

CORRECTION NOTICE

THE NATIONAL GRID (HINKLEY POINT C CONNECTION PROJECT) ORDER 2016 (S.I. NO. 49)

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

20 JULY 2017

The Secretary of State received a request dated 29 February 2016 from Bircham Dyson Bell LLP acting on behalf of National Grid Electricity Transmission plc (“the Applicant”) for the correction of errors in The National Grid (Hinkley Point C Connection Project) Order 2016 (“the Order”), under section 119 of, and Schedule 4 to, the Planning Act 2008. This request was further clarified to the Secretary of State in a letter dated 5 December 2016.

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

Corrections to the Articles

Article 2(1) definition of “Port Authority”

Omit the words “harbour master” and substitute “haven master”.

Secretary of State’s rationale:

To correct a typographical error.

Article 5(2)

Omit the text:

“(2) Pylon LD32 must be constructed, 40 metres northwards from the position shown on the Works Plans within the limits of deviation relating to that Work as shown on those plans together with a corresponding increase in height of pylon LD32 to 36.5m and of pylon LD31 to 40 metres comprised in Work No. 1D shown in the sections (Drawing No 13/NG/0271 – 01_13205_84 revision C, Sheet 4)”;

and substitute:

“(2) Pylon LD32 must be constructed 40 metres northwards (plus or minus 5 metres northwards or southwards to allow local ground conditions to be taken into account) from the position shown on the Works Plans within the limits of deviation relating to that Work as shown on those plans, together with a corresponding decrease or increase in height of pylon LD32 and of pylon LD31 as appropriate comprised in Work No. 1D shown in the sections (Drawing No 13/NG/0271 – 01_13205_84 revision B, Sheet 4).”

Secretary of State’s rationale:

To correct a drafting error so as to enable the final siting of pylon LD32 to be determined by extant ground conditions, and to remove an erroneous drawing reference and to substitute a reference to the correct drawing.

Article 39(3)

After the words “so closed” omit “must be” and substitute the word “are”.

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

Article 39(5)

After the words “this article” omit “must be” and substitute the word “is”.

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

Article 44(1)

After sub-paragraph “(i)”, after the text “;” omit the word “ and”

After sub-paragraph “(j)”, after the text “;” omit the word “ and”

After sub-paragraph “(k)”, after the text “Schedule 2” omit the text “.” And substitute “; and”

After sub-paragraph (k) insert the text “(l) Special Category Land and Crown Land Plans,”

Secretary of State’s rationale:
To insert a missing reference to the Special Category Land and Crown Land Plans.

Corrections to Schedule 2

Part 1 Access and Rights of Way Plans

In row 9 on page 45, omit “C” and substitute “D” in column 3.

In row 10 on page 45, omit “D” and substitute “E” in column 3.

In row 11 on page 45, omit “(Option B Only)” in column 1; omit “13/NG/0400 – F/AR(B)/KP/1” and substitute “13/NG/0400 – F/AR/KP/1” in column 2; and omit “A” and substitute “B” in column 3.

In row 12 on page 45, omit “(Option B Only)” in column 1; omit “13/NG/0471 – F/AR(B)/PS/1–4” and substitute “13/NG/0471 – F/AR/PS/1–4” in column 2; and omit “A” and substitute “B” in column 3.

In row 13 on page 45, omit “(Option B Only)” in column 1; omit “13/NG/0472 – G/AR(B)/KP/1” and substitute “13/NG/0472 – G/AR/KP/1” in column 2; and omit “A” and substitute “B” in column 3.

In row 14 on page 45, omit “(Option B Only)” in column 1; omit “13/NG/0473 – G/AR(B)/PS/1–7” and substitute “13/NG/0473 – G/AR/PS/1–7” in column 2; and omit “B” and substitute “C” in column 3.

Part 2 Design Drawings – (a) Permanent Structures

In row 1 on page 46, omit “B” and substitute “C” in column 3.

In row 15 on page 47, omit “B” and substitute “C” in column 3.

In row 16 on page 47, omit “B” and substitute “C” in column 3.

In row 6 on page 48, omit “LD94” and substitute “LD93” in column 1; and omit “B” and substitute “C” in column 3.

Omit row 8 on page 48.

In row 9 on page 48, omit “C” and substitute “D” in column 3.

In row 10, 11, 12 and 13 on page 48 omit “B” and substitute “C” in column 3.

In row 11 on page 48, omit “(Portishead – Option B) in column 1.

In row 12 on page 48, omit “(Portishead – Option B) in column 1.

In row 5 on page 49 omit “B” and substitute “C” in column 3.

Part 3 Land Plans

In row 4 on page 50, omit “E” and substitute “F” in column 3.

In row 6 on page 50, omit “C” and substitute “D” in column 3.

In row 8 on page 50, omit “E” and substitute “F” in column 3.

In row 9 on page 50, omit “B” and substitute “C” in column 3.

In row 10 on page 50, omit “D” and substitute “E” in column 3.

In row 11 on page 50, omit “(Option B Only)” in column 1; omit “13/NG/0370 – F/LP(B)/KP/1” and substitute “13/NG/0370 – F/LP/KP/1” in column 2; and omit “A” and substitute “B” in column 3.

In row 12 on page 50, omit “(Option B Only)” in column 1; omit “13/NG/0371 – F/LP(B)/PS/1–4” and substitute “13/NG/0371 – F/LP/PS/1–4” in column 2; and omit “B” and substitute “C” in column 3.

In row 13 on page 50, omit “(Option B Only)” in column 1; omit “13/NG/0372 – G/LP(B)/KP/1” and substitute “13/NG/0372 – G/LP/KP/1” in column 2; and omit “A” and substitute “B” in column 3.

In row 14 on page 50, omit “(Option B Only)” in column 1; omit “13/NG/0373 – G/LP(B)/PS/1–7” and substitute “13/NG/0373 – G/LP/PS/1–7” in column 2; and omit “B” and substitute “C” in column 3.

Part 4 Public Rights of Navigation Plan

In row 1 on page 50, omit “(Option B Only)” in column 1; omit “13/NG/0520 – G/NP(B)/KP/1” and substitute “13/NG/0520 – G/NP/KP/1)” in column 2; and omit “A” and substitute “B” in column 3.

In row 2 on page 50, omit “(Option B Only)” in column 1; omit “13/NG/0521 – G/NP(B)/PS/1)” and substitute “13/NG/0521 – G/NP/PS/1)” in column 2; and omit “A” and substitute “B” in column 3.

Part 5 Special Category Land and Crown Land Plans

In row 1 on page 51, omit “A” and substitute “B” in column 3.

In row 8 on page 51, omit “B” and substitute “C” column 3.

In row 9 on page 51, omit “C” and substitute “D” in column 3.

In row 10 on page 51, omit “(Option B Only)” in column 1, omit “13/NG/0526 – F/SC(B)/KP/1” and substitute “13/NG/0526 – F/SC/KP/1” in column 2; and omit “A” and substitute “B” in column 3.

In row 11 on page 51, omit “(Option B Only)” in column 1, omit “13/NG/0527 – F/SC(B)/PS/1–3” and substitute “13/NG/0527 – F/SC/PS/1–3” in column 2; and omit “B” and substitute “C” in column 3.

In row 12 on page 51, omit “(Option B only)” in column 1, omit “13/NG/0528 – G/SC(B)/KP/1” and substitute “13/NG/0528 – G/SC/KP/1” from column 2; and omit “A” and substitute “B” in column 3.

In row 13 on page 51, omit “(Option B only)” in column 1; omit “13/NG/0529 – G/SC(B)/PS/1–3” and substitute “13/NG/0529 – G/SC/PS/1–3 in column 2”; and omit B and substitute C in column 3.

Part 6 Traffic Regulation Plans

In row 9 on page 52, omit “A” and substitute “B” in column 3.

In row 10 on page 52, omit “A” and substitute “B” in column 3.

In row 11 on page 52, omit “13/NG/0343 – F/TM/KP/1” and substitute “13/NG/0514 – F/TM/KP/1” in column 2; and omit “A” and substitute “B” in column 3.

In row 12 on page 52, omit “13/NG/0344 – F/TM/PS/1–4” and substitute “13/NG/0515 – F/TM/PS/1–4” in column 2; and omit “A” and substitute “B” in column 3.

In row 13 on page 52, omit “(Option B Only)” in column 1; omit “13/NG/0516 – G/TM(B)/KP/1” and substitute “13/NG/0516 – G/TM/KP/1” in column 2; and omit “A” and substitute “B” in column 3.

In row 14 on page 52, omit “(Option B Only)” in column 1; “13/NG/0517 – G/TM(B)/PS/1–6” and substitute “13/NG/0517 – G/TM/PS/1–6” in column 2; and omit “A” and substitute “B” in column 3.

In row 16 on page 52, omit “-2” in column 2.

Part 7 Trees and Hedges to be Removed or Affected Plans

In row 4 on page 53, omit “B” and substitute “C” in column 3.

In row 5 on page 53, omit “E” and substitute “F” in column 3.

In row 6 on page 53, omit “(Option B Only)” in column 1; omit “13/NG/0494 – F/TR(B)/KP/1” and substitute “13/NG/0494 – F/TR/KP/1” in column 2; and omit “A” and substitute “B” in column 3.

In row 7 on page 53, omit “(Option B Only)” in column 1; omit “13/NG/0495 – F/TR(B)/KP/1-4” and substitute “13/NG/0495 – F/TR/KP/1-4” in column 2; and omit “A” and substitute “B” in column 3.

In row 8 on page 53, omit “(Option B Only)” in column 1; omit “13/NG/0496 – G/TR(B)/KP/1” and substitute “13/NG/0496 – G/TR/KP/1” in column 2; and omit “A” and substitute “B” in column 3.

In row 9 on page 53, omit “(Option B Only)” in column 1; omit “13/NG/0497 – G/TR(B)/PS/1-7” and substitute “13/NG/0497 – G/TR/PS/1-7” in column 2; and omit “C” and substitute “D” in column 3.

Omit row 10.

Part 8 Works Plans

In row 9 on page 53, omit “B” and substitute “C” in column 3.

In row 10 on page 53, omit “C” and substitute “D” in column 3.

In row 11 on page 53, omit “(Option B Only)” in column 1; omit “13/NG/0384 – F/WP(B)/KP/1” and substitute “13/NG/0384 – F/WP/KP/1” in column 2; and omit “A” and substitute “B” in column 3.

In row 1 on page 54, omit “(Option B Only)” in column 1; omit “13/NG/0385– F/TR/(B)/PS/1-4” and substitute “13/NG/0385– F/TR/PS/1-4” in column 2; and omit “A” and substitute “B” in column 3.

In row 2 on page 54, omit “(Option B Only)” in column 1; omit “13/NG/0386 – G/WP(B)/KP/1” and substitute “13/NG/0386 – G/WP/KP/1” in column 2; and omit “A” and substitute “B” in column 3.

In row 3 on page 54, omit “(Option B Only)” in column 1; omit “13/NG/0387 – G/WP(B)/PS/1-7” and substitute “13/NG/0387 – G/WP/PS/1-7” in column 2; and omit “A” and substitute “B” in column 3.

Part 10 Other Plans and Drawings

In row 1 on page 54, omit “B” and substitute “C” in column 3.

In row 2 on page 54, omit “B” and substitute “C” in column 3.

In row 3 on page 54, insert “A” in column 3.

Secretary of State`s rationale:

To correct or remove erroneous references to Option B, and to substitute and include references to correct plans as submitted to Secretary of State.

Corrections to Schedule 3 Requirements

Interpretation 1(1)

Omit the definition of “Joint Councils”.

Secretary of State`s rationale:

To correct an erroneous reference to the Joint Councils, and to clarify that the requirements are subject to the approval or consent of the relevant planning, highway or local authority (as appropriate) as defined in Article 2 (Interpretation) as being the relevant authority for the area in which the provision applies.

Approval and implementation of construction mitigation plans 6(1)

Omit the text “the following plans, scheme to and method statements minimise the impacts of construction works have been submitted” and insert “the following plans, scheme, method statements and strategy, to minimise the impacts of construction works, have been submitted”.

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

Bat mitigation measures (Requirement 14)

Insert “temporary” after “permanent bat flyways and” and insert “in relation to the bat flyways” after “for eight years”.

Secretary of State`s rationale:
To correct an error.

Surface Water Drainage (Requirement 17)

Omit the text:

“No stage of the authorised development may commence until, for that stage, the Drainage Management Plan) containing written details of the surface and foul water drainage system (including means of pollution control) for both permanent and temporary works have been submitted to and approved by the relevant planning authority after consultation with the sewerage undertaker, the relevant drainage authority and the Environment Agency.”,

and insert:

“No stage of the authorised development may commence until, for that stage, the Drainage Management Plan) containing written details of the surface and foul water drainage system (including means of pollution control) for both permanent and temporary works have been submitted to and approved by the relevant planning authority after consultation with any of the sewerage undertaker, the relevant drainage authority and the Environment Agency, as appropriate.”

Secretary of State`s rationale:
To ensure that the Applicant consults with the appropriate named bodies.

Bat Special Areas of Conservation (Requirement 44)

Omit “between the National Grid and the Joint Councils” and substitute “between National Grid and the relevant planning authority”.

Secretary of State`s rationale:
To ensure that the Applicant consults with the relevant planning authorities responsible for the monitoring the special areas of bat conservation.

England Coast Path (Requirement 45)

Omit “Joint Councils” and substitute “relevant street authority” in paragraphs (1) and (2).

Secretary of State’s rationale:

To correct an error, such that the requirements are subject to the approval or consent of the relevant authority, as defined in Article 2 (Interpretation), for the area in which the provision applies, and to remove erroneous references to the Joint Councils.

Corrections to Schedule 11 Land Which May Be Compulsorily Purchased

In row 3, omit “74” and insert “74.1, 74.2, 74.3, 74.4, 74.5” in column 2.

Secretary of State’s rationale:

To correct or remove erroneous references and to substitute references to correct plans.

Corrections to Schedule 12 Land of Which Temporary Possession May be Taken

Part 1 National Grid

In row 6 of the table titled “North Somerset Council – Section D” on page 111, omit “33” and substitute “33.1, 33.2” in column 1.

In row 7 of the table titled “North Somerset Council – Section D” on page 113, omit “269” and substitute “269.1, 269.2” in column 1.

In row 2 of the table titled “Bristol City Council – Section G” on page 121, omit “482” and substitute “482.1, 482.2” in column 1.

In row 2 of the table titled “Bristol City Council – Section G” on page 121, omit “498” and substitute “498.1, 498.2” in column 1.

Part 2 Western Power Distribution

In row 1 of the table titled “Sedgemoor District Council – Section B” on page 126, omit “650”, and substitute “650.1, 650.2” in column 1.

In row 4 of the table titled “North Somerset Council – Section D” on page 129, omit “33”, and substitute “33.1, 33.2” in column 1.

In row 8 of the table titled “North Somerset Council – Section D” on page 129, after “74.2”, insert “74.3, 74.4, 74.5” in column 1.

In row 8 of the table titled “North Somerset Council – Section D” on page 129, omit “258”, and substitute “258.1, 258.2” in column 1.

In row 8 of the table titled “North Somerset Council – Section D” on page 129, omit “269”, and substitute “269.1, 269.2” in column 1.

In row 1 of the table titled “North Somerset Council – Section D” on page 130, omit “400”, and substitute “400.1, 400.2” in column 1.

In row 7 of the table titled “Bristol City Council – Section G” on page 137, omit “482”, and substitute “482.1, 482.2” in column 1.

In row 7 of the table titled “Bristol City Council – Section G” on page 137, omit “498”, and substitute “498.1, 498.2” in column 1.

Secretary of State`s rationale:

To correct or remove erroneous references and to substitute references to correct plans.

Corrections to Schedule 15 Protective Provisions

Part 5 Protection for First Corporate Shipping Limited

In the definition of “dock public road” in paragraph 50(1), omit “streets set out on column (2)” and substitute “street set out in column (2)”; and in the definition of “private access” in paragraph 50(1), omit “North Somerset Council or Bristol City Council (and referred” and substitute “North Somerset Council and Bristol City Council (respectively referred”.

In paragraph 52(6)(a), omit “ore” and substitute “or”.

In paragraph 52(9) omit “Where BPC is asked” and substitute “Except in relation to sub-paragraph (7), where BPC is asked”.

In paragraph 55(1) omit “(such agreement not to be unreasonably withheld or delayed)” after “the agreement of BPC”.

In paragraph 55(3) insert “at its cost and expense” after “the undertaker must ”.

In paragraph 59(3) after “National Grid and WPD must”, delete “–“ and insert “, all to BPC’s reasonable satisfaction –“.

In paragraph 59(3)(c) omit “, all to BPC’s reasonable satisfaction”.

After Paragraph 61 insert the text:

“Acquisition and use of land

61A. The undertaker must not exercise the powers conferred by—

- (a) article 17 (protective work to buildings);
- (b) article 19 (compulsory acquisition of land);
- (c) article 22 (compulsory acquisition of rights);
- (d) article 23 (extinguishment and suspension of private rights);
- (e) article 26 (acquisition of subsoil or airspace only);
- (f) article 28 (rights under or over streets); or
- (g) article 31 (temporary use of land for maintaining the authorised development),

over or in respect of any of BPC’s land unless the exercise of such powers is with the consent of BPC.

Procedure regarding certain approvals etc.

61B. Article 46(3) and paragraphs 3, 4 and 5 of Schedule 4 (discharge of requirements) will not apply in relation to any consent, agreement or approval from BPC required under this Order.”

Renumber paragraph 59 (Trees and other vegetation) as paragraph 61C.

Renumber paragraph 60 (General) as paragraph 61D.

Secretary of State`s rationale:

To correct typographical errors and to include relevant cross references.

Part 6 Protection for the Port Authority

Renumber paragraph number 61 as paragraph “61E”.

Secretary of State`s rationale:

To correct typographical errors.

Corrections to Schedule 15 Protective Provisions

Omit paragraph 71(2).

Secretary of State`s rationale:

To remove a reference that is no longer required.

Corrections which the Secretary of State has not made

Corrections to the Contents Page

The Applicant proposed inserting the word “PLANS” after the text “Schedule 2”.

Secretary of State`s rationale:

The Contents page is not part of the Order, and it is therefore not possible to make any changes to it through the correctable errors process.

Schedule 3, Requirement 27 (travel plan)

The Applicant proposed correcting the Order, which requires the preparation and agreement of a single travel plan for the whole of the authorised development, so that a Travel Plan is prepared for each particular stage of the Development.

Secretary of State`s rationale:

The Secretary of State does not consider this to be a correction but rather a variation to the Order and therefore out of the scope of Schedule 4 to the Planning Act 2008.

Schedule 3, Requirement 39 (overhead line conductors)

The Applicant proposed correcting the Order, which requires the preparation and agreement of the details of the overhead line conductors and the Quality Assurance

system for their transportation and implementation, to apply to 400kV overhead electric lines.

Secretary of State`s rationale:

The Secretary of State does not consider this to be a correction but rather a variation to the Order and therefore out of the scope of Schedule 4 to the Planning Act 2008.

Schedule 9 (deemed marine licence)

The Applicant requested a correction to paragraph 5 of the Deemed Marine Licence so that it refers to the Planning Act 2008 and not the Marine and Coastal Access Act 2009.

Secretary of State`s rationale:

The Secretary of State does not have powers to make corrections to the deemed marine licence under Schedule 4 to the Planning Act 2008.

Schedule 16 (amendment of local legislation)

The Applicant requested the removal of the byelaws contained in Schedule 16 following the conclusion of an agreement with the named internal drainage boards which means they are no longer required.

Secretary of State`s rationale:

This requested correction reflects an agreement reached by parties after the Secretary of State's decision was issued. The Secretary of State is therefore unable to accept this as a correction.