

**M25 junction 10/A3 Wisley interchange
TR010030**

**9.133 Applicant's note for Action Point
2 (Session 1 Non-site specific CA and
TP matters)**

Rule 8(1)(k)

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

Volume 9

July 2020

Infrastructure Planning

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

M25 junction 10/A3 Wisley interchange

Development Consent Order 202 [x]

9.133 Applicant's note for Action Point 2 (Session 1 Non-site specific CA and TP matters)

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1. Introduction

1.1.1 This document sets out Highways England's response to the Examining Authorities request from Session 1 Non-site specific CA and TP matters to Action point 2:

- *Submit a position statement providing an update on the progress made with DEFRA with respect to obtaining Crown Land consent. This position statement shall either confirm that the Crown's consent has been given for the acquisition of its affected land or it shall set out the current position with respect to concluding the process for obtaining consent, including the expected date by when it is anticipated that the Crown's consent will have been obtained.*

2. Section 135 Consent from the Secretary of State for the Environment, Food and Rural Affairs

- 2.1.1 Highways England can confirm that the Secretary of State for Environment, Food and Rural Affairs has granted the Crown's consent under section 135 of the Planning Act 2008. A copy of the letter of consent is attached below.



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for Environment
Food & Rural Affairs

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Highways England Company Limited
Bridge House
1 Walnut Tree Close
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Date: 9th July 2020

Application for development consent by Highways England Company Limited for the M25 Junction 10/A3 Wisley Interchange works

Definitions

In this consent unless the context otherwise requires, the following terms have the following meanings:-

“**the Scheme**” means the M25 Junction 10/A3 Wisley interchange, located in the south west quadrant of the M25 London Orbital Motorway at M25 junction 10 and comprising the enlargement and upgrading of the existing M25 junction 10 roundabout, the conversion of the hard shoulders on the M25 through the junction to running lanes to enable the future introduction of a Smart Motorway scheme; the widening of the A3 from the Ockham Park junction to M25 Junction 10 and M25 Junction 10 to Painshill junction from three lanes to four lanes (to provide access to road networks), with the widening of the A245 to three lanes in both directions, improvements to crossing and facilities for non-motorised users between A3 junction 10 and the A245 Painshill junction to the north and the B2039 Ockham interchange and associated works and modification to a number of side roads together with environmental mitigation and compensation measures on the Ockham and Wisley Commons.

“**Lands Plan**” mean the plans which accompany the Order.

“**Property**” means part of the land on the north east side of Ockham Road, Ockham, Surrey being part of the land comprised in title number SY441259 as coloured pink and edged red on the Land Plans and labelled plots 1/15 and 1/21 except for the avoidance of doubt plot 1/21 is more particularly identified as the land in title SY441259 and being the triangular land between the registered title numbers SY536811 and SY700332. The land in the registered titles SY536811 and SY700332 is land which is owned by Wisley Property Investments Limited and is not land which forms part of the Property.

“**Works**” means the works to be carried at the Property and over the following plots for the benefit of the Scheme:-

Plot 1/14a

works to tie in the B2039 Ockham Road North to the improved A3 Ockham Park junction;

Plot 1/15

works for the improvement of the A3 Ockham Park junction including the provision of a bridleway; for the construction of a single carriageway highway incorporating a bridleway; for the construction of earthworks, planting and fencing; for the improvement of A3 southbound off-slip road at A3 Ockham Park junction;

Plot 1/18

works for the improvement of the A3 Ockham Park junction including the provision of a footway / cycle track; for the improvement of the A3 Ockham Park junction including the provision of a bridleway; for the construction of diverted footpaths; for the construction of a single carriageway highway incorporating a bridleway; for the construction of a signalised crossing; for the construction of a bridleway; to divert, use and maintain utility connections and equipment including gas pipelines, equipment and apparatus including access with or without vehicles; for the construction of earthworks, planting and fencing;

Plot 1/18a

to undertake, retain, inspect, access, maintain, monitor and renew environmental mitigation works at Stratford Brook and on adjoining land;

Plot 1/21

works for the improvement of the A3 Ockham Park junction including the provision of a footway / cycle track;

Plot 1/22

works for works to culvert; for the construction of a footway; to divert, use and maintain utility connections and equipment including gas pipelines, equipment and apparatus including access with or without vehicles; to divert, use and maintain utility connections and equipment including telecommunication cables, equipment and apparatus including access with or without vehicles; for the construction of earthworks, planting and fencing.

The Background

The development consent order was accepted for examination by the Planning Inspectorate on behalf of the Secretary of State on 17 July 2019. If the development consent order is made by the Secretary of State this shall authorise the Applicant to undertake the highway improvement and other authorised works including improvements to road networks in Surrey for the Scheme.

The Consent

1. The Department for Environment, Food and Rural Affairs (formerly the Minister of Agriculture Fisheries and Food) c/o DEFRA Estates, Foss House, Kings Pool 1-2 Peasholme Green, York, YO1 7PX ('Defra') have the following legal ownership and interests:-

- (i) a freehold interest in the Property;
- (ii) the benefit of rights for services and the benefit of restrictive covenants contained in a Transfer dated 4 June 1984 and made between (1) The Minister of Agriculture Fisheries and Food (Transferor) and (2) Wisley Properties Limited; ('1984 Transfer') and
- (iii) the benefit of covenants contained in a Transfer dated 21 September 1994 and made between (1) Maidfield Limited and (2) Leopard Enterprises Incorporated;
- (iv) the subsoil of plot 1/14 as a result of the frontage of the Property to the highway.

2. Highways England Company Limited (Company Number 09346363) of Bridge House 1 Walnut Tree Close Guildford Surrey GU1 4LZ ('the Applicant') has requested Defra's consent to the inclusion of provisions in the draft Development Consent Order (Article 34) relating to the Scheme authorising:

- (i) the acquisition of the freehold land relating to plots 1/15 and 1/21 and more particularly described as the Property for the Scheme;
- (ii) the right for Applicant and all those authorised by the Applicant to carry out the Works (including all rights of access) to plots 1/14, 1/15, 1/18, 1/18a, 1/21 and 1/22;
- (iii) the right for the Applicant all those authorised by the Applicant to exercise temporary and permanent rights over plot 1/18a over which Defra has a legal interest as mentioned in clause 1(ii) of this consent;
- (iv) the right for the Applicant to acquire land relating to plot 1/18 over which Defra have legal interest as mentioned at clause 1(ii) and (iii) of this consent; and
- (v) the right for the Applicant to acquire land relating to plot 1/22 over which Defra has a legal interest as mentioned in clause 1(ii) of this consent;
- (vi) the right for the Applicant and all those authorised to exercise temporary rights over plot 1/14 for the Scheme (including access) over which Defra has a subsoil interest.

hereinafter call the '**Crown land acquisition rights**'

Article 34 will appear as follows in the development consent order:

- "34 (1) *Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and, in particular, nothing in this Order authorises the undertaker or any licensee*
- (a) to take, use, enter on or in any manner interfere with any land or rights of any description including any part of any river, channel or creek)*
 - (i) belonging to Her Majesty in right of the Crown and forming part of the Crown Estate without the consent in writing of the Crown Estate Commissioners;*
 - (ii) belonging to Her Majesty in right of the Crown and not forming part of the Crown Estate without the consent in writing of the government department having the management of that land; or*
 - (iii) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department; or*
 - (b) to exercise any right under this Order compulsorily to acquire an interest in any land which is Crown land (as defined in section 227 of the 2008 Act) that is for the time being held otherwise than by or on behalf of the Crown without the consent in writing of the appropriate Crown authority (as defined that section).*
- (2) *Consent under paragraph (1) may be given unconditionally or subject to terms and conditions, and is deemed to have been given in writing where it is sent electronically."*

3. Accordingly, Defra gives consent to the Applicant to:-

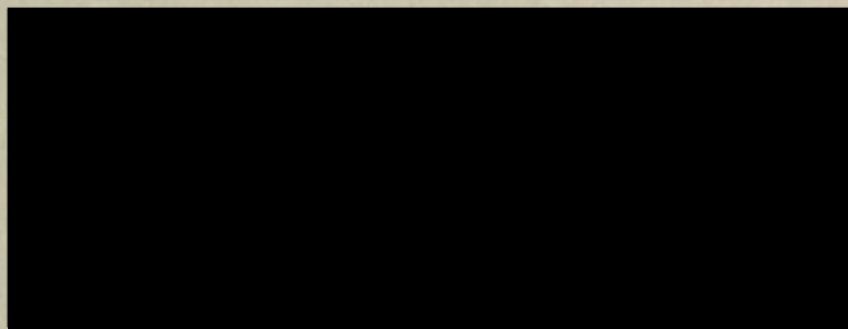
- (i) the acquisition of the '**Crown land acquisition rights**' under s135(1) and (2) of the Planning Act 2008;

- (ii) to the inclusion in the draft development consent order (and any development consent order granted to the application accompanying the draft development consent order ('Order) to Article 34; and
- (iii) to the legal transfer of the land relating to plots 1/15 and 1/21 (more particularly described as the Property).

subject to the following:-

- (a) the Applicant acknowledges that Defra has the benefit of rights to use the cables, wires, pipes and channels ('the Conduits') in or over the land in title SY536811 and the right to the free passage of electricity, gas, water and soil through the Conduits from the land in title SY536811 together with all appropriate easements for repairing and maintaining the Conduits granted by the 1984 Transfer and that in accordance with the Scheme and the granting of the Order the Applicant (including all those authorised by the Applicant to do so) shall either protect the existing Conduits (together with access to repair and maintain the Conduits) or divert the Conduits (together with the access to repair and maintain the Conduits) and any other statutory undertaker's apparatus to accommodate the Scheme.
- (b) The Applicant (including all those authorised by the Applicant) shall construct a fence to a specification first approved by Defra (acting reasonably) on the boundary separating the land between plot 1/15 and Defra's retained land in title SY441259 except that Defra shall thereafter maintain and keep in good repair such fence.

Yours sincerely



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Defra group Property

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