
STATUTORY INSTRUMENTS

2023 No. 119

INFRASTRUCTURE PLANNING

**The Immingham Open Cycle Gas
Turbine (Amendment) Order 2023**

Made - - - - *31st January 2023*

Coming into force - - *1st February 2023*

An application has been made, under paragraph 2 of Schedule 6 to the Planning Act 2008 (the “2008 Act”)(1), to the Secretary of State in accordance with the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (the “2011 Regulations”)(2) for a non-material change to the Immingham Open Cycle Gas Turbine Order 2020 (the “2020 Order”)(3).

The Secretary of State, having considered the application and the responses to the publicity and consultation carried out in accordance with regulations 6 and 7 of the 2011 Regulations, has decided to make this Order amending the 2020 Order.

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 2023 and comes into force on 1st February 2023.

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) in the definition of “commissioning”, after the words “the undertaker’s operational and safety requirements”, insert “and the words “commission” and “commissioned” and cognate expressions are to be construed accordingly;”.

(1) [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.

(2) [S.I. 2011/2055](#), as amended by [S.I. 2012/635](#), [S.I. 2015/760](#) and [S.I. 2020/1534](#). There are other amendments to the instrument which are not relevant to this Order.

(3) [S.I. 2020/847](#).

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) after the words “No part of the authorised development may commence” insert “save for the permitted preliminary works”.

Signed by authority of the Secretary of State for Business, Energy and Industrial Strategy

David Wagstaff
Deputy Director – Energy Development and
Resilience
Department for Business, Energy and Industrial
Strategy

31st January 2023

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. The Order allows for the addition of a Synchronous Condenser in the description of Work No.1 in Schedule 1, and the amendment of Requirement 11(3) in Schedule 2 of the Order in relation to the submission of the flood risk mitigation scheme.