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To Highways England, all Affected
Persons and all Interested Parties

Your Ref:

Our Ref: TR010030

Date: 2 July 2020

Dear Sir/Madam

The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 17

Application by Highways England for an Order Granting Development Consent for the M25 Junction 10/A3 Wisley Interchange

Request for comments regarding possible Replacement Land options

During the course of Session 2, Part 3 of the Compulsory Acquisition Hearing (CAH1) (held on the morning of 17 June 2020) the ExA asked a series of questions concerning the Applicant's proposals for the provision of Replacement Land (RL) for the Common Land and Open Space (Special Category Land [SCL]) affected by the Proposed Development. The questions raised by the ExA, amongst other things, sought the views of the participants who attended this part of CAH1 on:

- the functional quality of the SCL subject to the Applicant's proposals for outright acquisition or the acquisition of permanent rights over the affected land;
- any disadvantage the users of the SCL might experience as a consequence of the acquisition of the affected the SCL or the acquisition of permanent rights over the affected the SCL;
- the factors to be taken account of in calculating the amount of RL to be provided as mitigation for the Proposed Development's effect on the SCL, including: whether any distinction should be drawn between the land registered as Common Land and that which is Open Space; and any disadvantage that SCL users would experience through the proposed acquisition of permanent rights;
- the appropriateness of applying the historic RL ratios when the M25 was first constructed, namely 2.5:1 for Common Land, 2.1:1 for Open Space and 1:1 for the permanent acquisition of rights over the SCL, to the Applicant's current proposals; and
- if the use of the historic RL ratios would be inappropriate, what alternative ratios might be appropriate.

The recording (in two parts) of this part of CAH1 is available on the project website:
<http://infrastructure.planninginspectorate.gov.uk/document/TR010030-001065>
<http://infrastructure.planninginspectorate.gov.uk/document/TR010030-001063>

With respect to the final item listed above, the participants at the hearing felt unable to suggest alternative RL ratios and the ExA therefore agreed that it would, on a 'without prejudice' basis, suggest an alternative RL ratio or ratios for the Applicant, APs and Interested Parties (IPs) to comment on by Examination Deadline 12 (Friday 10 July 2020).

The ExA, having considered:

- a) the application documents concerning the Proposed Development's effects on the SCL and the Applicant's proposals for RL, most particularly the Special Category Land Plans [REP8-006] and the Statement of Reasons Appendix C: Common land and open space report [AS-005 and REP8-015];
- b) the various written submissions made by the Applicant and APs and IPs concerning the proposals for the provision of RL throughout the Examination to date; and
- c) the oral submissions that were made during Session 2, Part 3 of the CAH1, invites the Applicant, APs and IPs to comment on the appropriateness of applying ratios for RL under the following three scenarios:
 - 1) a RL ratio of 1:1 for both the Common Land and the Open Space that the Applicant proposes to acquire and a RL ratio of 1:1 for the parts of the SCL that the Applicant proposes to acquire permanent rights over;
 - 2) a RL ratio of 1.5:1 for both the Common Land and the Open Space that the Applicant proposes to acquire and a RL ratio of 1:1 for the parts of the SCL that the Applicant proposes to acquire permanent rights over;
 - 3) a RL ratio of 2:1 for both the Common Land and the Open Space that the Applicant proposes to acquire and a RL ratio of 1:1 for the parts of the SCL that the Applicant proposes to acquire permanent rights over.

In considering the three scenarios listed above, the ExA considers that it would be appropriate for the Applicant and any APs and IPs commenting on this matter to use the land areas quoted in Table 3.1 'Summary of Special Land Category Land requirements' on page 42 of REP8-015 as the starting point for undertaking any calculations.

With respect to the proposed acquisition of permanent rights over the SCL, the Applicant, APs and IPs are further invited to comment on the appropriateness of RL being provided in respect of any of the plots of land that would be available to non-motorised users and/or motorised users as public rights of way, bridleways, footways and vehicular tracks or accesses, following the implementation of the Proposed Development. In making comments in this respect, particular regard should be paid to the likely frequency and duration of the exercising of the rights and any consequent disadvantage that there might be for the users of the SCL.

All comments should be received no later than **Deadline 12 (Friday 10 July 2020)**.

Yours sincerely

Gavin Jones

Lead member of the Panel

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