
STATUTORY INSTRUMENTS

2023 No. 165

INFRASTRUCTURE PLANNING

The Riverside Energy Park (Amendment) Order 2023

Made - - - - *16th February 2023*

Coming into force - - *17th February 2023*

An application has been made, under paragraph 2 of Schedule 6 to the Planning Act 2008^(a), to the Secretary of State in accordance with the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (the “2011 Regulations”)^(b) for non-material changes to the Riverside Energy Park Order 2020^(c).

The Secretary of State, having considered the application, the responses to the publicity and consultation required by regulations 6 and 7 of the 2011 Regulations, has decided to make the changes on terms that in the opinion of the Secretary of State are not materially different from those proposed in the application.

Accordingly, the Secretary of State, in exercise of the powers conferred by paragraphs 2(1) and (9) of Schedule 6 to the Planning Act 2008, makes the following Order:

Citation and commencement

1. This Order may be cited as the Riverside Energy Park (Amendment) Order 2023 and comes into force on 17th February 2023.

Amendment to the Riverside Energy Park Order 2020

2. The Riverside Energy Park Order 2020 is amended in accordance with this Order.

Amendment to article 2(1) (Interpretation)

3. In article 2(1), after the definition of “RRRF” insert—

““RRRF 2021 condition” means a condition to the RRRF 2021 planning permission and where a condition is referred to by a number, that reference is to the corresponding numbered condition on the RRRF 2021 planning permission;

(a) 2008 c. 29. Paragraph 2 was amended by paragraph 4 of Schedule 8 to the Marine and Coastal Access Act 2009 (c. 23), by paragraphs 1 and 72 of Schedule 13 of the Localism Act 2011 (c. 20) and by section 28 of the Infrastructure Act 2015 (c. 7). There are other amendments to the Act that are not relevant to this Order.

(b) S.I. 2011/2055. Relevant amendments to this instrument were made by S.I. 2012/635, S.I. 2015/760, S.I. 2017/314 and S.I. 2020/1534.

(c) S.I. 2020/419. The Riverside Energy Park Order 2020 was corrected by the Riverside Energy Park (Correction) Order 2021 (S.I. 2021/273).

“RRRF 2021 planning permission” means the planning permission deemed to be granted under the 1990 Act by the Secretary of State for the RRRF and dated 17th December 2021;”.

Amendment to article 6(4) (Disapplication of legislative provisions and modifications to section 36 consent and RRRF planning permission)

4. For article 6(4) substitute—

“(4) To the extent that there is an inconsistency on the land coloured brown identified on the REP and RRRF Applications Boundaries Plan between any provision of this Order and all or any of RRRF condition 1, RRRF condition 22, RRRF condition 32, RRRF 2021 condition 1, RRRF 2021 condition 22 or RRRF 2021 condition 32 then, in respect of such inconsistency only, there is deemed to be no breach of all or any of RRRF condition 1, RRRF condition 22, RRRF condition 32, RRRF 2021 condition 1, RRRF 2021 condition 22 or RRRF 2021 condition 32 (as applicable) and no enforcement action can be taken following the carrying out of the pre-commencement works, commencement or operation of the authorised development.”.

Signed by authority of the Secretary of State for Energy Security and Net Zero

16th February 2023

David Wagstaff
Deputy Director Energy Infrastructure Planning
The Department for Energy Security and Net Zero

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Riverside Energy Park Order 2020, a development consent order under the Planning Act 2008, following an application made in accordance with the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 for a non-material amendment under paragraph 2 of Schedule 6 to the Planning Act 2008. This Order amends articles 2 and 6 of the Riverside Energy Park Order 2020 so that its provisions apply to a newly granted planning consent for the adjacent Riverside Resource Recovery Facility in Belvedere in the London Borough of Bexley.