

## CORRECTION NOTICE

### GREAT YARMOUTH THIRD RIVER CROSSING ORDER 2020 (S.I. 2020 No. 1075)

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

9 June 2021

The Secretary of State received a request dated 5 November 2020 from Pinsent Masons LLP acting on behalf of Norfolk County Council (“the Applicant”) for the correction of errors and omissions in the Great Yarmouth Third River Crossing Order 2020 (“the Order”), under paragraph 1(5)(a) of Schedule 4 to the Planning Act 2008.

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

#### **Correction to Schedules**

##### **Schedule 14 (Protective Provisions)**

Part 4 (For the Protection of the Environment Agency), paragraph 37(1)

Replace “losses not otherwise provided doe” with “losses not otherwise provided for”

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

#### **Proposed corrections not made**

##### **Article 43 (Operation of new bridge)**

At the end of article 43(8) insert new paragraph (9) —

“(9) GYPA must give a general direction imposing on the masters of vessels those requirements of the Scheme of Operation which relate to the masters of vessels, not less than 21 days prior to the new bridge opening for public use or, in relation to any variation to or replacement of the Scheme of Operation under paragraph (5), with such prior notice as GYPA considers appropriate in consultation with the undertaker, or in the event that prior notice cannot be given, as soon as practicable following any variation or replacement”

Secretary of State’s rationale: This is not regarded as a correctable error as the matters set out within it do not appear to have been considered during the examination. It is therefore not considered that this constitutes a correctable error within the meaning of Schedule 4 to the Planning Act 2008.

## **Article 43(9)**

Re-number paragraph “9” as paragraph “10”

Secretary of State’s rationale: This correction was requested to correct numbering following the insertion of the new paragraph (9). Given that the new paragraph (9) has not been accepted as a correction, this correction is no longer required.

In paragraph 43(9) insert a new list item (a)—

“(a) “general direction” means a general direction given by GYPA under section 15 of the Great Yarmouth Port Authority Act 1990 (a);” and insert new footnote (a) “1990 c. xxvii”.

Secretary of State’s rationale: This correction was requested to define a term included in the new paragraph (9). Given that the new paragraph (9) has not been accepted as a correction, this correction is no longer required.

Re-number the subsequent subparagraphs “(a)” to “(f)” as “(b)” to “(g)” and re-number footnote ‘(a)’ for the Pilotage Act 1987 to ‘(b)’.

Secretary of State’s rationale: This correction was requested to correct numbering following the insertion of the new list item (a) and footnote (a). Given that these corrections have not been accepted, this correction is no longer required.

## **Article 45(4) (Closing the highway comprised in the new bridge and new bridge approaches)**

Replace “article 43(10)” with “article 43(11)”.

Secretary of State’s rationale: This correction was requested to correct referencing following the insertion of the new paragraph (9) in article 43. Given that the new paragraph (9) in article 43 has not been accepted, this correction is no longer required.

## **Article 51(5) (Byelaws)**

Replace “From the date that this order comes into force” with—

“On a date appointed by the undertaker, which must follow—

(aa) the undertaker having first sought GYPA's written consent to the proposed date not less than 35 days before the date intended to be appointed; and

(ab) GYPA having consented in writing to the date intended to be appointed (such consent not to be unreasonably withheld) not less than 28 days before that date,”

Secretary of State's rationale: This is not regarded as a correctable error as the matters set out within it do not appear to have been considered during the examination. It is therefore not considered that this constitutes a correctable error within the meaning of Schedule 4 to the Planning Act 2008.

At the end of article 51(5) insert new paragraph (6) —

“(6) GYPA must issue a notice to mariners setting out the changes to the Great Yarmouth Port Authority Navigation (Haven) Byelaws 1997 contained in paragraph (5), and the date on which those changes will have effect, not less than 21 days before the date appointed by the undertaker under paragraph (5).”

Secretary of State's rationale: This correction was requested to ensure mariners are made aware of changes to byelaws, following the change to paragraph (5). Given that the change to paragraph (5) has not been accepted as a correction, this correction is no longer required.

#### **Article 51(6) to Article 51(15)**

Renumber paragraphs as a consequential amendment to the addition of new paragraph (6).

Secretary of State's rationale: This correction was requested to correct numbering following the insertion of the new paragraph (6). Given that the new paragraph (6) has not been accepted as a correction, this correction is no longer required.

## **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 Great Yarmouth Third River Crossing Order 2020 (as made) is being published on the Planning Inspectorate website at the following address:

<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/great-yarmouth-third-river-crossing/>

**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).**