

HAGATI STATEMENT - 3rd October 2008

COUNCIL BETRAYS HALTON RESIDENTS

1. Every resident who objected to the Ineos Incinerator has received a letter from the Secretary of State explaining his decision to give planning permission to build this monstrosity, which will dominate all our lives.
2. Significantly, the first pages of the letter (paragraphs 1.4 to 3.1) clearly show that the Halton Borough Council is SOLELY responsible for the nightmare of the next twenty-five years that residents will be expected to endure, because it did not ask for a public inquiry!

The letter states that:-

- (a) Planning authorities (like Halton Council) since they represent the local community, are the only participants given the statutory power to trigger a public inquiry. Halton Council was consulted. However, they chose not to fully complete the required Form B or to give an unequivocal view as to whether or not they were objecting to the Application;
 - (b) Subsequent attempts by officials in the DBERR to clarify the Council's position as to whether or not they were objecting proved unsuccessful. In the absence of any clear and unambiguous response, and given the Secretary of States view on the appropriate way of handling health concerns, it was concluded that the Council's response did not constitute an objection and a public inquiry was therefore not mandatory;
 - (c) Draft conditions were then circulated for comment. However, the Council again resolved that its Development Control Committee's original recommendation be endorsed. In the circumstances officials concluded that further attempts to agree planning conditions with the Council would be unsuccessful;
 - (d) The Secretary of State has therefore formed his own view that the Council has not maintained any objection to the Application and that he is not therefore obligated to cause a public inquiry to be held.
3. Over the last eighteen months HAGATI, supported by the vast majority of local residents, has demonstrated the reasons why it believes that the Incinerator will be a disaster for the town. It has also continually argued that it was essential that the Council ask for a public inquiry, to guarantee that the Application would be given proper public consideration. As is now clear, from the Secretary of State's letter quoted above, the DBERR has given the Council numerous opportunities to ask for that Inquiry.

However, the Council, through the Chief Executive, has consistently told us what we already know, that the Secretary of State makes the final decision, but conveniently, never referred to its own responsibilities as the

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ONLY statutory body empowered to ask for a public inquiry, to which the Secretary of State would have had to agree. Residents have, reasonably, asked why the Council has not been prepared to explain why it did not seek a public inquiry, whilst our two MP's, Derek Twigg and Mike Hall, have consistently expressed their support for a public inquiry. Inevitably, residents have concluded that the council does not support their views and has pursued its own agenda.

4. Residents should therefore now be in no doubt that they have been betrayed by the Council, and demand an explanation of why it readily decided to ask for a public inquiry in the case of the proposed new bridge, but not for the far more important matter of the Incinerator, to which residents are bitterly opposed.
5. Further, residents have only to consider the different approach adopted by Cheshire County Council in regard to the Ince Incinerator. They objected, and asked for a public inquiry to which the Secretary of State had to agree. That public inquiry did not take place until six months later, and, after a further six months, a decision has still not been announced.

It is, therefore, likely that if Halton Council had adopted that same approach, the decision in relation to the Ineos Incinerator would not have been made until 2009, AFTER the decision regarding the Ince Incinerator had been announced, and in the context of other developments in the region, and the national political climate at that time. Instead, in effect, the Council has acceded to Ineos' expressed wish that the Application should not be considered at a public inquiry!

6. No doubt the Council's spin doctors will try to persuade us that the Secretary of State's letter shows that our call for a public inquiry would have been a waste of time and money, because the Application would have been approved anyway.

Nothing could be further from the truth. As we have indicated above, the timing was crucial. Given the timescale the proposal might well have been dropped. We would have been able to provide evidence and expert opinion to challenge the Application and, thereby, affect the decisions made. No one can predict the outcome of a public inquiry. The conclusions reached at a public inquiry are not the same as a Secretary of State's decision. They can influence that decision. Anyway, if it is all a waste of time, why is the Council preparing a public inquiry in relation to the new bridge? In truth, the Council's approach lacks consistency and credibility.

7. It must be a matter of great concern that, on the 25 January 2008, NINE DAYS AFTER the controversial Development Committee Meeting of the 16 January (after which some thirty residents and Councillors present wrote personally to the DBERR complaining that the letter sent by officers on the 17 January did not accurately reflect what was agreed by the committee), FIVE MONTHS BEFORE the Development Control

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Committee of the 9 June, (when the Committee unanimously agreed to insist that if all of the conditions were not agreed by the Secretary of State, the Council would wish to object to the Application), and NINE MONTHS before the Secretary of State's decision, the Council signed a legal agreement with Ineos.

The Agreement (known as a 'Section 106' agreement under the Town & Country Planning Act 1990) included the provision requiring Ineos to pay the Council 60 pence a ton (about £500,000 per annum) for every ton of fuel received and processed during each year of the Incinerator's operation.

This Section 106 agreement was signed before the Secretary of State's decision. This might well have persuaded the Secretary of State that HBC had, in January 2008, already decided that the development should go ahead. Also, were the Councillors who made their decision at the Development Control Committee's meeting on the 9th June 2008 aware of it? We very much doubt it and it certainly wasn't announced publicly. If they were aware how could that be reconciled with the decision they took? If they were not informed, then they, and all Halton residents, should be concerned. It certainly raises the question of whether there was any point in the Committee having their discussions if the Council had already committed itself to the legal agreement.

8. Paragraph 2.3 of the Secretary of State's decision, states that he was aware that the Council had reached this Section 106 Agreement with Ineos, before making his decision. In view of the failure to secure a clear and unambivalent response from the Council, as described above, DBERR officials "concluded that the Council's response did not constitute an objection". We can only speculate whether the Secretary of State's awareness that the Section 106 Agreement had already been signed, indicating that the Council was not objecting to the Application, influenced the decision he took.
- 9 Residents have every right to be concerned about the events described above and the way in which their views and interests have been ignored by the Council.
10. HAGATI is currently awaiting legal advice on the matters raised above and other issues related to the Secretary of State's letter. It is also undertaking a detailed examination of the letter to identify issues, which can be further pursued.
- 11 We genuinely believe that the position in which the people of Runcorn now find themselves lies in the failure of the Council to represent their interests.
- 12 We value your continuing support, and will keep you informed of events as they unfold. The fight is not yet over!