

CORRECTION NOTICE

THE SWANSEA BAY TIDAL GENERATING STATION ORDER 2015

SCHEDULE 4 TO THE PLANNING ACT 2008 CORRECTION OF ERRORS IN DEVELOPMENT CONSENT DECISIONS

26 October 2015

The Secretary of State received a request on 20 July 2015 from DLA Piper on behalf of Tidal Lagoon Swansea Bay Plc (“the Applicant”) for the correction of errors in the Swansea Bay Tidal Lagoon Generating Station Order 2015 (“the Order”) under Schedule 4 to the Planning Act 2008.

The Secretary of State has made the following corrections to the Order:

Article 7(4)(a)(ii) (Guarantees in respect of payment of compensation, etc.)

The Secretary of State has amended the Order by removing an unwarranted parenthesis (“(”) immediately before “(i)” to correct a typographical error.

Article 7(5) (Guarantees in respect of payment of compensation, etc.)

The Secretary of State has amended the Order by deleting the reference to “paragraph 3(b)” and substituting “paragraph 4(b)” to correct a cross-referencing error.

Article 20(a) (Lights on tidal works, etc. during construction)

The Secretary of State has amended the Order by deleting the word “amd” and replacing it with the word “and” to correct a typographical error.

Article 33(8)(a) (Temporary use of land for carrying out authorised development)

The Secretary of State has amended the Order by inserting “(Compulsory acquisition of rights)” directly after “article 28” to ensure that the correct name of the article is defined.

Article 37(2) (Special category land)

The Secretary of State has amended the Order by inserting “(Compulsory acquisition of rights)” directly after “article 28” to ensure that the correct name of the article is defined.

Article 42(1) (Application of Energy Act 2004 in relation to decommissioning)

The Secretary of State has amended the Order by deleting the word “a” immediately before “(decommissioning programme)” for clarity.

Article 47(9) (Byelaws)

The Secretary of State has amended the Order by deleting the reference to “paragraph 5(b)” and replacing it with “paragraph (6)(b)” to correct a cross-referencing error.

Article 54(1) (Provisions for effect of Adaptive Environmental Management Plan)

The Secretary of State has amended the Order by deleting the word “AMEP” in the first line and replacing it with “AEMP” to correct a typographical error.

Article 54(2) (Provisions for effect of Adaptive Environmental Management Plan):

The Secretary of State has amended the Order by deleting the word “AMEP” in the first line and replacing it with “AEMP” to correct a typographical error.

Requirement 1 (Interpretation)

The Secretary of State has amended the Order by deleting the word “is” immediately before “to be constructed” in the definition of “operate” and replacing it with the word “are” to correct a typographical error.

Requirement 4(2) (Detailed design)

The Secretary of State has amended the Order by deleting the word “springs” after “mean low water” to refer to a correct limit in accordance with section 72 of the Local Government Act 1972.

Requirement 4(2) (Detailed design)

The Secretary of State has amended the Order by deleting the reference in the fourth line to “Part 1” and replacing it with “Part 1A” to ensure the correct part of Schedule 1 is referred to.

Requirement 4(3) (Detailed design)

The Secretary of State has amended the Order by deleting the word “springs” after “mean low water” to refer to a correct limit in accordance with section 72 of the Local Government Act 1972.

Requirement 4(3) (Detailed design)

The Secretary of State has amended the Order by deleting the reference in the fourth line to “Part 1” and replacing it with “Part 1A” to ensure the correct part of Schedule 1 is referred to.

Requirement 4(4) (Detailed design)

The Secretary of State has amended the Order by deleting the reference to “Part 1” in the third line and replace with “Part 1A” to ensure the correct part of Schedule 1 is referred to.

Requirement 4(5) (Detailed design)

The Secretary of State has amended the Order by deleting the word “springs” after “mean low water” to refer to a correct limit in accordance with section 72 of the Local Government Act 1972.

Requirement 5(5)(d) (Construction Environmental Management Plans)

The Secretary of State has amended the Order by deleting the word “HGVs” in the second line and replacing it with “(“HGVs”)” to ensure consistency with the use of quotation marks in other parts of the Order.

Requirement 8(5) (Implementation and maintenance of landscaping)

The Secretary of State has amended the Order by inserting the word “County” immediately after “Neath Port Talbot” and before “Borough Council” to correct an omission.

Requirement 9(4) (Highway works)

The Secretary of State has amended the Order by deleting the reference to “Works No. 7a” in the first line and replacing it with “Work No. 7a” to correct a typographical error.

Requirement 12(1)(a) (Contamination and groundwater)

The Secretary of State has amended the Order by deleting “(CSM)” and replacing it with “(“CSM”)” to ensure consistency with the use of quotation marks in other parts of the Order.

Requirement 12(4) (Contamination and groundwater)

The Secretary of State has amended the Order by deleting the colon in the fifth line directly after the words “Land Contamination” and replacing it with “-“ to ensure that the defined term in requirement 12(5) is accurate.

Requirement 15(1) (Electrical grid connection works)

The Secretary of State has amended the Order by deleting the word “has” in the penultimate line and replacing it with “have” to correct a typographical error.

Requirement 22(1) (Operational Traffic)

The Secretary of State has amended the Order by deleting the word “a” in the first line immediately before “OPTMP” and replacing it with “an” to correct a typographical error.

Requirement 23(2)(a) (Major events)

The Secretary of State has amended the Order by deleting “RNLI” and replacing it with “Royal National Lifeboat Institution” as the abbreviation is not a defined term.

Requirement 27(1) (Fish and shellfish mitigation strategy)

The Secretary of State has amended the Order by deleting the words “port Harbour Authority” in the fourth line and replacing them with “port health authority” to clarify responsibility because the latter is responsible for fish and shellfish.

Requirement 27(4)(d) (Fish and shellfish mitigation strategy)

The Secretary of State has amended the Order by deleting the full stop at the end of the second line and replacing it with a semicolon to correct a typographical error.

Requirement 36 (Requirement for written approval)

The Secretary of State has amended the Order by deleting the words “the local planning authority” in the second line and replacing them with “the relevant planning authority” to ensure consistency with other parts of the Order.

Requirement 38(1) (Amendments to approved details)

The Secretary of State has amended the Order by deleting the words “the local planning authority” in the second line and replacing them with “the relevant planning authority” to ensure consistency with other parts of the Order.

Requirement 39(1) (Marine mammal mitigation strategy)

The Secretary of State has amended the Order by deleting the word “authorized” in the second line and replacing it with “authorised” to correct a typographical error.

Requirement 40(1) (Section 106 agreement)

The Secretary of State has amended the Order by deleting the word “Country” in the third line and replacing it with “County” to correct a typographical error.

Requirement 40(2) (Section 106 agreement)

The Secretary of State has amended the Order by deleting the word “Country” in the second line and replacing it with “County” to correct a typographical error.

Requirement 41(1) (Employment and skills plan)

The Secretary of State has amended the Order by deleting the word “Country” in the third line and replacing with “County” to correct a typographical error.

Schedule 7 (Documents to be certified)

The Secretary of State has amended the Order by deleting the words “(a “section 106 agreement”)” as the term is defined earlier in the Order.

Schedule 7 (Documents to be certified)

The Secretary of State has amended the Order by deleting the word “Country” and replacing it with “County” to correct a typographical error.

Schedule 8, Protective Provision 39(9)(a) (Retained apparatus: protection)

The Secretary of State has amended the Order by deleting the references to “sub-paragraphs (6), (7) and (8)” in the first line and replacing them with “sub-paragraphs (6) and (7)” to reflect the fact that the original paragraph (8) to which this section referred was deleted from the Order.

Schedule 8, Protective Provision 41(1) (Indemnity)

The Secretary of State has amended the Order by deleting “)” in the sixth line immediately after the words “any of these works” to correct a typographical error.

Schedule 8, Protective Provision 54(9)(b) (Retained apparatus: protection)

The Secretary of State has amended the Order by deleting “11” immediately after the words “comply with sub-paragraph” and replacing it with “10” to ensure the correct cross-reference is included.

Schedule 8, Protective Provision 62 (Interpretation)

The Secretary of State has amended the Order by deleting the word “include” in the first line and replacing it with “includes” to correct a typographical error.

Schedule 8, Protective Provision 62 (Interpretation)

The Secretary of State has amended the Order by deleting the comma immediately after the word “and” in the first line of the definition of “protected person” to correct a typographical error.

Schedule 8, Protective Provision 68(9)(b) (Retained apparatus: protection)

The Secretary of State has amended the Order by deleting “11” immediately after the words “comply with sub-paragraph” and replacing it with “10” to ensure the correct cross-reference is included.

Corrections which the Secretary of State has not Made

Requirement 4(4) (Detailed design)

The Applicant requested that “Except as Requirement 33 permits” should be inserted at the beginning of the Requirement. The Secretary of State does not accept that this is a “correctable error” within the meaning of the relevant provisions of the Planning Act 2008 as amended and does not, therefore, accept that its inclusion in any Order for correctable errors is justified.

Schedule 7 (Documents to be certified)

The Applicant requested that “)” should be inserted immediately before the semicolon but this does not appear to be necessary as it is already in place in the registered version of the Order.

Explanatory Note

The applicant requested that a comma should be inserted after the words “book of reference” in the eighth line of the note. However, the Explanatory Note does not form part of the Order and is not, therefore, subject to the correctable errors provisions.