

2023 No. 40

INFRASTRUCTURE PLANNING

The A428 Black Cat to Caxton Gibbet (Correction) Order 2023

Made - - - - *16th January 2023*

Coming into force *17th January 2023*

The A428 Black Cat to Caxton Gibbet Development Consent Order 2022 (“the 2022 Order”)(a), which granted development consent within the meaning of the Planning Act 2008 (“the Act”)(b), contained correctable errors as defined in paragraph 1(3) of Schedule 4 to the Act.

In accordance with paragraph 1(5)(a) of Schedule 4 to the Act, before the end of the relevant period, as defined in paragraph 1(6)(a) of Schedule 4 to the Act, the Secretary of State received a written request from the applicant(c) for the correction of errors and omissions in the 2022 Order.

In accordance with paragraph 1(7) of Schedule 4 to the Act, the Secretary of State has informed the relevant local planning authorities for the area in which the land to which the 2022 Order relates is situated, that the request has been received in accordance with paragraph 1(7) of Schedule 4 to the Act.

The Secretary of State, in exercise of the powers conferred by section 119 of, and paragraphs 1(4) and (8) of Schedule 4 to, the Act, makes the following Order.

Citation and commencement

1. This Order may be cited as the A428 Black Cat to Caxton Gibbet (Correction) Order 2023 and comes into force on 17th January 2023.

Corrections to the 2022 Order

2. The 2022 Order is corrected as set out in the table in the Schedule to this Order, where—

- (a) column 1 sets out where the correction is to be made;
- (b) column 2 sets out how the correction is to be made; and
- (c) column 3 sets out the text to be substituted, inserted or omitted.

(a) S.I. 2022/934.

(b) 2008 c. 29. Paragraph 1 of Schedule 4 was amended by paragraph 70 of Schedule 13, and Part 20 of Schedule 25, to the Localism Act 2011 (c. 20). There are other amendments to the Act which are not relevant to this Order.

(c) The term “applicant” is defined in paragraph 4 of Schedule 4 to the Act.

Signed by authority of the Secretary of State for Transport

Gareth Leigh

Head of the Transport and Works Act Orders Unit

Department for Transport

16th January 2023

SCHEDULE Correctable Errors

Article 2

<i>Where the correction is to be made</i>	<i>How the correction is to be made</i>	<i>Text to be substituted, inserted or omitted</i>
Article 10(1)	For “Subject to paragraphs (4) and (5),” substitute	“Subject to paragraphs (2) and (3),”
Article 11(4)	After “article 16 (temporary alteration,” insert	“diversion,”
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)”
Article 24(2)	For “subject to paragraph (6) of article 27” substitute	“subject to paragraph (3) of article 27”
Article 33(4)	For “article 266 (time limit for exercise of authority to acquire land compulsorily)” substitute	“article 26 (time limit for exercise of authority to acquire land compulsorily)”
Article 39(1)	For “article 27” substitute	“article 27(3)”
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)”
Schedule 2 (requirements), requirement 23(2)(b)	After “operation” insert	“phase”
Schedule 2 (requirements), requirement 23(2)(d)	After “operation” insert	“phase”
Schedule 3, Part 5 (traffic regulation measures (clearways and prohibitions))	In column (3) of both rows 1 and 2, for “Clearway (to include verges and hard strips)” substitute	“Clearway (to include verges and hard strips, but to exclude lay-bys)”
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.”
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.”
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”
Schedule 9, Part 4 (For the protection of national grid as electricity and gas undertaker),	For “article 500 (arbitration)” substitute	“article 50 (arbitration)”

paragraph 45		
Schedule 9, Part 5 (Protection for network rail infrastructure limited), paragraph 67	For “article 49” substitute	“article 48”

EXPLANATORY NOTE

(This note is not part of the Order)

The Order corrects errors and omissions in the A428 Black Cat to Caxton Gibbet Development Consent Order 2022 a development consent order under the Planning Act 2008, following a written request under paragraph 1(5)(a) of Schedule 4 to that Act.