

CORRECTION NOTICE

A47/A11 THICKTHORN JUNCTION DEVELOPMENT CONSENT ORDER 2022 (S.I. 2022/1070)

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

28 July 2023

The Secretary of State received a request dated 21 November 2022 from National Highways Company Limited (“the Applicant”) for the correction of errors and omissions in the A47/A11 Thickthorn Junction Development Consent Order 2022 (“the Order”), under paragraph 1(5)(a) of Schedule 4 to the Planning Act 2008 (“the Act”).

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

Corrections to the Articles

Article 16 (Temporary stopping and restriction of use of streets)

In the heading of article 16, replace “stopping and” with “stopping up and”.

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

Article 31 (Application of the 1981 Act)

In article 31(7), replace “section (6)(1)(b)” with “section 6(1)(b)”.

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

Article 34 (Temporary use of land for carrying out the authorised development)

In article 34(4), to remove “necessary mitigation works” from sub-paragraph (e) and insert a new sub-paragraph (f)—

“(f) remove or reposition necessary mitigation works”.

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

Article 41 (Removal of human remains)

In the tailpiece of article 41(8), replace “containers which must identifiable” with “containers which must be identifiable”.

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

Article 52 (Crown rights)

In the article 52, replace “her majesty”, wherever it appears, with “his majesty”.

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

Corrections to Schedules

Schedule 2 (Requirements), Part 1 (Requirements)

In paragraph 1 (Interpretation), in the definition of “completed”, replace “completion” with ““completion””.

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

Schedule 6 (Modification of compensation and compulsory purchase enactments for creation of new rights)

In paragraph 5(7), replace “article 30(3)” with “article 30(4)”.

Secretary of State’s rationale: To correct a cross-referencing error.

Schedule 9 (Protective provisions), Part 1 (For the protection of operators of electricity, gas, water and sewerage undertakers)

In paragraph 4(2) (Apparatus in stopped up streets), replace “alteration, diversion” with “stopping up”.

Secretary of State’s rationale: To correct a cross-referencing error.

Schedule 9, Part 3 (For the protection of National Grid as electricity undertaker)

In paragraph 18 (Interpretation), replace ““functions” includes powers and duties; “ground mitigation scheme” means a scheme approved by National Grid (such approval not to be unreasonably withheld or delayed) setting out the necessary measures (if any) for a ground subsidence event;” with:

““functions” includes powers and duties;

“ground mitigation scheme” means a scheme approved by National Grid (such approval not to be unreasonably withheld or delayed) setting out the necessary measures (if any) for a ground subsidence event;”

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

Schedule 9, Part 4 (For the protection of Anglian Water Services Limited)

In paragraph 36(1) (Apparatus in stopped up streets), replace “(retained appartatus)” with “(retained apparatus)”.

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

Schedule 9, Part 5 For the protection of Cadent as gas undertaker)

In Part 5:

- In paragraph 49 (Interpretation), in the definition of “specified works”, replace “paragraph 53(2)”, in both places where it appears, with “paragraph 54(2)”;
- In paragraph 51(1) (Apparatus of Cadent in stopped up streets), replace “paragraph 53” with “paragraph 54 (removal of apparatus)”;
- In paragraph 54(1) (Removal of apparatus), replace “paragraph 57” with “paragraph 53”;
- In paragraph 55(2) (Facilities and rights for alternative apparatus), replace “paragraph 63” with “paragraph 62”;
- In paragraph 56(10)(b) (Retained apparatus: protection of Cadent), replace “paragraph 56” with “paragraph 57”;
- In paragraph 57(1)(a)(i) (Expenses), replace “paragraph 53(3)” with “paragraph 54(3)”;
- In paragraph 60(1) (Co-operation), replace—
 - “paragraph 53(2)” with “paragraph 54(2)”; and
 - “paragraph 55” with “paragraph 56”;
- In paragraph 62 (Arbitration), replace “paragraph 53(2) (removal of apparatus) and 53(4)” with “paragraph 54(2) (removal of apparatus) and (4)”;
- In paragraph 63 (Notices), replace “paragraph 55(1)” with “paragraph 56(1)”.

Secretary of State’s rationale: To correct cross-referencing errors.

Schedule 9, Part 6 (For the protection of railway interests)

In Part 6:

- In paragraph 65, in the definition of “specified works”, after “by article 6 (” delete “construction and”;
- In paragraph 67(1)(b), delete “construction and”;
- In paragraph 74(10), replace “article 52” with “article 51”; and
- In paragraph 85, after “any dispute arising under” delete “this part of”.

Secretary of State’s rationale: To correct cross-referencing and textual errors.

Proposed corrections not made

Table of Contents

In the Table of Contents:

- to insert “AS GAS UNDERTAKER” after “FOR THE PROTECTION OF CADENT”; and
- to insert “up” after “16. Temporary stopping”.

Secretary of State’s rationale: the table of contents is not an operative part of the Order. It is therefore not considered that these constitute correctable errors within the meaning of Schedule 4 to the Planning Act 2008.

The Explanatory Note

In the Explanatory Note, to replace “(certification of plans etc.)” with “(certification of documents etc.)”.

Secretary of State’s rationale: the Explanatory Note is not part of the Order. It is therefore not considered that this constitutes a correctable error within the meaning of Schedule 4 to the Planning Act 2008.

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 A47/A11 Thickthorn Junction Development Consent (Correction) Order 2023 (as made) is being published on the Planning Inspectorate website at the following address:

<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/a47-a11-thickthorn-junction/>

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).