

202\* No. \*\*\*\*

**INFRASTRUCTURE PLANNING**

**The Immingham Open Cycle Gas Turbine (Amendment) Order  
202\***

*Made* - - - - \*\*\*  
*Coming into force* - - - - \*\*\*

An application has been made, under paragraph 2 of Schedule 6 to the Planning Act 2008(a), to the Secretary of State in accordance with the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011(b) for a non-material change to the Immingham Open Cycle Gas Turbine Order 2020(c).

The Secretary of State, having considered the application, the responses to the publicity and consultation required by regulations 6 and 7 of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011, has decided to make the changes on terms that in the opinion of the Secretary of State are not materially different from those proposed in the application.

Accordingly, the Secretary of State, in exercise of the powers in paragraphs 2(1) and (9) of Schedule 6 to the Planning Act 2008, makes the following Order—

**Citation and commencement**

1. This Order may be cited as the Immingham Open Cycle Gas Turbine (Amendment) Order 202\* and comes into force on [Date].

**Amendment to the Immingham Open Cycle Gas Turbine Order 2020**

2. The Immingham Open Cycle Gas Turbine Order 2020 is amended in accordance with this Order.

**Amendment to Part 1 (preliminary), article 2 (interpretation)**

3. In article 2 (interpretation) of Part 1 (preliminary) replace ““commissioning” means the process of testing all systems and components of the authorised development (which are installed or in relation to which installation is nearly complete) in order to ensure that they, and the authorised development as a whole, function in accordance with the plant design specifications

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(a) 2008 c.29. Paragraph 2 was amended by paragraph 4 of Schedule 8 to the Marine and Coastal Access Act 2009 (c.23), by paragraphs 1 and 72 of Schedule 13 to the Localism Act 2011 (c.20), and by section 28 of the infrastructure Act 2015 (c.7). There are other amendments to the Act that are not relevant to this Order.  
(b) S.I. 2011/2055, as amended by S.I. 2012/635, S.I. 2013/522, S.I. 2015/760, S.I. 2017/314, S.I. 2017/524, S.I. 2018/378, S.I. 2019/734, S.I. 2020/1534 and S.I. 2020/764.  
(c) S.I. 2020/847.

and the undertaker’s operational and safety requirements;” with ““commissioning” means the process of testing all systems and components of the authorised development (which are installed or in relation to which installation is nearly complete) in order to ensure that they, and the authorised development as a whole, function in accordance with the plant design specifications and the undertaker’s operational and safety requirements and the words “commission” and “commissioned” and cognate expressions are to be construed accordingly;”.

**Amendment to Schedule 1 (authorised development)**

4. In Schedule 1 (authorised development), in the description of Work No. 1—

(a) at the end of sub-paragraph (u) delete “and”; and

(b) at the end of sub-paragraph (v) insert—

“and

(w) synchronous condenser.”.

**Amendment to Schedule 2 (requirements)**

5. In Schedule 2 (requirements), in paragraph 11 sub-paragraph (3) replace “No part of the authorised development may commence until a scheme for the mitigation of flood risk during operation has, for that part, been submitted to and, after consultation with the Environment Agency and North East Lindsey Internal Drainage Board, approved by the relevant planning authority.” with “No part of the authorised development may be commissioned until a scheme for the mitigation of flood risk during operation has, for that part, been submitted to and, after consultation with the Environment Agency and North East Lindsey Internal Drainage Board, approved by the relevant planning authority.”.

Secretary of State for Business, Energy and Industrial Strategy

*Name*

Address

*Title*

Date

Department for Business, Energy and Industrial Strategy

## **EXPLANATORY NOTE**

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

This Order amends the Immingham Open Cycle Gas Turbine Order 2020, a development consent order under the Planning Act 2008, following an application made in accordance with the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 for a non-material change under paragraph 2 of Schedule 6 to the Planning Act 2008.