

CORRECTION NOTICE

A47 BLOFIELD TO NORTH BURLINGHAM DEVELOPMENT CONSENT ORDER 2022 (S.I. 2022/738)

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

28 July 2022

The Secretary of State received a request dated 6 July 2022 from National Highways Company Limited (“the Applicant”) for the correction of errors and omissions in the A47 Blofield to North Burlingham 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 also, on 28 July 2022, sent a statement in writing to the Applicant explaining additional errors in the Order and stating that he was considering making corrections under paragraph 1(5)(b) of Schedule 4 to the Act. The Applicant agreed with those proposed corrections.

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

Corrections to the Articles

Article 20 (Traffic Regulation)

In article 20(3) to (8) and (11), replace “paragraph (1)” wherever it appears, with “paragraph (2)”.

In article 20(12), replace “paragraph (1)” with “paragraph (11)”.

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

Article 37 (Apparatus and rights of statutory undertakers in stopped up streets)

In article 37(2), replace “article 167” with “article 16 (temporary alteration, diversion and restriction of use of streets)”.

Secretary of State’s rationale: To correct a typographical error and omitted explanatory text in parenthesis.

Corrections to Schedules

Schedule 1 (Authorised development)

In the section of Schedule 1 dealing with the Work Numbers:

- At Work No. 22, replace “number 4” with “numbers 3 and 4”; and
- At Work No. 42, replace “numbers 6 and 7” with “number 6”.

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

Schedule 3 (Classification of roads, etc.), Part 4 (Speed limits)

At the 4th row of “The traffic regulation plans - sheet 2” (column 2 sub-heading “Existing Waterlow”), in column 2, after “Yarmouth Road”, delete “(sheet 1)”.

Secretary of State’s rationale: To remove erroneous text.

Schedule 9 (Protective provisions), Part 4 (For the protection of Cadent as gas undertaker)

In Part 4 of Schedule 9:

- In paragraph 36(1) (Apparatus of Cadent in stopped up streets), replace “paragraph 389” with “paragraph 39”;
- In paragraph 41(8) (Retained apparatus: protection of Cadent), replace—
 - “paragraphs 32 to 345 and 378” with “paragraphs 33 to 35 and 38”; and
 - “sub-paragraph 38(2)” with “paragraph 39(2)”;
- In paragraph 41(10)(b), replace “paragraph 412” with “paragraph 42”;
- In paragraph 42(1)(a)(i) (Expenses), replace “paragraph 38(3)” with “paragraph 39(3)”;
- In paragraph 42(1)(g), replace “sub-paragraph 40(6)” with “paragraph 41(6)”;
- In paragraph 45(1) (Co-operation), replace—
 - “paragraph 38(2)” with “paragraph 39(2)”;
 - “paragraph 401” with “paragraph 41”;
- In paragraph 47 (Arbitration), replace “paragraph 38(2) and 38(4)” with “paragraphs 39(2) and (4)”;
- In paragraph 48 (Notices), replace “paragraph 40(1)” with “paragraph 41(1)”.

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

Proposed corrections not made

Article 20

In article 20(2)(e) to:

- replace “vehicular access to any road” with “vehicles, or vehicles of any class, or pedestrians access to any road, either at all times, on days or during such periods as may be specified by the undertaker”; and
- delete the tailpiece text.

Secretary of State’s rationale: the text in sub-paragraph (e) was removed to ensure that the Order corresponded with the text used and explanation provided at paragraph 4.152 of the Applicant’s Explanatory Memorandum, and the tailpiece text was included in the draft order prepared by the Applicant and is consistent with other highways DCOs. It is therefore not

considered that these constitute correctable errors within the meaning of Schedule 4 to the Planning Act 2008

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

In article 34(1)(ii) to remove “/2” after “section 11” and to reinstate a footnote included in the draft Order submitted by the Applicant.

Secretary of State’s rationale: the published version of the Order ([The A47 Blofield to North Burlingham Development Consent Order 2022 \(legislation.gov.uk\)](https://www.legislation.gov.uk)) does not display “/2” and the footnote citing amendments to “section 11 (powers of entry) of the 1965 Act” was removed as an identical footnote was included at article 29 (Private rights over land) of the Order. It is therefore not considered that these constitute correctable errors.

Article 39 (Felling or lopping of trees and removal of hedgerows)

In article 39(3) to insert “(Compensation for depreciation caused by use of public works)” after “Part 1”.

Secretary of State’s rationale: the proposed additional explanatory text in parenthesis is considered unnecessary and therefore does not constitute a correctable 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 A47 Blofield to North Burlingham 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-blofield-to-north-burlingham/>

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).