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Dear Sirs,

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20 January 2022

THE YORK POTASH HARBOUR FACILITES ORDER - PROPOSED NON-MATERIAL CHANGE

Thank you for your letter of 28 October 2021 (the “first letter”) which sets out proposals for a non-material change application for the consented York Potash Harbour Facilities Order 2016 (“the Order”) by York Potash Limited and Anglo American Woodsmith Limited (previously Sirius Minerals plc) (“the Applicant”). Your subsequent letter of 29 November (the “second letter”) and email of 13 January 2022 provided further information in response to questions raised in our letter of 16 November to aide us in our consideration on this matter.

It is noted that you are requesting 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 (“the 2011 Regulations”) to not consult those parties indicated in the table within the first letter and the table at Appendix 1 of that letter (“Appendix 1”), on the basis that the nature of the change sought is limited and that it would be disproportionate to consult all of the parties specified in regulation 7(2) of the 2011 Regulations.

The Secretary of State has considered the request under regulation 7(3) and agrees that it would be reasonable and propotionate to reduce the list of parties to be consulted on and notified of the application.

Following the second letter in response to our letter of 16 November 2021, the Secretary of State:

- is satisfied that National Highways do not need to be consulted.
- notes and is content with the explanation that although the Order limits include land within the administrative area of Stockton-on-Tees Borough Council (“STBC”), the land concerned is only part of the dredging pocket within the Tees Estuary which is

unaffected by the proposed changes, save for the proposed revised sequence of submission details, and is content that STBC therefore also do not need to be consulted.

- notes that you have identified Sembcorp and the South Tees Development Corporation, Network Rail, Northumbrian Water and Redcar Bulk Terminal as bodies that will be added to the list of parties to be formally consulted.
- has considered those parties within the Order limits which fall within s.57 of the Planning Act 2008 and are within the four categories as set out in your second letter, plus the further explanation set out in your email of 13 January that:
 - the category of 'unknown interests' are the same as the unknown interests in the original DCO application; and
 - in respect of the quay, your clients are only seeking to change the sequence of approvals and not the sequence of construction and therefore it is their view that it is not necessary to consult those with interests in the River Tees or those with an interest in the pipeline corridor,and agrees with your view that none of the parties in the four categories listed in a) to d) in paragraph 3 of your second letter will be affected and therefore do not need to be consulted and is satisfied that the unknown interests will be adequately addressed by the press notices.

The Secretary of State is satisfied with the reasons provided in Appendix 1 to exclude those organisations listed in the appendix from formal consultation including those organisations characterised in a) to d) of the second letter. This is subject to those parties referenced in your second letter and set out in the penultimate bullet point above being added.

Accordingly, the Secretary of State gives written consent, to the extent set out above, under regulation 7(3) of the 2011 Regulations.

In taking this decision the Secretary of State notes that whilst those parties either listed in Appendix 1 or characterised in the second letter will not be consulted directly in relation to the proposed changes, there will be a public consultation on the proposal in line with the requirements set out in regulation 6 of the 2011 Regulations, which will afford an opportunity for the public and those not directly consulted to respond.

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 York Potash Harbour Facilities Development Consent Order which fall to him for consideration and determination, or whether the proposed changes will ultimately be regarded as material or not.

Yours faithfully,

Natasha Kopala