

CORRECTION NOTICE

THE NATIONAL GRID (RICHBOROUGH CONNECTION PROJECT) DEVELOPMENT CONSENT ORDER 2017 (S.I. NO. 817)

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

4 MAY 2018

The Secretary of State received a request dated 12 September 2017 from Bircham Dyson Bell LLP acting on behalf of National Grid (“the Applicant”) for the correction of errors in The National Grid (Richborough Connection Project) Development Consent Order 2017 (“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 29 January 2018.

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

Corrections to the Articles

Article 3(3)(a) UK Power Networks

Omit the text “article 6(4)” and insert the text “articles 6(2) and 6(4)”.

Secretary of State`s rationale:

To make clear that UK Power Networks rights to install the “UK Power Networks works” is subject to the written consent of National Grid.

Article 6 (Benefit of Order)

Article 6(2)(b) and Article 6(4)(a)

Omit the text “article 3(1)(b)” and insert the text “article 3(3)(a)”.

Secretary of State`s rationale:

To correct an incorrect cross reference.

Article 6(4)(b)

After the text “installation of the UK Power Networks works”, insert the text “but remains an undertaker for the purposes of keeping installed and maintaining the above ground electric lines included in the UK Power Networks works”.

Secretary of State`s rationale:

To clarify that UK Power Networks remains an undertaker for the purposes of keeping installed and maintaining the above ground electric lines included in the UK Power Networks works, notwithstanding that they did not install the “UK Power Networks works”.

Article 6(5)

Omit paragraph 5.

Secretary of State`s rationale:

To clarify that when a notice is served under Article 6(3) of the Order, UK Power Networks retains the benefit of all articles in the Order required for the maintenance and operation of the UK Power Networks works.

Article 18(1) (Authority to survey and investigate the land)

After the text “Order limits”, insert the text “or which may be affected by the authorised development”

Secretary of State`s rationale:

To authorise entry into land outside of the Order limits which may be indirectly affected by the authorised development.

Article 21(3) (Time limit for the exercise of authority to acquire rights compulsorily)

Omit the text “substituted” and substitute with the text “modified”. Omit the text “paragraph 5 of”.

Secretary of State`s rationale:

To make clear that the operation of section 8 of the Compulsory Purchase Act 1965 is modified in line with all of Schedule 10 to the Order.

Article 25 (Application of the Compulsory Purchase (Vesting Declarations) Act 1981)

After paragraph (4), insert the following text:

“(4A) In section 6 (notices after execution of declaration) for subsection (1)(b) there is substituted—
“(b) on every other person who has given information to the acquiring authority with respect to any of that land further to the invitation published and served under section 134 of the Planning Act 2008,.”

Secretary of State`s rationale:

To ensure that appropriate notices are given under section 6(1) of the Acquisition of Land Act 1981.

Corrections to Schedule 3

Requirement 5(4) (Construction Environmental Management Plan)

After the text “scheme or strategy concerned”, insert the text “and, in relation to the Biodiversity Mitigation Strategy only, following consultation with Natural England”.

Secretary of State`s rationale:

To clarify that amendments to the Biodiversity Mitigation Strategy that have been approved and certified by the Secretary of State can only be further amended following consultation with Natural England.

Requirement 5(5) (Construction Environmental Management Plan)

Omit sub-paragraph (5).

Secretary of State`s rationale:

To remove a now redundant paragraph.

Requirement 20(4) (Ancient Woodland Easement Management Plan)

Omit the text “following consultation with Natural England and the Woodland Trust”.

Secretary of State`s rationale:

To correct an incorrectly placed requirement that operations under an Ancient Woodland Easement Management Plan require consultation with Natural England and the Woodland Trust, rather than that the plan requires such consultation under Requirement 20(1).

Requirement 22 (Exercise of powers of compulsory acquisition by National Grid)

Omit Requirement 22 and substitute the following text:

“Exercise of powers of compulsory acquisition in relation to the imposition of restrictions by National Grid

(22) The powers of compulsory acquisition under this order, in relation to the imposition of restrictions as set out in the Book of Reference, may only be exercised reasonably, taking into account the rights of other persons with an interest in the land subject to the imposition of such restrictions.”

Secretary of State`s rationale:

To make clear that the requirement applies to the imposition of restrictions.