

## **CORRECTION NOTICE**

### **MEDWORTH ENERGY FROM WASTE COMBINED HEAT AND POWER ORDER 2024 (S.I 2024/ No. 230)**

#### **SCHEDULE 4 TO THE PLANNING ACT 2008**

#### **CORRECTION OF ERRORS IN DEVELOPMENT CONSENT ORDER**

**DATE: 07 NOVEMBER 2024**

The Secretary of State received a request dated 27 March 2024 from Medworth CHP Limited (“the Applicant”) for the correction of errors in the Medworth Energy from Waste Combined Heat and Power Order 2024 (“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:

#### **Correction to the Introductory Text**

##### **Footnote 4 – Introductory Text**

Footnote 4 in the Introductory Text on page 1 is amended to correct the reference to “Schedule 13 paragraph 29( )” to read “Schedule 13 paragraph 29”.

*Secretary of State’s rationale:*

To correct a reference.

#### **Correction to the Articles**

##### **Article 2(1) - Interpretation**

Definition of “date of final commissioning” is amended to replace the words “commissioning of the authorised development” with “commissioning of Work No. 1”.

*Secretary of State’s rationale:*

To clarify that the date of final commissioning would be calculated from the date on which Work No.1 is commissioned, as per Requirement 20 in Schedule 2, not from the date of commissioning of the entire authorised development.

##### **Article 2(1) - Interpretation**

Definition of the “Order land” is amended to delete the words “which is required for or to facilitate or is incidental to the authorised development” and replaced with the words “to be acquired or used and described in the Book of Reference”.

*Secretary of State’s rationale:*

To create consistency with the Infrastructure Planning (Model

Provisions) (England and Wales) Order 2009 and other recent development consent orders.

### **Article 17(1) - Traffic regulation measures**

Article 17(1) amended to insert the words “and operation” after the word “construction” and the word “temporarily” deleted.

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

Noting the intention of the Applicant and Cambridgeshire County Council that the power in Article 17(1)(f) should apply during the operation of the authorised development, this amendment is made to clarify that Article 17(1) applies to the operation of the authorised development as well as its construction.

The word “temporarily” deleted noting that the power under Article(1)(f) is intended to operate permanently and Cambridgeshire County Council as the traffic authority is content with the proposed change.

### **Article 20(6) - Protective works to buildings**

Article 20(6) amended to insert a space between “building” and “or”.

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

To correct a typographical error.

### **Article 43(2) - Service of notices**

Article 43(2) amended to insert the word “this” in place of “tcaenthis”

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

To correct a typographical error.

## Corrections to the Schedules

### **Schedule 2, paragraph 2(1)**

Paragraph 2(1) amended to replace the words “until details of the layout, scale and external appearance for that Work No.” with “until details of the layout, scale and, in respect of above ground development, external appearance for that Work No.”

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

The Secretary of State accepts the Applicant’s position that there is no planning reason for the “external appearance” of Work Nos 6A, 6B, 7 and 8 to be approved by the relevant planning authority before these works commence because they will be located entirely underground. This amendment makes it clear that approval from the relevant planning authority with regard to the external appearance will only be required for works located above ground.

### **Schedule 2, paragraph 2(2)**

Paragraph 2(2) amended to add the words “applicable to that work order as” after “design principles”.

*Secretary of State's rationale:*

The amendment ensures that the design must accord only with the design principles that are applicable to that Work No.

**Schedule 9, paragraph 5(7) - Modification of compensation and compulsory purchase enactments for creation of new rights and imposition of new restrictive covenants**

Cross reference amended to replace “article 30(7)” with “article 30(4)”.

*Secretary of State's rationale:*

To correct a cross referencing error.

**Schedule 11, Part 4**

Part 4 replaced with a different set of protective provisions for the protection of Eastern Power Network.

*Secretary of State's rationale:*

To correct an error caused by an omission.

**Schedule 11, Part 7, paragraph 78**

Colon replaced with long hyphen after the words ““apparatus” means”.

*Secretary of State's rationale:*

To correct a typographical error.

**Schedule 12 – Interpretation**

The definition of “relevant authority” amended to include the addition of the words “Ministry of Defence” after “relevant planning authority”.

*Secretary of State's rationale*

Ministry of Defence included since it is one of the relevant discharging authorities for Requirement 26.

**Schedule 12, paragraph 2(2)**

The words “paragraph (4)” replaced with “sub-paragraph (4)”.

*Secretary of State's rationale:*

To correct a cross-referencing error.

**Schedule 12, paragraph 2(3)**

The words “Any application made to the relevant planning authority” replaced with “Any application made to the relevant authority” and colon replaced with long hyphen after the words “pursuant to sub-paragraph (1) must”.

*Secretary of State's rationale:*

To amend wording to align with agreed definition and to correct a typographical error.

**Schedule 12, paragraph 2(4)(a)**

The words “subparagraph” replaced with “sub-paragraph”.

*Secretary of State’s rationale:*  
To correct a typographical error.

**Schedule 12, paragraph 2(4)b**

The words “relevant planning authority” replaced with “relevant authority”.

*Secretary of State’s rationale:*  
To amend wording to align with agreed definition.

**Schedule 12, paragraph 2(5)**

The words “relevant planning authority” replaced with “relevant authority” and colon replaced with long hyphen after the words “statement that refers to”

*Secretary of State’s rationale:*  
To amend wording to align with agreed definition and to correct a typographical error.

**Schedule 12, paragraph 2(5)(a)**

The words “relevant planning authority” replaced with “relevant authority”.

*Secretary of State’s rationale:*  
To amend wording to align with agreed definition

**Schedule 12, paragraph 2(5)(b)**

The words “relevant planning authority” replaced with “relevant authority”.

*Secretary of State’s rationale:*  
To amend wording to align with agreed definition

**Schedule 12, paragraph 3(6)**

Colon replaced with long hyphen after the words “consultation with a requirement consultee is required”.

*Secretary of State’s rationale:*  
To correct a typographical error.

**Schedule 12, paragraph 3(6)(a)**

The words “relevant planning authority” replaced with “relevant authority”.

*Secretary of State’s rationale:*  
To amend wording to align with agreed definition

**Schedule 12, paragraph 3(6)(b)**

Amendment made to replace “sub-paragraph (a)” with “paragraph (a)” and the words “relevant planning authority” replaced with “relevant authority”.

*Secretary of State's rationale:*

To correct a referencing error and to amend wording to align with agreed definition.

**Schedule 12, paragraph 3(6)(c)**

Amendment made to replace the words “relevant planning authority” with “relevant authority” and the reference to “paragraph (2)” with “sub-paragraph (2)”.

*Secretary of State's rationale:*

To amend wording to align with agreed definition and to correct a referencing error.

**Schedule 12, paragraph 3(6)(d)**

Amendment made to replace the words “relevant planning authority” with “relevant authority” and the reference to “sub-paragraph (c)” with “paragraph (c)”.

*Secretary of State's rationale:*

To amend wording to align with agreed definition and to correct a referencing error.

**Schedule 12, paragraph 3(6)(e)**

Amendment made to replace “sub-paragraph (d)” with “paragraph (d)”

*Secretary of State's rationale:*

To correct a typographical error.

**Schedule 13, Table 10, row 8 (“environmental statement”), column 3 (“Revision number”)**

Amendment made to replace the revision number “1” with “2”

*Secretary of State's rationale:*

To correct the revision number of the Environmental Statement.

**Schedule 13, Table 10, row 8 (“environmental statement”), column 4 (“Date”)**

Amendment to replace “June 2022” with “June 2023”.

*Secretary of State's rationale:*

To correct a drafting error.

**Schedule 13, Table 10, row 9 (“environmental statement figures”), column 4 (“Date”)**

Amendment to replace “March 2023” with “May 2023”

*Secretary of State's rationale:*

To correct a drafting error.

## Corrections which the Secretary of State has not made

### **Article 29(6) - Application of the 1981 act**

Request to amend Article 29(6) to replace “202\*” with “2024”

*Secretary of State’s rationale:*

This error is not in the registered version of the Order; the Secretary of State therefore considers that there is no error to correct.

### **Article 29(9) - Application of the 1981 act**

Request to amend Article 29(9) to replace “202\*” with “2024”

*Secretary of State’s rationale:*

This error is not in the registered version of the Order; the Secretary of State therefore considers that there is no error to correct.

### **Article 30(2) - Modification of Part 1 of the Compulsory Purchase Act 1965**

Request to amend Article 30(2) to replace “202\*” with “2024”

*Secretary of State’s rationale:*

This error is not in the registered version of the Order; the Secretary of State therefore considers that there is no error to correct.

### **Schedule 1 – Work No.10**

Request to replace the words “fall within the scope of the work assessed by” with “do not give rise to any materially new or materially different environmental effects from those assessed in”

*Secretary of State’s rationale:*

The amendment to the wording made by the Secretary of State was intentional in this instance to restrict the range of further associated development permitted by Schedule 1 to works or operations falling within the scope of work assessed by the Environmental Statement and is therefore not considered to be an error.

### **Schedule 9, paragraph 3(2)**

Request to amend references in paragraphs 3(2)(a) and (b) to replace “202\*” with “2024”.

*Secretary of State’s rationale:*

This error is not in the registered version of the Order, the Secretary of State therefore considers that there is no error to correct.

### **Schedule 9, paragraph 5(8), at paragraph 1(1) and 1(2)**

Request to amend references in paragraph 5(8) to replace “202\*” with “2024” in both places where it occurs.

*Secretary of State's rationale:*

This error is not in the registered version of the Order, the Secretary of State therefore considers that there is no error to correct.