
STATUTORY INSTRUMENTS

2015 No. 129

**The A160/A180 (Port of Immingham
Improvement) Development Consent Order 2015**

PART 2

PRINCIPAL POWERS

Development consent etc. granted by the Order

3. Subject to the provisions of this Order including the requirements in Schedule 2 (requirements), the Secretary of State is granted development consent for the authorised development to be carried out within the Order limits.

Maintenance of authorised development

4. The Secretary of State may at any time maintain the authorised development, except to the extent that this Order, or an agreement made under this Order, provides otherwise.

Limits of deviation

5.—(1) Subject to paragraph (2), in carrying out the authorised development the Secretary of State may—

- (a) in relation to all authorised development, deviate laterally from the lines or situations of the authorised development shown on the works plans to the extent of the limits of deviation shown on those plans;
- (b) in relation to Work No.28, deviate vertically from the levels of the authorised development shown on the engineering drawings and sections to a maximum of 0.15 metres upwards or downwards; and
- (c) in relation to all authorised development other than Work No.28, deviate vertically from the levels of the authorised development shown on the engineering drawings and sections, to a maximum of 0.5 metres upwards or downwards.

(2) Any deviation under paragraph (1) is only permitted if it is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

Benefit of Order

6.—(1) Subject to article 7 (consent to transfer benefit of Order) and paragraph (2), the provisions of this Order conferring powers on the Secretary of State have effect solely for the benefit of the Secretary of State.

(2) Paragraph (1) does not apply to the works specified below for which the consent is granted by this Order for the express benefit of the following owners and occupiers of land, statutory undertakers and other persons affected by the authorised development—

- (a) Northern Powergrid in relation to Work Nos. 9 and 11;
- (b) Anglian Water in relation to Work Nos. 10 and 12;
- (c) Vitol Power Immingham in relation to Work No. 14;
- (d) National Grid Gas plc in relation to Work Nos. 15 and 16;
- (e) E.ON UK Gas Limited in relation to Work No. 17;
- (f) Heron Wind Limited in relation to Work No. 18; and
- (g) Air Products (BR) Limited in relation to Work No. 30.

Consent to transfer benefit of Order

7.—(1) The Secretary of State may—

- (a) transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order and such related statutory rights as may be agreed between the Secretary of State and the transferee; or
- (b) grant to another person (“the lessee”) for a period agreed between the Secretary of State and the lessee any or all of the benefit of the provisions of this Order and such related statutory rights as may be so agreed.

(2) Where an agreement has been made in accordance with paragraph (1) references in this Order to the Secretary of State, except in paragraph (3) or where the reference is to a consenting function of the Secretary of State, includes references to the transferee or the lessee.

(3) The exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraph (1) is subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by the Secretary of State.

(4) The consent of the Secretary of State is required for a transfer or grant under this article, except where the transfer or grant is made to—

- (a) Northern Powergrid for the purposes of undertaking Work Nos. 9 and 11;
- (b) Anglian Water for the purposes of undertaking Work Nos. 10 and 12;
- (c) Vitol Power Immingham for the purposes of undertaking Work No. 14;
- (d) National Grid Gas plc for the purposes of undertaking Work Nos. 15 and 16;
- (e) E.ON UK Gas Limited for the purposes of undertaking Work No. 17;
- (f) Heron Wind Limited for the purposes of undertaking Work No. 18; or
- (g) Air Products (BR) Limited for the purposes of undertaking Work No. 30.

Application and modification of legislative provisions

8. Nothing in the following legislative provisions, including any requirements for consent, applies to the authorised development—

- (a) Humber Commercial Railway and Dock Act 1904⁽¹⁾; and
- (b) Barton and Immingham Light Railway Order 1908.

(1) 1904 c. lxxxv.