

CORRECTION NOTICE

WEST MIDLANDS RAIL FREIGHT INTERCHANGE ORDER 2020 (S.I. 2020 No. 511)

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

21 OCTOBER 2020

The Secretary of State received a request dated 3 June 2020 from Morag Thompson (Freelance Solicitor) acting on behalf of Four Ashes Limited (“the Applicant”) for the correction of errors and omissions in the West Midlands Rail Freight Interchange 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 corrections to the Order:

Corrections to the Articles

Article 2

In the definition of “apparatus” replaced “37” with “36”

Secretary of State’s rationale: To correct incorrect cross referencing.

Article 2

In the definition of “highway works” replaced reference to works “12” with “11”

Secretary of State’s rationale: To correct incorrect cross referencing.

Article 2

In the definition of “relocation works” replaced “37” with “36”

Secretary of State’s rationale: To correct incorrect cross referencing.

Article 10

In article 10(6) replaced “37” with “36”

Secretary of State’s rationale: To correct incorrect cross referencing.

Article 13

In article 13(3) deleted “local”

Secretary of State’s rationale: This should be deleted so that Highways England are included in the deemed approval provision as a “highway authority”.

Article 22

In article 22(6) deleted “local”

Secretary of State’s rationale: Should be deleted so that Highways England are included in the deemed approval provision as a “highway authority”.

Article 23

In the fifth line of article 23(1) removed the “s” from “undertakers”

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

Article 30

In the third line of article 30(3) replaced “compulsory” with “compulsorily”

Secretary of State’s rationale: To reflect the correct title of the article concerned.

Article 31

In the third line of article 31(10) replaced “application” with “modification”

Secretary of State’s rationale: To reflect the correct title of the article concerned.

Article 41

In the third line of article 41(4) replaced “management and mitigation” with “mitigation and management”

Secretary of State’s rationale: To reflect the correct title of the requirement concerned.

Corrections to Schedules

Schedule 2

Part 1 Requirement 4(2)(d) - replaced reference to article “45(5)” with “44(4)”

Secretary of State’s rationale: To correct incorrect cross referencing.

Schedule 2

Part 1 Requirement 6(3) - added “under sub-paragraph (2)” after “approved”

Secretary of State’s rationale: To make it clear that the reference in (3) to details approved refers to the details approved under requirement 6(2) and not the details approved under any other requirement.

Schedule 2

Part 1 Requirement 7(2) – replaced “(2)” with “(3)”

Secretary of State’s rationale: To correct incorrect cross referencing.

Schedule 2

Part 1 Requirement 14(1)(b) - replaced “requirement 12 (ecological mitigation and management plan)” with “requirement 13 (ground conditions – contaminated risk)”

Secretary of State’s rationale: To correct incorrect cross referencing.

Schedule 2

Part 3 Paragraph 43 - deleted “Part 1 of”

Secretary of State’s rationale: The exclusion of Part 2 and reference only to Part 1 is inconsistent with article 43(3).

Schedule 10

In the header to replace the reference to “Article 35” with “Article 34”

Secretary of State’s rationale: This correction has not been made in the Correction Order as the correction was made in the Order immediately before the Order was registered.

Schedule 13

In the header to replace the reference to “Article 43” with “Article 42”.

Secretary of State’s rationale: This correction has not been made in the Correction Order as the reference to “Article 42” was made in the Order immediately before the Order was registered. The header refers to “Articles 42 and 43” as there is reference to the protective provisions in both.

Schedule 13

Part 2 Paragraph 3(5) - In the fourth line replaced “arrangements” with “agreements”

Secretary of State’s rationale: To reflect the correct title of the article concerned.

Schedule 13

Part 6 Paragraph 3 - In the first line delete “(1)”

Secretary of State’s rationale: There is no sub paragraph 7(1).

Schedule 13

Part 6 Paragraph 3(f) - Replaced “28” with “26”

Secretary of State’s rationale: To correct incorrect cross referencing.

Schedule 13

Part 6 Paragraph 3(g) - Replaced “29” with “27”

Secretary of State’s rationale: To correct incorrect cross referencing.

Schedule 14

Paragraph 6 - In the header to delete the erroneous “(“ after “Environment Act”

Secretary of State’s rationale: This correction has not been made in this Correction Order as it was corrected in the Order immediately before the Order was registered.

Schedule 15

In the section headed “The highway classification plans” delete Sheet 4 and related details

Secretary of State’s rationale: There is no Sheet 4 of the highway classification plans.

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 West Midlands Rail Freight Interchange (Correction) Order 2020 (as made) is being published on the Planning Inspectorate website at the following address:

<https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/west-midlands-interchange/>

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).