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16 May 2022

Dear Ms Taylor,

Riverside Energy Park Order 2020 – S.I. 2020/419 – Proposed Non-Material Change Application

Regulation 7(3) of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 - Written consent from the Secretary of State for not consulting a person or authority

Thank you for your letter of 13 January 2022 and emails of 1 February 2022 and 19 April 2022 on behalf of your client Cory Environmental Holdings Limited and Riverside Resource Recovery Limited (“the Applicant”). Your email of 1 February 2022 included an attachment that set out the proposed amendments to Article 2(1) and Article 6(4) of the consented Riverside Energy Park Order 2020 (“the 2020 Order”). These amendments seek to include references to a new planning permission (deemed to have been granted under section 90(2) of the Town and Country Planning Act 1990) for the Riverside Resource Recovery Facility located at Norman Road, Belvedere, Kent since the making of the Order and the enforcement of conditions attached to the planning permission. Your email of 19 April 2022 included an attachment that listed parties notified of acceptance of the Riverside Energy Park development consent application for examination.

The letter also requests the Secretary of State’s written 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 reduce the number of parties that need to be consulted on the proposed non-material change application.

The Secretary of State has considered the request under regulation 7(3). He agrees with the Applicant that the consultee list should include the London Borough of Bexley given its remit as Local Planning Authority. However, the Secretary of State considers that the Greater London Authority ("GLA") and London Power Networks ("LPN") should also be directly consulted on the proposed non-material change application, given the GLA's interest in the Riverside Energy Park more generally, and given that LPN has the benefit of Work No. 6 (in so far as such works relate to Work No. 9), Work No.9 and Work No.10 of the 2020 Order under article 8(2), jointly with the undertaker.

The Secretary of State agrees that the other parties listed in the attachment of your email of 19 April 2022 need not be consulted as they are not directly affected, either because the changes proposed will not affect their interests or because their interests relate to a different part of the scheme. Accordingly, the Secretary of State gives written consent, to the extent set out above, under regulation 7(3) of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011.

In taking this decision the Secretary of State notes that while those persons not proposed to be consulted on the non-material change application will not be consulted directly in relation to the change proposals, the application will be publicised in line with the requirements in regulation 20 of the 2011 Regulations.

Finally, the Secretary of State's written consent in this matter should not be taken as indicating approval for any aspects of the proposed changes to the 2020 Order which fall to him for consideration and determination, or whether the proposed changes will ultimately be regarded as material or not.

Yours sincerely,

Kerry Crowhurst

Kerry Crowhurst
Planning Case Manager