

CORRECTION NOTICE

THE A19/A184 TESTO'S JUNCTION ALTERATION ORDER (S.I. 2018 No. 994)

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

14 May 2019

The Secretary of State received two requests dated 10 and 18 October 2018 from Bircham Dyson Bell acting on behalf of Highways England ("the Applicant") for the correction of errors and omissions in the A19/A184 Testo's Junction Alteration Order 2018 ("the Order"), under paragraph 1(5)(a) of Schedule 4 to the Planning Act 2008.

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

Article 19

In 19(1)(c) omit "sections 35 and 46 of the Criminal Justice Act 1982 (c. 48)".

Secretary of State's rationale: To correct an error as the provisions are not relevant.

Article 29

In 29(1) for "article 22(1)" substitute "article 22".

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

Schedule 2

In paragraph 1 for "article 40 and 44 of the Conservation of Habitats and Species Regulations 2010" substitute "article 42 and 46 of the Conservation of Habitats and Species Regulations 2017".

Secretary of State's rationale: To amend an out of date legislative reference.

Schedule 2 Requirement 7(1)

For "by any part of the authorised development" substitute "by that part of the authorised development".

Secretary of State's rationale: To reflect the intention of the provision and ensure consistency with other requirements.

Schedule 6

In paragraph 2(2) for “subsection 3(a)” substitute “subsection (3)(a).

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

Corrections not accepted

Schedule 2 Requirement 5(2)

Insert “illustrative” before “the environmental masterplan”.

Secretary of State rationale: the word “illustrative” does not feature in the title of the front sheet and title page of document TRO10020/APP/2.7(1). The Secretary of State does not therefore consider that this change is necessary.

Article 6 and the requirements 3(1), 8(2) and 13(3)(c)

The applicant requested the substitution of “materially new or materially worse adverse environmental effects” for “materially new or materially different environmental effects”.

The Secretary of State’s rationale: The Secretary of State accepts the wording recommended by the Examining Authority and so is not minded to accede to the suggested correction. It is the Secretary of State’s view that the recommended wording would allow the necessary scope for changes that are better for the environment providing such changes do not result in significant effects that have not already been previously identified and assessed in the Environmental Statement. In the circumstances of this particular case, the Secretary of State does not agree that by maintaining the recommended wording, it would have the effect outlined by the applicant.

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 during the period of 6 weeks beginning with the day after the day on which the Order making the correction is published. The A19/A184 Testos Junction Alteration (Correction) Order 2019 (as made) is being published on the Planning Inspectorate website at the following address:

<https://infrastructure.planninginspectorate.gov.uk/projects/north-east/a19-a184-testos-junction-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).