

CORRECTION NOTICE

A47 NORTH TUDDENHAM TO EASTON DEVELOPMENT CONSENT ORDER 2022 (S.I. 2022/911)

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

10 OCTOBER 2023

The Secretary of State received a request on 20 September 2022 from Womble Bond Dickinson on behalf of National Highways Limited (“the Applicant”) for the correction of errors and omissions in the A47 North Tuddenham to Easton 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 33 (Temporary use of land for carrying out the authorised development)

In article 33(4)(e) for “(e) remove or reposition any apparatus installed for or belonging to statutory undertakers or necessary mitigation works.” omit “or necessary mitigation works”.

In article 33(4)(e) after “(e) remove or reposition any apparatus installed for or belonging to statutory undertakers;” insert “or”

After article 33(4)(e) insert a new article 33(4)(f) insert “(f) remove or reposition any necessary mitigation works.”

Secretary of State’s rationale: To correct an error so as to clarify that “*necessary mitigation works*” is a separate element of the works and is distinct from any other works.

Corrections to Schedules

Schedule 10 (Documents, etc. to be certified)

In row 16 Omit the entire row “Drainage and Surface Water Plans TR010038/APP/2.8 Revision 2 [AS-031]”

Secretary of State’s rationale: To correct an error in including these plans as documents to be certified.

Proposed corrections not made

Article 9 (Consent to transfer benefit of Order)

Omit “Subject to paragraph (4)” from paragraph (1), and omit paragraph (4) in its entirety.

Secretary of State’s rationale: The requested omissions are not regarded as correctable errors. Whilst paragraph (1) does not provide expressly that the Secretary of State’s consent

must be obtained for the transfer of the benefit of any provisions of the Order, the reference to paragraph (4) makes the position clear that such consent will be needed.

LEGAL CHALLENGES RELATING TO APPLICATIONS FOR DEVELOPMENT CONSENT ORDERS

Under section 118(4) of the Act, 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 North Tuddenham to Easton 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-north-tuddenham-to-easton/>

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).