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Dear Mr Fox,

## **THE FERRYBRIDGE MULTIFUEL 2 POWER STATION ORDER 2015**

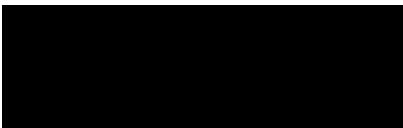
### **PROPOSED NON-MATERIAL CHANGE APPLICATION**

#### **REQUEST FOR CONSENT TO REDUCE THE NUMBER OF PARTIES THAT NEED TO BE CONSULTED ON A NON-MATERIAL CHANGE APPLICATION**

1. Thank you for your letter of 5 August 2024 on behalf of Enfinium Limited (“the Applicant”), which sets out proposed changes to the Ferrybridge Multifuel 2 Power Station Order 2015 (“the Order”). The letter requests the Secretary of State’s consent under Regulation 7(3) of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (as amended) (“the 2011 Regulations”) to a reduced list of consultees.
2. Paragraph 15 of the 5 August 2024 letter states that the change to the Order which comprises the proposed Non-Material Change Application is to modify “*the definition of “waste derived fuel” in article 2(1) to confirm that black bag waste – as municipal solid waste – is a permissible fuel type for the purposes of Requirement 3(2).*”
3. The list of consultees proposed by the Applicant are:
  - 1) the Environment Agency (“the EA”);
  - 2) Wakefield Metropolitan District Council.
4. In paragraph 24 of the letter of 5 August 2024, the Applicant explains the reasons for its proposed reduced consultee list explaining that, “*[i]n light of the fact that the EA has already approved the necessary minor variation to the [environmental permit] and that any environmental effects anticipated from the inclusion of black bag waste within the permitted fuel types are expected to be negligible, and that there are no physical or emissions changes to the Development, Enfinium considers that the consultation for this NMC can be limited, as there will be no impacts from the NMC to external parties, the public, or receiving environments that are the responsibility of statutory bodies. Furthermore, no third-party land interests are affected by the proposed NMC.*”

5. The Secretary of State agrees that the two consultees proposed by the Applicant for consultation as listed at paragraph 3 above should be consulted. However, the Secretary of State considers that in addition to these two consultees, the Applicant should further consult the following parties for comments on the proposed change:
  - North Yorkshire County Council
  - Selby District Council
  - The Canal & River Trust
  - West Yorkshire Fire and Rescue Service
  - Yorkshire Wildlife Trust
  - West Yorkshire Ecology Service
  - Natural England
  - Public Health England
  - The Health and Safety Executive
6. The Secretary of State considers that the Applicant has not provided specific reasons why these parties should not be consulted. The Secretary of State considers that these parties may have representations to make in relation to the proposed change.
7. The Secretary of State is satisfied that it is not necessary for other consultees from the Order or from the local area to be included in the reduced consultee list, as they are not directly affected, either because the proposed amendments will not affect their interests or because their interests relate to a different part of the scheme.
8. Accordingly, under the 2011 Regulations, the Secretary of State consents to the reduced list of consultees as specified in this letter.
9. In taking this decision, the Secretary of State acknowledges that notice of the Application will be provided by the Applicant, in line with the requirements in Regulation 6 of the 2011 Regulations.
10. The Secretary of State's written consent in this matter should not be taken as indicating approval for any other aspects of the proposed changes to the Order, which fall to him for consideration and determination, or whether the proposed changes will ultimately be regarded as material or not.

Yours sincerely,



**John Wheadon**

**Head of Energy Infrastructure Planning Delivery**

**On behalf of the Secretary of State for Energy Security and Net Zero**