

CORRECTION NOTICE
THE SOUTH HUMBER BANK ENERGY CENTRE ORDER 2021 (S.I. No.
1259)
SCHEDULE 4 TO THE PLANNING ACT 2008
CORRECTION OF ERRORS IN DEVELOPMENT CONSENT DECISIONS
DATE: 4 APRIL 2022

The Secretary of State received a request dated 15 December 2021 from DWD Property and Planning acting on behalf of EP Waste Management Limited for the correction of errors in the South Humber Bank Energy Centre Order 2021 (“the Order”) under section 119 of and Schedule 4 to the Planning Act 2008.

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

Corrections to the Articles

Article 5(8), “Effect of the Order on the SHBEC Planning Permission”

For “numbering.... do not apply” substitute “numbering....does not apply”.

Secretary of State’s rationale:

To correct a typographical error.

Article 28(1)(b), “Requirements, appeals etc.”

For “such period that has been agreed by undertaker and the relevant planning authority”; substitute “eight weeks after the application has been made to the relevant planning authority or such other period that has been agreed by the undertaker and the relevant planning authority;”.

Secretary of State’s rationale:

To revert to the position agreed between the undertaker and the relevant planning authority in relation to a time period for a response, as set out in their Statement of Common Ground dated February 2021.

Article 28(5)

For “the undertaker to the appointed person, the relevant planning authority and any consultee required to be consulted pursuant to the requirement the subject

of the appeal” substitute “the appeal party from whom the further information was requested to the appointed person and the other appeal parties”.

Secretary of State’s rationale:

To clarify that any further information must be provided by the party from whom it was requested.

Corrections to Schedule 1

Description of Work No. 1, “Authorised Development”

After “capacity to process” insert “up to”.

Secretary of State’s rationale:

To bring the reference in the Order to the throughput of refuse derived fuel into line with the relevant statement in the Secretary of State’s decision letter (which makes specific reference to a maximum figure).

Corrections to Schedule 2

Requirement 19(6), “Investigation and remediation of contamination”

For “sub-paragraphs 1 and 4” substitute “sub-paragraphs (1) and (4)”.

Secretary of State’s rationale:

To correct a typographical error.

Requirement 34(2), “Amendments agreed by the relevant planning authority”

After “having first consulted with those persons” insert “or having been provided with satisfactory evidence that the undertaker has consulted with those persons, as applicable”.

Secretary of State’s rationale:

To make clear, in light of amendments to requirements 13, 16, 17, 19, 20 and 24 (to require consultation by the undertaker prior to submission to the relevant planning authority), that the provision applies only to consultation by the relevant planning authority, and that the alternative (consultation by the undertaker, as now provided for in the above numbered requirements) is also catered for.

Correction to Schedule 8

Paragraph 42, definition of “railway property”, sub-paragraph (b)

For “railway or works” substitute “railway, works”.

Secretary of State’s rationale:

To reflect the wording used elsewhere in the Order in relation to ‘railway property’.