

## **M25 junction 10/A3 Wisley interchange**

**TR010030**

### **9.25 Schedule of Statutory Undertaker Representations with regard to S127 (reference 1.16.5 ExQ1)**

Rule 8(1)(b)

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

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# Infrastructure Planning

## Planning Act 2008

### The Infrastructure Planning (Examination Procedure) Rules 2010

## M25 junction 10/A3 Wisley interchange Development Consent Order 202[x ]

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### 9.25 Schedule of Statutory Undertaker Representations with regard to S127 (reference 1.16.5 ExQ1)

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<b>Rule Number:</b>	Rule 8(1)(b)
<b>Planning Inspectorate Scheme Reference</b>	TR010030
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<b>Author:</b>	M25 junction 10/A3 Wisley interchange project team, Highways England and Atkins

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Rev 0	18 December 2019	Deadline 2

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# 1. Introduction

- 1.1.1 This document has been compiled in response to the Examining Authority's Written Question 1.16.5 regarding Planning Act (PA) 2008 s127 Statutory Undertakers Land/Rights, which requested:

*“The Applicant is requested to review Relevant Representations and Written Representations of any Statutory Undertakers made as the Examination progresses and to prepare at each successive deadline updates, as necessary, a table identifying and responding to any representations made by Statutory Undertakers with land or rights to which PA2008 S127 applies. Where such representations are identified, the Applicant is requested to identify:*

- a) the name of the Statutory Undertaker;*
- b) the nature of their undertaking;*
- c) the land and or rights affected (identified with reference to the most recent versions of the BoR and Land plans available at that time);*
- d) in relation to land, whether and if so, how the tests in PA2008 S127(3)(a) or (b) can be met;*
- e) in relation to rights, whether and if so, how the tests in S127(6)(a) or (b) can be met; and*
- f) in relation to these matters, whether any protective provisions and /or commercial agreement are anticipated, and if so:
  - i) whether these are already available to the ExA in draft or final form,*
  - ii) whether a new document describing them is attached to the response to this question or*
  - iii) whether further work is required before they can be documented; and**
- g) in relation to a Statutory Undertaker named in an earlier version of the table but in respect of which a settlement has been reached:
  - i) whether the settlement has resulted in their representation(s) being withdrawn in whole or part; and*
  - ii) identifying any documents providing evidence of agreement and withdrawal.**

*The table provided in response to this question should be titled ExQ1.16.5: PA2008 s127 Statutory Undertakers Land/Rights and provided with a version number that rolls forward with each deadline. If at any given deadline, an empty table is provided, a revised table need not be provided at any subsequent deadline unless the Applicant becomes aware that the data and assumptions on which the empty table was provided have changed.”*

- 1.1.2 Schedule 1 has been prepared detailing the requested information above.
- 1.1.3 The Schedule has been updated for Deadline 11 following ongoing discussions with statutory undertakers as per the requirements of Q 1.16.5. [PD-006].

## 2. Schedule 1: ExQ1.16.5: PA2008 s127 Statutory Undertakers Land/Rights

### 2.1 Where settlements have not been reached with Statutory Undertakers:

Name of Statutory Undertaker	Nature of undertaking	Land or rights to be affected	Statutory tests met?	Are any protective provisions and /or commercial agreements anticipated?	If yes, what are their current status?
Affinity Water	Water	Plots 1/3, 1/5, 1/7, 1/8, 1/10, 1/14, 1/16, 1/25, 1/26, 1/30, 1/32, 1/33, 2/17, 2/21, 2/35, 2/38, 3/23, 3/30, 4/1a, 4/5, 4/5a, 4/6, 4/18, 4/19, 4/85, 5/16, 5/20, 5/24, 5/25, 5/26, 6/6- 6/6d, 6/22, 6/22a, 6/25, 7/3, 7/23, 8/3, 8/4, 8/5a, 8/7a, 8/8, 8/9, 8/12, 8/12a, 8/14, 8/16, 8/17, 8/18, 8/20, 8/22, 8/26-8/29, 8/36, 9/4, 9/7-9/9, 24/1 and 24/2	<p>Highways England proposes to acquire interests and rights in land over the Plots listed, for the diversions and protection work at the A3 between Ockham junction and Painshill junction and at the A245 junction with Seven Hills Road, within which Affinity Water has apparatus for the purposes of carrying out its statutory undertaking.</p> <p>Affinity Water has made a representation to the Planning Inspectorate in relation to the DCO. Highways England is in ongoing discussions with Affinity Water regarding the DCO application, but its representation has not currently been withdrawn.</p> <p>Highways England considers that the statutory tests are met as the nature and situation of the land are such that there will be no serious detriment to the undertaking of Affinity Water.</p> <p>Adequate protection for Affinity Water's assets are included within the protective provisions at Schedule 9, Part 1 of the dDCO [APP-018]. As a result, it is Highways England's view that an interference caused will not be a serious detriment to Affinity Water carrying on its undertaking.</p>	Yes	Yes, Highways England has sent a draft agreement to Affinity Water for its consideration along with the standard protective provisions for water undertakers at Schedule 9, Part 1 of the dDCO. Discussions are ongoing to ensure that Affinity Water's apparatus and access rights are protected. Affinity Water will have the protection of the standard protective provisions for water undertakers contained in the dDCO in any event. An update will be provided at Deadline 12.

## 2.2 Where settlements have been reached with Statutory Undertakers:

Name of Statutory Undertaker	Nature of undertaking	Permanent/Temporary	Affected Plot Ref	Titles of submitted documents providing evidence	If yes, what are their current status?
National Grid Electricity Transmission plc (NGET)	Electricity	Plots 6/6, 6/22, 6/23, 6/23a, 6/24, 7/1, 7/9, 7/10, 7/11a, 7/12, 7/13a, 7/15a, 7/29, 8/3, 8/4, 8/5, 8/5b, 8/5c, 8/9, 8/17, 8/18, 8/20, 8/31, 8/32, 8/35,	<p>Highways England proposes to acquire interests and rights in land over the Plots listed, for the improvement and widening of the A3, within which NGET has apparatus for the purposes of carrying out its statutory undertaking.</p> <p>NGET has made a representation to the Planning Inspectorate in relation to the DCO. Highways England is in ongoing discussions with NGET regarding the DCO application, but its representation has not currently been withdrawn.</p> <p>Highways England considers that the statutory tests are met as the nature and situation of the land are such that there will be no serious detriment to NGET's undertaking.</p> <p>Adequate protection for NGET's assets are included within the protective provisions at Schedule 9, Part 1 of the dDCO and asset protection agreements between the parties. As a result, Highways England is of the view that any interference caused, will not be a serious detriment to NGET carrying on its undertaking.</p> <p>Highways England considers that the statutory tests are met as there is no serious detriment to the undertaking of NGET.</p>	Draft Development Consent Order submitted at Deadline 8 [REP8-013]	Protective provisions for NGET were included in the dDCO submitted at Deadline 8. The side agreement between NGET and Highways England completed on 2 July 2020.

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