

CORRECTION NOTICE

MALLARD PASS SOLAR FARM ORDER 2024 (S.I. 2024/No 796)

SCHEDULE 4 TO THE PLANNING ACT 2008

CORRECTION OF ERRORS IN DEVELOPMENT CONSENT ORDER

DATE: 31 OCTOBER 2024

The Secretary of State received a request dated 15 August 2024 from Mallard Pass Solar Farm Ltd (“the Applicant”) for the correction of errors in the Mallard Pass Solar Farm Order 2024 (“the Order”), under section 119 of, and Schedule 4 to, the Planning Act 2008.

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

Corrections to the Contents Page

Schedule 6 – Public Rights of Way. Part 1 – Public Rights of way to be temporarily stopped up

Wording amended from “stopped up” to “closed”.

Secretary of State’s rationale:

For a clear definition and consistent approach throughout the Order.

Corrections to the Articles

Part 1, Article 2 – Interpretation

Amend definition of “Commissioning”.

Secretary of State’s rationale:

Whilst not strictly needed, this definition helps to clarify the difference between the commissioning and testing phase and the commencement of operations on a commercial basis.

Part 1, Article 2 – Interpretation

Definition of “Order Limits” is amended to insert “or rights over land”.

Secretary of State’s rationale:

To reduce ambiguity in the definition.

Part 1, Article 2 – Interpretation

Definition of “employment, skills and supply chain plan” is amended to “skills, supply chain and employment plan”.

Secretary of State’s rationale:

To match the name of the certified document and the drafting of the relevant Requirement.

Part 2, Article 6(1) – Application and modification of statutory provisions

Wording amended from “operation” to “activities or development”.

Secretary of State’s rationale:

To be consistent with the wording in schedule 3 (legislation to be disapplied).

Part 3, Article 10(1) – Construction and maintenance of altered streets

Wording amended from “streetauthority” to “street authority”.

Secretary of State’s rationale:

To correct a typographical error.

Part 3, Article 11(3a) – Temporary closure of and permitting vehicular use on public rights of way

Wording amended from “stopped up” to “closed”.

Secretary of State’s rationale:

For a definition and consistent approach throughout the Order.

Part 3, Article 11(6) – Temporary closure of and permitting vehicular use on public rights of way

Wording amended from “stopped up” to “closed”.

Secretary of State’s rationale:

For a definition and consistent approach throughout the Order.

Part 3, Article 12(8) – Claimed public right of way

After “section 53(1) of the Wildlife and Countryside Act 1981” insert “and”, and remove “section 159 of the 2008 Act applies to this article”.

Secretary of State’s rationale:

Section 159 of the 2008 Act is not relevant to the operation of this article.

Part 4, Article 17(2b) – Protective works to buildings

Wording amended from “part” to “phase”.

Secretary of State’s rationale:

To ensure consistency in the use of terms with the definition of “date of final commissioning”.

Part 4, Article 17(8b) – Protective works to buildings

Wording amended from “part” to “phase”.

Secretary of State’s rationale:

To ensure consistency in the use of terms with the definition of “date of final commissioning”.

Part 5, Article 25(3a) – Compulsory acquisition of rights

Add “the”.

Secretary of State's rationale:
To correct a typographical error.

Part 5, Article 27(2) – Modification of Part 1 of the Compulsory Purchase Act 1965

Add a bracket.

Secretary of State's rationale:
To correct a typographical error.

Part 5, Article 29(4a) & (4b) – Temporary use of land for constructing the authorised development

Wording amended from “part” to “phase”.

Secretary of State's rationale:
To ensure consistency in the use of terms with the definition of “date of final commissioning”.

Part 5, Article 30(11) – Temporary use of land for maintaining the authorised development

Wording amended from “part” to “phase”.

Secretary of State's rationale:
To ensure consistency in the use of terms with the definition of “date of final commissioning”.

Part 5, Article 32 – Apparatus and rights of statutory undertakers in stopped up streets

Wording amended from “closureof” to “closure of”.

Secretary of State's rationale:
To correct a typographical error.

Part 6, Article 43(6) – Procedure in relation to certain approvals etc.

Amend “protective work” to “protective works”.

Secretary of State's rationale:
To correct a typographical error.

Corrections to Schedule

Schedule 1 – Works No.1(2e) - Authorised Development

Wording amended from “and” to “The”, and “including” to “includes”

Secretary of State's rationale:
To correct a typographical error.

Schedule 2 – Requirement 17(2) and (3) - Skills, supply chain and employment

Wording amended from “skills, supply chain and employment plan” to “employment, skills and supply chain plan”.

Secretary of State’s rationale:

To match the name of the certified document and the drafting of the Requirement.

Schedule 6 – Part 1 Public rights of way to be temporarily stopped up

Wording amended from “stopped up” to “closed”.

Secretary of State’s rationale:

For a clear definition and consistent approach throughout the Order.

Schedule 10 – Application of Part 1 of the 1965 Act (5(4b))

Remove the following “persons without power to sell their interests” and add “owners under incapacity”

Secretary of State’s rationale:

To explain more clearly what the statutory reference relates to.

Schedule 15 – Part 3 – Protective works to buildings (21)

Amended from “work” to “works”.

Secretary of State’s rationale:

To correct a typographical error.

Schedule 16 – 4. Appeals (6)

After “the relevant time limits”, add “and in the sole discretion of the appointed person such written representations as have been sent outside of the relevant time limits.”

Secretary of State’s rationale:

For consistency to the approach to the procedure in this Schedule with other solar applications.

Schedule 16 – 5. Fees (3)

Amended from “this sub-paragraph” to “sub-paragraphs”.

Secretary of State’s rationale:

To correct a typographical error.

Corrections which the Secretary of State has not made

Part 5, Article 27(1) – Modification of Part 1 of the Compulsory Purchase Act 1965

Amended from “1981” to “1946”.

Secretary of State’s rationale:

The wording in brackets is intended to explain what the statutory reference relates to. It does not need to quote verbatim from the original statute. Therefore the 1981 Act is used as that is the legislation that applies in practice.

Part 5, Article 33(4) – Recovery of costs of new connections

Wording of “public utility undertaker” amended to same meaning as the Highways Act 1980.

Secretary of State’s rationale:

To avoid any confusion as to what is covered, given that subsequent amendments to the Highways Act 1980 mean the definition therein now only applies to undertakers for gas and hydraulic power.

Schedule 10 – Application of Part 1 of the 1965 Act (4)

Amended from “1981” to “1946”.

Secretary of State’s rationale:

The wording in brackets is intended to explain what the statutory reference relates to. It does not need to quote verbatim from the original statute. Therefore the 1981 Act is used as that is the legislation that applies in practice.