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STATUTORY INSTRUMENTS

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**2023 No. 778**

**INFRASTRUCTURE PLANNING**

**The Boston Alternative Energy Facility Order 2023**

*Made* - - - - *5th July 2023*

*Coming into force* - - *27th July 2023*

An application has been made to the Secretary of State under section 37 of the Planning Act 2008 (the “2008 Act”)(1) for an order granting development consent in accordance with the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009(2).

The application was examined by the Examining Authority appointed by the Secretary of State pursuant to sections 61(3) and 65(4) of Part 6 of the 2008 Act and carried out in accordance with Chapter 4 of Part 6 of the 2008 Act and with the Infrastructure Planning (Examination Procedure) Rules 2010(5). The Examining Authority has submitted a report to the Secretary of State under section 74(2) of the 2008 Act.

The Secretary of State has considered the report and recommendation of the Examining Authority, has taken into account the environmental information in accordance with regulation 4 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017(6) and as a national policy statement has effect in relation to the proposed development, has had regard to the documents and matters referred to in section 104(2) of the 2008 Act.

The Secretary of State, having decided the application, has determined to make an order giving effect to the proposals comprised in the application on terms that in the opinion of the Secretary of State are not materially different from those proposed in the application.

In accordance with section 127(7) of the 2008 Act, the Secretary of State has applied the relevant tests and is satisfied that they have been met.

The Secretary of State, in exercise of the powers in sections 114, 115, 120, 122, 123, 140 and 149A of the 2008 Act, makes the following Order—

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(1) [2008 c. 29](#). Parts 1 to 7 were amended by Chapter 6 of Part 6 of, and Schedule 13 to, the [Localism Act 2011 \(c. 20\)](#).  
(2) [S.I. 2009/2264](#).  
(3) Section 61 was amended by section 128(2) and Schedule 13, paragraph 18 to the [Localism Act 2011 \(c. 20\)](#) and by section 26 of the [Infrastructure Act 2015 \(c. 7\)](#).  
(4) Section 65 was amended by Schedule 13, paragraph 22(2) and Schedule 25, paragraph 1 to the [Localism Act 2011 \(c. 20\)](#) and by section 27(1) of the [Infrastructure Act 2015 \(c. 7\)](#).  
(5) [S.I. 2010/103](#), amended by [S.I. 2012/635](#).  
(6) [S.I. 2017/572](#).  
(7) [2008 c. 29](#). Section 127 was amended by section 23(2)(a), 23(2)(b) and 23(2)(c) of the [Growth and Infrastructure Act 2013 \(c. 27\)](#) and by paragraph 64(2) of Schedule 13(1) to the [Localism Act 2011 \(c. 20\)](#).