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STATUTORY INSTRUMENTS

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**2021 No. 581**

**INFRASTRUCTURE PLANNING**

**The Immingham Open Cycle Gas Turbine (Correction) Order  
2021**

*Made* - - - - *14th May 2021*

*Coming into force* - - *17th May 2021*

The Immingham Open Cycle Gas Turbine Order 2020 (“the Order”)(a), which granted development consent within the meaning of the Planning Act 2008 (“the Act”)(b), contains correctable errors within the meaning of paragraph 1 of Schedule 4 to the Act.

In accordance with paragraph 1(5)(a) of Schedule 4 to the Act, before the end of the relevant period as defined in paragraph 1(6)(a) of Schedule 4 to the Act, the Secretary of State received a written request from the applicant(c), for the correction of errors in the Order.

In accordance with paragraph 1(7) of Schedule 4 to the Act, the Secretary of State has informed North Lincolnshire Council as the relevant planning authority (as defined in paragraph 4 of Schedule 4 to the Act), that the request has been received.

The Secretary of State, in exercise of the powers conferred by section 119 of, and paragraphs 1(4) and 1(8) of Schedule 4 to the Act, makes the following Order—

**Citation and commencement**

1. This Order may be cited as the Immingham Open Cycle Gas Turbine (Correction) Order 2021 and comes into force on 17th May 2021.

**Corrections**

2. The Immingham Open Cycle Gas Turbine Order 2020 is corrected as set out in the table in the Schedule to this Order, in which—

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

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(a) S.I. 2020/847.

(b) 2008 c.29. Paragraph 1 of Schedule 4 was amended by paragraph 70 of Schedule 13, and Part 20 of Schedule 25, to the Localism Act 2011 (c. 20) and by paragraph 4 of Schedule 8 to the Marine and Coastal Access Act 2009 (c. 23). There are other amendments to the Act which are not relevant to this Order.

(c) As defined in paragraph 4 of Schedule 4 to the Act.

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

14th May 2021

**SCHEDULE  
CORRECTIONS**

Article 2

<i>Where the correction is to be made – Column 1</i>	<i>How correction is to be made – Column 2</i>	<i>The text to be substituted, inserted or omitted (if any) – Column 3</i>
Article 2 – Definition of “access and rights of way plans”	For “(certification of plans etc.)for” substitute	“(certification of plans etc.) for”
Article 2 – Definition of “book of reference”	For “(documents to be certified)” substitute	“(documents and plans to be certified)”
Article 2 – Definition of “book of reference”	For “article 39” substitute	“article 39 (certification of plans etc.)”
Article 2 – Definition of “commitments register”	For “(certification of plans etc.)for” substitute	“(certification of plans etc.) for”
Article 2 – Definition of “framework biodiversity enhancement and management plan”	For “order” substitute	“Order”
Article 14(1)	For “subject to paragraphs (3) and (4)” substitute	“subject to paragraphs (2) and (3)”
Article 17(2)(a)	For “authorised project” substitute	“authorised development”
Article 17(5)(b)	After “any crematorium” omit	“and that person must, as soon as reasonably practicable after such re-interment or cremation”
Article 17(5)	Immediately after paragraph (b) omit	“provide to the undertaker a certificate for the purpose of enabling compliance with paragraph (10)”
Article 20(1)(b)	For “the 1981 Act( as applied by article 23” substitute	“the 1981 Act as applied by article 23”
Article 21(3)	For “imposition of new restrictive covenants )” substitute	“imposition of new restrictive covenants)”
Article 21(4)	For “imposition of new restrictive covenants )” substitute	“imposition of new restrictive covenants)”
Article 23(2)	For “The1981 Act” substitute	“The 1981 Act”
Article 23(10)	For “the 1981Act” substitute	“the 1981 Act”
Article 27(4)(b)	For “the1981 Actor” substitute	“the 1981 Act or”
Article 32(3)	For “under Part of the 1961 Act” substitute	“under Part 1 of the 1961 Act”
Article 33(12)	For “order” substitute	“Order”
Article 36(1)(b)	Immediately before “is a	“the defendant shows that the

	consequence of” insert	nuisance”
Article 40(3)(a)	For “secretary of clerk” substitute	“secretary or clerk”
Schedule 2, Requirement 5(2)	For “Schedule 12” substitute	“Schedule 12 (design parameters)”
Schedule 2, Requirement 13(1)	For “consultation Historic England” substitute	“consultation with Historic England”
Schedule 2, Requirement 16(3)(b)	After “mitigate traffic impact;” omit	“the construction programme; and”
Schedule 2, Requirement 16(3)(c)	For “furniture.” substitute	“furniture; and”
Schedule 2, Requirement 16(3)(c)	After requirement 16(3)(c) insert	“(d) the construction programme.”
Schedule 7, Paragraph 3(1)	For “sub-paragraph 2(2)” substitute	“sub-paragraph (2)”
Schedule 7, Paragraph 3(2)(a)	After “the Immingham Open Cycle Gas Turbine Order 2020;” omit	“and”
Schedule 9, Paragraph 11	For “utility undertaking” substitute	“utility undertaker”
Schedule 9, Paragraph 18 – Definition of “apparatus”	For “Electricity Act 1989 (,” substitute	“Electricity Act 1989”
Schedule 9, Paragraph 18 – Definition of “commence”	For “term” substitute	“terms”
Schedule 9, Paragraph 19	For “25 (retained apparatus: protection)” substitute	“25 (retained apparatus: protection of gas undertaker)”
Schedule 9, Paragraph 21(2)	For “of an undertaker” substitute	“of National Grid”
Schedule 9, Paragraph 22(3)	For “removal of apparatus/including” substitute	“removal of apparatus (including”
Schedule 9, Paragraph 23(1)	For “any right of an undertaker” substitute	“any right of National Grid”
Schedule 9, Paragraph 24(2)	For “in the matter will be referred to arbitration” substitute	“then the matter will be referred to arbitration”
Schedule 9, Paragraph 27(5)	For “payable to an undertaker” substitute	“payable to National Grid”
Schedule 9, Paragraph 28(3)(b)	For “National Grid as an assignee, transferee or lessee of National Grid” substitute	“National Grid as an assignee, transferee or lessee of the undertaker”
Schedule 9, Paragraph 30(1)	For “the undertaker or an undertaker” substitute	“the undertaker or National Grid”
Schedule 9, Paragraph 30(1)	For “or an undertaker makes requirements” substitute	“or National Grid makes requirements”
Schedule 9, Paragraph 30(1)	For “paragraph 27” substitute	“paragraphs 25 and 26”
Schedule 9, Paragraph 30(1)	For “each undertaker must use its best endeavours” substitute	“National Grid must use its best endeavours”
Schedule 9, Paragraph 30(2)	For “the statutory undertaker’s consent” substitute	“National Grid’s consent”
Schedule 9, Paragraph 30(2)	For “submitted by National Grid or the taking of action by National Grid” substitute	“submitted by the undertaker or the taking of action by the undertaker”
Schedule 9, Paragraph 35 – Definition of “applicable	For “disposal or re)” substitute	“disposal or release)”

legislation”, sub-paragraph (b)		
Schedule 9, Paragraph 35 – Definition of “specified work”	For “mean” substitute	“means”
Schedule 9, Paragraph 35 – Definition of “VPI apparatus”	After “ladder, steps,” omit	“gantries”
Schedule 9, Paragraph 63	For “breach of any of obligations” substitute	“breach of any of the obligations”
Schedule 9, Paragraph 81	After “crosses below” delete	“.”
Schedule 9, Paragraph 83	For “paragraph 103” substitute	“paragraph 102 (expert determination)”
Schedule 9, Paragraph 106(a)	For “2.25metres” substitute	“2.25 metres”
Schedule 9, Paragraph 107(b)	After “as may be made by Anglian Water” omit	“for the alteration or otherwise”
Schedule 9, Paragraph 125(5)	For “the Centrica” substitute	“Centrica”
Schedule 9, Paragraph 146 – Definition of “acceptable insurance”	For “determined by an expert under paragraph 158” substitute	“determined through arbitration under paragraph 158”
Schedule 9, Paragraph 146 – Definition of “acceptable insurance”, sub-paragraph (c)	In sub-paragraph (c) after “third party bodily” insert	“damage arising from a pollution/contamination event with cover of £10,000,000.00 (ten million pounds) per event or £20,000,000.00 (twenty million pounds) in aggregate;”
Schedule 9, Paragraph 146, definition of “acceptable insurance”	Omit sub-paragraph (d)	
Schedule 9, Paragraph 150(5)	For “have been afforded to Cadent” substitute	“having been afforded to Cadent”
Schedule 9, Paragraph 151(1)	For “for the access to, construction and maintenance alternative apparatus” substitute	“for the access to, construction and maintenance of alternative apparatus”
Schedule 9, Paragraph 156(2)	For “information submitted by Cadent or the taking of action by Cadent” substitute	“information submitted by the undertaker or the taking of action by the undertaker”
Schedule 9, Paragraph 161 – Definition of “the Existing Gas Pipeline”	After “the Order limits as shown on” omit	“sheets”
Schedule 9, Paragraph 161 – Definition of “the HE works”	After “the strategic road network” omit	“for”
Schedule 9, Paragraph 164(1)(e)	For “paragraphs (a) to (e)” substitute	“paragraphs (a) to (d)”
Schedule 9, Paragraph 173(1)	For “exists to the apparatus being relocated” substitute	“exists in relation to the apparatus being relocated”
Schedule 9, Paragraph 176(5)	After “in the ordinary course” omit	“.”
Schedule 9, Paragraph 192(7)	For “article 42” substitute	“article 42 (arbitration)”
Schedule 9, Paragraph 199(7)	For “article 42” substitute	“article 42 (arbitration)”
Schedule 10, Paragraph 2(4)(a)	For “and is accompanied” substitute	“and the application is accompanied”
Schedule 10, Paragraph 2(4)(b)	For “it considers” substitute	“the relevant planning authority considers”
Schedule 10, Paragraph 5(1)(b)	For “paragraph 2(3)” substitute	“paragraph 2(4)”

Schedule 13, Paragraph 123(1)	For “paragraphs 59, 60, 61 and 64” substitute	“paragraphs 128, 129, 130, 131 and 133”
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**EXPLANATORY NOTE**

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

This Order corrects errors and omissions in the Immingham Open Cycle Gas Turbine Order 2020, a development consent order under the Planning Act 2008, following a written request under paragraph 1(5)(a) of Schedule 4 to that Act.