

29 September 2022

Secretary of State for Transport  
Head of Transport, Infrastructure & Planning Unit  
FAO Natasha Kopala  
Department for Transport  
Great Minster House  
33 Horseferry Road  
London  
SW1P 4DR  
United Kingdom

**Womble Bond Dickinson (UK) LLP**

3 Temple Quay  
Temple Back East  
Bristol  
BS1 6DZ

Tel: 0345 415 0000  
Fax: 0345 415 6900  
DX: 200561 Bristol Temple Meads

@wbd-uk.com

Our ref:  
VJR2/ET4/379023.11  
Your ref:

**Bv email only**

**Email: [transportinfrastructure@dft.gov.uk](mailto:transportinfrastructure@dft.gov.uk);**

Dear Natasha

**A428 Black Cat to Caxton Gibbet Development Consent Order 2022 ("the Order")  
National Highways ("the Applicant")  
Written request from the Applicant for the correction of errors in the Order  
The Planning Act 2008 ("the Act"), Schedule 4**

I write, on behalf of the Applicant, further to the Secretary of State's decision letter dated 18 August 2022, which granted development consent for the Order.

**Correction of errors**

The Applicant considers that the Order contains correctable errors within the meaning of Schedule 4 of the Act. Please therefore accept this letter as the Applicant's written request in accordance with paragraph 1(5)(a) of Schedule 4 to the Act, for the correction of errors in the Order. This request is being made before the end of the relevant period, as defined in paragraph 1(6)(a) of Schedule 4 to the Act.

**Typographical and formatting errors**

In addition to the minor correctable errors listed in the draft Corrections Order and accompanying schedule, the Applicant has identified that the version of the Order published on the PINS website differs to the Order published on [The A428 Black Cat to Caxton Gibbet Development Consent Order 2022 \(legislation.gov.uk\)](https://www.legislation.gov.uk) in the following respects:

1. The SI reference number is referred to as "2022 No.0000" instead of "2022 No.934";
2. In Part 3 (Streets), Article 17(7) article "40" is erroneously cross referenced as article "400";
3. In Part 5 (Powers of acquisition and possession of land), Article 32(2), article "27" is erroneously cross referenced as article "277";
4. In Part 5 (Powers of acquisition and possession of land), Article 39(1) contains a source error instead of a reference to article 27;
5. In Schedule 1, Part 1 (Requirements), Requirement 17(2)(a), the Biodiversity Chapter is erroneously plural;
6. In Schedule 1, Part 1 (Requirements), Requirement 20, the Requirement heading is in capitals; and
7. In Schedule 2, Part 1 (Requirements), Requirement 24(5), a full stop is missing from the end of the Requirement.

Womble Bond Dickinson (UK) LLP is a limited liability partnership registered in England and Wales under number OC317661. VAT registration number is GB123393627. Registered office: 4 More London Riverside, London, SE1 2AU, where a list of members' names is open to inspection. We use the term partner to refer to a member of the LLP, or an employee or consultant who is of equivalent standing. Womble Bond Dickinson (UK) LLP is authorised and regulated by the Solicitors Regulation Authority (SRA number 449247). Womble Bond Dickinson (UK) LLP is a member of Womble Bond Dickinson (International) Limited, which consists of independent and autonomous law firms providing services in the US, the UK, and elsewhere around the world. Each Womble Bond Dickinson entity is a separate legal entity and is not responsible for the acts or omissions of, nor can bind or obligate, another Womble Bond Dickinson entity. Womble Bond Dickinson (International) Limited does not practise law. Please see [www.womblebonddickinson.com/legal](http://www.womblebonddickinson.com/legal) notices for further details.

As these typographical and formatting errors do not appear on the version of the Order that is published on [The A428 Black Cat to Caxton Gibbet Development Consent Order 2022 \(legislation.gov.uk\)](https://legislation.gov.uk) they have not been included in the enclosed Schedule of Minor Correctable Errors. However, it may be appropriate to update the version of the Order available on the PINS website to avoid any confusion in this respect.

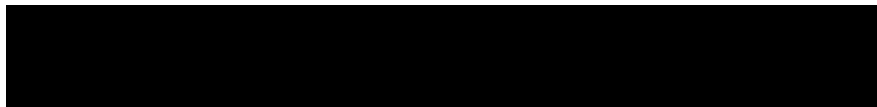
**Documents enclosed**

Accordingly, I enclose the following documents:

1. A draft of The A428 Black Cat to Caxton Gibbet (Corrections) Order 2022; and
2. An explanatory Schedule of Minor Correctable Errors (29 September 2022).

I would be grateful if you could kindly confirm safe receipt and please do let me know if there is any further information you require.

Yours faithfully



**Womble Bond Dickinson (UK) LLP**

## A428 BLACK CAT TO CAXTON GIBBET

### Schedule of Minor Correctable Errors

(29 September 2022)

This Schedule comprises a list of minor correctable errors identified in the A428 Black Cat to Caxton Gibbet Development Consent Order 2022 (the **Order**). The errors comprise minor amendments and National Highways (the **Applicant**) has set out an explanation of the need for each correction.

Order provision	Current wording	Requested change	Reasoning for correction
Part 2 (Principal Powers), Article 10(1)	For "Subject to paragraphs (4) and (5)," substitute	"Subject to paragraphs (2) and (3),"	Due to the deletion of certain paragraphs within this article the cross-reference needs updating.
Part 3 (Streets), Article 11(4)	After "article 16 (temporary alteration," insert	"diversion,"	Amendment required to align with name of article.
Part 3 (Streets), Article 12(6)	For "that part of the highway within the boundary specified in the certificate issued under paragraph (4)" substitute	For "that part of the highway within the boundary specified in the certificate issued under paragraph (5)" substitute	Amendment required to cross-reference to the correct paragraph of the article.
Part 5 (Powers of acquisition and possession of land), Article 24(2)	For "subject to paragraph (6) of article 27" substitute	"subject to paragraph (3) of article 27"	Due to the deletion of certain paragraphs within this article the cross-reference needs updating.
Part 5 (Powers of acquisition and possession of land), Article 33(4)	For "substitute "article 266 (time limit for exercise of authority to acquire land compulsorily)" substitute	"substitute "article 26 (time limit for exercise of authority to acquire land compulsorily)"	Amendment required to remove additional '6' and make the cross-reference correct.

<b>Order provision</b>	<b>Current wording</b>	<b>Requested change</b>	<b>Reasoning for correction</b>
Part 5 (Powers of acquisition and possession of land), Article 39(1)	For "article 27" substitute	"article 27(3)"	The Order published on the Government Legislation website refers to "article 27" but not the sub-paragraph.
Part 5 (Powers of acquisition and possession of land), Article 41(2)	For "article 38 (temporary use of land for maintain the authorised development)" substitute	"article 38 (temporary use of land for maintaining the authorised development)"	Amendment required to align with name of article.
Schedule 2, Part 1 (Requirements), Requirement 23(2)(b)	After "operation" insert	"phase"	Amendment required to align with name of plan.
Schedule 2, Part 1 (Requirements), Requirement 23(2)(d)	After "operation" insert	"phase"	Amendment required to align with name of plan.
Schedule 3, Part 5 (Traffic regulation measures (clearways and prohibitions))	In column (3) of both rows 1 and 2, after "Clearway (to include verges and hard strips" insert	", excluding lay-bys"	To clarify that lay-bys do not form part of the clearway.
Schedule 3, Part 7 (Footpaths, cycle tracks, footways, bridlepaths and bridleways), row 20	For "552 metres of bridlepath from point 9/12 to point 10/1 as shown on Sheets 9 and 10 of the streets, rights of way and access plans." substitute	"552 metres of bridleway from point 9/12 to point 10/1 as shown on Sheets 9 and 10 of the streets, rights of way and access plans."	This length of right of way was erroneously labelled as a bridlepath, rather than the intended bridleway.
Schedule 3, Part 7 (Footpaths, cycle tracks, footways, bridlepaths and bridleways), row 21	For "60 metres of bridleway from point 9/13 to point 9/14 as shown on Sheet 9 of the streets, rights of way and access plans." substitute	"60 metres of bridlepath from point 9/13 to point 9/14 as shown on Sheet 9 of the streets, rights of way and access plans."	This length of right of way was erroneously labelled as a bridleway, rather than the intended bridlepath.

Order provision	Current wording	Requested change	Reasoning for correction
Schedule 9, Part 4 (For the protection of national grid as electricity and gas undertaker), paragraph 31	For "'commence" and "commencement" in paragraph 38, 39 and 38 of this Part" substitute	"'commence" and "commencement" in paragraph 38 and 39 of this Part"	Amendment needed to remove a duplicative cross reference.
Schedule 9, Part 4 (For the protection of national grid as electricity and gas undertaker), paragraph 45	For "article 500 (arbitration)" substitute	"article 50 (arbitration)"	Amendment required to remove additional '0' and make the cross-reference correct.
Schedule 9, Part 5 (Protection for network rail infrastructure limited), paragraph 67	For "article 49" substitute	"article 48"	Amendment required to correct the cross reference.