Protos Plastics to Hydrogen Facility

SECTION 73 APPLICATION FOR AMENDMENTS TO PERMISSION REFERENCE 19/03489/FUL FOR THE DEVELOPMENT OF A PLASTICS TO HYDROGEN FACILITY, ELECTRICITY GENERATING PLANT AND ASSOCIATED INFRASTRUCTURE ON PLOT 10B, PROTOS, INCE

PLANNING STATEMENT

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Chester Office | Well House Barns | Chester Road | Bretton| Chester | CH4 0DH

South Manchester Office | Camellia House | 76 Water Lane | Wilmslow | SK9 5BB

t 0844 8700 007 | **e** enquiries@axisped.co.uk

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1.0 INTRODUCTION AND SCOPE OF APPLICATION

1.1 Introduction

1.1.1 This statement has been produced on behalf of Peel NRE ('the Applicant') in support of an application made to Cheshire West and Chester Council ('the Council') under Section 73 ('the Section 73 application') of The Town and Country Planning Act ('the 1990 Act') to vary conditions of an extant planning permission (Planning Permission Ref: 19/03489/FUL; 'the 2020 permission') for a plastics to hydrogen facility, electricity generating plant and associated infrastructure (hereafter collectively referred to as the 'plastics to hydrogen facility').

1.1.2 The application concerns the plastics to hydrogen facility consented for Plot 10b at Protos, Ince Marshes on land off Pool Lane/Grinsome Road, Ince. Protos covers approximately 134 hectares of land, of which 54 hectares is consented for waste and energy related development. The remaining land is being used for landscape and habitat creation works. The developer of Protos is Peel Environmental.

1.1.3 The consented facility comprises a hydrogen production facility which would employ an advanced thermal treatment process to generate hydrogen, electricity and heat from waste plastic which is not suitable for recycling. The hydrogen could be provided for HGV's to use as a zero emissions fuel or could be exported in bulk deliveries offsite. The facility would generate electricity to meet the facilities parasitic energy demands and for export to the local electricity distribution network. The facility would also be capable of exporting heat to local heat users.

1.1.4 The facility offers clear benefits and provides solutions to two problems subject to heightened public awareness; firstly how to manage plastic waste that cannot be reused or recycled, and secondly how to reduce the impact of vehicle use on air quality.

Section 73 of The Town and Country Planning Act

1.1.5 The Section 73 application seeks permission for changes to the approved layout and elevations which have arisen from detailed engineering design of the facility and the need to undertake earth works to accommodate the ground levels at the site. Additionally, the application also seeks to increase the number of HGVs

allowed to access the facility each day in order to provide flexibility for the delivery of hydrogen to potential future customers.

1.1.6 Section 73 gives an express power to apply for planning permission for the development of land without complying with conditions attached to an earlier planning permission. The outcome of a successful application is the grant of a wholly new planning permission. A Section 73 application enables 'minor material amendments' to be made to an existing application by virtue of granting a new planning permission which refers to updated / modified plans.

1.1.7 In this respect the application is seeking to not comply with Condition 2, 9, 10 which reference the approved plans, and Condition 8 which controls the number of HGVs which can access the facility.

1.1.8 The limitations of Section 73 applications have been tested by the courts. Most recently in *Finney v Welsh Ministers [2010] EWCA Civ 1868, the Court of Appeal* confirmed that a Section 73 application may not be used to obtain a varied planning permission when the variation sought would require a change to the description of development. It has also been established that new conditions resulting from the grant of a Section 73 application must be ones which could have been imposed on the original planning permission; *R. v Coventry City Council Ex p. Arrowcroft Group plc [2001] PLCR 7*.

1.1.9 This Statement explains that the proposed changes to the approved scheme are necessary to deliver the plastics to hydrogen facility and that they would not amount to a fundamental alteration to the proposal put forward in the original application. The development remains as per the original application i.e. the development of a plastics to hydrogen facility, electricity generating plant and associated infrastructure. The proposed varied conditions would be capable of having been applied to the original permission.

1.1.10 In relation to the determination of a Section 73 application the planning authority is not required to re-visit the principle of the proposed development, instead the focus should be on the amendments being proposed and whether these are acceptable in planning terms relevant at the time of the Section 73 application.

1.2 Background and Requirement for Modifications

1.2.1 Protos was granted outline planning permission in 2009. This permission was varied in 2015 pursuant to a Section 73 application and the site currently

operates under this permission (Reference 14/02277/S73) ('the Protos permission'). Reserved Matters were approved pursuant to the Protos permission and a number of other standalone planning permissions have also been granted consent, all of which are for energy and resource management development, in line with the Protos permission.

1.2.2 The 2020 permission granted full planning permission for the plastics to hydrogen facility as a standalone permission on Plot 10b of Protos. The plastics to hydrogen facility forms part of the 'Plastics Park' concept developed by Peel NRE for the Protos site. The Plastics Park at Protos will deliver a comprehensive solution for the management of some of the 4.9 million tonnes of plastic waste generated in the UK each year, preventing it from being managed in a conventional incinerator or ending up in, landfill, the ocean or being exported overseas.

1.2.3 The 2020 permission was granted subject to 30no. planning conditions, including numerous pre-commencement conditions. Schemes to discharge the pre-commencement conditions (with the exception of Condition 30 which relates to material samples) were submitted to CWAC in October 2020 and March 2021 and await determination. A submission will be made imminently in respect of Condition 30 relating to material samples.

1.2.4 Since the 2020 permission was granted, in partnership with the technology providers, the Applicant has undertaken further engineering design work to develop the definition of the project for construction. This design work has resulted in changes to the layout of the facility and the dimensions of some plant and buildings. This is not an uncommon process for this type of development and at the time of the original application the Applicant was reliant on the preliminary assumptions made by the design team. A summary of the main modifications to the layout and elevations is provided at Section 2.0. To this end, it is proposed to vary the conditions of the 2020 permission which refer to the approved layout and/or elevations so that they refer to revised layout and elevation drawings; the relevant conditions are Conditions 2, 9 and 10.

1.2.5 The detailed engineering design has also re-examined how hydrogen produced at the facility would be managed. Changes in the management and production scenarios, as well as examination of transport requirements, has identified a requirement to increase the maximum number of HGVs accessing the site to export hydrogen. This increase in HGV numbers will provide flexibility to meet

the potential demand from future bulk hydrogen customers, which is important to maximise the potential customer base for hydrogen and increase its use in the local area. As a result, it is proposed to modify Condition 8 on the 2020 permission to increase the number of HGVs permitted to access the facility.

1.2.6 The restriction on the number of HGVs permitted to access the facility stems from the Protos permission (as most recently amended by non-material amendment 20/04373/NMA in December 2020) which restricts the number of HGVs able to access each development plot on the Protos site. To avoid any increase in the overall number of HGVs accessing the Protos development, the number of HGV movements associated with each plot will be altered to reallocate the movements and increase the proportion of movements permitted to access the hydrogen production facility (located at Plot 10b). This will be subject of a separate application for a non-material amendment to Condition 9 of the Protos permission, which it is anticipated will be determined in advance of or alongside this application.

1.3 Scope of the Application

1.3.1 The planning application comprises the following main elements:

- Planning Application Form and Certificates;
- Planning Statement;
- Application Drawings;
- Noise Assessment Technical Note; and
- Air Quality Assessment Technical Note.

1.3.2 The Planning Statement is divided into 6 main sections following from this introduction. Section 2.0 contains a detailed description of the proposed modifications subject to this Section 73 application. The relevant environmental considerations are summarised in Section 3.0, followed by an appraisal of the relevant planning policy in Section 4.0. Finally, Section 5.0 provides a conclusion to the Planning Statement.

2.0 DESCRIPTION OF DEVELOPMENT

2.1 Introduction

2.1.1 As described in Section 1.0, the consented facility comprises a hydrogen production facility, which would also be capable of generating and exporting electricity and heat.

2.1.2 The facility would be located at Plot 10b of Protos, located 1.2km to the east of the village of Ince and 800m to the north of the settlement of Elton. The facility will occupy a site of 0.99ha in area.

2.2 Overarching Description

2.2.1 The facility would utilise an advanced thermal treatment process involving gasification to convert end of life plastic into electricity, heat and hydrogen. The facility could generate approximately 3.8MW of electricity gross or up to approximately 2 Tonne per day of 99.9% pure, water free hydrogen. Depending on the set up of the facility it would be capable of exporting circa 3.4 MW of electricity to the Protos local grid which would enable other businesses on Protos to be powered by the plastics to hydrogen facility or any unused electricity to be exported to the local electricity distribution network. The gas engines would operate in a combined heat and power mode, which would enable heat from the facility to be fed into a Protos wide district heat network e.g. the recovered heat could be used by a potential plastic recycling company on the adjacent Plot 13 in the form of steam and hot water, which would use circa 1MW of thermal energy.

2.2.2 The facility consists of the following main process items:

i. Feed System;
ii. Thermal Conversion Chamber;
iii. Residue Collection System;
iv. Gas Clean-Up Equipment;
v. Hydrogen Separation Equipment;
vi. Hydrogen Storage;
vii. Gas Engine Generators; and
viii. Quench Process Waste Clean up.

2.2.3 A site office/amenity building would be provided at the entrance to the facility along with car parking spaces (proposed through this application to be increased from 6 to 7 spaces) and covered cycle store.

2.2.4 The currently approved layout is shown on Drawing 2597-01-005 Rev C.

2.3 Modifications to Previously Approved Development

Modifications to the Layout and Elevations

2.3.1 As described in Section 1.0, this application seeks to vary conditions on the 2020 permission to accommodate modifications to the layout and elevations of the plastics to hydrogen facility which have resulted from detailed engineering design.

2.3.2 The proposed modifications do not change the development other than modifying the location and heights of some of the buildings and equipment which form the plastics to hydrogen facility. The facility would operate in the same manner and comprises the same elements of equipment as approved by the 2020 permission. In addition to modifying the building / equipment layout it is also proposed to modify the site levels. The previous application was based on the provision of a single level development platform. However, in order to reduce the volume of earthworks it is proposed to vary development levels across the site.

2.3.3 At present the site lies between approximately 9.8m AOD in the south west corner and approximately 5.5m AOD in the north east corner. The proposed development platform level lies between 9.1m AOD and 7.05m AOD. These are illustrated on the Proposed General Arrangement (2907-01-005 Rev C) and Proposed Facility Elevations (2907-01-006 Rev A)

2.3.4 A summary of the main changes to the layout and elevations are described in Table 1 below. A brief explanation for the proposed changes is also provided.

Table 1 – *Summary of Main Design Changes*

Ref	Details of change	Requirement / rationale for change
1	Increase in footprint of Storage and Maintenance Building by 100sqm.	Greater flexibility and storage capacity
2	Increase in footprint of the Feedstock Building by 200sqm.	To enhance operational efficiency

Ref	Details of change	Requirement / rationale for change
3	Increase in the number of silos from 1 to 3, and the silos height has increased from 11.1m to 14.15m	Allows for process flexibility and changes in feedstock density
4	Amenity building has moved to the west and is now a double stacked modular building	To provide adequate office and amenity space for staff
5	Repositioning and addition of electrical buildings	In light of the detailed engineering process. Two buildings are 12m in length, 2.4m wide and 7m high. The third building is 6m in length, 2.4m wide and 2.6m high.
6	Re positioning of gas engines	In light of the detailed engineering process
7	Reduction in the number of gas engines from 6 to 5 engines (with passive provision for 6)	In light of the detailed engineering process
8	Hydrogen storage tanks reduced in number from 3 to 1 and reduced in height from 15.1m to 5m	In light of the detailed engineering process
9	Relocation of the fire water tank from the north to south of the site	In light of the detailed engineering process and to improve operational efficiency
10	Relocation of Residue Silo	In light of the detailed engineering process and to improve operational efficiency
11	Relocation of pipe rack road crossing	Optimised for new layout resulting from the detailed engineering process and to allow for site levels
12	Design development to accommodate maintenance zone around each of the buildings	To facilitate easier access for equipment maintenance and to provide safe operational conditions
13	Increase in the number of staff vehicle parking spaces from 6 to 7	To provide greater operational flexibility
14	Reconfiguration of internal road layout	To suit the wider reconfiguration of the site
15	Relocation of the weighbridge	To suit the wider reconfiguration of the site
16	General re-positioning of process equipment	In light of the detailed engineering process, and to suit the wider reconfiguration of the site
17	Amendment of site layout	To accommodate the change in ground level across the site
18	Introduction of retaining walls	To accommodate the change in ground level across the site and as a result of the detailed engineering design process

Modifications to the Permitted Number of HGV Movements

2.3.5 As set out above it is proposed to increase the number of HGVs permitted to access the facility each day. Currently, Condition 8 of the 2020 permission restricts the number of daily HGV movements to 5 two-way movements (5 in and 5 out). This application seeks to amend Condition 8 of the 2020 permission so that it allows 10 two-way HGV movements (10 in and 10 out) per day.

2.3.6 The increase in the number of daily HGV movements will provide flexibility in how the hydrogen produced at the facility is managed and enable the Applicant to offer reliability in hydrogen supply for their customers. It is anticipated that this will support the increased use of hydrogen fuelled vehicles and their viability as a transport option.

2.3.7 To facilitate the increase in the number of HGV movements allowed at Plot 10b, whilst retaining the same overall number of HGV movements permitted to access the entire Protos site each day (restricted by Condition 9 of the Section 73 permission, as amended by 19/02710/NMA in August 2019 and 20/04373/NMA in December 2020), the number of HGV movements permitted to each plot has been reallocated, as per the table below.

2.3.8 The most recent non-material amendment to Condition 9 provides for a total of 718 HGV movements across all of the development plots at Protos. The landowner for Protos, Peel NRE, is currently planning a series of potential new sustainable waste management development projects across Protos, including a planning application for the Plastic Park. As such Peel NRE have undertaken a site wide review of traffic numbers and are proposing to reallocate HGV movements across the development plots to meet the potential HGV requirements of future occupants. The reallocation of movements is set out in Table 2.1 below, this includes the increase in movements at Plot 10b proposed within this application. The total number of HGV movements access Protos resulting from these changes has not altered and remains at 718.

Table 2 – The Proposed Reallocated HGV vehicle movements for Protos *(to be subject to an application under Section 96a to amend Condition 9 of the Protos permission).*

Plot	Facility	Daily 2-way HGV Movements	Permitted exceedance (2-way HGV)
1	*Dry Cargo Facility*	*14*	*1*
2	*Soil Treatment Facility*	*54*	*3*
3	*Waste Electrical and Electronics Equipment (WEEE) Recycling Facility*	*72*	*4*
4	*Food / Timber Recycling*	*84*	*5*
5	*Integrated Waste Management Facility (WMF)*	*236*	*12*
6	*Plastics Recycling Facility*	*30*	*2*
7	*Waste Treatment Plant*	*0*	*0*
9	*Ethanol Production Facility*	*58*	*3*
10a	*Resource Recovery Business Centre*	*37*	*2*
10b	*Resource Recovery Business Centre*	*10*	*1*
11	*Commercial/Industrial Waste Transfer Station*	*78*	*4*
12	*Resource Recovery Village*	*36*	*2*
13	*Resource Recovery Village*	*9*	*1*
14	*Block Making Facility*	*0*	*0*

2.3.9 To regularise the proposed reallocated numbers of HGV movements across the entire Protos site, an application will be submitted pursuant to Section 96a of the Town and Country Planning Act 1990 to amend Condition 9 of the Section 73 permission so that it reflects the movements shown in Table 2 above. Notwithstanding the proposed amended numbers of movements allocated for each plot, the principle of the Section 96a application described above is the same as the amendments made in 2019 and 2020 (References: 19/02710/NMA and 20/04373/NMA respectively). As such, it is anticipated that it will be possible for the amendment to Condition 9 of the Section 73 permission to also be determined under Section 96a of the Town and Country Planning Act 1990.

3.0 ENVIRONMENTAL APPRAISAL

3.1.1 The planning application which resulted in the 2020 permission (the '2020 application') considered the potential for the plastics to hydrogen facility to give rise to environmental impacts. The potential for impacts was considered in terms of the following topics:

- Ecology
- Landscape and Visual;
- Cultural Heritage;
- Flood Risk;
- Air Quality
- Noise;
- Arboriculture; and
- Transport.

3.1.2 Where relevant, technical assessments covering these topics were completed to support the 2020 application. The environmental appraisal undertaken to inform the 2020 application concluded the proposed development would not give rise to any unacceptable environmental effects.

3.1.3 In terms of the modifications proposed to the 2020 permission through this application, there would not be any impact on the appraisal undertaken to inform the 2020 application in terms of ecology, cultural heritage, flood risk and arboriculture. It should be noted that pre-commencement planning conditions relating to ecology and arboriculture have been submitted and that advance ecological mitigation works, as reported within the submitted schemes have been undertaken e.g. water vole exclusion works and bat surveys of trees.

3.1.4 Due to the changes to the layout and heights of some elements of the facility, it has been agreed with the case officer for the development that the noise and air quality assessments completed to support the 2020 application would be reviewed to confirm if the conclusions of those assessments would be affected. Technical notes have been produced by the authors of those reports.

Air Quality

3.1.5 Appendix A provides a review of the Air Quality Assessment (AQA). The note confirms that the air quality model inputs remain the same as those used in the

original AQA, with the exception of the new building layout, building heights, stack locations and updated meteorological data.

3.1.6 As part of the analysis a review of the baseline air quality has been undertaken and updates made to accommodate the updated national modelling mapped background data for 2018 and more recent automatic monitoring.

3.1.7 The results show that the proposed modifications would result in some very minor changes to the air dispersion of emissions from the facility. However. the note concludes that impacts at the areas of relevant exposure remain extremely similar to the original AQA, and as such it can be concluded that the overall impacts of Proposed Development will remain unchanged from the conclusions of the original AQA and are considered 'not significant'.

3.1.8 Consideration of effects at ecological sites has also been undertaken. As part of the previous application, Natural England (NE) requested an assessment of the impacts on neutral grassland habitats that are functionally linked to the Mersey Estuary SPA/ Ramsar. In order to carry out this analysis the impact of emissions at Protos Ecological Mitigation Area A was calculated. The maximum impact has been shown to be very similar to that set out in the response provided to NE in 2020. Therefore, it has been concluded that emissions associated with the Proposed Development are not predicted to have a significant effect on any designated ecological features.

3.1.9 In summary, the overall impacts to air quality in terms of both human health and ecological sites will be unchanged from the conclusions of the original AQA submitted with the planning application, in that the impact of the Proposed Development would not be significant.

Noise

3.1.10 Appendix B provides a review of the noise assessment conducted for the original application. The noise model has been re-run based on the modified layout. The model includes the same input settings for the CadnaA noise prediction model and assumptions on plant noise levels and mitigation, as previously detailed in the original noise assessment report. The results show minimal change in site generated noise levels when compared with the previous noise impact assessment and compliance with Condition 17 of the 2020 permission.

Landscape and Visual

3.1.11 In terms of landscape and visual impacts, the modifications have resulted in changes to the appearance of the scheme. However, the overall development retains the same characteristics of an industrial facility comprising a series of buildings, plant and machinery. Whilst some of the buildings have increased slightly in size the broad visual envelope remains the same. From locations where the facility can be viewed it is unlikely that an observer would notice any material difference in the character of the view. The sensitivity of the landscape character continues to be low, as assessed in the previous application, and therefore it is considered the modified scheme would not give rise to any different impacts than those originally identified in the 2020 application; a limited change consistent with the surrounding visual context.

Highways

3.1.12 As set out above it is proposed to increase the number of HGV movements at the facility from 5 two way HGV trips (i.e. 5 in and 5 out) per day to 10 two way HGV movements (i.e. 10 in and 10 out) per day. Car movements would remain the same as currently approved; 7 two way trips per day. The modifications to the layout include an increase in the number of parking spaces at the facility from 6 to 7.

3.1.13 As set out earlier in this document the increase in movements at Plot 10b would be compensated by reducing movements elsewhere on Protos. The reallocation of movements has been undertaken based on the likely HGV requirements of future occupiers of the plots and as such the reallocation of HGV movements between the Protos development sites would not jeopardise the delivery of the remaining plots. On this basis, the impact of the Section 73 in terms of transport would be neutral and would not alter the conclusions of the Transport Statement prepared for the 2020 application; the facility (as proposed to be amended) would not generate impacts that would cause an unacceptable impact on the highway safety or severe residual cumulative impacts on the highway network.

Pre-Commencement Conditions

3.1.14 The 2020 permission was granted subject to 30no. planning conditions, including numerous pre-commencement conditions requiring environmental method statements, management plans, site investigation and an updated ecological walkover and RAMs. The pre-commencement schemes were

submitted to CWAC in October 2020 and March 2021 and await determination. No issues of concern have arisen from these schemes and they would remain valid if the Section 73 application were approved.

4.0 PLANNING POLICY CONTEXT AND APPRAISAL

4.1 Introduction

4.1.1 Section 73 of the Town and County Planning Act 1990 gives an express power to apply for planning permission for the development of land without complying with conditions attached to an earlier planning permission. The outcome of a successful application is the grant of a wholly new planning permission.

4.1.2 As set out in the Introduction, Section 73(2) requires that the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted. As such there is no need to revisit the principle of the development when determining the application. Nonetheless, the authority should consider the application in the light of the development plan and material considerations prevailing at the point of determination, since the result is a new permission.

4.1.3 On this basis it is necessary to consider whether there have been any changes in the development plan or other material consideration which could result in a different decision to that reached by the Council when it approved the development on the 18th March 2020.

4.1.4 This section reviews the current status of the development, whether the modified development continues to accord with the development plan, and whether there are any new material considerations which could influence the decision.

4.2 The Statutory Development Plan

4.2.1 The development plan remains the same as that when the original decision was reached, namely:

- Cheshire West and Chester Local Plan (Part One) Strategic Policies (adopted 29th January 2015)
- Cheshire West and Chester Local Plan (Part Two) Strategic Policies (adopted 18th July 2019)

4.2.2 No additional Supplementary Planning Documents (SPDs) relevant to the development have been adopted by the Council.

4.3 Development Plan Appraisal

4.3.1 The 2020 application assessed the facility against the key relevant policies contained in the Development Plan (both in terms of the current adopted plan and the emerging plan). The policies considered of most relevance remain the same, and are considered to be:

- Cheshire West and Chester Local Plan (Part One) Strategic Polices (adopted 29th January 2015) (CWCLP1);
    - Policy STRAT 4 – Ellesmere Port
    - Policy ENV 7 – Alternative Energy Supplies
    - Policy ENV 8 – Managing Waste
    - Policy ECON1 - Economic growth, employment and enterprise
- Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (adopted 18th July 2019) (CWCLP2);
    - EP 6 – Ince Park;
    - DM4 – Sustainable Construction
    - DM 53 - Energy generation, storage and district heat networks;
    - DM 54 - Waste management facilities
    - DM 34 – Development in the vicinity of hazardous installations
    - DM 44 – Natural Environment.

4.3.2 In addition to the policies listed above, several other policies were considered in the determination of the 2020 application, and are listed below:

- Cheshire West and Chester Local Plan (Part One) Strategic Polices (adopted 29th January 2015);
    - Policy STRAT 1 - Sustainable development
    - Policy STRAT 2 - Strategic development
    - Policy STRAT 10 - Transport and accessibility
    - Policy SOC 5 - Health and well-being
    - Policy ENV 1 - Flood risk and water management
    - Policy ENV 4 Biodiversity and geodiversity
    - Policy ENV 2 – Landscape
    - Policy ENV 6 - High quality design and sustainable construction
- Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (adopted 18th July 2019);
    - Policy DM 29 - Health impacts of new development
    - Policy DM 30 – Noise

- Policy DM 31 - Air quality
- Policy DM 32 - Land contamination and instability
- Policy DM 40 - Development and flood risk
- Policy DM 41 - Sustainable Drainage Systems (SuDS)

4.3.3 The proposed changes to the approved scheme would not amount to a fundamental alteration to the proposal put forward in the original application. As described in Section 3.0, the facility would not give rise to any impacts different to those originally considered through the 2020 application, none of which were found to be unacceptable. In light of this, there are not considered to be any factors which impact the original assessment of the development in the context of relevant planning policies. Furthermore, the facility would still manage residual waste, generate energy and low emissions fuel, provide new employment development, and would complement the surrounding land uses. As such the scheme remains in compliance with relevant policies of the Development Plan.

4.4 Material Considerations

4.4.1 In addition to the policies of the statutory development plan, a number of powerful material considerations were found to exist in connection to the 2020 application which continue to be relevant to this application. These material considerations were considered in detail in the Planning Statement which accompanied the 2020 application, and are:

- National Planning Policy for Waste (2014);
- Waste Management Plan for England (2013);
- National Policy Statements for Energy Infrastructure EN-1 and EN-3 (NPS) (2011);
- The Carbon Plan: Delivering Our Low Carbon Future (December 2011);
- Energy from Waste a Guide to the Debate (2013, updated 2014);
- A Green Future: Our 25 Year Plan to improve the Environment (2018); and
- Our Waste, Our Resources: A Strategy for England (2018).
- The Government's Waste Strategy Review (2011)
- Energy Security Strategy (2012);
- The Renewable Energy Roadmap (2013);
- The Clean Growth Strategy – Leading the way to a low carbon future (2017);

- The Road to Zero Next steps towards cleaner road transport and delivering our Industrial Strategy (2018);
- Clean Air Strategy (2019);
- Government Guidance: Funding for Low Carbon Industry (2018); and
- The Liverpool – Manchester Hydrogen Cluster: A Low Cost, Deliverable Project.
- Liverpool-Manchester Hydrogen Hub Energy to Fuel the Northern Power House a Study for Peel Environmental.

4.4.2 The National Planning Policy Framework (NPPF) (February 2019) continues to have a presumption in favour of sustainable development at its heart, centred on three overarching objectives; the economic, social and environmental objectives. As detailed in the Planning Statement prepared to support the 2020 application, the facility would contribute to all three of these objectives through the creation of jobs, sustainable management of waste, contribution to energy security, and providing a low emission fuel which could lead to improvements in air quality.

4.4.3 Since the 2020 application, the Government has continued to set out its objectives to tackling climate change through the 'Ten Point Plan for a Green Industrial Revolution' (2020) and 'The Energy White Paper Powering our Net Zero Future' (2020). These documents place further emphasis on the need for hydrogen technologies to decarbonise the energy system. Point 2 of the Ten Point Plan concerns '*Driving the Growth of Low Carbon Hydrogen'* and recognises the potential employment opportunities of the hydrogen economy and the potential carbon emission savings hydrogen could deliver as a clean source of fuel and heat for our homes, transport and industry.

4.4.4 The 'Industrial Decarbonisation Strategy' (2021) builds on the Ten Point Plan by setting out the UK Government's policy framework and priorities to move towards a low carbon economy and provides an indicative roadmap to achieving net zero. The Strategy highlights the role that hydrogen has to play in the UK's journey to net zero and recognises the importance of developing and deploying hydrogen technology and infrastructure as part of the package of measures to cut industrial carbon emissions. The 2020s are recognised as being crucial for laying the bedrock for industrial decarbonisation.

4.4.5 Overall, the national policy drive towards hydrogen production and usage has intensified since the 2020 application. The facility would contribute to the roll-out of hydrogen production and fuel technologies and the development of the hydrogen economy. Therefore, it is considered that there are material considerations that significantly weigh in favour of the facility being delivered and therefore the Section 73 application being approved.

5.0 CONCLUSION

5.1.1 This Planning Statement accompanies a Section 73 planning application submitted to Cheshire West and Chester Council by AXIS on behalf of Peel NRE.

5.1.2 In 2020 planning permission was granted for a hydrogen production facility at Plot 10b at Protos, Ince Marshes on land off Pool Lane/Grinsome Road, Ince. The facility would employ an advanced thermal treatment process to generate hydrogen, electricity and heat from end of life plastic which is not suitable for recycling. The hydrogen could be provided to HGV's for use as a zero harmful emissions fuel or could be exported in bulk for deliveries to offsite users. The facility would generate electricity to power the facility and for export to the local electricity distribution network. The facility would also be capable of exporting heat to local heat users.

5.1.3 The facility offers a number of clear benefits and would:

- help manage residual plastic waste in a sustainable and efficient manner;
- increase the energy generation capacity in the north west, in an area of significant electricity demand;
- result in lower carbon emissions than traditional incineration;
- produce hydrogen, a low emissions vehicle fuel;
- have the potential to export heat into the Protos Heat Network;
- provide inward investment helping to regenerate the wider area; and
- help deliver an integrated waste management solution at the allocated Protos development site.

5.1.4 This Section 73 application seeks to vary Conditions 2, 9 and 10 of the 2020 permission in light of changes to the layout and elevations which have arisen from the engineering design process that has been undertake ahead of construction. It also seeks to modify Condition 8 on the 2020 permission to increase the number of HGVs permitted to access the facility in order to provide a more flexible approach to the delivery of hydrogen to prospective supply partners in the local area. The proposed changes to the approved scheme would not amount to a fundamental alteration to the proposal put forward in the original application, and are necessary to deliver the plastics to hydrogen facility.

5.1.5 In considering Section 73 applications, the local planning authority is required to consider only the question of the conditions subject to which planning permission should be granted. As such, whilst there is no need to revisit the principle of the development when determining the application, the authority should consider the application in the light of the development plan and material considerations prevailing at the point of determination.

5.1.6 The relevant policies of the development plan and current material considerations have been reviewed. This review concluded the proposed modifications would not impact the assessment of development plan policies completed in relation to the 2020 application. Additionally, it is considered that the strength of support found in material considerations for the type of development proposed has increased since the 2020 application. This is due to the publication of a number of key Government policy papers concerning the path to net zero.

5.1.7 As such, we kindly ask that the Section 73 application is granted without delay.