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10 July 2019

Dear Mr Lecointe

**ELECTRICITY ACT 1989**

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended)**

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

**LOSTOCK ENERGY FROM WASTE GENERATING STATION**

**1. THE APPLICATION**

- 1.1 I am directed by the Secretary of State for Business, Energy and Industrial Strategy (“the Secretary of State”) to refer to the application dated 21 June 2018 (“the Variation Application”) on behalf of TATA Chemicals Europe Limited (“the Applicant”) to vary the consent granted by the Secretary of State on 2 October 2012 (“the Original Consent”) to construct and operate an energy from waste generating station and a direction under section 90(2) of the Town and Country Planning Act 1990 (“Planning Conditions”) that planning permission for the development be deemed to be granted (“the Consented Development”). The variation being requested is to increase the capacity permitted by the Consented Development from 60MW to 90MW, and to make amendments to the related Planning Conditions to take into account pre-commencement conditions that have been discharged (“the Varied Development”).

- 1.2 On 12 April 2018, the Applicant requested from the Secretary of State a screening opinion under Regulation 10 of the Electricity Works (Environmental impact Assessment) (England and Wales) Regulations 2017 (“the 2017 EIA Regulations”) to seek a view as to whether an environmental impact assessment (“EIA”) is required as part of a Variation Application. After consulting Cheshire and West Chester Council (“the relevant planning authority”), the Secretary of State determined that an EIA was not required because the changes being sought would not result in any new or materially different impacts to those assessed for the Consented Development and therefore would be unlikely to have significant effects on the environment. Details of the Secretary of State’s consideration of the information submitted for the screening opinion and his consideration of environmental matters as part of the Variation Application are considered in paragraphs 2.1 – 2.5 below.
- 1.3 The Variation Application was published in accordance with the Electricity Generating Stations (Variation of Consents) (England and Wales) Regulations 2013 (“the Variation Regulations”) and served on the relevant planning authority.
- 1.4 A supporting statement dated June 2018 was submitted with the Variation Application. The document describes the Varied Development and contains information in respect of environmental matters including material submitted in support of the screening request which updates the analysis of the environmental effects set out in the Environmental Statement dated May 2011 submitted with the application for the Consented Development and the Secretary of State’s screening decision. The supporting statement was advertised and placed in the public domain, along with the previously submitted environmental information and the original May 2011 Environmental Statement, to give the general public an opportunity to comment on it.

## **2. SECRETARY OF STATE’S CONSIDERATION OF THE ENVIRONMENTAL INFORMATION**

- 2.1 On 12 April 2018, the Applicant requested from the Secretary of State a screening opinion under Regulation 10 of the 2017 EIA Regulations. The purpose of a screening opinion request is to seek a view from the Secretary of State as to
- 2.2 In accordance with the 2017 EIA Regulations, the Secretary of State consulted the relevant planning authority, to obtain its views on whether or not an EIA should be undertaken in respect of the variations being sought by the Applicant. The relevant planning authority responded on 13 June 2018 to confirm that it was of the view that an EIA is not required in respect of the changes being sought through the Variation Application because:
- the comparison of the air quality modelling undertaken for the Varied Development and the air quality modelling data included in the Environmental Statement for the Consented Development shows that the stack emissions from the Varied Development were marginally lower than those modelled for the Consented Development;
  - the remodeled air quality assessment also showed that in all instances, the predicted pollutant emissions for the Varied Development are lower than those predicted for the Consented Development; and
  - the Varied Development will not result in an increase in the amount of waste to be utilized as fuel stock and it will therefore not result in an increase to the consented

maximum number of heavy vehicle movements per day, and consequently there would be no impact from transport emissions.

- 2.3 A screening decision was issued on behalf of the Secretary of State on 20 June 2018 which agreed with the relevant planning authority that an EIA is not required for the changes being sought through the Variation Application. The Secretary of State was satisfied that the Applicant has provided sufficient evidence to demonstrate that the Varied Development would not result in any new or materially different environmental impacts to those already assessed for the Consented Development and therefore would be unlikely to have significant effects on the environment. The Secretary of State notes, in particular, that the Applicant is not seeking any changes to the Original Consent which would affect the existing conditions regulating fuel source, the amount of waste that will fuel the development, or the building parameters or layout of the development site.
- 2.4 The Secretary of State has also taken into consideration the information in respect of environmental matters referred to at paragraph 1.4, the comments on environmental matters made by the relevant planning authority, Natural England, the Environment Agency and by other respondents to the consultation on the Variation Application which are referred to below. The Secretary of State is satisfied that these provide sufficient information on environmental matters to allow him to make a determination on the Variation Application.
- 2.5 Taking into account the extent to which any environmental effects will be mitigated by measures the Applicant will be required to take under the conditions attached to the Original Consent that will be retained in the Varied Consent and the Planning Conditions, the Secretary of State considers that the significance of the environmental effects will not differ from that predicted for the Original Consent such that it would be appropriate to refuse the variation to the Consented Development.

### **3 SECRETARY OF STATE'S CONSIDERATION OF POSSIBLE EFFECTS ON A EUROPEAN SITE**

- 3.1 The Conservation of Habitats and Species Regulations 2017 ("the Habitats Regulations") require the Secretary of State to consider whether the Varied Development would be likely to have a significant effect on a European Site as defined in the Habitats Regulations and, if so, to undertake an Appropriate Assessment ("AA") of the implications for the European Site in view of its conservation objectives. In the absence of imperative reasons of overriding public interest, consent may be granted only if it can be shown that the Varied Development will not have an adverse effect on the integrity of the European Site (regulations 63(5) and 64). Regulation 63(6) provides that when considering whether the Varied Development will adversely affect the integrity of a European Site, the competent authority can take into account measures proposed to mitigate such impacts. This process is commonly referred to as a Habitats Regulations Assessment.
- 3.2 The Secretary of State considers that the increase in the capacity of the Varied Development will not have any significant effect on any European Site. This conclusion is supported by Natural England who did not raise any objections to the variation being sought. He therefore considers that an AA is not necessary and finds no reason for refusing the Variation Application on the grounds of adverse effects on the integrity of a European Site.

#### **4 SECRETARY OF STATE'S CONSIDERATION OF THE REVISED PLANNING CONDITIONS**

- 4.1 The Secretary of State has considered the revised Planning Conditions carefully. He agrees that they are suitable for inclusion in any direction under s90(2ZA) of the Town and Country Planning Act 1990 which he may give subject to any modifications noted below and minor drafting amendments.

#### **5. ISSUES RAISED DURING CONSULTATION**

- 5.1 Representations registering concerns and objections were received from a number of interested parties. The points raised in these representations are summarised below and the Secretary of State's consideration of the issues raised are summarised in section 6. Responses to the consultation are available on the Applicant's project website at:

- <http://www.lostockpower.co.uk/>

##### Views of the Relevant Planning Authority

- 5.2 The relevant planning authority, while acknowledging that the Variation Application did not affect the existing consent for the Development, responded to say that it had objected to the application for the Consented Development and that it continues to have reservations about the impact that the Development would have on the local area. Because of these outstanding concerns, the relevant planning authority suggested that it would be more appropriate to allow interested parties an opportunity to comment on the proposed Varied Development through the submission of a new application for planning consent. In their representation, the relevant planning authority also raised concerns over two planning permissions that have been granted for similar projects in the area, and the impact these developments would have in combination with this Development on highway traffic and air emissions. Finally, the relevant planning authority drew to the Secretary of State's attention several representations it had received in response to its consultation on the Variation Application.

##### Views of the Constituency MP

- 5.3 Mike Amesbury, MP for Weaver Vale responded to raise concerns over:
- the increase in Heavy Goods Vehicle ("HGV") traffic to and from the site from what was originally envisaged, and the potential increase in pollution as a result of the increased HGV traffic;
  - the lack of road infrastructure to support such HGV traffic volumes; and
  - the fact that the Development would be one of three waste processing plants located near a large residential area and schools.

##### Fiona Bruce, MP for Congleton

- 5.4 Fiona Bruce, MP for Congleton, raised the following concerns in her response:
- potential increase in HGV traffic in Middlewich;
  - the importation of waste fuel stock from outside Cheshire;
  - concerns raised by her constituents that if this variation is permitted, the Applicant may then submit a further application to BEIS to amend the amount of waste fuel input or to

vary the fuel stock to allow other materials, and a further increase in traffic to and from the plant due to such additional changes;

- the increase in traffic density in the local area since the Original Consent was granted;
- the increase in air pollution in the local area arising from diesel exhausts from HGVs, and the proximity of this Development to several schools and housing estates;
- whether there is a need for three waste processing plants (the existing waste processing plant on the Lostock site, this Development and a waste processing plant that has been permitted since the Original Consent for this Development was granted) in the same area, as well as the impacts from HGV traffic on the local area from these three developments; and
- the cumulative impact of the construction traffic from this Development and traffic from the construction of the HS2 route which passes between Middlewich and the Lostock site.

#### Ester McVey, MP for Tatton

5.5 Ester McVey, MP for the neighbouring constituency of Tatton responded to the consultation to raise the following issues:

- there is now a better understanding of the level of non-recyclable waste being generated within the region and therefore the availability of fuel stock for burning, and a better understanding of the effect on air pollution and health since the Original Consent was granted;
- because there has been a decrease in lightweight non-recyclable material and biodegradable heavyweight food waste available for incineration, there is a need for clarity on what other fuel stocks the Applicant intends to use in light of this decrease;
- whether the decrease in lightweight non-recyclable material and biodegradable food waste would require the Applicant to transport waste from a greater distance, and the impacts of doing so;
- the Original Consent limits the number of trucks allowed to access the site, however, the size of those trucks is not limited by the consent and this should be taken into consideration;
- there is a lack of detail in the application to allow an understanding of the intent behind the variation request;
- the need for a new Environmental Impact Assessment for the Development; and
- a significant increase in housing built in the area since the Original Consent was granted, and the need for an Environmental Impact Assessment to consider the impact of the Development on these new housing developments.

#### Other Representations

5.6 In addition to the representations above, the Secretary of State also received responses from Northwich Town Council, Pickmere Parish Council, Rudheath Parish Council, three local councillors, CHAIN and 54 representations from private individuals living in the local and nearby areas. The Secretary of State has also considered the representations made directly to the relevant planning authority. In addition to the issues listed above, these representations raised the following additional concerns and objections:

- a new application and a new environmental impact assessment is required for the Varied Development;
- the intent of the Consented Development was to supply energy at the Tata Chemicals Europe Lostock site, and this is no longer the case as the Applicant intends to export all electricity generated on site to the national grid;
- the intent for the Consented Development was for some of the waste fuel stock for the Consented Development to be transported to the plant by rail, and in the intervening years, the local authority contracts with the potential to deliver waste by rail have all been let elsewhere. This means that any waste for Lostock will be delivered by road and will have traffic impacts;
- the Applicant intends to include biomass as a fuel stock in order to increase the generating capacity, and that it may do so through a separate application for a variation at a later date;
- contracts for processing waste generated in Cheshire East and Cheshire West and Chester have been awarded to other projects, and this would mean that the Varied Development would be required to import waste from outside Cheshire; and
- six years has elapsed since the section 36 consent was granted, and the Applicant's website suggests that more than a further four years of construction is required before the plant will be operational.

## 6. SECRETARY OF STATE'S CONSIDERATION OF THE ISSUES RAISED DURING CONSULTATION

### Suitability of the Section 36 Variation Procedure for permitting the Proposed Variation

- 6.1 A number of respondents including the relevant planning authority were of the view that the Variation Application should not be granted and instead the Applicant should seek the proposed changes through a new application for planning consent.
- 6.2 The 'Varying consents granted under section 36 of the Electricity Act 1989 for generating stations in England and Wales' guidance issued in 2013 ("the guidance note") states:
- "Changes in the design of generating stations which have been consented but not constructed which would allow them to generate an amount of power that would be inconsistent with the original consent are likely to be appropriate subject matter for a variation application, provided there are no major changes in the environmental impact of the plant. Similar changes to an existing plant could be appropriate subject matter for a variation application only if they did not involve physical extension of the generating station, relocation of generating plant, or the installation of new equipment that would amount to the construction of a new generating station".*
- 6.3 The section 36 variation procedure does not allow a change in an existing consent that would result in a development that would be fundamentally different in character or scale from what has been granted. Any such changes would be the subject of a fresh application for consent.
- 6.4 The Applicant has stated that the increase in the generating capacity of the Varied Development will be possible through the installation of more efficient technology and

because there is the potential for increased generation through the use of waste fuel stock with a higher calorific value than originally anticipated. The Secretary of State notes that the Varied Development will not increase any additional environmental impacts from those assessed for the Consented Development, it will not result in a change to the fuel source, and no changes are proposed to the layout of the site or building parameters. In addition, the Secretary of State notes that neither Natural England or the Environment Agency have raised any objections to the Variation Application, and the relevant planning authority responded to the consultation on the EIA screening opinion request to confirm that an EIA did not need to be undertaken in respect of the Varied Development.

- 6.5 The Secretary of State therefore considers that the Varied Development would not be fundamentally different in character or scale from the Consented Development and is in keeping with the guidance note for the section 36 variation procedure, it is appropriate for this Variation Application to be considered under the section 36 variation procedure.

### Cumulative Impacts

- 6.6 A number of respondents raised concerns about the cumulative impact of the Varied Development with other nearby existing and planned developments. As set out in paragraph 2.3 above, the changes being sought through the Variation Application do not result in any adverse impacts beyond those of the Consented Development. The Secretary of State is therefore satisfied that there is no need for a further assessment of the cumulative impacts from the Varied Development in cumulation with existing and planned developments, and that the Varied Development would not affect the conclusions of any cumulative impact assessments carried out for other developments that have included this Development in its assessment of cumulative impacts since the granting of the Original Consent.

### Transport

- 6.7 As set out in section 5 above, concerns were raised regarding impacts from potential increase in HGV traffic, the size of the HGV trucks that may be utilised and the impacts of waste fuel being transported over distances longer than originally anticipated. The Secretary of State notes that the Inspector considered transport issues as part of the Inquiry for the Consented Development, and that the Inspector noted in her report that the relevant planning authority, as the local highway authority, had confirmed that it was of the view that there would be no unacceptable highways impacts subject to their suggested traffic conditions being imposed and the highway improvements set out in the planning obligation being implemented. The Secretary of State included the traffic conditions suggested by the relevant planning authority in the Original Consent. These conditions will be retained in the Varied Development. The Secretary of State also notes that highways improvements were agreed between the relevant planning authority and the Applicant in a section 106 agreement.

### Biomass

- 6.8 The Secretary of State notes that a number of respondents raised concerns over the possibility of biomass being utilised to fuel the Varied Development. The Secretary of State is aware that a condition on Waste Hierarchy, condition 31, was included in the Original Consent to ensure that the Consented Development remains an energy from waste plant and does not accept, as waste fuel stock, biomass as defined in paragraph 2.5.5 of the National Policy Statement for Renewable Energy and Infrastructure ("EN-3"). The Secretary of State notes that the Variation Application is not seeking a change to the nature of the fuel stock to achieve the increase in capacity and that no change to the conditions in respect of the fuel stock in the Original Consent is being requested in the Variation Application.

### Electricity Supply to the Tata Chemical Site

- 6.9 The Secretary of State notes that some objectors questioned the need for the Development as it will not provide electricity to the neighbouring Tata Chemicals site. The Original Consent was not granted on the condition that the Consented Development would supply energy to the Tata Chemicals site. The Inspector noted in her report that the Development was in line with Government policy in the relevant Energy National Policy Statements which set out the general need and urgency for new generating capacity including from energy from waste plants.

### Timescales from Grant of Consent to Construction and Operation

- 6.10 One respondent raised concerns over the fact that it has been six years since the Original Consent was granted, and the Applicant has stated that the construction phase of the Varied Development will last a further four years. Although section 36 consents set a date by which construction must commence, it is not usual practice to set dates by which construction must be completed, as this could unhelpfully constrain the construction process. In this case, construction has commenced, and the Secretary of State has no reason to believe that the Applicant will unduly delay the completion of the Development.

### Sourcing of Waste Fuel Stock

- 6.11 The Secretary of State notes that a number of respondents stated concerns over the possibility of waste fuel stock being sourced from outside Cheshire. Sourcing of the waste fuel stock was also considered by the Inspector during the Inquiry for the Original Consent, and the Secretary of State agreed with the Inspector's conclusion that the Development should not be limited to sourcing waste fuel stock from Cheshire only. The Variation Application does not seek changes to the sourcing of the waste fuel stock.

### Calorific Value of Waste Fuel Stock

- 6.12 One respondent drew attention to a waste management facility in the region which has applied to the Environment Agency for a variation to its Environmental Permit to increase the permitted amount of waste fuel input. The reason given for this increase is that the calorific value of the waste fuel stock utilised by this waste management facility has a lower calorific value than originally anticipated. The respondent has argued that this demonstrates that the Applicant's argument that it can generate at a higher capacity through the use of waste fuel stock of a higher calorific value cannot be correct. The Secretary of State notes that the Applicant has said that it will be able to achieve a higher generating capacity through the installation of more efficient boilers and turbines, but that there is also a potential for generating at a higher capacity due to recycling efforts which have resulted in a reduction of lightweight dry recyclables and organic wet foods wastes which are less combustible and are of a low calorific value.

### Conclusion

- 6.13 For the reasons set out above, the Secretary of State considers that all matters raised in the representations received from the relevant local authority or any other respondent are addressed either in the conditions attached to the Original Consent which are not being varied, the EIA screening process or in the information supplied by the Applicant in support of the Variation Application.



## **7. SECRETARY OF STATE'S CONSIDERATION OF COMBINED HEAT AND POWER**

- 7.1 The application is covered by the Departmental published guidance for all conventional power station proposals, requiring developers to demonstrate opportunities for CHP have been seriously explored before section 36 consent and a section 36 variation can be granted. The Secretary of State notes that the application for the Original Consent was accompanied by a CHP Assessment which concluded that there was no existing regional heat market and no suitable heat users of the right scale available at the time. The Applicant confirmed that this position has not changed.

### Conclusion

- 7.2 The Secretary of State is conscious that all opportunities for the deployment of CHP should be encouraged where possible and considers that revision to the deemed planning permission would be helpful in this respect. The Secretary of State has therefore included a new condition, condition 37, to require the ongoing monitoring and exploration of potential users of heat from the Development.

## **8. CONSIDERATION OF OTHER MATERIAL ISSUES**

- 8.1 The Secretary of State considers the following issues material to the merits of the Application:
- (a) the Applicant has provided adequate environmental information for the Secretary of State to judge the impacts of the proposed Varied Development;
  - (b) the matters specified in paragraph 1(2) of Schedule 9 to the Electricity Act 1989 have been adequately addressed by means of the environmental information submitted in support of the Variation Application and the Secretary of State has judged that the likely key environmental impacts are acceptable;
  - (c) the views of the relevant planning authority, statutory consultees under the Habitats Regulations, and all other relevant matters have been carefully considered;
  - (d) the Secretary of State is aware that the Varied Development would require an amendment to the Explanatory Memorandum to the existing Environmental Permit issued by the Environment Agency to reflect that the Varied Development is able to generate electricity at a higher capacity through the installation of more efficient technology which allows for higher boiler pressure and potentially through the incineration of waste with a higher calorific value than originally anticipated, and that there will be no change to the waste quantity or categories of waste that will be used as fuel stock;
  - (e) the legal procedures for considering an application for a variation of the generating station consent and Planning Conditions have been properly followed; and
  - (f) the Secretary of State has also considered policies on the need for and development of new electricity generating infrastructure, as set out in the *Overarching National Policy Statement for Energy (EN-1)* and the *National Policy Statement for Renewable Energy (EN-3)* in determining this Section 36C Variation Application. The Secretary of State considers that the Variation Application is consistent with the policies set out in the National Policy Statements (EN-1 and EN-3). In particular, the

Secretary of State considers that the Variation Application is consistent with the policies set out in the National Policy Statement (EN-1) which state: *“Developing our infrastructure.....will help us maintain and improve our security and access to competitive suppliers, particularly for electricity generation...”*.

## **9. SECRETARY OF STATE’S DECISION ON THE HOLDING OF A PUBLIC INQUIRY**

- 9.1 Regulation 8 of the Variation Regulations gives the Secretary of State discretion to hold a public inquiry into a Variation Application. In considering whether to hold a public inquiry, the Secretary of State must consider any representations which have been made to him by a relevant planning authority or any other person where those representations are not withdrawn, alongside all other material considerations.
- 9.2 In its response, the relevant planning authority acknowledged that because the Variation Application does not call into question the validity of the Original Consent, the grounds on which it could object to the proposed variation are limited. However, the relevant planning authority highlighted that it had objected to the application for the Original Consent during an Inquiry on the basis of potential negative impacts on the local area, and that it maintained these objections. The relevant planning authority therefore requested that interested parties be provided the opportunity to comment on the Varied Development through the submission of a new application. Representations registering concerns and objections to the proposed variation were also submitted by local MPs, Northwich Town Council, Pickmere Parish Council, Rudheath Parish Council, three local councilors, the Cheshire Anti Incinerator Networks and a local residents. The Secretary of State’s consideration of the concerns and objections raised in these representations is provided in section 6 above.
- 9.3 No objections were received by the Secretary of State to the proposed variation from statutory advisers, Natural England, the Environment Agency, the Health and Safety Executive and Historic England. In addition to these responses, a number of organisations did not respond to the consultation.

### Conclusion

- 9.4 The Secretary of State has carefully considered the views of the relevant planning authority, statutory advisers, representations from members of the public and all other material considerations. He takes the view that all matters raised in the representations have been addressed either in the conditions attached to the Original Consent which will be retained in the varied consent, the information submitted by the Applicant in support of the Variation Application and the EIA screening process. The Secretary of State is therefore of the view that there is no further information required to enable him to take a decision on the Application and that it would not, therefore, be appropriate to cause a discretionary public inquiry to be held into the Variation Application.

## **10. EQUALITY ACT 2010**

- 10.1 The Equality Act 2010 requires public authorities to have due regard in the exercise of their functions to:
- (a) the elimination of unlawful discrimination, harassment and victimisation and any other conduct prohibited under the Act;
  - (b) the advancement of equality of opportunity between people who share a protected characteristic and those who do not; and

- (c) the fostering of good relations between people who share a protected characteristic and those who do not.

10.2 The Secretary of State has considered the potential impacts of granting or refusing the Variation Application in the context of the general equality duty and has concluded that it is not likely to result in any significant differential impacts on people sharing any of the protected characteristics.

10.3 The Secretary of State does not, therefore, consider that either the grant or refusal of the Variation Application is likely to result in a substantial impact on equality of opportunity or relations between those who share a protected characteristic and others or unlawfully discriminate against any particular protected characteristics.

## **11. HUMAN RIGHTS ACT 1998**

11.1 The Secretary of State has considered the potential infringement of human rights in relation to the European Convention on Human Rights, by the Varied Development. The Secretary of State considers that the grant of Varied Development would not violate any human rights as given effect in UK law by the Human Rights Act 1998.

## **12. SECRETARY OF STATE'S DECISION ON THE VARIATION APPLICATION**

12.1 The Applicant has requested that the Consented Development be varied to allow for an increase in the capacity of the Consented Development from 60MW to 90MW, and to make amendments to reflect various pre-commencement Planning Conditions that have now been discharged. The Secretary of State notes that there will be no change in the main fuel source of the Varied Development and there have been no significant changes in the environmental and other impacts identified in relation to the Varied Development. The Secretary of State is therefore of the view that the Varied Development does not result in a development that is fundamentally different in character or scale to that originally consented. The Secretary of State is of the view that the Varied Development is appropriate and necessary, and is satisfied that the changes are of a kind that is reasonable to authorise by means of the variation procedure in section 36C of the Electricity Act 1989.

12.2 The Secretary of State has also had regard to the other matters specified in section 5 above and has decided to grant a variation to the Consented Development pursuant to section 36C of the Electricity Act 1989. The varied consent is annexed to this variation decision and is subject to the conditions set out in the varied consent. The Secretary of State also considers the Planning Conditions as varied, form a sufficient basis on which the Varied Development might proceed, and has, therefore decided to issue a section 90(2ZA) direction that the conditions to the Planning Conditions be varied as specified in the annex to that direction. The reasons for the variation to particular conditions are as explained in the Annex to this letter.

12.3 Accordingly I enclose the Secretary of State's variation of consent under section 36C of the Electricity Act 1989 and under section 90(2ZA) of the Town and Country Planning Act 1990 varying the Planning Conditions.

## **13. GENERAL GUIDANCE**

13.1 The validity of the Secretary of State's decision may be challenged by making an application to the High Court for leave to seek a judicial review. Such an application must be made as soon as possible. Parties seeking further information as to how to proceed, including the

relevant time limits for making an application, should seek independent legal advice from a solicitor or legal adviser, or alternatively may contact the Administrative Court at the Royal Courts of Justice, Strand, London WC2A 2LL.

- 13.2 This decision does not convey any approval or consent that may be required under any enactment, bye-law, order or regulation other than sections 36 and 36C of and Schedule 8 to the Electricity Act 1989 and section 90 of the Town and Country Planning Act 1990.

Yours sincerely

*Gareth Leigh*

**Gareth Leigh**

Head of Energy Infrastructure Planning