

M25 junction 10/A3 Wisley interchange TR010030

9.1 Transferring Historic Common Land and Exchange Land

Planning Act 2008
Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009



Infrastructure Planning

Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended)

M25 junction 10/A3 Wisley interchange

Development Consent Order 202[x]

9.1 Transferring Historic Common Land and Exchange Land

Regulation Number:	Regulation 5(2)(q)
Planning Inspectorate Scheme Reference	TR010030
Application Document Reference	TR010030/EXAM/9.1
Author:	M25 junction 10/A3 Wisley interchange project team, Highways England and Atkins

Version	Date	Status of Version
Rev 0	November 2019	Rule 6 Letter

Table of contents

Chapter	Pages
1. Introduction	4
2. Process and timetable	4
Appendices	6
Appendix A. Open Space and Common Land Exchange in M25 CPOs 1979 - 1982	7

1. Introduction

- 1.1.1 This document has been prepared in response to the query set out in the letter from the Planning Inspectorate titled *Planning Act 2008 – Section 88 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 6* etc (the “Rule 6 letter”) dated 15th October 2019.
- 1.1.2 Appendix F to the Rule 6 letter required the Applicant to prepare some additional material to aid the smooth running of the Examination, including:

“A new plan showing the areas of Common Land within the DCO area which have not yet been de-registered as Common Land following the 1979 and 1982 Orders, accompanied by an update on the process and timetable for transferring the common land and exchange land”.

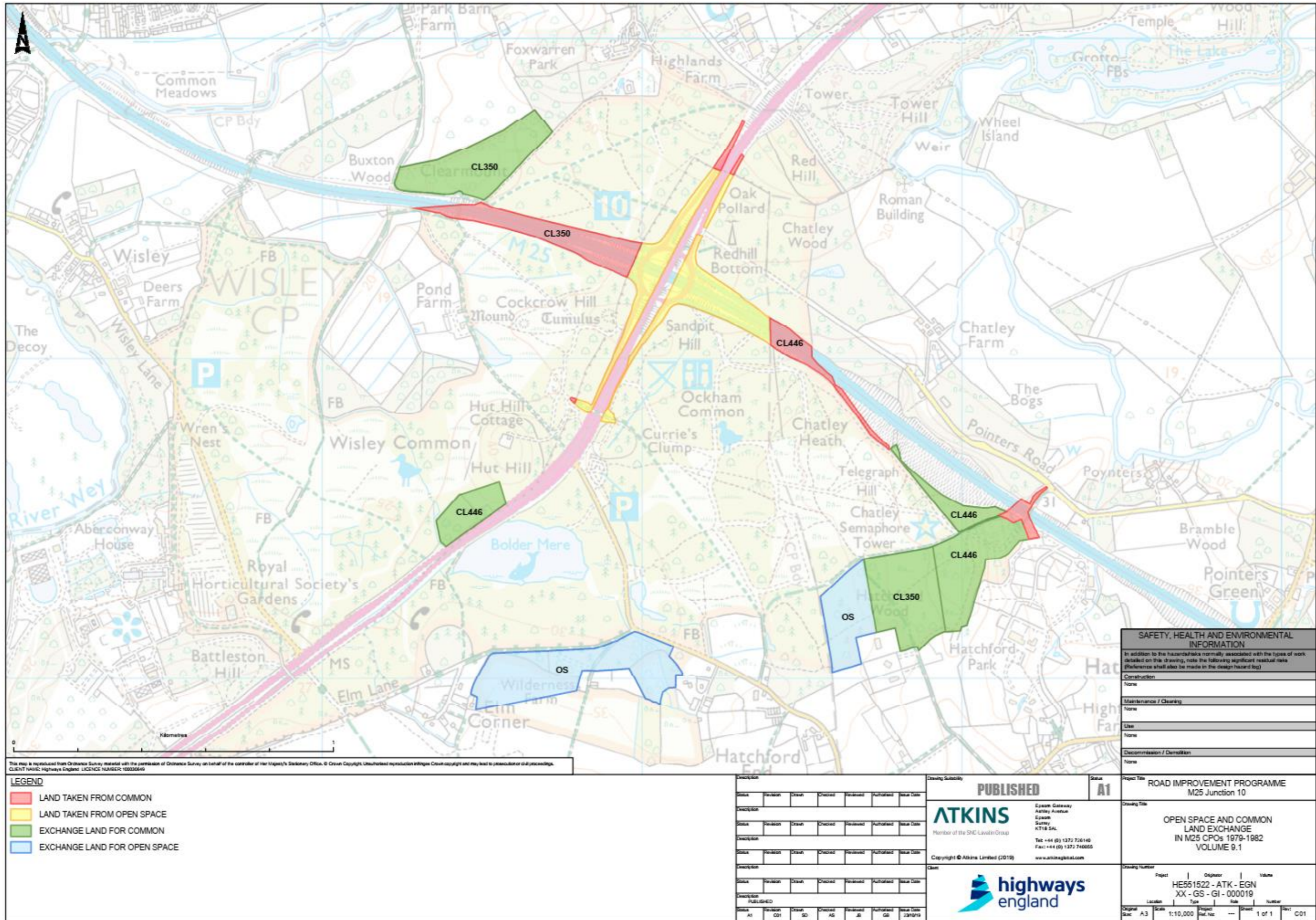
2. Process and timetable

- 2.1.1 A plan identifying the areas of Common Land within the DCO area which have not yet been de-registered as Common Land following the 1979 and 1982 Orders is included as Appendix A to this Volume.
- 2.1.2 As indicated at paragraphs 7.2.14 to 7.2.20 of the statement of reasons (APP-022) submitted as part of the application for development consent for the Scheme, Highways England has been engaged in discussions with Surrey County Council regarding the completion of transfers of common land and exchange land which should have vested in accordance with earlier compulsory purchase orders relating to the construction of the M25 in the 1970s and 1980s, but which have not so vested.
- 2.1.3 Since the submission of the application for development consent for the Scheme on 19 June 2019, Highways England has sought to progress discussions with Surrey County Council as regards the outstanding transfers in order that the matter can be brought to a satisfactory close as soon as possible.
- 2.1.4 In particular, in an effort to expedite matters, Highways England has agreed to meet the further reasonable external legal costs incurred by Surrey County Council in completing the transfers. Highways England had already provided draft transfer documents to Surrey County Council, together with copies of relevant title information for the Council’s approval. Accordingly, Highways England has done all that it reasonably can to effect the completion of the transfers prior to the commencement of the examination.
- 2.1.5 However, it has not yet been possible to complete the transfers and arrange for the consequential amendments to the register of common land maintained by Surrey County Council as commons registration authority to be made. Highways England awaits confirmation from Surrey County Council that the draft transfers are approved and will be completed.
- 2.1.6 Highways England will continue to discuss this matter with Surrey County Council as it is recognised that it is in the mutual interest of the parties for this historic anomaly to be rectified as expeditiously as possible.

- 2.1.7 Highways England will keep the examining authority informed of progress with discussions with Surrey County Council on this matter.
- 2.1.8 In any event, as explained in paragraph 7.2.19 of the statement of reasons (APP-022), the making of a development consent order for the Scheme does not depend upon the completion of the historic transfers. This is because Highways England has not sought compulsory purchase powers over those areas of historic common land within the redline boundary of the Scheme which have not yet been deregistered as common. Accordingly, no issue arises as to compliance with sections 131 and 132 Planning Act 2008 as these provisions are not engaged in respect of this land.

Appendices

Appendix A. Open Space and Common Land Exchange in M25 CPOs 1979 - 1982



SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION
 In addition to the financial risks normally associated with the types of work detailed on this drawing, note the following significant residual risks (reference shall also be made in the design hazard log)

Construction	None
Maintenance / Clearing	None
Use	None
Decommission / Demolition	None

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationary Office. © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 CLIENT NAME: Highways England LICENSE NUMBER: 100030649

LEGEND

- LAND TAKEN FROM COMMON
- LAND TAKEN FROM OPEN SPACE
- EXCHANGE LAND FOR COMMON
- EXCHANGE LAND FOR OPEN SPACE

Description	Status	Revision	Drawn	Checked	Reviewed	Authorised	Date

PUBLISHED

ATKINS
 Member of the SNC Lavalin Group

Epsom Gateway
 Ashley Avenue
 Epsom Surrey
 KT18 5AL
 Tel: +44 (0) 1372 726140
 Fax: +44 (0) 1372 740055
 www.atkinsglobal.com

Project Title ROAD IMPROVEMENT PROGRAMME
 M25 Junction 10

Drawing Title OPEN SPACE AND COMMON
 LAND EXCHANGE
 IN M25 CPOs 1979-1982
 VOLUME 9.1

Project	HE551522 - ATK - EGN
Location	XX - GS - GI - 000019
Scale	1:10,000
Sheet	1 of 1
Rev	C01

© Crown copyright (2019).

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence:

visit www.nationalarchives.gov.uk/doc/open-government-licence/

write to the Information Policy Team, **The National Archives, Kew, London TW9 4DU**,
or email psi@nationalarchives.gsi.gov.uk.

Printed on paper from well-managed forests and other controlled sources.

Registered office Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ
Highways England Company Limited registered in England and Wales number 09346363

