

## CORRECTION NOTICE

### A428 BLACK CAT TO CAXTON GIBBET DEVELOPMENT CONSENT ORDER 2022 (S.I. 2022 No. 934)

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

16 January 2023

The Secretary of State received a request dated 29 September 2022 from Womble Bond Dickinson (UK) LLP acting on behalf of National Highways (“the Applicant”) for the correction of errors and omissions in the A428 Black Cat to Caxton Gibbet Development Consent Order 2022 (“the Order”), under paragraph 1(5)(a) of Schedule 4 to the Planning Act 2008.

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

#### **Correction to Articles**

##### **Article 10 (consent to transfer benefit of Order)**

In article 10(1), replace "Subject to paragraphs (4) and (5)" with "Subject to paragraphs (2) and (3)"

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

##### **Article 11 (application of the 1991 Act)**

In article 11(4), after “article 16 (temporary alteration,” insert “diversion,”

Secretary of State’s rationale: to refer to the correct heading of article 16.

##### **Article 12 (construction and maintenance of new, altered or diverted streets and other structures)**

In article 12(6), replace “certificate issued under paragraph (4)” with “certificate issued under paragraph (5)”

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

##### **Article 24 (compulsory acquisition of land)**

In article 24(2), replace “subject to paragraph (6)” with “subject to paragraph (3)”

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

### **Article 33 (modification of Part 1 of the 1965 Act)**

In article 33(4), replace “article 266” with “article 26”

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

### **Article 39 (statutory undertakers)**

In article 39(1), replace “article 27” with “article 27(3)”

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

### **Article 41 (recovery of costs of new connections)**

In article 41(2), replace “temporary use of land for maintain the authorised development” with “temporary use of land for maintaining the authorised development”

Secretary of State’s rationale: to refer to the correct heading of article 38.

## **Corrections to Schedules**

### **Schedule 2 (requirements), Part 1 (requirements)**

In requirement 23(2)(b) and in requirement 23(2)(d), after “operation” insert “phase”

Secretary of State’s rationale: to refer to the correct name of the plan in question.

### **Schedule 3 (classification of roads, etc.), Part 5 (traffic regulation measures (clearways and prohibitions))**

In column (3) of rows 1 and 2, replace “Clearway (to include verges and hard strips)” with “Clearway (to include verges and hard strips, but to exclude lay-bys)”

Secretary of State’s rationale: to clarify that lay-bys do not form part of the clearway.

### **Schedule 3 (classification of roads, etc.), Part 7 (footpaths, cycle tracks, footways, bridlepaths and bridleways)**

In row 20, replace “bridlepath” with “bridleway”

Secretary of State’s rationale: to refer to the correct designation of the right of way in question.

In row 21, replace “bridleway” with “bridlepath”

Secretary of State’s rationale: to refer to the correct designation of the right of way in question.

**Schedule 9 (protective provisions), Part 4 (for the protection of National Grid as electricity and gas undertaker)**

In paragraph 31, replace “paragraph 38, 39 and 38” with “paragraph 38 and 39”

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

In paragraph 45, replace “article 500” with “article 50”

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

**Schedule 9 (protective provisions), Part 5 (protection for Network Rail Infrastructure Limited)**

In paragraph 67, replace “article 49” with “article 48”

Secretary of State’s rationale: to correct a referencing 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 A428 Black Cat to Caxton Gibbet (Correction) Order 2022 (as made) is being published on the Planning Inspectorate website at the following address:

<https://infrastructure.planninginspectorate.gov.uk/projects/eastern/a428-black-cat-to-caxton-gibbet-road-improvement-scheme/>

**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).**