



Halton Borough Council Development Control Committee

Runcorn Energy from Waste Facility

Planning Application Reference 11/00186/COND

Questions & Answers

1. Q. Why did INEOS not appeal the original planning consent?

A. The original planning permission was not appealed because at the time of the Secretary of State's grant of planning permission, as now, INEOS supports the requirement to use sustainable modes of RDF transport to the EfW facility. Concerted efforts have been made by INEOS to comply with Planning Condition 57 and these efforts have resulted in almost half of the EfW's fuel requirement is expected to be transported by rail. Compared to other EfW facilities in the UK, this is an excellent position.

Recent changes in the economy have impacted local authority procurement plans and waste arisings. Nevertheless, millions of tonnes of RDF are available within the North West, but remaining contracts are smaller and are scattered across a wide area. The combination of modest volumes and scattered sources does not support the practicable use of existing (or new) rail infrastructure at a competitive cost. Accordingly, those concerned with contracting RDF currently plan to move it by road. This, together with current economic conditions, renders near-term investment in new railheads unlikely. Without the flexibility to transport more RDF by road, INEOS would need to double-handle movements to and from existing railheads and transport RDF over longer distances, which is contrary to European and National legal and policy requirements in respect of regional self sufficiency and the proximity principle. It would also undermine the purpose of the original EfW consent and would have a negative overall impact on CO₂ and the environment.

2. Q. What waste sources exist and why is this application being made now?

A. This application is being made now because some waste contracts have been confirmed and others are up or coming up for tender, which means that if the EfW Facility is to be appropriately used to manage NW municipal and C&I waste arisings it is essential for INEOS to act now to seek the Council's agreement to the increase in road delivery volumes prior to responding to tender requests. INEOS' application is based on its requirement for flexibility to source commercially viable RDF from within the North West, to fill remaining capacity and sustain the future and economic viability of the Runcorn EfW facility. Additional information on RDF sources accompanies this Q&A.

3. Q. If this change is agreed would INEOS needs to vary its EPR permit?

A. INEOS does not believe it would be necessary to vary the EfW Facility's Environmental Permit (EP), granted by the Environment Agency pursuant to the Environmental Permitting Regulations 2010, Regulation 13. The application before the Council does not seek to vary or amend the operation of the EfW Facility beyond that permitted by the EP. By virtue of Regulation 20 of the EP Regulations the Environment Agency, on application or on its own initiative, may vary the EP.

4. Q. What contribution would INEOS getting this permission make to CO₂ reductions in Halton?

A. This change would have a positive impact on CO₂ levels in Halton. The addendum to the RPS Transport Carbon Assessment demonstrates that the transport of RDF from the north west region by road would lead to Greenhouse Gas emissions reductions of approximately 30% less than when compared to the currently permitted rail delivery.

INEOS does not have current figures for total CO₂ emissions arising from all activities in Halton. However, data collected in 2007/8 shows emissions from Halton's public buildings, fleet transport, street lighting and the Council's own transport and waste alone to be 21,485 tonnes of CO₂. Approximately 70% of this is attributed to public buildings and schools. Against these figures and using the scenario outlined in the original RPS Transport Carbon Assessment, INEOS road transport proposal represents a saving of approximately 9%.

5. Q. CO₂ per tonne carried is 90% less for rail transport than it is for road transport. Rail transport uses 80% less energy than road transport.

A. This is incorrect. The 2008 report "Delivering a Sustainable Transport System: The Logistics Perspective" published by the Department of Transport, notes that rail transport produces around one third of the CO₂ per tonne km when compared to road transport. The same report states that emissions of local pollutants from new HGVs have more than halved in the last decade.

The standard findings for rail transport are based on dense (heavy) cargo transported in long trains over long distances. RDF is not dense and in INEOS' case, it will not be transported over long distances so this assumption needs to be adjusted to take account of lighter trains and short distances, which will reduce the CO₂ benefit of rail transport over road transport.

In addition North West RDF sources are geographically fragmented and are not located near railheads. They therefore cannot be loaded at nearby railheads for direct transport to Runcorn to provide the optimum CO₂ solution. Practical consolidation of sources would require road transport from the source to a central hub, and then (because of a lack of railheads) from the hub to a railhead. This would result in increased road traffic and longer rail journeys, which would result in increased road traffic, which would negate the intended CO₂ benefit.

The Transport Carbon Assessment provided by RPS in support of INEOS application explains that road transport is more sustainable because it offers a more direct, shorter route, which avoids the cost of double handling and reduces greenhouse gas (GHG) emissions by limiting distance and making the most efficient use of available transport modes.

6. Q. Why can't INEOS apply for permission as fuel sources become clear?

A. INEOS is making this request now because the flexibility to offer transport by road, where this is the most sustainable option, is required before contract discussions for future waste contracts can begin. Many of these contracts cannot be serviced under the existing transport restriction.

7. Q. INEOS' request is simply too much. Why can't they apply for less?

A. INEOS could apply for less at this stage, but the extensive investigations already undertaken for the Company demonstrate that if it did this, it is certain it would have to apply for further increases in future. This would require further use of local authority resources and would not provide the clarity that local community stakeholders are seeking.

Remaining municipal contracts within the region are small and the combination of modest volumes and scattered locations do not easily support the practicable use of existing or new rail infrastructure at a competitive cost. Accordingly those concerned with contracting RDF currently plan to move it by road something that in addition to current economic conditions, which render near-term investment in new railheads unlikely. Without the flexibility to transport more RDF by road RDF would need to double handled and, in some circumstances, transported over longer distances.

INEOS still expects RDF from GMWDA and Cheshire (if successful) to be delivered by rail and would still hope to source other RDF by rail if it proves to be economically feasible. To this extent and in line with the conditions imposed in the existing consent, INEOS has provided an undertaking to exercise all reasonable endeavours to maximise the movement of materials, including RDF, into and out of its Runcorn site by sustainable transport arrangements including road.

8. Q. Why does the RDF have to come from the NW and why by road?

A. The intent has always been to develop a regional EfW facility at Runcorn but the restriction on road transport that currently applies to the Runcorn EfW, severely limits INEOS' ability to bid for fuel sources in and around the North West region. Consistent with various EU and National waste and energy policies, the most sustainable solution for INEOS and for the region is to maximize the proportion of regionally derived RDF used by the Runcorn EfW and transport this as sustainably as possible, which at the present time is by road.

9. Q. INEOS has permission to burn biomass or other non RDF material so why don't they do that?

A. The purpose of the Runcorn EfW facility is to service the North West region's residual waste and the local economy in line with policy requirements for Regional Self Sufficiency and Proximity, to support sustainability and have a minimum impact on the environment. The facility is not economically viable on the basis of majority biomass use. Even if this were the case, sources of biomass are small and fragmented, which would necessitate movement by road.

10. Q. How can INEOS explain the need for it to (a) have another 480,000tonnes RDF transported by road and (b) why has INEOS not argued its case based on economics?

A.

(a) INEOS is not asking for additional volumes of RDF to be delivered to the facility. The 480,000 tonnes by road was the basis of the original planning application, and was subsequently limited to 85,000 tonnes by road by planning condition.. What INEOS is requesting is consent, as allowed under Condition 57, for

the limit on road volumes to be increased. Waste volumes and composition are the key determinants of RDF volume and changes in economics and consumer behaviour affecting the Manchester and Cheshire contracts, means the total RDF available by rail could be as low as 370,000 tonnes. As no other large parcels of waste suitable for rail transport are available, INEOS needs flexibility to bring the balance, i.e. 480,000 tonnes, by road as originally requested

(b). It is clear, as stated, that recent developments in waste contracts currently being procured mean rail transport is unaffordable and uncompetitive at this time. The definition of Sustainability used by Government requires that sustainable transport be affordable, operate fairly and efficiently, offer a choice of transport mode and supports a competitive economy, as well as balanced regional development. It is also required to limit emissions and waste. INEOS is requesting flexibility in its choice of transport for RDF on the clear basis that it is likely for the remaining contracts available at this time road transport is more sustainable than rail transport for the movement of RDF from within the region. INEOS believes its request for transport flexibility offers the best sustainability option.

11. Q. What would stop INEOS from getting this permission and then bringing material in from long distances (e.g. Scotland) by road?

A. For reasons already outlined, most waste contracts will be placed on the basis of regional proximity and affordability, making it more likely that waste arisings will not be transported over significant distances, i.e. across regions. Should this be the case, INEOS has provided an undertaking to exercise all reasonable endeavours to maximise the movement of materials, including RDF, into and out of its facility by sustainable transport arrangements including road for the duration of the operation of the EfW facility.

12. Q. How would INEOS enforce the Unilateral Undertaking and demonstrate it had made 'reasonable endeavours' as mentioned in its transport undertaking?

A. If this variation under condition were approved, INEOS would become bound in law to fulfil its obligations under the Unilateral Undertaking. Implementation could include providing reports to the Council or communication to contractors and /or suppliers of steps to be taken, or indeed the use of contractual provisions, as may be appropriate.

13. Q. INEOS transport report considers four transport scenarios. Are other delivery scenarios available to inform their application?

When selecting scenarios, it is important to consider the probability and the practicality of those scenarios coming to fruition in real life. The scenarios presented by INEOS are considered as having a reasonable chance of fruition.

Regional self-sufficiency, the proximity principle and other policy requirements for sustainability promote waste management policies that favor local treatment solutions. Indeed prior to the recent economic recession many authorities (even small ones) demonstrated a preference for bespoke treatment solutions. More recently this has changed and the preference is now for larger treatment facilities, albeit still based locally or regionally. Authorities rarely decide to move material over long distances because it is generally more expensive and less sustainable to do so.

The INEOS Transport Carbon Assessment assesses seven RDF transport scenarios, including five different rail scenarios, one of which is the RDF currently permitted for rail delivery and which is not proposed for transport by road. The four remaining rail scenarios relate to RDF tonnage that is proposed for consideration for transport by road and these represent the best view of North West RDF and transport options available to INEOS when the study was drafted.

RPS have prepared an addendum to the Transport Carbon Assessment to address the questions raised by Halton Borough Council's advisors (MEAS).

14. Q. How many vehicles (movements) in total would this consent for additional RDF transport by road permit?

A. This is shown in the table below;

Transport by road	HGV Vehicle Movements per day	Number of HGVs per day
<i>Permitted RDF (85,000tes)</i>	36	18
Other (By products , Ash	178	89
Total currently permitted	214	107
<i>RDF - this application (395,000 tes)</i>	170	85
<i>RDF Total (480,000tes) if permitted</i>	206	103
Final Total if permitted	384	192

The requested change to the road transport limitation set by Planning Condition 57 would result in an additional 170 HGV deliveries (85 HGVs) to the site each day. Taking into account the current consent for 85,000 tonnes of RDF transport and the movements associated with the removal of operational by-products, the total number of HGV movements each day would be 384 (192 HGVs). This is the same number of vehicle movements considered in the original Section 36 application and the accompanying Environmental Statement.

15. Q. How many additional vehicles is this over and above the existing permission and how would this affect traffic flows consented by the current permission?

The existing permission allows 214 HGV movements (107 HGVs) each day. If granted, this new permission would increase this by 170 HGV movements (85HGVs) each day and bring the total to 384 HGV movements (192 HGVs) per day.

It is worth noting that in order to comply with the existing permission, i.e use of rail over road, it is likely that RDF would be driven through Halton Borough en route to a railhead located outside the Borough for transport back to the facility in Runcorn. Increased traffic movements within the Borough would therefore occur and could be even greater in number than if this permission were granted. This is an absurd position, which is in clear conflict with policy objectives.

16. Q. How many vehicles is this each minute?

A. This increase would equate to a maximum of 2 vehicles per working hour (calculated on the assumption of a 60 hour working week for deliveries, based on Mon-Fri 7am –7pm). As the EfW will also accept deliveries on Saturdays the working week is longer than this and the actual total of vehicles each minute is expected to be less than this.

17. Q. Won't all these extra lorries just cause even more traffic problems especially on the Silver Jubilee Bridge and the M56 junction?

A. The Transport Assessment, which accompanies INEOS' Application, clearly demonstrates that there are no existing deficiencies in the local highway network and that the additional road traffic proposed would not give rise to a significant impact. This reaffirmed the assessment performed as part of the original Section 36 application.

These findings were supported by the planning officer's reports on both occasions. Furthermore the RDF would be transported from a range of locations, which would dilute the total traffic flow and avoid concentrated movement via any single route such as the Silver Jubilee Bridge. If this request were successful INEOS would commit to use all reasonable endeavours to minimize the amount of RDF transported by road.

18. Q. What other measures could the Highways Department employ to prevent traffic on residential roads close to the facility?

A. This is a matter for the Council, but from the Transport Impact Assessment it is clear no mitigation measures are necessary or required. The Unilateral Undertaking's routing obligation will protect and improve the amenity of nearby residents.

19. Q. Why can't INEOS help fund a short extension to the new road to reach the Docks

A. Operational traffic arising from other non Energy from Waste activities is not within scope of this application. An extension to Barlow Way is a possibility, but would not be funded by INEOS as it is not required for its operational needs. The case for an extension would need to be made by the operators of the Docks facility and is not material to this application.

20. Q. Has Network rail been consulted about rail network capacity?

A. This is a matter for the Council, however it is important to recognise that network capacity is not the factor limiting INEOS' ability to transport RDF by rail. The key factors are the proximity of the RDF supply source to a railhead and the volume of material to be transported.

That said, the Network Rail West Coast Main Line Route Utilisation Strategy¹ states that:

"Analysis suggests that there is reasonable capacity for growth on this route section (the Weaver Junction to Allerton West Junction branch). There are no specific constraints on this section"

It is however, important to note that the Folly Lane sidings that serve the Runcorn EfW facility are only accessible to northbound trains. RDF arising in Merseyside would have to be transported to the Garston and Widnes 3MG railheads by road, then trains from these railheads could only access the EfW if they first travelled south to Crewe, and then north again. The total transport distance would therefore be longer and the cost cost and emissions would be higher, than if the material were transported directly to Runcorn by road.

21. Q. Network Rail previously said that slight modifications were required to signalling at the Runcorn site. Have these been done or is this work outstanding and limiting INEOS ability to handle more rail traffic?

A. These modifications are complete and are not relevant to this application.

21. Q. INEOS claims that the EfW will provide 15-20% of its energy requirement but they now intend to sell the extra electricity produced by EfW to the grid. Why has their position changed?

A. INEOS' position has not changed. The Runcorn EfW will provide INEOS with approximately 20% of its total energy requirement (as both electricity and steam). This application for a variation under condition does not affect the total capacity of the facility. This source of carbon free electricity is critical to the future sustainability of INEOS manufacturing operations at Runcorn.

INEOS does not take speculative 'trade' positions on power markets. However, on occasion, operating conditions may reduce the overall load at the site, e.g. routine major plant overhauls and could result in power being bought or sold to better match the sites energy requirement. In such instances the EfW Facility would still provide energy to INEOS operations.

23. Q. INEOS always says that the EfW is important in supporting jobs. How many jobs are affected by this?

The energy generated by the Energy from Waste facility will be critical to helping sustain INEOS manufacturing operations at Runcorn and maintaining viability of the 130,000 direct and indirect jobs it supports.

24. Q. Why should waste be sourced locally and not from further away in the UK?

A. Consistent with various EU and National waste and energy policies, the intent has always been to develop a regional EfW facility at Runcorn. The most sustainable solution for INEOS and for the region is to maximize the proportion of regionally derived RDF used by the EfW and transport this as sustainably as possible, which at the present time is by road.

25. Q. Why does INEOS summary of RDF available from municipal waste contracts, not include Lancashire or Blackburn and Darwen and when will the Cheshire contract be confirmed?

A. INEOS summary has been updated to reflect the latest position as outlined below;

- Lancashire's contract is already let to Global Renewables and the technology being used is a non-thermal process producing biogas fuel and compost.
- Blackburn and Darwen decided it was too expensive to send its waste to be dealt with by the facilities being developed under the Greater Manchester or Lancashire PFI deals and began to procure its own arrangements in 2010. Transport of RDF by rail to Runcorn EfW was discounted from consideration at an early stage of the procurement process.
- A legal decision in respect of the Cheshire PFI funding withdrawal is expected imminently.

¹ West Coast Main Line Route Utilisation Strategy, Network Rail, July 2010 (available at www.networkrail.co.uk)

26. Q. Can INEOS provide evidence that the restriction would threaten financial viability of the EFW facility?

A. INEOS application demonstrates that there is no valid planning reason why its request should not be granted.

27. Q. The Secretary of State imposed the original condition to protect the local community so why is INEOS seeking to change this?

A. This is not correct. The condition itself was originally requested by a Halton Council Member and was subsequently applied by the Secretary of State to permit future consideration of sustainability to:

"ensure that the most sustainable modes of transportation are considered for the delivery of refuse derived fuel and there is proper control of noise for the delivery of refuse derived fuel by rail".

The change is requested by INEOS is to allow Runcorn EfW to secure North West waste contracts and is fully in line with the requirement that consideration be given to sustainability.

28. Q. What relevance (if any) has water transport to this application?

A. The Runcorn EfW facility is close to the Manchester Ship Canal, which links Eastham Docks in the west to Salford Quays in the east. The project gave consideration to water transport in its original assessment as RDF could enter from the east if it were double handled and transferred from road to barge in the Manchester area, however environmental benefits would be limited as they would only affect the final 30 miles of the journey.

Peel reviewed the transportation of RDF from Greater Manchester by water in 2010, but they were unable to present an economically viable proposal compared to the rail benchmark. There are currently no known sources of RDF to the west of the country that could feasibly be imported via Eastham Docks.

29. Q. Peel Holdings findings suggest that Runcorn EfW could use water transport so why has this not been considered?

A. Peel reviewed the transportation of RDF from Greater Manchester by water in 2010, but they themselves were unable to present an economically viable proposal compared to the rail benchmark. There are currently no known sources of RDF to the west of the country that could feasibly be imported via Eastham Docks

30. Q. INEOS' arguments against water transport are flawed as water transport is suitable for large volumes and the limited network is not relevant as Runcorn EfW is adjacent to the canal

A. The feasibility of transporting RDF by water has been considered (see Q&A 28). The volumes of waste arising on a daily basis are not large in the context of water transport as considered in the 'Freight Modal Choice' report performed by AECOM for the Department of Transport in 2010, that the extract was from.

31. Q. Why are the transshipment costs and risks mentioned in INEOS response letter of 20th June 2011, relevant to low cost cargo such as RDF?

A. RDF is a low density and low cost cargo. In instances where these costs and risks apply, they represent a higher overall proportion of the cargo value, which makes water transport a less affordable option.

32. Q. If INEOS gets this request approved it will open the flood-gates for a range of other change requests.

A. This is not the case. The Runcorn EfW facility is controlled by an extensive set of planning conditions and INEOS is already working in accordance with the Council to comply with those that currently apply. Condition number 57 permits an application for a variation under condition approved by the written permission of the local planning authority.

33. Q. Have objectors had an opportunity to reply to INEOS response

A. INEOS outline its response in its letter dated 20th June 2011. Halton Borough Council subsequently published this letter, prior to the Development Control Committee, on 4th July. This afforded objectors a fair and reasonable opportunity to respond to INEOS response, as borne out by additional submissions by objectors during the weekend immediately prior to the Development Control Committee meeting.

34. Q. Have Halton Members had legal advice on tailpiece argument raised by GVA /Covanta?

This is a matter for the Council but at the 4th July Development Control Committee the Council's legal advisors stated their agreement with the response to this outlined in INEOS letter of 20th June 2011, which makes clear that the tailpiece argument presented by GVA/Covanta is not a relevant objection with respect to INEOS application. This is because INEOS application under condition seeks permission within an existing condition and does not seek to change the scope of the existing planning consent.

35. Q. The tailpiece in Planning Condition 57 was for small and temporary changes only, which is not the case here so why is this application being considered?

A. The tailpiece in Planning Condition 57 was originally requested by a Halton Council Member and was applied by the Secretary of State to permit future consideration of sustainability to.

'ensure that the most sustainable modes of transportation are considered for the delivery of refuse derived fuel and there is proper control of noise for the delivery of refuse derived fuel,'

Consideration of this request is fully in line with the Secretary of States requirement to reassess sustainability. (See Q&A 34 for additional information)

36. Q. Why is the Derby case is not relevant when considering this application?

A. Halton Borough Council has stated that the area around Runcorn EfW is not an Air Quality Monitoring Area (AQMA), whereas in the Derby case the area under consideration had already been certified as AQMA.

37. Q. Why is this application not EIA development, it looks like EIA development to me?

A. This is a matter for the planning authority whose response is outlined in Halton Borough Councils screening opinion letter, dated 27th June 2011

38. Q. Surely the increase in traffic will increase NOx deposition, which would be harmful to heathland at Runcorn Hill. Why is INEOS ignoring Cheshire Wildlife Trusts objection in this regard?

A. INEOS recognises that heathlands are internationally important habitat for several communities but it does not accept this concern. This is addressed in INEOS letter of 1st July 2011 to Halton Borough Council. The environmental impact assessment undertaken as part of the production of the Environmental Statement for the original Section 36 application, was based on an application to bring up to 480,000 tonnes per annum of RDF to the Application site by road and shows the effects on Runcorn Hill to be negligible or neutral. Cheshire Wildlife Trust was consulted on this. In addition this objection has since been withdrawn.

39. Q. What relevance is the proximity principle if Halton's waste is going elsewhere?

A. The Runcorn EfW has capacity to handle Halton waste, however the decision on where and how Halton's waste is treated is a matter for its Waste Development Authority. Consideration of INEOS transport request is a planning matter.

40. Q. Doesn't the disclaimer in INEOS/RPS Transport Carbon Assessment report render their report invalid and unreliable?

A. This disclaimer is a legal matter, which has no impact on the technical validity of the findings of RPS Transport Carbon Assessment. It is normal practice for any consultant to use a range of reference material in their assessments. The RPS report is no exception, as it uses published data from a range of well-recognised and renowned expert sources such as DEFRA. Although these sources are generally accepted as expert opinions offering robust findings for RPS consideration, it cannot legally warrant them, as it was not responsible for the study to which they refer.