



Department for
Business, Energy
& Industrial Strategy

**Energy Infrastructure and
Planning Team**

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Mr Jonathan Maginness
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12 May 2021

Dear Mr Maginness,

**THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT)
(ENGLAND AND WALES) REGULATIONS 2017 – REQUEST FOR A
SCOPING OPINION**

**THE ELECTRICITY GENERATING STATIONS (VARIATION OF CONSENTS)
(ENGLAND AND WALES) REGULATIONS 2013**

**LOSTOCK SUSTAINABLE ENERGY PLANT (“LSEP”), LOSTOCK WORKS,
WORKS LANE, NORTHWICH, CW9 7NU**

1. I refer to your email of 17 March 2021 requesting an environmental impact assessment (“EIA”) scoping opinion from the Secretary of State under Regulation 18 of the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017. Your email also contained an EIA Scoping Report entitled “LSEP Tonnage Increase – EIA Scoping Report - Final” prepared by Axis dated March 2021 (the “Scoping Report”). The Scoping Report sets out the further environmental information that Lostock Sustainable Energy Plant Limited (“the Applicant”) intends to provide in support of its proposed variation to the original section 36 consent and deemed planning permission (“DPP”) for the LSEP facility granted on 2 October 2012 and subsequently varied in July 2019 (the “varied 2019 consent”). It also provides details of the topics to be scoped out of the EIA. The Applicant is currently operating the LSEP under the varied 2019 consent.
2. The 2019 variation increased the generating capacity of the facility from 60MW to 90MW. This application proposes to increase the permitted waste fuel throughput limit from 600,000 tonnes per annum (“tpa”) to 728,000tpa. The application also proposes to amend the limit on the number of HGV



road movements to / from the LSEP that is set by condition 9 of the DPP (to increase the existing HGV limit from 131 arrivals per day to up to 220 arrivals per day), and to amend the restriction in condition 8 of the DPP on the delivery of waste by HGVs from 07:00 -19:00 on weekdays and 07:00 and 13:00 on Saturdays, to allow for an increase in waste delivery hours on weekdays only to 07:00 – 23:00 (without amending the restriction on Saturdays).

3. The Applicant advises that these proposals will allow the facility to treat a greater tonnage throughput of waste fuel than previously anticipated, whilst remaining below the consented power generating capacity threshold of 90MW. These proposals do not require any physical amendments to the LSEP's buildings or structures.

EIA Scoping Opinion

4. The Secretary of State undertook a consultation exercise on the scope and level of detail of environmental information to be contained within the EIA when it is submitted by the Applicant with its section 36C variation application. The Applicant has submitted to the Secretary of State a Scoping Report that proposes which areas require review to assess the potential for likely significant environmental effects. The areas identified by the Applicant to be scoped in are: Traffic and transportation; air quality and human health; aerial emission effects on relevant off-site ecological designations/habitats; noise effects associated with increased HGV traffic; socio-economics; and climate change. The Scoping Report also provides details of the topics to be scoped out of the EIA Report, these are: Landscape and visual effects; surface water, flood risk and drainage; geology, hydrogeology, contaminated land and ground stability; archaeology and cultural heritage; and risk of major accident events.
5. The responses received by the Secretary of State have been taken into account in the preparation of this scoping opinion, to which the Applicant should refer in undertaking the EIA. These responses have been provided to the Applicant after the consultation period closed. The Secretary of State received responses to his consultation from the Canal and River Trust, Cheshire West and Chester Council ("CWACC"), CWACC Highways Department, Cheshire Wildlife Trust ("CWT"), the Health and Safety Executive ("HSE"), Highways England, Historic England, NATS, Natural England, Network Rail, and Public Health England ("PHE"). A late response was also received from the Environment Agency ("EA").
6. The Secretary of State considers that the key issues which have been identified in the Applicant's Scoping Report should properly be included in the Applicant's EIA (or, as appropriate, also covered in the section 36C variation application).



7. However, in respect of the issues identified by the Applicant that are proposed to be scoped out, the Secretary of State considers that Accidents and Disasters should be included and assessed within the EIA. Given the information included in the response received from the HSE, which set out that the proposed development is located within HSE's land-use-planning consultation zones for a major hazard site and two major-accident-hazard pipelines: Ineos Chlor Enterprises, Ethylene Conditioning Plant (HSE Ref: H4068); ICI Trans-Pennine Ethylene Pipeline: Runcorn/Lostock, Operated by Sabic pka ICI Chemicals & Polymers Ltd, HSE ref – 6713; ICI Trans-Pennine Ethylene Pipeline: Lostock/Holford, Operated by Sabic pka ICI Chemicals & Polymers Ltd, HSE ref – 6714. The HSE have further advised that this indicates that the proposed development could be vulnerable to harmful effects from an industrial major accident at the nearby major accident hazard establishment or pipelines.
8. In respect of traffic and transport, and the Applicant's intention to scope this in, it is noted by the Secretary of State that PHE, CWACC, and the Canal and River Trust raised concerns regarding the impact of the proposed changes on non-motorised users created by the proposed increase in HGVs. The Secretary of State considers that the traffic assessment and the EIA should follow the IEMA Guidelines for Environmental Assessment of Road Traffic ("GEART") process to determine any likely significant effects on non-motorised users and the potential impact on road safety, cyclist and pedestrian amenity, severance, and fear and intimidation. The EA have raised specific concerns regarding the odour impact of increased waste vehicle traffic and the Secretary of State considers that this should be assessed to determine any likely significant effects on the route proposed. Natural England raised concerns regarding the impact of increased traffic on ecological receptors within 200m of the affected routes, and the Secretary of State considers that this should also be assessed in the EIA.
9. The EA have requested that Landscape and Visual is scoped into the EIA. The Secretary of State considers that Landscape and Visual should be scoped in to assess the visual impact of the plumes associated with a change of increased throughput, both from the stack and the cooling system.
10. The EA have also raised concerns regarding Noise impacts associated with the proposed changes. The Secretary of State agrees that the impact of Noise associated with changes to the configuration of the plant to accommodate the increased throughput should be scoped into the EIA to ensure that it is duly assessed.
11. The Secretary of State notes that a range of responses were received regarding the proposed air quality and emissions assessment. The Secretary of State considers that, given the notable increase in HGV movements associated with the proposed variations, emissions from point



sources and the associated HGV movements need to be considered in the assessment. As there is a proposed change to some vehicle types that will transport waste to the site, the change in vehicle type will need to be assessed for significance.

12. The Secretary of State is satisfied that the issues that the Applicant has proposed to scope out, other than those set out in paragraphs 7, 8, 9, 10, and 11 above, do not need to be included in the Applicant's EIA.
13. The Secretary of State does, however, wish to draw the Applicant's attention to: the concern raised by PHE regarding the possible health effects of Electric and Magnetic Fields and that an adequate assessment of the possible impacts is undertaken and included in the EIA; Highways England's comments regarding consideration being given to HGV movements at Junctions 18 and 19 of the M6 if the Transport Assessment identifies significant flow changes on the approaches to these junctions; the Canal and River Trust's comments on the consideration of canal users, boaters and towpath users as receptors, as well as their comments regarding the maintenance of bridge no.186 that is used to access their site; and Network Rail's concerns regarding the area of land immediately adjacent to the railway line.
14. The Applicant's attention is also drawn to the consultation response from the CWT, who noted that the Marston Flashes Local Wildlife Site should have been included in the list of identified biodiversity receptors. The Secretary of State requests that the Applicant takes this site into account in its EIA. The Secretary of State also agrees with the CWT that the potential Local Wildlife Sites (pLWS) within 2km of the LSEP, as identified by CWT, should be included in the EIA; the Applicant should liaise with CWT to obtain the details of the pLWS.
15. The Secretary of State has considered the information within the supplied documentation and consultation responses received and is of the opinion that the environmental information included in the Applicant's Scoping Report plus the addition of the matters at paragraphs 7, 8, 9, 10, and 11 above, will be sufficient for the Applicant to submit an EIA alongside its section 36C variation request.
16. The Secretary of State would like to make the Applicant aware that when submitted, the Section 36C variation application and supporting documents (if accepted) will need to be advertised, consulted upon, an opportunity given for representations to be made and will be subject to further analysis. This could also include a request under Regulation 25 of the 2017 Regulations for further environmental information following consultation if deemed necessary at that stage.



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17. Please do not hesitate to contact me should you have any queries about the opinion expressed above.
18. I am copying this letter to consultation respondees identified at paragraph 5 above. The Secretary of State's Scoping Opinion will be published on the Department's Energy Infrastructure Decision page of GOV.UK here: <https://www.gov.uk/government/collections/energy-infrastructure-development-applications-decisions>

Yours sincerely,

Kerry Crowhurst

Planning Case Manager
Energy Infrastructure Planning