

CORRECTION NOTICE
THE CLEVE HILL SOLAR PARK ORDER 2020 (S.I. 2020/No 547)
SCHEDULE 4 TO THE PLANNING ACT 2008
CORRECTION OF ERRORS IN DEVELOPMENT CONSENT DECISIONS
10 August 2021

The Secretary of State received a request dated 25 June 2020 from Pinsent Masons LLP acting on behalf of Cleve Hill Solar Park Limited (“CHSPL”) for the correction of errors in the Cleve Hill Solar Park Order 2020 (“the Order”) under paragraph 1(5)(a) of Schedule 4 to the Planning Act 2008.

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

Corrections to the Articles

Article 2, paragraph (2), “Interpretation”

For “Order and” substitute “Order land”

Secretary of State’s rationale:

To correct a typographical error.

Article 5(12) “Consent to transfer of benefit of Order”

For “paragraph (1)” substitute “paragraph (2)”

Secretary of State’s rationale:

To correct a typographical error.

Article 5, paragraphs (13)(b) “Consent to transfer of benefit of Order”

For “article 0 (street works)” substitute “article 8 (street works)”

Secretary of State’s rationale:

To correct a typographical error.

Article 7, paragraph 1(b), "Defence to proceedings in respect of statutory nuisance"

Words "the defendant shows that the nuisance" to be inserted at the start of the paragraph,

Secretary of State's rationale:

To correct a typographical error.

Article 24, paragraph (1)(a), "Temporary use of land for carrying out the authorised development"

Insert "(other than in connection with the acquisition of rights only)" following "1965 Act"

Secretary of State's rationale:

Corrected to include originally proposed wording to cover a situation where compulsory acquisition powers for new rights have been exercised under Article 18 but temporary possession of the land is still required for general construction purposes.

Article 34, paragraph (1)(s), "Certification of plans and documents, etc."

Insert ",plan" following "the water bodies in a river basin management plan"

Secretary of State's rationale:

To correct the name of the document.

Article 39, paragraph (1)(a) and (1)(b), "Funding"

Insert "in relation to that land" following "in paragraph (2)"

Secretary of State's rationale:

Corrected to include the words from the original draft "in relation to that land", in order to limit a guarantee or other form of security to be provided only in respect

of compensation due because of exercising compulsory acquisition powers in respect of a particular plot of land, rather than all compensation due.

Schedule 6, Paragraph 3(2) Modification of compensation and compulsory purchase enactments for the creation of new rights and imposition of new restrictive covenants

Insert closing brackets following “Cleve Hill Solar Park Order 2020”

Secretary of State’s rationale:

To correct a typographical error.

Schedule 7, Part 1, paragraph 1, Protection for electricity, gas, water and sewerage undertakers, Application

Delete “Blue Transmission London Array Limited which is protected by Part 5 of this Schedule,”.

Secretary of State’s rationale:

Consequential amendments required due to deletion of Schedule 7 Part 5, Protective Provisions for the protection of Blue Transmission London Array Limited

Schedule 7, Protective Provisions, Part 5, For the protection of Blue Transmission London Array Limited

Delete Part in entirety.

Secretary of State’s rationale. As there is an agreement in writing between the undertaker and Blue Transmission London Array Limited and both parties sought removal of the Protective Provisions, these will not have effect and are deleted from the Order.

Corrections which the Secretary of State has not made

The typographical corrections requested to Articles 5(3), 5(6), 5(13) and 12(1)(b) have not been made in this Order. These were errors introduced after the Order was made and during the publication process. A separately corrected order has therefore been published to amend these errors.

Amendment to Schedule 8, paragraph 1 definition of MMO for “Marine Management Agency” substitute “Marine Management Organisation”

Secretary of State’s rationale:

The Secretary of State does not have the power to amend the deemed marine licence (see Planning Act 2008, Schedule 4, paragraph 1(11)).