

CORRECTION NOTICE
THE PORT OF TILBURY (EXPANSION) CONSENT ORDER 2019
(S.I. 2019 No. 359)

SCHEDULE 4 TO THE PLANNING ACT 2008
CORRECTION OF ERRORS IN DEVELOPMENT CONSENT DECISIONS

8 January 2026

The Secretary of State received a request dated 3 April 2019 from Pinsent Masons LLP acting on behalf of Port of Tilbury London Limited (“the Applicant”) for the correction of errors and omissions in the The Port of Tilbury (Expansion) Order (“the Order”), under paragraph 1(5)(a) of Schedule 4 to the Planning Act 2008 (“the Act”).

In accordance with paragraph 1(7) of Schedule 4 to the Act, the Secretary of State notified the relevant local planning authority of the request for corrections.

The Secretary of State has made the following corrections to the Order:

Corrections to Articles

Article 2 (Interpretation)

In article 2(1):

- in the definition of “authorised officer”, before “Constable” insert “Police”;
- omit the definition of “a Constable”; and
- insert the new definition ““a Police Constable” means any constable appointed by the Company under section 154 (appointment, etc., of constables) of the 1968 Act;”.

Secretary of State’s rationale: to correct a cross-referencing error and ensure consistency with the byelaws in Schedule 7 to the Order.

Article 3 (Disapplication of legislation, etc.)

In article 3(13) in paragraph (b) of the definition of “existing structure”, replace “water intake” with “water outfall”.

Secretary of State’s rationale: to correct an error in the definition.

Article 4 (Application of enactments relating to the Port of Tilbury)

In article 4:

- for paragraph (2)(a)(i), substitute—
“(i) section 5A(1) (general duties and powers of the Company);”;
and

- in paragraph (6)(d), in the new section 5AA(4) (company's functions subordinate to Port Authority's functions) to be treated as if inserted, replace "company" with "Company".

Secretary of State's rationale: to correct errors in cross-references to the Port of London Act 1968. The second correction differs slightly from that requested by the applicant, with "the Company" being preferred as it ensures consistency with the Port of Tilbury Transfer Scheme 1991 Confirmation Order 1992 and the modifications it made to the Port of London Act 1968.

Article 41 (Maintenance of the authorised development and operation of the Company's harbour undertaking)

In article 41(3), after "different", insert "significant".

Secretary of State's rationale: to maintain consistency with the applicant's permitted development rights. This correction differs from that requested by the Applicant, which originally sought the reinstatement of the text used in both its draft DCO and in the DCO recommended by the Examining Authority ("rDCO"). The Applicant subsequently agreed that "adverse" be omitted from the rDCO text.

The Secretary of State considers that the corrected text follows more closely the approach in regulation 3(10) of the Town and Country Planning (General Permitted Development) Order 2015 and the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. She notes the detailed explanation and example scenario provided by the Applicant in support of its request and its concern that the provision, as corrected, would put the authorised development in a worse position than the rest of the Tilbury estate, but is not persuaded that there is a material difference between an effect that is (a) materially new or materially different and (b) significant, compared to one that is merely significant. If an effect is materially new or materially different but not significant, then the restriction in paragraph (3) would not bite.

The Secretary of State agrees that the omission of "significant" was a correctable error within the meaning of Schedule 4 to the Act but does not agree that the insertion of "materially new or materially different" was.

Corrections to Schedules

Schedule 2, Part 1 (Requirements)

In Schedule 2, paragraph 11—

- replace "constructed and operated" with "constructed and/or operated"; and
- omit paragraph (b).

Secretary of State's rationale: to avoid confusion by more accurately describing the functions concerned and removing repetition with requirement 4.

Schedule 4 (Permanent stopping up of highways and private means of access)

For the heading of Schedule 4, substitute “PERMANENT STOPPING UP OF, AND PROVISION OF, NEW HIGHWAYS AND PRIVATE MEANS OF ACCESS”.

Secretary of State's rationale: The applicant correctly identifies that the heading is not an operative part of the Order, but the Secretary of State agrees that a correction should be made to remove any ambiguity and to more accurately reflect the contents of the Schedule. As a consequence, the cross reference in article 12(1) has also been corrected.