

CORRECTION NOTICE

GATE BURTON ENERGY PARK ORDER 2024

SCHEDULE 4 TO THE PLANNING ACT 2008

CORRECTION OF ERRORS IN DEVELOPMENT CONSENT DECISIONS

DATE: 26 NOVEMBER 2024

The Secretary of State received a request dated 20 August 2024 from Gate Burton Energy Park Limited (“the Applicant”) for the correction of errors in the Gate Burton Energy Park 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 and Preamble

Preamble, second paragraph

Delete “chapter 4 of Part 6 of” after “with”

Secretary of State’s rationale:

The chapter and part reference referred to does not exist.

Corrections to the Articles

Article 2(1)

Delete ““the 2009 Act” means the Marine and Coastal Access Act 2009(a);” after ““the 2008 Act” means the Planning Act 2008 (i);”

Secretary of State’s rationale:

Definition no longer required following removal of deemed marine licence.

Article 6(a)

After “section 23 (prohibition” for “of” substitute “on”

Secretary of State’s rationale:

To correct a typographical error.

Article 7(1)(a)(i)

In the first place it occurs for “site” substitute “sites”

Secretary of State’s rationale:

To correct a typographical error.

Article 20(3)

For “Schedule” substitute “Schedule 10”

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

Article 20(7)

For “46” substitute “45”

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

Article 23(3)(a)

After “Schedule 2A (counter-notice requiring purchase of land not in notice to treat) to the 1965 Act” for “; and” substitute “as modified by Schedule 10 (modification of compensation and compulsory purchase enactments for the creation of new rights and imposition of new restrictive covenants);”

Secretary of State’s rationale:
To clarify the modification of Schedule 2A to the 1965 Act and make consistent with the equivalent articles in the Mallard Pass Solar Farm Order and Longfield Solar Farm Order.

Article 25(5)(b)

For “article 2729” substitute “article 27”

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

Article 27(11)(a)

For “Schedule 9(land)” substitute “Schedule 9 (land)”

Secretary of State’s rationale:
To correct a formatting error.

Article 33(3)(a)

Delete “or” after “the 1989 Act;”

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

Article 33(5)(f)

Insert a full stop after “grant”

Secretary of State’s rationale:
To correct a formatting error.

Corrections to Schedules

Schedule 2 – Requirement 5(2)

Delete “(c) the principles and assessments set out in the environmental statement;”, retain “and” at the end of sub-paragraph (b) and for “(d)” substitute “(c)”

Secretary of State’s rationale:
Principles and assessments in the environmental statement are based on maximum design scenarios, not detailed design. Therefore, all mitigations are secured in the other management plans and this is an unnecessary condition.

Schedule 2- Requirement 15(1)

For “numbered works has” substitute “numbered work has”

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

Schedule 2- Requirement 19(3)

For “17(2)” substitute “(2)”

Secretary of State’s rationale:
To correct a referencing error.

Schedule 5- Part 1 in the seventh row from the end, in column 2

For “Cottom” substitute “Cottam”

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

Schedule 10- paragraph 3(2)(a)

Within paragraph 3(2)(a) for “covenants)” substitute “covenants))”

Secretary of State’s rationale:
To correct a formatting error.

Schedule 12- Part 2

In row 3, after “Figure 10-21: Vegetation Removal” add “Plan”

In row 6, “(3) Revision number” column for “2” substitute “2 (dated Aug 2023, labelled Revision 1)”

In row 17, “(3) Revision number” column for “5” substitute “6”

In row 18, “(3) Revision number” column for “5” substitute “6”

Secretary of State’s rationale:

To correct typographical errors.

Schedule 12- Part 3

In row 3, “(5) Examination Library Reference” column add “REP6-031”

Secretary of State’s rationale:

To correct a referencing error.

Schedule 12- Part 3

In row 8, “(3) Revision number” column for “4” substitute “3 (Change Request Version)”

Secretary of State’s rationale:

To correct a typographical error.

Schedule 12- Part 3

In row 10, “(3) Revision number” column for “7” substitute “8”

In row 10, “(4) Date” column for “21 December 2023” substitute “May 2024”

In row 10, “(5) Examination Library Reference” column add “N/A”

Secretary of State’s rationale:

To ensure that Revision 8 is referred to as the latest and correct version of the Outline Design Principles submitted Post-Examination (note that the Examination Library has not been updated to include this version so there is no reference number).

Schedule 14- Part 3

Within heading: For “FOR THE PROTECTION UPPER WITHAM BORAD” substitute “FOR THE PROTECTION OF UPPER WITHAM BOARD”

Within paragraph 23: After the fourth “of” and prior to the following “a” delete “any”

Secretary of State’s rationale:

To correct a typographical error.

Schedule 14- Part 4

Within paragraph 33(2): For “reasonable” substitute “reasonably”

Secretary of State’s rationale:

To correct a typographical error.

Schedule 14- Part 5

Within paragraph 49(2): For “reasonable” substitute “reasonably”

Secretary of State’s rationale:

To correct a typographical error.

Schedule 14- Part 7

Within paragraph 78(7): For “(3))” substitute “(3)”

Secretary of State’s rationale:

To correct a typographical error.

Schedule 14- Part 9

Within paragraph 98 definition “acceptable insurance” sub-paragraph (a):
After “National Grid” add “; and”

Within paragraph 99: For “(apparatus of National Grid in streets subject to temporary closure)” substitute “(apparatus of National Grid in temporarily closed streets and public rights of way)”

Within paragraph 112: For “article 4” substitute “article 42”

Secretary of State’s rationale:

To correct typographical errors.

Schedule 14- Part 9

Within paragraph 98 definition of “specified works” sub-paragraph (c): For ““Lines.”” substitute ““Lines”,”

Within paragraph 106(1)(e): After “works;” add “and”

Secretary of State’s rationale:

To correct formatting errors.

Schedule 14- Part 9

Within paragraph 98: Below definition of “specified works” on a new line add ““STC” means the System Operator Transmission Owner Code.”

Secretary of State’s rationale:

STC is used in two occasions in this Part of the Order and therefore the acronym should be defined.

Schedule 14- Part 10

Within paragraph 116(1)(j): For “carrying out” substitute “constructing”

Within paragraph 116(1)(s): After “powers” delete “under”

Secretary of State’s rationale:

To correct typographical errors.

Schedule 14- Part 10

Within paragraph 123(4)(a): For “paragraph 117(1)” substitute “paragraph 117(1))”

Within paragraph 123(8)(a): After “apparatus;” add “and”

Within paragraph 127(2)(a): For “demands” substitute “demands;”

Secretary of State’s rationale:

To correct formatting errors.

Schedule 14- Part 10

Within paragraph 127(1)(a): After “thereof;” delete “or”

Within paragraph 127(1)(d): After “others;” add “or”

Secretary of State’s rationale:

To clarify the list.

Schedule 14- Part 11

Within paragraph 142(1)(f): For “works);” substitute “works).”

Secretary of State’s rationale:

To correct a formatting error.

Schedule 14- Part 12

Within paragraph 152 definition of “Plan” at (d): For “Restrictive” substitute “Restricted”

Secretary of State’s rationale:

To be consistent with Schedule 14, Part 12 of the Order.

Schedule 14- Part 12

Within paragraph 152 definition of “Restricted Works” (d) for “sinking boreholes within 30 metres of any Apparatus,” substitute “sinking of boreholes within 30 metres of any Apparatus;”

Within paragraph 162(4): For “paragraphs” substitute “sub-paragraph (2)”

Secretary of State’s rationale:

To correct typographical errors.

Schedule 14- Part 12

Within paragraph 154(6)(a): Delete “and” after “Apparatus;”

Within paragraph 160(1): For “£25 million” substitute “£25,000,000.00 (twenty-five million pounds)”

Secretary of State’s rationale:

To correct formatting errors.

Schedule 14- Part 12

Within paragraph 152 definition of “Restricted Works”: For “Promoter” substitute “undertaker”

Within paragraph 153(3)(b): For “Promoter’s” substitute “undertaker’s”

Within paragraph 159(3): For “Promoter” substitute “undertaker”

Within paragraph 162(1): For “Promoter” substitute “undertaker”

Within paragraph 162(2): For “Promoter” substitute “undertaker”

Within paragraph 162(2)(a): After “(whether or not involving hostility or war);” delete “or”

Within paragraph 162(2)(b): After “or natural disaster;” delete “or”

Within paragraph 162(2)(c): After “by the Government;” delete “or”

Within paragraph 162(4): For “Promoter” substitute “undertaker”

Secretary of State’s rationale:

To be consistent with article 2(1) of the Order.

Schedule 14- Part 14

Within paragraph 175(2): For “reasonable” substitute “reasonably”

Secretary of State’s rationale:

To correct a typographical error.

Schedule 14- Part 15

Within paragraph 185(3): After “prejudice to” prior to “195(3)(b)” add “paragraph”

Within paragraph 189: For “work” substitute “works”

Within paragraph 193(11): For “(document reference DD STND HAS 001 and any document that replaces or supersedes it.)” substitute “(document reference DD STND HAS 001) and any document that replaces or supersedes it.”

Within paragraph 195(3)(a): After “contractors or agents;” delete “or”

Within paragraph 200: For “article 4” substitute “article 42”

Secretary of State’s rationale:

To correct typographical errors.

Schedule 14- Part 16

Within paragraph 207(1): For “NPG” substitute “Northern Powergrid”

Secretary of State’s rationale:

To clarify as the acronym is not used elsewhere.

Schedule 14- Part 16

Within paragraph 210(1)(iii): For “paragraph 209(4).” substitute “paragraph 209(4);”

Within paragraph 210(4): For “sub-paragraph (4)” substitute “sub-paragraph (3)”

Within paragraph 217(a): For “apparatus or” substitute “apparatus; or”

Secretary of State’s rationale:

To correct typographical errors.

Schedule 14- Part 17

Within paragraph 219 definition of “acceptable security” at (b): For “subparagraph” substitute “sub-paragraph”

Within paragraph 219 definition of “commence” For “equipment;, ” substitute “equipment,”

Within paragraph 219 definition of “including”: After “words are not” prior to “be” add “to”

Within paragraph 219 definition of “specified works” at (a): For “paragraph b)” substitute “sub-paragraph (b)”

Within paragraph 220: For “(apparatus of Uniper in stopped up streets)” substitute “(apparatus of Uniper in temporarily closed streets)”

Within paragraph 221: For “(temporary stopping up of streets and public rights of way)” substitute “(temporary closure of streets and public rights of way)”

Within paragraph 223(1): For “(temporary stopping up of streets and public rights of way)” substitute “(temporary closure of streets and public rights of way)”

Within paragraph 226(2)(a): After “will not” prior to “re-used” add “be”

Secretary of State’s rationale:

To correct typographical errors.

Schedule 14- Part 17

Within paragraph 219 definition of “acceptable insurance”: For “subparagraph 10(6)” substitute “sub-paragraph 227(6)”

Within paragraph 219 definition of “acceptable security” at (a): For “subparagraph 10(6)” substitute “sub-paragraph 227(6)”

Within paragraph 224(1): For “paragraph 223” substitute “paragraph 232”

Within paragraph 225(3)(b): For “paragraph 8” substitute “paragraph 225”

Within paragraph 225(3)(b): For “paragraph 13” substitute “paragraph 231”

Within paragraph 226(2)(b): For “paragraph 232” substitute “paragraph 231”

Within paragraph 226(3): For “paragraph 232” substitute “paragraph 231”

Within paragraph 230(2): For “Sub-paragraph 231(1)” substitute “Sub-paragraph (1)”

Within paragraph 230(2)(a): For “sub-paragraph 13(1)” substitute “sub-paragraph (1)”

Within paragraph 232: For “paragraph 7” substitute “paragraph 224”

Secretary of State’s rationale:

To correct referencing errors.

Schedule 14- Part 17

Within paragraph 224(7): For “Retained Apparatus” substitute “retained apparatus”

Within paragraph 224(7): For “this paragraph 7 (Retained Apparatus)” substitute “this sub-paragraph”

Within paragraph 225(2): For “the Order” substitute “this Order”

Within paragraph 226(3): For “Arbitration” substitute “arbitration”

Within paragraph 230(2): For “Confidential Information” substitute “confidential information”

Secretary of State’s rationale:

To correct formatting errors.

Schedule 15

Within paragraph 4(2)(a): For “paragraph 22(1)” substitute “paragraph 2(2)”

Secretary of State’s rationale:

To correct referencing errors.

Corrections which the Secretary of State has not made

Contents

After “45. Crown rights” add “46. Compulsory acquisition of land-incorporation of the mineral code”

Secretary of State’s rationale:

The Secretary of State does not consider any mines or minerals were included in the book of reference land descriptions or discussed during examination, so the Secretary of State considers this article to be unnecessary.

Contents, Schedule 14

In Part 3 Heading: after “PROTECTION” prior to “UPPER” add “OF”

In Part 17 Heading: after “PROTECTION” prior to “UNIPER” add “OF”;
For “UNIPER LIMITED PLC” substitute “UNIPER UK LIMITED”

Secretary of State’s rationale:

The correction is not needed.

Preamble, footnote (b)

For “S.I. 2009/2264, amended by S.I. 2010/439, S.I. 2010/602, S.I. 2012/635, S.I. 2012/2654, S.I. 2012/2732, S.I. 2013/522, S.I. 2013/755, S.I. 2014/469, S.I. 2014/2381, S.I. 2015/377, S.I. 2015/1682, S.I. 2017/524, 2017/572 and S.I. 2018/378.” substitute “S.I. 2009/2264.”

Secretary of State’s rationale:

The correction is not needed.

Article 2(1), footnote (h), page 5

For “1991 c. 22. Section 48(3A) was inserted by section 124 of the Local Transport Act 2008 (c. 26). Sections 78(4), 80(4) and 83(4) were amended by section 40 of, and Schedule 1 to, the Traffic Management Act 2004 (c. 18).” substitute “1991 c. 22.”

Secretary of State’s rationale:

The correction is not needed.

Article 2(1), footnote (b), page 8

After “the Infrastructure Act” prior to “(c. 7). Add “2015”

Secretary of State’s rationale:

The correction is not needed.

Article 6(d), footnote (a)

For “2009 Act” substitute “Marine and Coastal Access Act 2009 (c. 23)” twice

Secretary of State’s rationale:

The correction is not needed.

Article 10(1)

After “maintained” and prior to “the same condition” add “materially”

Secretary of State’s rationale:

The Secretary of State does not consider that the amendment would correct an error and would reduce the standard expected.

Article 22(5), footnote (a)

After “Section 5A to the 1981 Act was inserted by section 182(2) of the Housing and Planning Act 2016 (c. 22).” add “The existing section 5A was renumbered as section 5A(1), words are substituted and section 5A(2) inserted by section 185(3)(a) of the Levelling-up and Regeneration Act 2023 (c. 55).”

Secretary of State’s rationale:

The correction is not needed.

Article 48 (deleted) “Compulsory acquisition of land- incorporation of the mineral code”

Re-insert the wording as new Article 46:

“Article 46 (Compulsory acquisition of land – incorporation of the mineral code)

46. Parts 2 and 3 of Schedule 2 (minerals) to the Acquisition of Land Act 1981 are incorporated into this Order subject to the modifications that—

(a) for “the acquiring authority” substitute “the undertaker”;

(b) for the “undertaking” substitute “authorised development”; and

(c) paragraph 8(3) is not incorporated.”

Secretary of State’s rationale:

The Secretary of State does not consider any mines or minerals were included in the book of reference land descriptions or discussed during examination so the Secretary of State considers this article to be unnecessary.

Article 48 footnote (deleted)

Re-insert footnote reference as footnote (a) to Acquisition of Land Act 1981:

“(a) 1981 c.67.”

Secretary of State’s rationale:

The Secretary of State does not consider any mines or minerals were included in the book of reference land descriptions or discussed during examination so the Secretary of State considers this article to be unnecessary.

Schedule 2 – Requirement 11

Delete sub-paragraphs (2), (3) and (4).

Secretary of State’s rationale:

The status of the archaeological mitigation strategy has not been altered and the Secretary of State considers securing written schemes of archaeological investigation and sign off by the Local Authority appropriate and reflective of the position agreed between the parties.

Schedule 12

Within heading: for “SCHEDULE 92” substitute “SCHEDULE 12”

Secretary of State’s rationale:

The correction is not needed.

Schedule 12- Part 3

In row 3, “(3) Revision number” column for “5” substitute “6”

Secretary of State’s rationale:

The Secretary of State does not consider this amendment necessary to correct a typographical error as the final version of the Book of Reference is labelled revision 5.

Schedule 13

Within heading: for “SCHEDULE 103” substitute “SCHEDULE 13”

Secretary of State’s rationale:

The correction is not needed.

Schedule 14

Within heading: for “SCHEDULE 114” substitute “SCHEDULE 14”

Secretary of State’s rationale:

The correction is not needed.

Schedule 14- Part 1

Move footnote (b) from paragraph 2(d)(i) to paragraph 2(c)(ii) after “Water Industry Act 1991”

Secretary of State’s rationale:

The correction is not needed.

Schedule 14- Part 9

Within paragraph 98 definition of “specified works” at (e): For “Order;” substitute “Order.”

Secretary of State’s rationale:

The Applicant asked to replace “.” with “;” following sub-paragraph 98(e) so as to insert the definition of “STC” on the next line. The Secretary of State considers it would be better drafting to insert the definition of “STC” as a new line and not sub-paragraph (f) so sub-paragraph (e) would remain the last point in the list and “.” should be retained.

Schedule 14- Part 9

Within paragraph 107(4): After “statutory compensation scheme” prior to “without first consulting” add “, be made”

Secretary of State’s rationale:

The Secretary of State does not consider that the amendment would correct an error and would not improve clarity.

Schedule 14- Part 15

Within paragraph 186: For “(c)” substitute “(a)”

Within paragraph 186: For “(d)” substitute “(b)”

Within paragraph 190: Delete “(4.)”

Secretary of State’s rationale:

The correction is not needed.

Schedule 14- Part 17

Within paragraph 224(1): Delete “(1)” to remove duplication of sub-paragraph number

Within paragraph 227(6): Remove highlighting from “(6)”

Secretary of State’s rationale:

The correction is not needed.

Schedule 15

Within paragraph 4(9): For “Schedule **Error! Reference source not found. (Error! Reference source not found.)**” substitute “Schedule 2 (requirements)”

Secretary of State’s rationale:

The correction is not needed.

Schedule 16

Within Heading: For “SCHEDULE 126” substitute “SCHEDULE 16”

Secretary of State’s rationale:

The correction is not needed.

Schedule 15 footnote (a)

For “S.I. amended by S.I. 2013/2153, S.I. 2014/357, S.I. 2014/643. S.I. 2017/1314 and S.I. 2019/1154” substitute “S.I. 2012/2920. Regulation 16(1)(b) was amended by S.I. 2023/1197.”

Secretary of State’s rationale:

The correction is not needed.