

202* No. 000

INFRASTRUCTURE PLANNING

**THE YORK POTASH HARBOUR FACILITIES (AMENDMENT) ORDER
202***

Made - - - - - ***
Laid before Parliament ***
Coming into force - - - - - ***

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PRELIMINARY**

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

The Secretary of State, having considered the 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 [202*] and shall come into force on [] [202*].

Amendment of The York Potash Harbour Facilities Order 2016

2.—(1) The York Potash Harbour Facilities Order 2016 (“the 2016 Order”) is amended by this Order as follows—

- (2) In article 2 (Interpretation)—
- (a) omit the definition of phase 1;
 - (b) add a definition of “phase 1a” as follows—

““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:

 - (i) site compounds;
 - (ii) construction of a quay 28 metres wide and 280 metres in length including ship loaders and ship loader rails;
 - (iii) dredging of up to 750,000 cubic metres of material from the approach channel and berth pocket;
 - (iv) lagoon enhancement works;
 - (v) installation of surge bin;
 - (vi) construction of buildings and parking area;
 - (vii) erection of security fences; and
 - (viii) provision of ancillary information.”
 - (c) add a definition of “phase 1b” as follows:

““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

 - (i) the installation of conveyor system and transfer towers and
 - (ii) provision of ancillary infrastructure”
- (3) In Schedule 2 paragraph 2 (1) and (2) replace “phase 1” with “phase 1a”.
- (4) In Schedule 2 delete paragraph 2 (3) and replace as follows:
- “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.
- (5) In Schedule 2 add paragraph 2(4) as follows:
- 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.
- (6) In Schedule 2 paragraph 5 insert “other than phase 1a” after “authorised development”.

Signatory text

Address
Date

Name
Parliamentary Under Secretary of State
Department

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends The York Potash Harbour Facilities Order 2016 (“the 2016 Order”), 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.

The changes to the 2016 Order take effect from the date specified in this Order.