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STATUTORY INSTRUMENTS

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**2018 No. 1016**

**INFRASTRUCTURE PLANNING**

**The Ferrybridge Multifuel 2 Power  
Station (Amendment) Order 2018**

*Made* - - - - - *19th September 2018*

*Coming into force* - - - - - *20th September 2018*

An application has been made, under paragraph 2 of Schedule 6 to the Planning Act 2008<sup>(1)</sup>, to the Secretary of State in accordance with the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011<sup>(2)</sup> for a non-material change to the Ferrybridge Multifuel 2 Power Station Order 2015 (“the 2015 Order”)<sup>(3)</sup>.

The Secretary of State, having considered the application, the responses to the publicity and consultation required by regulations 6 and 7 of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011, has decided to amend the 2015 Order.

Accordingly, the Secretary of State, in exercise of the powers in paragraph 2 of Schedule 6 to the Planning Act 2008, makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Ferrybridge Multifuel 2 Power Station (Amendment) Order 2018 and comes into force on 20th September 2018.

**Amendment to the Ferrybridge Multifuel 2 Power Station Order 2015**

2. The Ferrybridge Multifuel 2 Power Station Order 2015 (“the 2015 Order”) is amended in accordance with this Order.

**Certification of revised documents**

3.—(1) The undertaker must, as soon as practicable after the making of this Order, submit to the Secretary of State copies of the documents listed in paragraph (2) that were submitted with the

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(1) 2008 c.29. Paragraph 2 of Schedule 6 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 to 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.  
(2) S.I. 2011/2055. Regulations 6 and 7 were both amended by S.I. 2012/635 and S.I. 2015/760.  
(3) S.I. 2015/1832, as amended by S.I. 2016/737.

application for a non-material change of 11th January 2018, for certification that they are true copies of those documents.

(2) The documents referred to in paragraph (1) are—

- (a) the revised biodiversity strategy;
- (b) the revised indicative landscaping plan; and
- (c) the revised landscaping strategy.

(3) A document certified by the Secretary of State under this article is admissible in any proceedings as evidence of the contents of the document of which it is a copy.

(4) For the purposes of the 2015 Order, where a document is certified under this article, then it must be treated as having replaced any equivalent document certified earlier under article 23 of the 2015 Order.

(5) In paragraph (1), the “undertaker” has the same meaning as in article 2(1) of the 2015 Order.

#### **Amendments to Schedule 2 (Requirements)**

4.—(1) Schedule 2 (Requirements) is amended as set out in the table in the Schedule to this Order, in which—

- (a) column 1 sets out where the amendment is made;
- (b) column 2 sets out how the amendment is to be made; and
- (c) column 3 sets out the text to be substituted or inserted.

(2) The Schedule to this Order has effect.

Signed by authority of the Secretary of State for Business, Energy and Industrial Strategy

*Gareth Leigh*  
Head of Energy Infrastructure Planning  
Department for Business, Energy and Industrial  
Strategy

19th September 2018

## SCHEDULE

Regulation 4

## Non-material amendments

| <i>Provision</i>     | <i>How change is to be made</i>  | <i>Text to be substituted, inserted or omitted</i>  |
|----------------------|--|---|
| Requirement 7(1)     | For “Each part of the authorised development must not be commissioned until a written detailed landscaping scheme for that part has been” substitute   | “Within 12 months of the Commissioning of the authorised development a written detailed landscaping scheme for each part shall be”  |
| Requirement 17(1)    | For “The authorised development must not be commissioned until a written biodiversity enhancement and management plan has been” substitute   | “Within 12 months of the commissioning of the authorised development a written biodiversity enhancement and management plan shall be”   |
| Requirement 17(2)(a) | Before “survey results and mitigation and enhancement measures included in chapter 12 of the environmental statement” insert   | “relevant”  |
| Requirement 31(1)    | For “The authorised development must not be brought into commercial use until a written scheme for the restoration of any land within the Order limits which has been used temporarily for construction has been submitted to and approved by the planning authority” insert | “Within 12 months of bringing the authorised development into commercial use, a written scheme for the restoration of any land within the Order limits which has been used temporarily for construction will be submitted to the planning authority for approval” |
| Requirement 31(2)    | For “the authorised development is brought into commercial use” insert   | “the written scheme referred to in subparagraph (1) is approved”  |

**EXPLANATORY NOTE***(This note is not part of the Order)*

This Order amends the Ferrybridge Multifuel 2 Power Station Order 2015 (“the 2015 Order”), a development consent order under the Planning Act 2008, which has previously been amended by the Ferrybridge Multifuel 2 Power Station (Correction) Order 2016.

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

This Order follows an application under paragraph 2 of Schedule 6 to the Planning Act 2008 for a non-material change to relocate the previously approved landscape and biodiversity enhancement area.

This Order, in article 3, provides for the certification of revised documents for use as evidence in any proceedings.

The changes to the 2015 Order take effect from the date specified in this Order.