

CORRECTION NOTICE

THE A160/A180 (PORT OF IMMINGHAM IMPROVEMENT) DEVELOPMENT CONSENT ORDER 2015 (S.I. 2015/129)

SCHEDULE 4 TO THE PLANNING ACT 2008

CORRECTION OF ERRORS IN DEVELOPMENT CONSENT DECISIONS

21 APRIL 2015

The Secretary of State received a request dated 5 March 2015 on behalf of the Highways Agency (now Highways England) for the correction of errors in the A160/A180 (Port of Immingham Improvement) Development Consent Order 2015 (“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:

Article 38 (Certification of plans, etc.)

The Secretary of State has amended the Order, as set out in the table below, to correct the fact that the references to certain plans, drawings and sections in article 38 did not reflect the submission of a revised versions of those plans etc. to the Examining Authority on 22 August 2014 following a change in design to avoid impacts on National Grid pipelines at the Brocklesby Interchange. The correct revision number of those plans etc. was not included in the Order made by the Secretary of State.

<i>(1) Provision of the original Order</i>	<i>(2) Erroneous text</i>	<i>(3) Substituted text</i>
Article 38(1)(c)	“TR010007/APP/21.1 (B), Revision 0”	“TR010007/APP/21.1 (B), Revision 1”
Article 38(1)(d)	“TR010007/APP/12 (B), Revision 0”	“TR010007/APP/12 (B), Revision 1”
Article 38(1)(e)(i)	“TR010007/APP/23.1 (B), Revision 0”	“TR010007/APP/23.1 (B), Revision 1”
Article 38(1)(e)(i)	“TR010007/APP/23.1 (C), Revision 0”	“TR010007/APP/23.1 (C), Revision 1”
Article 38(1)(e)(i)	“TR010007/APP/23.1 (D), Revision 0”	“TR010007/APP/23.1 (D), Revision 1”
Article 38(1)(e)(ii)	“TR010007/APP/23.2 (A), Revision 0”	“TR010007/APP/23.2 (A), Revision 1”
Article 38(1)(e)(ii)	“TR010007/APP/23.2 (D), Revision 0”	“TR010007/APP/23.2 (D), Revision 1”
Article 38(1)(e)(iv)	“TR010007/APP/23.4 (B), Revision 0”	“TR010007/APP/23.4 (B), Revision 1”
Article 38(1)(e)(v)	“TR010007/APP/23.5 (B), Revision 0”	“TR010007/APP/23.5 (B), Revision 1”

Schedule 2 (Requirements)

The Secretary of State has amended Schedule 2 to the Order to allow parts of the authorised development to commence as soon as the relevant approvals have been given for that part under Schedule 2, rather than requiring approvals to be given in respect of the whole development before any part of it can commence. The Secretary of State accepts

that in his original decision of 4 February 2015 in relation to the authorised development, the deletion of the definition of “commence” from paragraph 1 of Schedule 2 (referred to in paragraph 36 of the decision letter dated 4 February 2015) has had the unintended consequence of removing an acceptable degree of flexibility in the implementation of the project and that this is a correctable error for the purposes of Schedule 4 to the Planning Act 2008. The amendments made by this correction to paragraphs 3, 10-12 and 14 of Schedule 2 nevertheless preserve the environmental protections that were the reason for the deletion of the definition of “commence”.

LEGAL CHALLENGES RELATING TO APPLICATIONS FOR DEVELOPMENT CONSENT ORDERS

Under section 118(4) of the Planning Act 2008, a decision under paragraph 1 of Schedule 4 to correct an error in an Order granting development consent can be challenged only by means of a claim for judicial review. A claim for judicial review must be made to the High Court before the end of the period of 6 weeks beginning with the day after the day on which the Order making the correction is published. The A160/A180 (Port of Immingham Improvement) Development Consent (Correction) Order 2015 (as made) is being published on the Planning Inspectorate website at the following address:

<http://infrastructure.planningportal.gov.uk/projects/yorkshire-and-the-humber/a160-a180-port-of-immingham-improvement/>

These notes are provided for guidance only. A person who thinks they may have grounds for challenging the decision to make the Correction Order referred to in this notice is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (020 7947 6655).