 4 of the Supporting Statement <b>(Document 11)</b> ).
(d)	any application that has been made for a relevant authorisation or	

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	variation of a relevant authorisation	
(3)  a)	<p>Where the appropriate authority is the Secretary of State and the applicant requests the Secretary of State to make a Section 90 direction on varying the relevant Section 36 consent, the application must-</p> <p>identify the Section 90 development in respect of which that request is made and describe its location by reference to a map;</p>	<p>Tata Chemical Europe Limited is applying to the SoS for BEIS under Section 36C of the 1989 Act to vary the 2012 Consent and for the variation of the 2012 Direction given under Section 90(2ZA) of the Town and Country Planning Act 1990 Act which grants deemed planning permission for an energy from waste electricity generating station of up to 60 MWe.</p> <p>The location of the 'Proposed Development' is shown on 'Site Location Plan' Ref: Figure 1.1 (<b>Document 9</b>). The extent of the Site is shown edged in red on 'Application Site Plan' Ref: Figure 1.2 (<b>Document 10</b>).</p> <p>A description of the location of the Proposed Development is provided at Chapter 3 of the Supporting Statement (<b>Document 11</b>).</p> <p>The extent of the Site includes all the land required for the 'Proposed Development' and remains the same as the consented plan.</p>
b)	<p>state –</p> <p>(i) why it is proposed that the direction should be made; and</p> <p>(ii) what account has been taken of views expressed by persons who have been consulted by the applicant about the proposed direction; and</p>	<p>(i) The Application Cover Letter (<b>Document 1</b>) confirms that the reason it is proposed that the 2012 Direction should be varied is to allow for an increase in the electrical output of Lostock SEP by 30 megawatts ('MWe') to up 90 MWe.</p> <p>The reasonings for the Variation Application are explained in further detail at Section 3 of the Supporting Statement (<b>Document 11</b>).</p> <p>(ii) The Applicant has consulted with those bodies outlined within Schedule 2 (<b>Document 4</b>) in order to discuss the proposed changes to the Consented Development. Chapter 4 of the Lostock SEP Power Upgrade Supporting Statement (<b>Document 11</b>) describes the consultation that has been undertaken and details the responses received to the consultation and how any comments received have been taken into account.</p>
(c)	<p>include –</p> <p>(i) a draft of the proposed direction; and</p> <p>(ii) copies of any maps or plans to</p>	<p>(i) The proposed variations to the 2012 Consent relate to the description of the development and are described in the Lostock SEP Power Upgrade Supporting Statement (<b>Document 11</b>), these are produced in full within the 'track change' version of the 2012 deemed planning consent (<b>Document 8a</b>). A 'clean' version is also provided, as requested (<b>Document 8b</b>)</p>

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	<p>which it is proposed that the Section 90 direction should refer which are not –</p> <p>(aa) referred to in the relevant Section 36 consent or any Section 90 direction given on granting the relevant Section 36 consent; or</p> <p>(bb) included in the application in accordance with paragraph (1)(d)(ii).</p>	<p>(i) No new plans are required to be referred to within the Section 90 direction if it is varied. The previous plan (Figure 1.2 (<b>Document 10</b>)) can be relied upon as there is no change to the application boundary. The schemes approved under the pre-commencement conditions contain all the relevant plans pursuant to those conditions (refer to Document 11 for details).</p>