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STATUTORY INSTRUMENTS

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**2020 No. 847**

**INFRASTRUCTURE PLANNING**

**The Immingham Open Cycle Gas Turbine Order 2020**

*Made - - - - 7th August 2020*

*Coming into force 1st September 2020*

**THE IMMINGHAM OPEN CYCLE GAS TURBINE ORDER 2020**

PART 1

PRELIMINARY

1. Citation and commencement
2. Interpretation

PART 2

PRINCIPAL POWERS

3. Development consent etc. granted by this Order
4. Maintenance of authorised development
5. Operation of authorised development
6. Benefit of this Order
7. Consent to transfer benefit of this Order

PART 3

STREETS

8. Power to alter layout etc. of streets
9. Street works
10. Construction and maintenance of new or altered means of access
11. Temporary prohibition or restriction of use of streets
12. Access to works
13. Agreements with street authorities
14. Traffic regulation

PART 4

SUPPLEMENTAL POWERS

15. Discharge of water

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16. Authority to survey and investigate the land
17. Removal of human remains

#### PART 5

### POWERS OF ACQUISITION

18. Compulsory acquisition of land
19. Power to override easements and other rights
20. Time limit for exercise of authority to acquire land compulsorily
21. Compulsory acquisition of rights etc.
22. Private rights
23. Application of the 1981 Act
24. Acquisition of subsoil only
25. Modification of Part 1 of the 1965 Act
26. Rights under or over streets
27. Temporary use of land for carrying out the authorised development
28. Temporary use of land for maintaining the authorised development
29. Statutory undertakers
30. Apparatus and rights of statutory undertakers in streets
31. Recovery of costs of new connections

#### PART 6

### OPERATION

32. Felling or lopping of trees
33. Protective works to buildings

#### PART 7

### MISCELLANEOUS AND GENERAL

34. Application of landlord and tenant law
35. Operational land for purposes of the 1990 Act
36. Defence to proceedings in respect of statutory nuisance
37. Protective provisions
38. Procedure in relation to certain approvals
39. Certification of plans etc.
40. Service of notices
41. Amendment and modification of statutory provisions
42. Arbitration
43. Funding
- Signature

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#### SCHEDULES

##### SCHEDULE 1 — AUTHORISED DEVELOPMENT

In North Lincolnshire—

A nationally significant infrastructure project as defined in sections 14(1)

(a)...

Work No. 1 – OCGT power station, being an open...

Work No. 2 – access, comprising access from Rosper Road...

Work No. 3 – temporary construction and laydown comprising hard...

Work No. 4 – gas connection, being works for the...

Work No. 5 – overground electrical connection up to 400...  
Work No 6 – utilities and services connections comprising—  
In connection with and in addition to Work Nos. 1...  
and to the extent that it does not form part...

## SCHEDULE 2 — REQUIREMENTS

1. Interpretation
2. Commencement of the authorised development
3. Notice of commencement
4. Notice of date of final commissioning
5. Detailed design
6. Biodiversity enhancement and management plan
7. External lighting
8. Highway accesses
9. Means of enclosure
10. Surface water drainage
11. Flood risk mitigation
12. Contaminated land and groundwater
13. Archaeology
14. Construction environmental management plan
15. Protection of highway surfaces
16. Construction traffic management plan
17. Construction workers travel plan
18. Construction hours
19. Control of noise - operation
20. Piling and penetrative foundation design
21. Waste management on site - construction wastes
22. Restoration of land used temporarily for construction
23. Employment, skills and training plan
24. Decommissioning
25. Foul water drainage
26. Requirement for written approval
27. Approved details and amendments to them
28. Amendments agreed by the relevant planning authority

## SCHEDULE 3 — STREETS SUBJECT TO STREET WORKS

### SCHEDULE 4 — ACCESS

PART 1 — THOSE PARTS OF THE ACCESSSES TO BE MAINTAINED BY  
THE HIGHWAY AUTHORITY

PART 2 — THOSE PARTS OF THE ACCESSSES TO BE MAINTAINED BY  
THE STREET AUTHORITY

### SCHEDULE 5 — TEMPORARY PROHIBITION OR RESTRICTION OF THE USE OF STREETS

### SCHEDULE 6 — LAND IN WHICH ONLY NEW RIGHTS ETC. MAY BE ACQUIRED

### SCHEDULE 7 — MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR CREATION OF NEW RIGHTS AND IMPOSITION OF NEW RESTRICTIVE COVENANTS — *Compensation enactments*

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1. The enactments for the time being in force with respect...
2. (1) Without limitation to the scope of paragraph 1, the...
3. (1) Without limitation on the scope of paragraph 1, the...  
— *Application of Part 1 of the 1965 Act*
4. Part 1 (compulsory purchase under Acquisition of Land Act 1946)...
5. (1) The modifications referred to in paragraph 4(a) are as...

SCHEDULE 8 — LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

SCHEDULE 9 — PROTECTIVE PROVISIONS

PART 1 — FOR THE PROTECTION OF ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS

1. For the protection of the utility undertakers referred to in...
2. In this Part— “alternative apparatus” means alternative apparatus adequate to...
3. Precedence of the 1991 Act in respect of apparatus in the streets
4. Regardless of the temporary prohibition or restriction of use of...
5. No acquisition etc. except by agreement
6. Removal of apparatus
7. Facilities and rights for alternative apparatus
8. Retained Apparatus
9. Expenses and costs
10. (1) Subject to sub-paragraphs (2) and (3), if by reason...
11. Enactments and agreements

PART 2 — FOR THE PROTECTION OF OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS

12. (1) For the protection of any operator, the following provisions...
13. The exercise of the powers of article 29 (statutory undertakers)...
14. (1) Subject to sub-paragraphs (2) to (4), if as the...
15. This Part of this Schedule does not apply to—
16. Nothing in this Part affects the provisions of any enactment...

PART 3 — FOR THE PROTECTION OF NATIONAL GRID AS ELECTRICITY AND GAS UNDERTAKER

17. Application
18. Interpretation
19. On Street Apparatus
20. Apparatus of undertakers in streets subject to temporary prohibition or restriction
21. Protective works to buildings
22. Acquisition of land
23. Removal of apparatus
24. Facilities and rights for alternative apparatus
25. Retained apparatus: protection of gas undertaker
26. (1) Not less than 56 days before the commencement of...
27. Expenses
28. Indemnity
29. Enactments and agreements
30. Co-operation
31. Access
32. Arbitration
33. Notices

PART 4 — FOR THE PROTECTION OF PHILLIPS 66 LIMITED

34. Benefit of protective provisions
35. Interpretation
36. Authorisation of works details affecting pipelines or protected crossings
37. No part of a relevant work is to be commenced...
38. (1) Any authorisation by P66 required under paragraph 37(a) must...
39. (1) In the event that— (a) no response has been...
40. Notice of works
41. Further provisions about relevant works
42. Monitoring for damage to pipelines
43. (1) If any damage occurs to a pipeline causing a...
44. Compliance with requirements, etc. applying to the protected land
45. Restriction on exercising powers
46. Insurance
47. If P66 has a dispute about the proposed insurance (including...
48. Costs
49. Further protection in relation to the exercise of powers under the Order
50. The undertaker must give written notice to P66 if any...
51. The undertaker must, when requested to do so by P66,...
52. Prior to the commencement of the authorised development the undertaker...
53. Exercise of the specified rights
54. No part of a specified work is to be commenced...
55. (1) Any authorisation by P66 required under paragraph 54(a) must...
56. (1) In the event that— (a) no response has been...
57. In the exercise of the specified rights the undertaker must—...
58. The undertaker must with all practicable speed reinstate and put...
59. The undertaker must following a written request by P66 replace...
60. The undertaker must keep the VPI apparatus in good and...
61. In exercising the specified rights the undertaker must at its...
62. The undertaker must as soon as reasonably practicable following a...
63. The undertaker must indemnify P66 against losses incurred or sustained...
64. The undertaker must permit P66 and its agents, contractors and...
65. P66 must take all reasonable and proper precautions to ensure...
66. P66 must— (a) not erect construct or place any building...
67. The undertaker must take all reasonable precautions to ensure that...
68. (1) The undertaker must indemnify and keep P66 indemnified from...
69. (1) If during the exercise of the specified rights it...
70. P66 must use its reasonable endeavours to comply at the...
71. (1) Subject to sub-paragraph (2) P66 must not make any...
72. The undertaker is not required to comply with this Part...
73. Any information or data obtained by the undertaker from carrying...
74. Where any trees are removed by the undertaker in carrying...
75. Where timber is cut and disposed of by the undertaker...
76. Unless otherwise agreed between the undertaker and P66, any fencing...
77. All temporary fencing will be maintained in position during the...
78. In exercising the specified rights, and if reasonably required by...
79. Where the undertaker is to relay or move any length...
80. Wherever the exercise of the specified rights may reasonably require...
81. Where the existing gas pipeline crosses below a ditch or...
82. With the assistance of P66 in locating water supplies, the...
83. Particular care will be taken to ensure that minimum damage...
84. The installation of marker posts or cathodic protection marker posts...
85. (1) The undertaker must ensure that the existing gas pipeline...
86. During the course of the exercise of the specified rights,...

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87. In exercising the specified rights, the undertaker must provide specific...
88. In the event that the undertaker decides to abandon the...
89. The undertaker must not permit caravans or huts to be...
90. A specified work will normally cease at or before dusk...
91. The undertaker will not light fires on the VPI pipeline...
92. Whenever the undertaker intends to use explosives in connection with...
93. Diversion Provisions
94. If P66 wishes to carry out any development of the...
95. P66 must submit a copy to the undertaker of any...
96. (1) If following consultation under paragraph 94—
97. (1) If P66 obtains a P66 planning permission for the...
98. The diversion route must be within the described land and...
99. If the VPI apparatus is to be diverted under any...
100. Subject to paragraph 97(3), where the undertaker elects to carry...
101. If there is a dispute about the diversion route or...
102. Expert determination
103. Service of Notices
  - PART 5 — FOR THE PROTECTION OF ANGLIAN WATER
104. For the protection of Anglian Water, the following provisions, unless...
105. In this Part of this Schedule— “alternative apparatus” means alternative...
106. The undertaker must not interfere with, build over or near...
107. The alteration, extension, removal or re-location of any apparatus must...
108. In the situation, where in exercise of the powers conferred...
109. Regardless of any provision in this Order or anything shown...
110. If in consequence of the exercise of the powers conferred...
111. If in consequence of the exercise of the powers conferred...
112. If for any reason or in consequence of the construction...
113. Anglian Water must use its reasonable endeavours to mitigate in...
  - PART 6 — FOR THE PROTECTION OF CLH PIPELINE SYSTEM (CLH-PS) LTD
114. For the protection of CLH Pipeline System (CLH-PS) Limited, the...
115. In this Part of this Schedule— “CLH” means CLH Pipeline...
116. Before commencing any part of the authorised development which would...
117. No works comprising any part of the authorised development which...
118. Any approval of CLH required under paragraph 117 must not...
  - PART 7 — FOR THE PROTECTION OF CENTRICA STORAGE LIMITED
119. For the protection of Centrica Storage Limited, the following provisions,...
120. In this Part of this Schedule— “Centrica” means Centrica Storage...
121. Before commencing any part of the authorised development which would...
122. At the same time as providing the plans and sections...
123. No works comprising any part of the authorised development which...
124. Any approval of Centrica required under paragraph 123 must not...
125. (1) Subject to sub-paragraphs (2) to (5), if as the...
  - PART 8 — FOR THE PROTECTION OF ABLE HUMBER PORTS LIMITED
126. For the protection of Able Humber Ports Limited (company no....
127. In this Part of this Schedule— “Able” means Able Humber...
128. Co-operation during construction
129. If the undertaker proposes to alter the layout of the...
130. The undertaker must not submit written details for numbered work...
131. (1) The undertaker must not exercise the powers under any...
132. (1) Wherever in this Part of this Schedule provision is...
133. (1) Insofar as the construction of the OCGT authorised development...
134. Arbitration

PART 9 — FOR THE PROTECTION OF TOTAL LINDSEY OIL REFINERY LIMITED

- 135. For the protection of Total Lindsey Oil Refinery Limited, the...
- 136. In this Part of this Schedule— “the pipelines” means the...
- 137. Before commencing any part of the authorised development which would...
- 138. No works comprising any part of the authorised development which...
- 139. Any approval of TLOR required under paragraph 138 must not...

PART 10 — FOR THE PROTECTION OF NETWORK RAIL INFRASTRUCTURE LIMITED

- 140. The following provisions of this Part of this Schedule have...
- 141. In this Part of this Schedule— “Network Rail” means Network...
- 142. (1) The undertaker must not exercise the powers conferred by—...
- 143. Any difference or dispute arising between the undertaker and Network...
- 144. Nothing in this Order, or in any enactment incorporated with...

PART 11 — FOR THE PROTECTION OF CADENT GAS LIMITED AS GAS UNDERTAKER

- 145. Application
- 146. Interpretation
- 147. On Street Apparatus
- 148. Apparatus of Cadent in stopped up streets
- 149. Acquisition of land
- 150. Removal of apparatus
- 151. Facilities and rights for alternative apparatus
- 152. Retained apparatus: protection of Cadent
- 153. Expenses
- 154. Indemnity
- 155. Enactments and agreements
- 156. Co-operation
- 157. Access
- 158. Arbitration
- 159. Notices

PART 12 — FOR THE PROTECTION OF HIGHWAYS ENGLAND COMPANY LIMITED

- 160. Application
- 161. Interpretation
- 162. Prior approvals
- 163. Construction of the HE works
- 164. Payments
- 165. Indemnity
- 166. Arbitration
- 167. Notices

PART 13 — FOR THE PROTECTION OF NORTHERN POWERGRID (YORKSHIRE) PLC

- 168. For the protection of Northern Powergrid the following provisions have...
- 169. In this Part of this Schedule— “alternative apparatus” means alternative...
- 170. This Part of this Schedule does not apply to apparatus...
- 171. Regardless of the temporary prohibition or restriction of use of...
- 172. Regardless of any provision in this Order or anything shown...
- 173. (1) If, in the exercise of the powers conferred by...
- 174. (1) Where, in accordance with the provisions of this Part...
- 175. (1) Not less than 90 days before starting the execution...
- 176. (1) Subject to the following provisions of this paragraph, the...
- 177. (1) Subject to sub-paragraphs (2) and (3), if by reason...

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- 178. Nothing in this Part of this Schedule affects any enactment...
- 179. (1) Without prejudice to the generality of this Part of...
- 180. Northern Powergrid and the undertaker must use their reasonable endeavours...
- 181. Work in relation to which an estimate is submitted must...
- 182. If Northern Powergrid at any time becomes aware that an...
- 183. Northern Powergrid may from time to time, and at least...
- 184. The undertaker is not responsible for meeting costs or expenses...
- 185. Any difference under the provisions of this Part of this...

**PART 14 — FOR THE PROTECTION OF HORNSEA 1 LIMITED**

- 186. For the protection of Hornsea 1 referred to in this...
- 187. In this Part of this Schedule— “Hornsea 1” means Hornsea...
- 188. Acquisition of land
- 189. Protection of Hornsea 1 from works
- 190. Costs
- 191. Access
- 192. Expert determination

**PART 15 — FOR THE PROTECTION OF HORNSEA 2 COMPANIES**

- 193. Application
- 194. Interpretation
- 195. Acquisition of land
- 196. Protection of Hornsea 2 from works
- 197. Costs
- 198. Access
- 199. Expert determination

**SCHEDULE 10 — PROCEDURE FOR DISCHARGE OF REQUIREMENTS**

- 1. In this Schedule— “business day” means a day other than...
- 2. Applications made under requirement
- 3. Further information and consultation
- 4. Fees
- 5. Appeals

**SCHEDULE 11 — DOCUMENTS AND PLANS TO BE CERTIFIED**

**SCHEDULE 12 — DESIGN PARAMETERS**

**SCHEDULE 13 — MODIFICATIONS TO THE ABLE MARINE ENERGY PARK DEVELOPMENT CONSENT ORDER 2014**

- 1. Schedule 9 to the Able Marine Energy Park Development Consent Order 2014

Explanatory Note



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**Changes and effects yet to be applied to :**

- Sch. 12 table substituted by [S.I. 2024/446 art. 3](#)