

## **CORRECTION NOTICE**

**PLANNING ACT 2008**  
**THE A1 BIRTLEY TO COAL HOUSE DEVELOPMENT CONSENT ORDER 2021**  
**(S.I.2021/74)**  
**SCHEDULE 4 TO THE PLANNING ACT 2008**  
**CORRECTION OF ERRORS IN DEVELOPMENT CONSENT DECISIONS**

**30 April 2021**

The Secretary of State received a request dated 19 February 2021 from DLA Piper Scotland LLP, solicitors acting on behalf of Highways England (“the Applicant”) for the correction of errors and omissions in the A1 Birtley to Coal House Development Consent Order 2021 (“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:

### **Corrections to the Preamble**

#### **Preamble**

After the third paragraph in the preamble insert the following paragraphs:

“The Secretary of State is satisfied in terms of section 131(4B) of the 2008 Act that (a) the order land forms part of an open space; (b) none of the order land is of any of the other descriptions in section 131(1) of the 2008 Act; and (c) the order land is being acquired for a temporary (although possibly long-lived) purpose”.

“The Secretary of State is further satisfied in terms of section 131(5) of the 2008 Act that (a) the order land is required in connection with the widening or drainage of an existing highway; and (b) the giving of other land in exchange for the order land is unnecessary”.

In the final paragraph in the preamble - delete “and 122” and after “120” insert “122, 131 and 132”

Secretary of State’s Rationale: to record in the Order that open space is affected by the scheme but that the special parliamentary procedure does not apply as the Secretary of State is satisfied that the exemption in section 131(5) of the 2008 Act applies. This re-instates wording incorrectly removed from the Order and referenced in paragraph 103 of the Decision Letter.

### **Corrections to Articles**

#### **Article 7(b)**

Replace “meters” with “metre” in both places where the word occurs.

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

#### **Article 36 (4)**

After section 151(1) insert “Communications Act 2003 (c. 21)”.

Secretary of State’s rationale: To correct an omission.

#### **Correction to Schedules**

##### **Schedule 7 Paragraph 5(1)**

Replace “modification” with “modifications”.

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

## **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 A1 Birtley to Coal House (Correction) Order 2021 (as made) is being published on the Planning Inspectorate website at the following address:

<https://infrastructure.planninginspectorate.gov.uk/projects/north-east/a1-birtley-to-coal-house-improvement-scheme/>

**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).**