

CORRECTION NOTICE
M3 JUNCTION 9 DEVELOPMENT CONSENT ORDER 2024
(S.I. 2024 No. 1020)

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

9 October 2024

The Secretary of State sent correspondence dated 6 June 2024 to the Applicant notifying them of an omission in the M3 Junction 9 Development Consent Order 2024 (“the Order”). The Secretary of State received a request dated 26 June 2024 from National Highways (“the Applicant”) for the correction of errors and omissions in the Order, pursuant to Schedule 4 of the Planning Act 2008. The Applicant’s request included the omission identified by the Secretary of State and therefore, the corrections have been considered by reference to the Applicant’s request.

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

Correction to articles

Article 1

In article 1, for the date when the Order comes into force add “10th October 2024”.

Secretary of State’s rationale: to provide a valid commencement date.

Article 8

In article 8(d) replace all references to “work number” with “Work No.” and “work numbers” with “Work Nos.”

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

Article 15

In article 15(10) substitute “(9)” for “(8)”.

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

Article 30

In article 30(5)(b), before “34 (temporary use of land for carrying out the authorised development)” insert “articles”.

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

Article 35

In article 35 (11) replace “5 years” with “10 years”.

Secretary of State’s rationale: to align with the replacement period as detailed at requirement 6.

Correction to Schedules

Schedule 3 (Classification of Roads, etc.) Part 1, Special Roads

Inserted a comma after “sheets 5” in the fifth row of the table.

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

Schedule 10 (Protective Provisions), Part 1, For the Protection of Electricity, Gas, Water and Sewerage Undertakers

In paragraph 7(3) replace sub-paragraph “(1)” with “(2)”.

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

Schedule 10 (Protective Provisions), Part 1, For the Protection of Electricity, Gas, Water and Sewerage Undertakers

In paragraph 10(3) replace article “49” with “48”.

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

Schedule 10 (Protective Provisions), Part 3, For the Protection of Southern Gas Networks PLC as Gas Undertaker

In paragraphs 19(a) and 19(b) replace sub-paragraph “7(2)” with “24(2)”. In paragraphs 27(3) and 32 replace article “49” with “48”.

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

Schedule 10 (Protective Provisions), Part 4, For the Protection of the Environment Agency

In paragraphs 39(2), 40(3), 43(3) and 43(4) replace article “42 (agency access)” with “44 (indemnity)”. For paragraph 44(3) replace sub-paragraph “(1)” with “(2)”. For paragraph 44(5) replace sub-paragraph “(3)” with “(4)”. For paragraph 44(5)(a) replace sub-paragraph “(2)” with “(3)”. For paragraph 45, replace article “49” with “48”.

Secretary of State's rationale: to correct referencing errors.

Corrections which the Secretary of State has not made

Article 45

The Applicant requested that the original article 45 (appeals relating to the Control of Pollution Act 1974) be re-inserted into the Order.

Secretary of State's rationale: The Secretary of State does not agree that this constituted a correctable error.

Schedule 11

The Applicant requested that the heading for Schedule 11 is amended so that the words Articles 28 and "47" are replaced with Article 28 and "46"

Secretary of State's rationale: The heading for Schedule 11 already refers to articles 28 and 46, so there is no correctable error. Further, it is not possible for the correction to be made through the correctable errors process as the headings have no legal effect.

Explanatory Note

The Applicant requested that article "47" be replaced with "46".

Secretary of State's rationale: the Explanatory Note is not part of the Order, and it is therefore not possible to make any changes to it through the correctable errors process.