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STATUTORY INSTRUMENTS

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**2022 No. 919**

**INFRASTRUCTURE PLANNING**

**The York Potash Harbour Facilities (Amendment) Order 2022**

*Made* - - - - 25th August 2022

*Coming into force* - - 26th August 2022

An application has been submitted under paragraph 2 of Schedule 6 to the Planning Act 2008(1) to the Secretary of State in accordance with the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011(2) for a non-material change to the York Potash Harbour Facilities Order 2016(3).

The Secretary of State, having considered the application and responses to the publicity and consultation carried out in accordance with regulations 6 and 7 of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011, has decided to make this Order amending the York Potash Harbour Facilities Order 2016.

The Secretary of State, in exercise of the powers conferred by paragraph 2 of Schedule 6 to the Planning Act 2008, makes the following Order—

**PART 1**

**PRELIMINARY**

**Citation and commencement**

1. This Order may be cited as the York Potash Harbour Facilities (Amendment) Order 2022 and shall come into force on 26th August 2022.

**Amendment of the York Potash Harbour Facilities Order 2016**

2.—(1) The York Potash Harbour Facilities Order 2016 is amended as follows.

(2) In article 2 (interpretation)—

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- (1) 2008 c. 29. Paragraph 2 of Schedule 6 was amended by section 112(1) of, and paragraph 4(6)(a) of schedule 8 to, the Maritime and Coastal Access Act 2009 (c. 23); by section 128(2) of, and paragraph 72(4) to (7) of Schedule 13 to, the Localism Act 2011 (c. 20); and by section 28(2) of the Infrastructure Act 2015 (c. 7).
- (2) S.I. 2011/2055, amended by S.I. 2012/635, S.I. 2012/2654, S.I. 2012/2732, S.I. 2013/522, S.I. 2013/755, S.I. 2015/377, S.I. 2015/760, S.I. 2015/1682, S.I. 2017/314, S.I. 2017/524, S.I. 2018/378, S.I. 2019/734, S.I. 2020/764, S.I. 2020/1534, S.I. 2021/978 and S.I. 2022/634.
- (3) S.I. 2016/772.

- (a) for the definition of “phase 1” substitute—
- ““phase 1a” means that part of the authorised development required (in addition to phase 1b) to be completed in order to facilitate the movement of 6.5 million tonnes per annum of polyhalite comprising in summary—
- (a) site compounds;
  - (b) construction of a quay 28 metres wide and 280 metres in length including ship loaders and ship loader rails;
  - (c) dredging of up to 750,000 cubic metres of material from the approach channel and berth pocket;
  - (d) lagoon enhancement works;
  - (e) installation of a surge bin;
  - (f) construction of buildings and parking area;
  - (g) erection of security fences; and
  - (h) provision of ancillary infrastructure;
- “phase 1b” means that part of the authorised development required (in addition to phase 1a) to be completed in order to facilitate the movement of 6.5 million tonnes per annum of polyhalite comprising in summary—
- (a) the installation of conveyor system and transfer towers; and
  - (b) provision of ancillary infrastructure;”;
- (b) in the definition of “phase 2”, at sub-paragraph (d), for “phase 1” substitute “phase 1b”.
- (3) In paragraph 2 of Schedule 2 (requirements)—
- (a) in sub-paragraphs (1) and (2), for “phase 1” substitute “phase 1a” wherever it appears; and
  - (b) for sub-paragraph (3) substitute—
- “(3) No part of phase 1b is to commence until a written scheme setting out all the component parts of phase 1b has been submitted to and approved by the local planning authority. The written scheme must include details of the following unless they have been approved by the MMO under the provisions of Schedule 5—
- (a) the position of the conveyor system and transfer towers;
  - (b) external appearance and scale of all buildings and structures including the design of the external treatment of that part of the conveyor system which crosses the A1085;
  - (c) parking and storage areas;
  - (d) surface and foul drainage;
  - (e) site levels;
  - (f) permanent fencing and other means of enclosure; and
  - (g) lighting.
- (4) The phase 1b works must be carried out in accordance with the approved details whether approved by the local planning authority under sub-paragraph (3) or the MMO under the provisions of Schedule 5.”.
- (4) In paragraph 3(3) of Schedule 2, for “phase 1” substitute “phase 1a”.
- (5) In paragraph 5 of Schedule 2 after “authorised development” insert “other than phase 1a”.
- (6) In Part 2 (licensed activities) of Schedule 5 (deemed licence under the 2009 Act)—
- (a) in paragraph 4(a), (b) and (d), for “phase 1” substitute “phase 1a”;

(b) in paragraph 5(a) and (d), for “phase 1” substitute “phase 1a”;

(c) in paragraph 6(3) and (5), for “phases 1” substitute “phases 1a”; and

(d) in paragraph 6(4), for “phase 1” substitute “phase 1a”.

(7) In paragraph 9(3)(a) and (b) of Part 4 (conditions) of Schedule 5, for “phase 1” substitute “phase 1a”.

(8) In paragraphs 7(3) and 19(3)(a) of Schedule 11 (for the protection of Tees Port Authority), for “phase 1” substitute “phase 1a”.

Signed by authority of the Secretary of State for Transport

*Natasha Kopala*  
Head of the Transport and Works Act Orders  
Unit  
Department for Transport

25th August 2022

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

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## **EXPLANATORY NOTE**

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

This Order amends the York Potash Harbour Facilities Order 2016, a Development Consent Order under the Planning Act 2008.

This Order follows an application under paragraph 2 of Schedule 6 to the Planning Act 2008 for a non-material change to allow for changes to the phasing of the authorised development.