

## **CORRECTION NOTICE**

### **THE NORTH LONDON HEAT AND POWER GENERATING STATION ORDER 2017 (S.I. NO. 215)**

#### **SCHEDULE 4 TO THE PLANNING ACT 2008 CORRECTION OF ERRORS IN DEVELOPMENT CONSENT DECISIONS**

**5 JULY 2018**

The Secretary of State received a request dated 28 March 2017 from North London Waste Authority (“the Applicant”) for the correction of errors in The North London Heat and Power Generating Station Development Consent Order 2017 (“the Order”), under section 119 of, and Schedule 4 to, the Planning Act 2008. This request was further clarified to the Secretary of State in a letter dated 5 February 2018 and an email and attachment dated 12 June 2018.

The Secretary of State has made the following corrections to the Order:

#### **Corrections to the Articles**

##### **Article 8(4)**

Omit the text “London Waste Limited” and substitute with the text “LondonWaste Limited”.

*Secretary of State’s rationale:*

To correct a typographical error.

##### **Article 33**

Insert after paragraph (2) the following paragraph:

“(3) The undertaker may submit to the Secretary of State a written memorandum explaining any differences in references to the works comprising parts of the Authorised Development used in this Order and the plans and documents submitted for certification in accordance with article 33(1). The Secretary of State may certify such memorandum as being a true and accurate explanation of any differences and any document certified in accordance with article 33(1) shall be interpreted in light of the certified memorandum.”

*Secretary of State’s rationale:*

To provide certainty on the references contained within the Order to the documents to be certified listed in article 33(1).

## **Corrections to Schedule 1**

### **Paragraph 2(7)**

Omit the text:

“(7) Works No. 7 — decommissioning, demolition and removal of the energy from waste facility located within the limits of deviation identified on drawing C\_0011 Rev 01 of the works plans and demolition and removal of the existing stack, demolition of the existing water pumping station on Ardra Road; and making good.”

and substitute the following text:

“(7) Works No. 7 — decommissioning, demolition and removal of the energy from waste facility, demolition and removal of the existing stack, and water pumping station on Ardra Road and making good, within the limits of deviation identified on Works Plan C\_0011 Rev 01.”

#### *Secretary of State’s rationale:*

To clarify that the existing stack and water pumping station on Ardra Road constitute Works No. 7 located within the limits of deviation identified on Works Plan C\_0011 Rev 01.

## **Corrections to Schedule 2**

### **Paragraph 1(2)**

Omit the text:

“(2) Where an approval of details or other document is required under the terms of any Requirement or where compliance with a document contains the wording “unless otherwise agreed” by the discharging authority, such approval of details or of any other document (including any subsequent amendments or revisions) or agreement by the discharging authority is not to be given except in relation to minor or immaterial changes or deviations where it has been demonstrated to the satisfaction of the discharging authority that the subject matter of the approval or agreement sought does not give rise to any materially new or materially different environmental effects to those assessed in the environmental statement.”;

and substitute the following text:

“(2) Where an approval of details or other document is required under the terms of any Requirement or where compliance with a document contains the wording “unless otherwise agreed” by the discharging authority, such approval or agreement may only be given if it has been demonstrated to the satisfaction of the discharging authority that the subject matter of the approval or agreement sought does not give rise to any materially new or materially different environmental effects to those assessed in the environmental statement; and where any amendment or revision is subsequently sought to such approved or agreed matters they must be minor or immaterial and not give rise to any materially new or materially different environmental effects to those assessed in the environmental statement.”.

*Secretary of State's rationale:*

To clarify that any approvals under the Order must not give rise to any materially new or materially different environmental effects to those assessed in the environmental statement, while any subsequent amendments or revisions to those approvals must also be minor or immaterial changes and not give rise to any materially new or materially different environmental effects to those assessed in the environmental statement.

**Corrections to Schedule 3**

**Paragraph 4(7)**

Omit the text “sent out with the relevant time” and substitute “sent outwith the relevant time”.

*Secretary of State's rationale:*

To correct a typographical error.

**Corrections to Schedule 5**

**Column 3, row 2**

Omit the text “Works to create a new access branching off the section of Lee Park within” and substitute “Works to create a new access branching off the section of Lee Park Way within”.

*Secretary of State's rationale:*

To correct a typographical error.

**Corrections to Schedule 8**

**Column 3, row 10**

Omit the text “drawing C\_0014 Rev 01 of thr works plans” and substitute “drawing C\_0014 Rev 01 of the works plans”.

*Secretary of State's rationale:*

To correct a typographical error.

**Corrections to Schedule 10**

**olumn 2, row 1, second paragraph**

Omit the text “utilities listed in Work No. 4(a)(i)to” and substitute “utilities listed in Work No. 4(a)(i) to”.

*Secretary of State's rationale:*

To correct a typographical error.

### **Corrections to Schedule 13 Part 5**

#### **Paragraph (9)(4)(a)**

Omit the text “sub-paragraphs 9(5) or 9(7); and,” and substitute “sub-paragraphs 9(5) or 9(7); and”.

#### **Paragraph (9)(6)**

Omit the text “Works approved under this paragraph applies must be executed only in accordance with the plan, submitted under sub-paragraph, as approved” and substitute “Works approved under this paragraph must be executed only in accordance with the plan submitted under sub-paragraph 9(1), as approved”.

#### **Paragraph 10(5)(a)**

Omit the text “sub-paragraphs 10(6) or 10(8); and,” and substitute “sub-paragraphs 10(6) or 10(8); and”.

#### **Paragraph 10(9)**

Omit the text “paragraphs 7 and 8 9apply as if the removal of the apparatus” and substitute “paragraphs 7 to 9 apply as if the removal of the apparatus”.

#### **Paragraph 12(2)**

Omit the text “skilful and workman line manner,” and substitute “skilful and workman-like manner”.

#### **Paragraph 14(2)**

Omit the text “consent, agreement or approval to is” and substitute “consent, agreement or approval is”.

#### *Secretary of State’s rationale:*

To correct typographical errors.

### **Corrections which the Secretary of State has not made**

#### **Schedule 1 (Authorised Development)**

The Applicant requested a change in Schedule 1 to reinstate the numbering included in the final version of the draft Order at the end of the examination stage.

#### *Secretary of State’s rationale*

The Secretary of State does not think it appropriate to introduce a formatting error to solve a document numbering issue. However, the Secretary of State has inserted

article 33(3) to allow the Applicant to provide certainty through the certification of the documents listed in article 33(1) (see above).

### **Schedule 1 (Authorised Development) Paragraph 1(1)**

The Applicant requested a correction to Schedule 1 to omit the reference to a gross electrical output of 70 megawatt of electricity (“MW<sub>e</sub>”) and insert a reference to a gross electrical output of 78 MW<sub>e</sub> to take into account the highest level of output of electricity possible as a result of fluctuation in the calorific value of the waste fuel in the combustion process.

#### *Secretary of State’s rationale*

The Secretary of State does not consider it is within the scope of Schedule 4 to correct the Order to achieve the Applicant’s intended effect.