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17 December 2021

Dear Mr Wilkinson,

ELECTRICITY ACT 1989

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

THE ELECTRICITY GENERATING STATIONS (VARIATION OF CONSENTS) (ENGLAND AND WALES) REGULATIONS 2013

CORY RIVERSIDE RESOURCE RECOVERY FACILITY (“RRRF”), NORMAN ROAD, BELVEDERE, KENT

1. THE APPLICATION

- 1.1. I am directed by the Secretary of State for Business, Energy and Industrial Strategy (“the Secretary of State”) to refer to the application dated 15 April 2021 (“the Variation Application”) on behalf of Cory Environmental Holdings Limited and Riverside Resource Recovery Limited (“the Applicant”) which seeks to vary the section 36 consent granted by the Secretary of State on 15 June 2006 (the “Original Consent”) and subsequently varied in March 2015 (“the 2015 Varied Consent”). The Applicant currently operates the RRRF under the 2015 Varied Consent and a planning permission issued by the London Borough of Bexley in October 2017 (the “2017 permission”). The Application also includes a request to vary condition 4 of the 2017 permission (and some other variations to that permission).
- 1.2. It is noted that the proposed amendment sought to the 2015 Varied Consent is to amend the power generation description of the RRRF to increase the stated maximum capacity from up to 72 megawatts (“MW”) capacity to up to 80.5MW capacity. The 72MW capacity was granted by the Original Consent in June 2006. The 2015 Varied Consent permitted an increase in waste throughput from 670,000 to 785,000 tonnes per annum (“tpa”).

- 1.3. The Applicant also requests that the Secretary of State amends the tonnage restriction in Condition 4 of the 2017 Permission, to increase the maximum waste throughput from 785,000 tpa to 850,000 tpa.
- 1.4. These amendments are sought to align the consented capacity of the RRRF with the amount of power that the facility is currently able to export to the grid. These changes together are referred to by the Applicant as the Riverside Optimisation Project (“ROP”).
- 1.5. The Application also includes proposed changes that incorporate amendments that were originally made to the RRRF consent and the associated planning permission by the Secretary of State via the Riverside Energy Park Order 2020 (“REP DCO”) granted consent on 9 April 2020 (for the purposes of the REP DCO only) so that they now apply more generally.
- 1.6. The original application was supported by an Environmental Statement which considered a worst-case scenario which assessed the likely impact of a throughput of 835,000tpa of waste. Whilst this Variation Application does not involve any physical development, it does seek to increase the generating capacity and to increase the volume of waste throughput. An Environmental Impact Assessment (“EIA”) Scoping Report was submitted by the Applicant in December 2020 to the Secretary of State. The Secretary of State provided a Scoping Opinion to the Applicant in February 2021. The Scoping Opinion has formed the basis of the updated EIA Report which has been submitted as part of this Variation Application, in accordance with the Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017 (as amended) (“the 2017 EIA Regulations”). The updated EIA Report has assessed the likely environmental effects of the proposed changes during operation.

2. SUITABILITY OF THE SECTION 36 VARIATION PROCEDURE FOR PERMITTING THE PROPOSED VARIATION

- 2.1. The ‘Varying consents granted under section 36 of the Electricity Act 1989 for generating stations in England and Wales’ guidance issued in 2013 (“the guidance note”) states:

“Changes in the design of generating stations which have been consented but not constructed which would allow them to generate an amount of power that would be inconsistent with the original consent are likely to be appropriate subject matter for a variation application, provided there are no major changes in the environmental impact of the plant. Similar changes to an existing plant could be appropriate subject matter for a variation application only if they did not involve physical extension of the generating station, relocation of generating plant, or the installation of new equipment that would amount to the construction of a new generating station”.
- 2.2. The section 36 variation procedure does not allow a change in an existing consent that would result in a development that would be fundamentally different in character or scale from what has been originally granted. Any such changes would be the subject of a fresh application for consent.
- 2.3. The Secretary of State notes that the Varied Development will not result in any additional environmental impacts from those assessed for the Consented Development and these have been assessed in the updated EIA Report for the 2021 Variation Application,

concluding there are no significant additional environmental impacts arising from the proposed changes.

- 2.4. The Secretary of State considers that the Varied Development would not be fundamentally different in character or scale from the Consented Development, is in keeping with the guidance note for the section 36 variation procedure, and that it is appropriate for this Variation Application to be considered under the section 36 variation procedure.
- 2.5. The Variation Application was published in accordance with the Electricity Generating Stations (Variation of Consents) (England and Wales) Regulations 2013 (“the Variation Regulations”) and served on the relevant planning authority, the London Borough of Bexley. The Variation Application was also subject to public consultation between 17 May 2021 and 5 July 2021.

3. THE SECRETARY OF STATE’S CONSIDERATION OF THE ENVIRONMENTAL INFORMATION

- 3.1. Regulation 6 of the 2017 EIA Regulations prohibits the Secretary of State from granting a variation of a section 36 consent unless he has first undertaken an environmental impact assessment as defined in the 2017 EIA Regulations.
- 3.2. Taking into account the extent to which any environmental effects will be modified and mitigated by measures the Applicant will be required to take under the conditions attached to the section 36 consent and the deemed planning conditions, the Secretary of State considers that the significance of the environmental effects will not differ from that predicted for the Original Consent such that it would be appropriate to refuse the variation to the Consented Development.

4. THE SECRETARY OF STATE’S CONSIDERATION OF POSSIBLE EFFECTS ON A EUROPEAN SITE

- 4.1. The Conservation of Habitats and Species Regulations 2017 (“the Habitats Regulations”) require the Secretary of State to consider whether the Varied Development would be likely, either alone or in combination with other plans and projects, to have a significant effect on a site within the UK’s National Site Network, defined in the Habitats Regulations as a European site and collectively referred to in this document as a “protected site”. If so, the Secretary of State is required to undertake an Appropriate Assessment (“AA”) of the implications for the protected site in view of its conservation objectives. In the absence of imperative reasons of overriding public interest, consent may be granted only if it can be shown that the Varied Development will not have an adverse effect on the integrity of the protected site (regulations 63(5) and 64). Regulation 63(6) provides that when considering whether the Varied Development will adversely affect the integrity of a protected site, the competent authority must take into account measures proposed to mitigate such impacts as part of the AA. This process is commonly referred to as a Habitats Regulations Assessment (“HRA”).
- 4.2. The Applicant has provided an Environmental Impact Assessment as part of their Variation Application, as well as a shadow HRA, both of which were prepared by Stantec in April 2021.

- 4.3. The Applicant has assessed potential effects in relation to 14 internationally and nationally designated areas within 15km of the project, and 18 locally designated areas of nature conservation within 2km. Epping Forest Special Area of Conservation (“SAC”) is the only protected site within 15km of the development, situated approximately 12km to the north west. In view of the nature of the proposed variations sought, the environmental information provided by the Applicant, and considering Natural England had no objection to the changes, the Secretary of State is satisfied that the varied development will not have a likely significant effect on any protected site either alone or in-combination with other plans and projects. He therefore considers that an AA is not necessary and finds no reason for refusing the Variation Application on the grounds of adverse effects on the integrity of a protected site.
- 4.4. The Wildlife and Countryside Act 1981 (as amended) is the primary legislation relating to the designation and protection of Sites of Specific Scientific Interest (“SSSIs”). The Applicant’s EIA Report identifies 13 SSSI’s within 15km of the site. The Applicant concluded that the predicted effects from the varied development through contribution of pollutants to the designated areas are not significant. The Applicant also assessed the potential cumulative effects of the Varied Development with one other consented development which was identified. The assessment concluded that the predicted effects associated with the cumulative scenario are not significant.
- 4.5. The Secretary of State is satisfied that the Applicant has provided sufficient information to show that the Varied Development would be unlikely to have a significant impact on the identified SSSI sites.
- 4.6. On the basis of the information provided, the Secretary of State considers that the increase in the consented tonnage capacity and the increase in generating capacity will not have any environmental impacts above those assessed in the original application and the 2015 Variation Application, including no likely significant effects on any protected site either alone or in-combination with other plans or projects.

5. ISSUES RAISED DURING CONSULTATION

- 5.1. The consultation period for this Variation Application commenced on 17 May 2021. Following a request from the Greater London Authority (“GLA”) to extend the deadline from 21 June 2021, the consultation period closed on 5 July 2021. The application was published in the London Gazette and in the Bexley News Shopper so that any person wishing to make representations on the application to the Secretary of State could do so. Representations were received by the Secretary of State from the London Borough of Bexley (“LB Bexley”), Highways England, the Port of London Authority (“PLA”), the London Borough of Tower Hamlets (“LB Tower Hamlets”), Public Health England, Historic England, Natural England, the GLA, and the UK Without Incineration Network (“UKWIN”). In addition to the objections raised by the GLA and UKWIN, further objections were raised by Jon Cruddas MP and six members of the public. The points raised in the representations are summarised below along with the Secretary of State’s consideration of the issues raised. Responses to the consultation are available on the Applicant’s project website at: <https://www.corygroup.co.uk/media/news-insights/rop-application-2021/>
- 5.2. The LB Bexley are the relevant planning authority for this Variation Application. In their response, LB Bexley confirmed that they had no objections to raise. Their response also

highlighted the Facility currently operates well within the legal limits set by the Environment Agency and would continue to do so if the variation was granted. Additionally, they noted that the Applicant is not proposing to amend any of the existing conditions attached to the 2017 Permission that restrict vehicle movements, as the additional inputs and outputs to and from RRRF can be accommodated within the existing limits imposed.

- 5.3. Highways England did not raise an objection to the proposal and acknowledged that the proposal is not considered to give rise to significant environmental impacts that would impact the Strategic Road Network in relation to transport, noise, air quality, or accidents and safety.
- 5.4. The PLA confirmed that they agreed with the assessment that as no additional tug movements were associated with the five additional barge movements projected per week, there would not be any significant effects to the navigational safety of the River Thames. Their response also noted that there are no additional tug movements to or from the Port of Tilbury for the transportation of waste and incinerator bottom ash. The PLA did not raise an objection to the proposed variation Application.
- 5.5. The LB Tower Hamlets confirmed in their response that they had no comments to make regarding the Variation Application.
- 5.6. Public Health England advised that they have reviewed research undertaken to examine the suggested links between emissions from municipal waste incinerators and effects on health, and have concluded that modern, well run and regulated municipal waste incinerators are not a significant risk to public health, and that while it is not possible to rule out adverse health effects from these incinerators completely, any potential effect for people living close by is likely to be very small. Public Health England did not raise any objections to the Variation Application.
- 5.7. Historic England noted that archaeology is not a material issue of concern in respect of this specific Variation Application. It was however noted that there is an archaeological interest in the site that is to be investigated in accordance with requirements associated with the REP DCO.
- 5.8. Natural England provided their opinion that the proposed changes will not overly affect any priority areas for Natural England, and that the changes will have limited impacts on air quality at designated sites. Natural England confirmed that they had no objection to raise regarding this Variation Application.
- 5.9. The GLA objects to the proposed variation on the basis that it does not consider that the development accords with Regulation 12 of the Waste Regulations 2011 regarding the duty in relation to the waste hierarchy, or with relevant strategic and national policy on energy, waste, carbon, air quality and biodiversity, including the Overarching National Policy Statement for Energy EN-1 (“NPS EN-1”). With regard to the duty in relation to the waste hierarchy as per Regulation 12 of the Waste Regulations 2011, the GLA considers that it is likely that the proposed variation would see recyclable waste incinerated and would therefore not effectively implement the waste hierarchy. In its objection, the GLA also notes that it does not consider that the additional capacity is required. Their response further asserts that the proposals do not comply with London Plan Policy S17 and S18 in proposing additional waste incineration capacity where it is not needed, and for being incompatible with the Carbon Intensity Floor Policy. In terms

of the Air Quality chapter of the EIA Report, the GLA considers that this shows that the proposals will not meet the air quality policies in the London Plan, and state that the report requires revision to ensure that all necessary information is available to the Secretary of State in taking his decision.

- 5.10. UKWIN objected to the proposals on the grounds of adverse climate change impacts which they consider will arise as a result of the increase in throughput proposed by the Variation Application. UKWIN questioned the Applicant's methodology in calculating the power generation performance and the amount of fossil CO₂ emitted per tonne of waste incinerated at the RRRF. UKWIN further assert that the Applicant's lifetime benefit claim fails to take account of the benefit of the biogenic carbon sink.
- 5.11. Jon Cruddas MP wrote to the Secretary of State on 18 May 2021 on behalf of his constituents in which he expressed his fundamental opposition to this Variation Application. Jon Cruddas MP highlighted health impacts and air quality as key areas of concern.
- 5.12. Six members of public wrote to the Secretary of State during the consultation period to share their concerns regarding the proposed Variation Application. Impacts on air quality and emissions, climate change, and human health were raised as key issues in these responses.
- 5.13. Following the close of the consultation period, the consultation responses were sent to the Applicant for their information. The Applicant set out its response to issues raised in the objections received in a document titled 'Clarificatory Document Following Close of Consultation'.

6. THE SECRETARY OF STATE'S CONSIDERATION OF THE PROPOSED CHANGES

- 6.1. In respect of the amendment to increase the level of waste throughput from 785,000tpa to 850,000tpa, the Secretary of State has taken into consideration views of LB Bexley as the relevant local authority, Highways England, and the PLA, none of whom objected to the Application. The Secretary of State is satisfied that the increase in waste throughput will not have any adverse impacts on the Strategic Road Network in relation to transport, noise, air quality, or accidents and safety.
- 6.2. The Secretary of State has also taken into consideration the views of the GLA, UKWIN, Jon Cruddas MP, and members of the public who responded to the consultation, and the range of concerns raised by these parties, with careful consideration given to the potential impact of the increased throughput on human health and air quality, and climate change. The GLA also raised concerns regarding the duty in relation to the waste hierarchy as per Regulation 12 of the Waste (England and Wales) Regulations 2011, which emphasises the need to reduce the amount of waste produce and to re-use and recycle waste.
- 6.3. The Secretary of State has considered the proposed increase in throughput very carefully and is satisfied that the level of information provided by the Applicant is sufficient for him to take a decision on this Variation Application. With regard to human health and air quality, the Secretary of State notes the advice from Public Health England that the potential effect on human health for those living nearby to the Facility is likely to be very small. In terms of climate change impacts, the Secretary of State considers that the Variation Application will facilitate the recovery of energy from residual

waste that would otherwise be sent to landfill. As set out in paragraph 4.4.5 of the Planning Statement submitted with this Variation Application, RRRF is formally recognised as an energy recovery facility, and the fuel for this plant is residual wastes that have been diverted from landfill. The Secretary of State therefore considers that as the proposed increase would divert residual waste away from landfill to capture energy, that it therefore complies with Regulation 12. The Secretary of State notes that the National Policy Statement for Renewable Energy (“NPS EN-3”) sets out relevant policy considerations for this Variation Application, and states that the recovery of energy from the combustion of waste, where in accordance with the waste hierarchy, will play an increasingly important role in meeting the UK’s energy needs, and that the recovery of energy from the combustion of waste forms an important element of waste management strategies in both England and Wales.

- 6.4. The Applicant also seeks to amend the 2015 Varied Consent to increase the stated maximum capacity from up to 72MW capacity to up to 80.5MW capacity. The Secretary of State notes that the objections received relate to potential impacts arising from the proposed increase in waste throughput. This amendment will make use of improved efficiencies in technology available to the Applicant, and the Secretary of State therefore considers that the proposed amendment is acceptable.
- 6.5. With regard to those amendments proposed that reflect those amendments made to the RRRF consent via the REP DCO, it is noted that the Secretary of State’s decision letter regarding the REP DCO stated that the Examining Authority was satisfied that the Applicant had addressed the concerns raised by LB Bexley during the examination regarding these modifications. The Secretary of State’s decision letter also noted that the Secretary of State was satisfied that it was necessary and expedient to include these provisions to ensure the construction of the REP, and for the REP to operate alongside the RRRF facility. The Secretary of State’s conclusions on this matter remain the same and it is considered that these amendments will ensure consistency with the current operations of RRRF and the extant planning position of the site.

Secretary of State’s Conclusion

- 6.6. The Secretary of State has taken into consideration the representations made in response to the consultation including those objections raised by UKWIN, the GLA, Jon Cruddas MP, and those members of the public that responded to the consultation. The Secretary of State notes that the relevant planning authority, LB Bexley, raised no objections to the Variation Application. He has also carefully considered the information provided as part of this Variation Application by the Applicant. The Secretary of State is satisfied that the proposed Variation Application complies with the relevant policy considerations in NPS EN-3, and is therefore content to give a direction under section 90(2) of the Town and Country Planning Act 1990 for a replacement planning permission to be deemed to be granted (which includes the tonnage restriction in Condition 4).
- 6.7. With regard to the proposed amendment sought to the 2015 Varied Consent to amend the power generation description of the RRRF to increase the stated maximum capacity from up to 72MW capacity to up to 80.5MW capacity, the Secretary of State considers that the proposed amendment is acceptable.
- 6.8. As set out above, the Secretary of State considers that it is prudent to make those amendments that reflect those amendments previously made to the RRRF consent via

the REP DCO, to ensure that the new Varied Consent is consistent with the current operations of RRRF and the extant planning position of the site.

7. SECRETARY OF STATE'S CONSIDERATION OF OTHER MATERIAL ISSUES

7.1 The Secretary of State considers the following issues material to the merits of the Variation Application:

- (a) the Applicant has provided adequate environmental information for the Secretary of State to judge the impacts of the proposed Varied Development;
- (b) the matters specified in paragraph 1(2) of Schedule 9 to the Electricity Act 1989 have been adequately addressed by means of the environmental information submitted in support of the Variation Application and the Secretary of State has judged that the likely key environmental impacts are acceptable;
- (c) the views of the relevant planning authority, and all other relevant matters have been carefully considered;
- (d) the legal procedures for considering an application for a variation of the generating station consent and Planning Conditions have been properly followed; and
- (e) the Secretary of State has also considered policies on the need for and development of new electricity generating infrastructure, as set out in the Overarching National Policy Statement for Energy (NPS EN-1) and the National Policy Statement for Renewable Energy (NPS EN-3) in determining this Section 36C Variation Application.

7.2 The Secretary of State has considered the ongoing need for the development and is satisfied that the proposed variations align with the key policy considerations set out in the Overarching National Policy Statement for Energy (NPS EN-1) (July 2011) and the National Policy Statement for Renewable Energy Infrastructure (NPS EN-3) that continue to form the basis for decision-making under the Planning Act 2008. The Energy White Paper, Powering our Net Zero Future, was published on 14 December 2020. It announced a review of the suite of energy National Policy Statements but confirmed that the current National Policy Statements were not being suspended in the meantime. The relevant energy National Policy Statements therefore remain the basis for the Secretary of State's consideration of the Variation Application. The review of the energy NPS is currently underway and draft versions of the documents are being consulted on - the consultation period closes on 29 November 2021. Although the NPS are in draft form and have not been designated, the Secretary of State considers them to be relevant and important for the purpose of Section 104 of the Planning Act 2008. As such, the Secretary of State has had regard to the draft energy NPS in deciding the Variation Application but does not consider that there is anything contained within the drafts of the relevant NPS documents that would lead him to reach a different decision on the Variation Application.

7.3 The Secretary of State notes that the energy National Policy Statements continue to form the basis for decision-making under the Planning Act 2008. The Secretary of State considers, therefore, that the ongoing need for the Authorised Development is established and that granting consent for the proposed variations would not be incompatible with the Net Zero Strategy: Build Back Greener, the 2035 sixth Carbon Budget target or the 2050 Net Zero target—as specified in The Carbon Budget Order

2021 and The Climate Change Act 2008 (2050 Target Amendment) Order 2019 respectively.

8. THE SECRETARY OF STATE'S DECISION ON THE HOLDING OF A PUBLIC INQUIRY

- 8.1 Regulation 8 of the Variation Regulations gives the Secretary of State discretion to hold a public inquiry into a Variation Application. In considering whether to hold a public inquiry, the Secretary of State must consider any representations which have been made to him by a relevant planning authority or any other person where those representations are not withdrawn, alongside all other material considerations.
- 8.2 In its response, LB Bexley, as the relevant planning authority, did not object to the Variation Application.

Conclusion

- 8.3 The Secretary of State has carefully considered the views of the relevant planning authority, along with the views submitted in response to the consultation. He takes the view that all matters raised in the representations have been addressed either in the conditions attached to the Original Consent which will be retained in the Varied Consent, or the information submitted by the Applicant in support of the Variation Application. The Secretary of State is therefore of the view that there is no further information required to enable him to take a decision on the Application and that it would not, therefore, be appropriate to cause a discretionary public inquiry to be held into the Variation Application.

9. EQUALITY ACT 2010

- 9.1 The Equality Act 2010 requires public authorities to have due regard in the exercise of their functions to:
- (a) the elimination of unlawful discrimination, harassment and victimisation and any other conduct prohibited under the Act;
 - (b) the advancement of equality of opportunity between people who share a protected characteristic (e.g. age; sexual orientation; gender; gender reassignment; disability; marriage and civil partnerships ; pregnancy and maternity; religion and belief; and race) and persons who do not share it; and
 - (c) the fostering of good relations between people who share a relevant protected characteristic and those who do not share it.
- 9.2 The Secretary of State has considered the potential impacts of granting or refusing the Variation Application in the context of the general equality duty and has concluded that it is not likely to result in any significant differential impacts on people sharing any of the protected characteristics and sees no evidence which suggests that such differential impacts are likely in the present case.
- 9.3 The Secretary of State does not, therefore, consider that either the grant or refusal of the Variation Application is likely to result in a substantial impact on equality of

opportunity or relations between those who share a protected characteristic and others or unlawfully discriminate against any particular protected characteristics.

10. HUMAN RIGHTS ACT 1998

- 10.1 The Secretary of State has considered the potential infringement of human rights in relation to the European Convention on Human Rights, by the Varied Development. The Secretary of State considers that the grant of Varied Development would not violate any human rights as given effect in UK law by the Human Rights Act 1998.

11. NATURAL ENVIRONMENTAL AND RURAL COMMUNITIES ACT 2006

- 11.1 The Secretary of State, in accordance with the duty in section 40(1) of the Natural Environment and Rural Communities Act 2006, has to have regard to the purpose of conserving biodiversity, and in particular to the United Nations Environmental Programme Convention on Biological Diversity of 1992, when granting development consent.
- 11.2 The Secretary of State is satisfied that there has been due regard to conserving biodiversity and consider that the matters specified in paragraph 1(2) of Schedule 9 to the Electricity Act 1989 have been adequately addressed by means of the Supplementary Environmental Information Report provided with the 2019 Variation Application.

12. THE SECRETARY OF STATE'S DECISION ON THE VARIATION APPLICATION

- 12.1 The Applicant seeks a direction under section 90 of the Town and Country Planning Act 1990 to allow for an increase in waste throughput from 785,000tpa to 850,000tpa, and has proposed to amend the 2015 Varied Consent to allow for an increase in generating capacity from 72MW to 80.5MW. The Applicant also requests approval for other amendments to the 2015 Varied Consent and the 2017 permission that reflect the amendments that were (originally) made to the RRRF consent via the REP DCO (for the purpose of the REP DCO) to ensure that these now apply generally. The Secretary of State notes that no physical construction is required as part of these Variation proposals. The Secretary of State has also taken into consideration that additional vehicle movements required for the additional waste throughput can be accommodated within the existing conditions attached to the 2017 permission which restricts vehicle movements. Air quality impacts were determined to be Negligible or Not Significant in the EIA and HRA Report. These conclusions are supported by Natural England and Public Health England, and the relevant local planning authority, the LB Bexley, raised no objection. The Secretary of State is therefore of the view that the Varied Development does not result in a development that is fundamentally different in character or scale to that originally consented. The Secretary of State is of the view that the Varied Development is appropriate and necessary, and is satisfied that the changes are of a kind that is reasonable to authorise by means of the variation procedure in section 36C of the Electricity Act 1989.
- 12.2 The Secretary of State has decided to grant a variation to the Consented Development pursuant to section 36C of the Electricity Act 1989. The varied consent is annexed to this variation decision and is subject to the conditions set out in the varied consent. The Secretary of State also considers the proposed variations to the Conditions form a sufficient basis on which the Varied Development might proceed, and has, therefore

decided to issue a section 90(2) direction for a replacement planning permission to be deemed to be granted (which includes the tonnage restriction in Condition 4).

- 12.3 Accordingly, I enclose the Secretary of State's variation of consent under section 36C of the Electricity Act 1989 and a direction for planning permission to be deemed to be granted under section 90(2) of the Town and Country Planning Act 1990 (replacing the 2017 Permission).

13. GENERAL GUIDANCE

- 13.1 The validity of the Secretary of State's decision may be challenged by making an application to the High Court for leave to seek a judicial review. Such an application must be made as soon as possible. Parties seeking further information as to how to proceed, including the relevant time limits for making an application, should seek independent legal advice from a solicitor or legal adviser, or alternatively may contact the Administrative Court at the Royal Courts of Justice, Strand, London WC2A 2LL.
- 13.2 This decision does not convey any approval or consent that may be required under any enactment, bye-law, order or regulation other than sections 36 and 36C of and Schedule 8 to the Electricity Act 1989 and section 90 of the Town and Country Planning Act 1990.

Yours sincerely

A handwritten signature in black ink, appearing to read 'G. Leigh', written in a cursive style.

Gareth Leigh

Head of Energy Infrastructure Planning