

Natasha Kopala  
 Head of Transport and Works Act Orders Unit  
 Department for Transport  
 Zone 1/14-18  
 Great Minster House  
 33 Horseferry Road  
 London  
 SW1P 4DR

**Your reference**

**Our reference**

MG/MG/366530/37  
 UKM/108313797.1

19 February 2021

Dear Ms Kopala

**PLANNING ACT 2008  
 APPLICATION FOR THE PROPOSED A1 BIRTLEY TO COAL HOUSE  
 IMPROVEMENT SCHEME  
 REQUEST FOR CORRECTION ORDER**

We refer to the decision letter of 19 January 2021 in relating to the above scheme. On behalf of and as instructed by the applicant, Highways England, we write in terms of paragraph 1(5)(a) of Schedule 4 to the Planning Act 2008 (“the 2008 Act”) to request that the Secretary of State make a correction order in terms of section 119 and Schedule 4 of the 2008 Act.

The following table sets out the corrections which are sought and the reasons for those corrections:-

Order Provision	Correction Sought	Reason for Correction
Preamble	Reinstate the third and fourth paragraphs which set out the basis on which the Secretary of State is satisfied that the tests in sections 131(4B) and 131(5) of the 2008 Act are satisfied in relation to open space.	Paragraph 103 of the decision letter of 19 January 2021 states that these provisions were removed as it seemed to the Secretary of State that these provisions were not relevant to the matters covered in the order.  As set out in section 7 of the Statement of Reasons, there would be open space affected by the scheme. Special parliamentary procedure applies to an order affecting such special category land unless one of the exemptions sets out in sections 131 and 132 apply. It is therefore necessary for the order to explain why special parliamentary procedure does not apply and the relevant paragraphs should therefore be reinstated.

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Preamble	In the final paragraph, reinstate reference to sections 131 and 132.	This correction follows on from the previous correction. Reference was removed because the Secretary of State considered that these provisions were not relevant. As explained above, however, they are relevant and reference should be reinstated.
Article 7(b)	Replace “meters” with “metre” in both places where the word occurs.	This is a typographical error and the reference should be in the singular.
Article 36(4)	after “section 151(1)” insert “Communications Act 2003 (c.21)”.	Reference to the Communications Act 2003 has been deleted in this Article which leaves the reference to “section 151(1)” without a parent Act. This should
Schedule 7, paragraph 5(1)	Replace “modification” with “modifications”.	This is a typographical error and the reference should be in the plural.

We also attach a draft correction order for your consideration.

Yours faithfully



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