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**BY EMAIL ONLY to:** [REDACTED]@dwdllp.com

DWD,  
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19 February 2025

Dear Mr Booth,

**THE IMMINGHAM OPEN CYCLE GAS TURBINE ORDER 2020– S.I. 2020 No. 847 and THE IMMINGHAM OPEN CYCLE GAS TURBINE (CORRECTION) ORDER 2021 S.I. 2021 NO. 581 – PROPOSED NON-MATERIAL CHANGE APPLICATION**

**REGULATION 7(3) OF THE INFRASTRUCTURE PLANNING (CHANGES TO, AND REVOCATION OF, DEVELOPMENT CONSENT ORDERS) REGULATIONS 2011 - WRITTEN CONSENT FROM THE SECRETARY OF STATE FOR NOT CONSULTING A PERSON OR AUTHORITY**

1. Thank you for your email and Regulation 7(3) letter of 27 January 2025 on behalf of VPI Immingham B Limited (“the Applicant” and “Undertaker”). The letter provided details about the proposed application for a non-material change to the Immingham Open Cycle Gas Turbine Order 2020 (S.I. 2020 No. 847) (the ‘Order’) and notes that The Immingham Open Cycle Gas Turbine (Correction) Order 2021’ (S.I. 2021 No.581) was made.
2. The Regulation 7(3) letter requests the Secretary of State’s consent for a limited consultation exercise for this Application. The Secretary of State has considered the request under the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (as amended) (“the 2011 Regulations”).
3. The following documents have been provided by email as part of the request:
  - Application scope letter – providing information on the proposed application, including the proposed changes; the approach to materiality; the scope of the proposed application; the scope of the proposed consultation; and indicative programme.
  - Attachment 1 – a plan (attached to the letter) showing the extent of the additional land proposed to be included within the Order limits.
  - A copy of ‘The Immingham Open Cycle Gas Turbine Order 2020’.

- A copy of 'The Immingham Open Cycle Gas Turbine (Correction) Order 2021'.
  - A copy of 'The Immingham Open Cycle Gas Turbine (Amendment) Order 2023'.
  - A copy of 'The Immingham Open Cycle Gas Turbine (Amendment No. 2) Order 2024'.
  - Regulation 7(3) letter – seeking the consent of the Secretary of State to a more targeted consultation in respect of the proposed application.
  - The list of consultees that it is proposed to consult in respect of the proposed application.
4. The Regulation 7(3) letter provides the following details on the proposed changes being sought:
- This latest proposed NMC to the Order seeks the following changes to Certified Documents '3.1 – Book of Reference', '4.2 – Land Plans', '4.3 - Works Plans' and '4.4 – Access and Right of Way Plans' listed at Schedule 11 of the Order:*
- *the inclusion of additional land to access and utilise an existing pipe-bridge adjacent to the Order limits on which to carry the gas, electrical and utilities and services connections between the existing VPI CHP Site and the VPI OCGT Project Site; and*
  - *the use an additional area of land on the existing VPI CHP Site to accommodate a minor deviation in the gas pipeline routing.*
5. The Applicant proposes to consult 15 parties:
- Habrough Parish Council
  - Immingham Town Council
  - Lincolnshire County Council
  - Natural England
  - North East Lincolnshire Council
  - North Killingholme Parish Council
  - North Lincolnshire Council
  - South Killingholme Parish Council
  - The Environment Agency – Lincolnshire
  - VPI Immingham LLP
  - VPI Immingham Energy Park A Limited
  - North Lincolnshire Council
  - CLH Pipeline System (CLHPS) Limited
  - Phillips 66 Limited
  - Prax Lindsey Oil Refinery Limited (known as Total Lindsey Oil Refinery Limited at the DCO application stage)
6. In the Regulation 7(3) letter, the Applicant explains the reasons for its proposed reduced consultee list being *“due to the Proposed Changes being limited in nature and not resulting in new or materially different significant environmental effects or having any implications in terms of the Habitats Regulations or for the compulsory acquisition of land. Furthermore, the proposed changes will not impact on local residents or businesses. It is not therefore considered necessary to consult all those who were informed of, or involved in, the DCO application process.”*
7. The Secretary of State agrees that the consultees proposed by the Applicant for consultation as listed at paragraph 5 above should be consulted. However, the Secretary of State considers

that in addition to these, the Applicant should further consult the following parties for comments on the proposed change:

- Humberside Fire & Rescue Service
- Cadent Gas Ltd
- Centrica Storage Ltd
- North East Lindsey Internal Drainage Board
- National Grid Electricity Transmission PLC

8. The Secretary of State considers that the Applicant has not provided sufficient information why these parties should not be consulted. The Secretary of State requires these parties to be consulted as they may have assets near the site due to the protected provisions they have with the Applicant and/or have previously made representations and thereby may have representations to make in relation to the proposed change. Furthermore, the Secretary of State considers that some of the parties are regulatory bodies/organisations in which the proposed change may have an impact on their responsibilities/obligations and as such may have representations to make.
9. In respect of the list of consultees provided by email on 27 January 2025, the Secretary of State has considered all parties that may be affected from the original application. The Secretary of State therefore uses his discretion and is satisfied that it is not necessary for other consultees from the list to be included in the reduced consultee list, as they are not directly affected because the proposed amendments will not affect their interests.
10. Accordingly, the Secretary of State gives written consent for the consultation to proceed in accordance with the details set out above, under regulation 7(3) of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011. In taking this decision the Secretary of State notes that while those persons not proposed to be consulted on the non-material change application will not be consulted directly in relation to the change proposals, the Application will be publicised in line with the requirements in regulation 6 of the 2011 Regulations.
11. 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 Order which fall to him for consideration and determination, or whether the proposed changes will ultimately be regarded as material or not.

Yours sincerely,

*James Dawkins*

James Dawkins  
Head of Planning