



The Planning Inspectorate
National Infrastructure Planning
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Highways England
Bridge House
1 Walnut Tree Close
Guildford
Surrey, GU1 4LZ

4 November 2019

And by email to:
m25junction10@planninginspectorate.gov.uk

Dear Sirs,

M25 junction 10/A3 Wisley interchange scheme (the Scheme)

Planning Inspectorate reference: TR010030

Notification of intention to make a request for changes to the Scheme which may include a material change

In advance of the preliminary meeting on 12 November 2019 I am writing to inform you that Highways England intends to submit a written request to the Examining Authority (ExA) seeking a number of changes to the Scheme which may include a request for a material change (the **Proposed Changes**). The Proposed Changes are described further below.

Change 1 – Extension of the proposed Cockcrow green bridge (Work No. 35 (b))

Following stakeholder engagement, Highways England proposes to increase the provision of a green bridge at Cockcrow from the 10 metre width provided for as part of Work No. 35 (b) Scheme to a 25 metre width. This change is supported by relevant stakeholders including Surrey County Council and Surrey Wildlife Trust.

The change will not involve any changes to the red line boundary however it will increase the footprint of the green bridge within the existing Scheme boundary on account of the wider approach ramps which will be necessary given the expanded width of the bridge.

Change 2 – Incorporation of two toad underpasses at Old Lane and other mitigation measures

In response to stakeholder representations, Highways England has identified mitigation for an increase in toad mortality which is likely to occur at Old Lane and Elm Lane as a result of the Scheme prior to mitigation.

Accordingly, Highways England proposes to develop mitigation measures to include two toad underpasses at a section of Old Lane together with wildlife fencing to direct the toads to the underpass crossing points and signage at Elm Lane.

This change will result in a minor amendment to the redline boundary at Old Lane affecting Surrey County Council as landowner.

Highways England proposes to submit an update to the environmental statement (**APP-047 to 131**) in respect of this change.

Change 3 – Removal of part of the proposed improvements to the A245 eastbound between the junction with Seven Hills Road and the Painshill interchange (Work No. 47 (b) and (c))

Shortly before the submission of the application for development consent for the Scheme, Highways England incorporated, at the request of Surrey County Council, a banned right-turn at the junction between the A245 westbound and Seven Hills Road. Highways England has undertaken further traffic modelling of the traffic flows at this junction in consequence of the incorporation of a banned right-turn and in the light of that modelling it is no longer necessary to widen the entirety of this section of the A245 to three lanes as it passes Manor Pond and approaches the A245/A3 Painshill interchange.

Accordingly it is no longer necessary to construct Work No. 47 (c), comprising the construction of a retaining wall at Manor Pond, which it is proposed will be removed from the draft development consent order (dDCO) (**APP-018**) in consequence of this change.

The principal benefit of this change is that would avoid the current impact on Manor Pond. The change will also reduce the extent of land needed from Burhill Developments Limited and CALP Angling Club.

Change 4 – Amendments to construction working hours specified in requirement 3 (Construction and handover environmental management plans) of the dDCO

Requirement 3 of the dDCO provides that construction working hours on Saturdays will be limited to 08:00 to 13:00 save where one of the exceptions specified in sub-paragraphs (i) to (viii) applies. Highways England proposes to amend the working hours provided for in Requirement 3 to allow for construction works to be carried out on Mondays to Saturdays between 07:00 to 19:00, subject to the same exceptions specified in sub-paragraphs (i) to (viii). This change would reflect the working hours which have been assessed in the environmental statement submitted with the application for development consent for the Scheme.

The proposed extended working hours would allow a more efficient use of resources within the Scheme programme to meet key delivery dates and may provide opportunities to shorten the overall length of the construction programme. The current restriction on working hours on Saturdays would unduly limit the extent of works which could be carried out on Saturdays (in cases where no exception under sub-paragraph (i) to (viii) applied), as the contractor must factor in mobilisation and demobilisation time into an already compressed working period.

Change 5 – Adjustments to the Order limits in the dDCO to accommodate the diversion of a gas main (Work No. 63 (e) and (f))

Following further discussions with Southern Gas Networks, Highways England has identified a need to extend the redline boundary of the Scheme at the western end of the M25 to accommodate a new gas main crossing of the M25.

The change would involve additional land from Surrey County Council and Surrey Wildlife Trust (as lessee of Surrey County Council).

As a result of this change, Work No. 63 (e) and (f) would be replaced by a new work to provide for a new gas main crossing of the M25 which would accommodate the widening of the M25 slip roads.

Change 6 – Amendment to the speed limit at Elm Lane (and including Byway 525 – Byway Open to All Traffic) (Schedule 3 to the dDCO)

Shortly before submission of the application for development consent for the Scheme, Surrey County Council (being the local highway authority for this highway) notified Highways England that, notwithstanding its earlier support for a speed limit of 40 miles per hour in this location, it would prefer a speed limit of 20 miles per hour.

Highways England did not incorporate Surrey County Council's request in the version of the dDCO as applied for as there was insufficient time to consult with the residents of Elm Corner who would be affected by this change.

It is now intended to reduce the proposed speed limit for this section of Elm Lane from 40 miles per hour to 20 miles per hour in accordance with the wishes of Surrey County Council. The incorporation of this change would also mitigate the effect on toad mortality described under the heading Change 2 above.

Change 7 – Adjustments to the vertical limits of deviation in the dDCO (article 7(b) of the dDCO)

For completeness, Highways England wishes to clarify that the limits of deviation (LoD) specified at article 7(b) of the dDCO should provide for a maximum of a 1 metre upward and 3 metre downward vertical LoD, which reflects the LoD assessed in the environmental statement and which the Scheme has been designed within, as shown on the engineering drawings and sections (**APP-014**).

Accordingly this minor change to the dDCO is proposed to clarify the existing inconsistency between the application documents in this regard.

Proposed timetable for requesting the Proposed Changes

In assessing the Proposed Changes, Highways England has had regard to the advice contained in the Planning Inspectorate's Advice Note 16 (How to request a change which may be material). Having regard to the guidance, Highways England considers that the Proposed Changes do not alter the substance of the Scheme as applied for.

Of the Proposed Changes, Highways England considers that Change 3 may constitute a material change. Highways England considers that Changes 1, 2, 4, 5, 6 and 7 are non-material changes. Highways England recognises that the decision as to whether any of the Proposed Changes constitute material changes is a matter for the ExA to determine.

In any event, Highways England considers that it would be proportionate to carry out non-statutory consultation on the Proposed Changes with affected parties, including local authorities, other statutory consultees and persons with an interest in land affected by the proposed changes. It is intended that this non-statutory consultation will be carried out between December 2019 and January 2020.

As noted above, changes 2 and 5 will require minor adjustments to the red line boundary although it is not anticipated that they will involve any newly-affected parties. In accordance with the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (2010 Regulations) (to the extent that they may be engaged) Highways England will either seek the consent of the land interests to the inclusion of any additional land under regulation 4 of the 2010 Regulations or will follow the prescribed procedure contained in Regulations 5 to 19 of the 2010 Regulations if the consent of the land interests is not obtained.

It is proposed that, as part of the targeted consultation referred to above, consultees will be provided with a summary document explaining the Proposed Changes together with updated versions of the application documents (in both clean and tracked form). It is anticipated that the formal request to make the Proposed Changes described in this letter will be accompanied by a report concerning the non-statutory consultation.

Highways England intends to make a formal request to the ExA to accept the Proposed Changes at the beginning of February 2020.

Highways England would welcome the opportunity at the preliminary meeting to discuss the procedural matters which may arise from this notification.

I understand that a copy of this letter will be placed on the National Infrastructure Planning website and available for interested parties to view.

Yours faithfully,



Jonathan Wade

Project Manager, Regional Investment Programme (South East)
Highways England