



Department for Transport

Great Minster House
33 Horseferry Road
London, SW1P 4DR

Telephone: 07971 145538
e-mail: transportinfrastructure@dft.gov.uk
Web: www.gov.uk/dft

To: Highways England;
Surrey County Council; Girlguiding
Greater London West; and Elmbridge
Borough Council

Date: 4 November 2020

cc: Other affected/interested parties

Dear Sir/Madam

Planning Act 2008 (as amended) and the Infrastructure Planning (Examination Procedure) Rules 2010

Application by Highways England (“the Applicant”) for an Order granting development consent to make improvements to the M25 Junction 10/A3 Wisley Interchange. The proposal includes building four new dedicated free-flowing slip lanes that will mean all left-turning traffic can pass through the junction unimpeded by traffic signals. Carriageways on the existing roundabout will also be elongated and widened to increase capacity for right-turning traffic.

REQUEST FOR COMMENTS FROM THE APPLICANT, SURREY COUNTY COUNCIL, ELMBRIDGE BOROUGH COUNCIL, GIRLGUIDING GREATER LONDON WEST AND OTHER AFFECTED/INTERESTED PARTIES

The Examining Authority submitted on 12 October 2020 a Report and Recommendation in respect of its findings on the above application to the Secretary of State for Transport (“the Secretary of State”). In accordance with section 107 of the Planning Act 2008, the Secretary of State has until 12 January 2020 to make a decision on the application. The Secretary of State seeks further clarification and information from the Applicant and others on the following matters.

1. Side Agreements with Surrey County Council (“SCC”)

The Secretary of State notes the late representation made by the Applicant (see Annex) stating that the agreement between the Applicant and SCC had been completed. **The Secretary of State is seeking clarification from the Applicant that this relates to all side**

agreements (including matters of Habitats Regulations Assessment) between SCC and the Applicant.

2. Updated Air Quality Monitoring results relating to the Painshill roundabout

The Secretary of State requests from Elmbridge Borough Council's details of any updated air quality monitoring results that the Council has obtained in 2020 in respect of its monitoring of the Painshill roundabout and whether they have any views on the impact of this on the air quality assessment undertaken by the Applicant as reported in Chapter 5 of the Applicant's Environmental Statement [\[APP-050\]](#).

3. Reductions to Replacement Land ("RL")

The Secretary of State is seeking comments from the Applicant and Affected Parties as to the impact of:

- Limiting the provision of RL for Special Category Land ("SCL") proposed for outright acquisition to approximately 13.77ha
- Limiting the provision of RL to compensate for the permanent acquisition of rights to approximately 2.63ha

The Secretary of State seeks comment on the following proposal:

- The RL to be provided in connection with the Proposed Development should comprise a total of 16.4ha, comprising the whole of the sites identified by the Applicant as PBF1 and PBF2 on Figure B.1 in [\[REP12-004\]](#) (together 13.45ha) and 2.95ha drawn from the southern part of PBF3, namely all of land plots 11/17i and 11/17j and part of the southern end of land plot 11/17h [\[REP8-006\]](#).
- RL sites CF1 to CF4, HF1 and HF2, i.e. land plots 13/9, 13/9b, 13/12, 13/12a, 14/1, 14/1a, 14/3, 26/4, 26/4a, 26/5, 26/5a and 26/6 [\[REP8-006\]](#) to be excluded from the CA powers.

Please can the Applicant and Affected Parties consider the above, and provide comments.

4. Impacts on Biodiversity due to Reductions in RL

The Secretary of State seeks comments from the Applicant and any other Interested Parties in relation to the effect that the change outlined above would have for the biodiversity mitigation and/or enhancement measures proposed by the Applicant as part of the Development, particularly in relation to Habitats of Principal Importance and any other implications of the proposed reduction. The Secretary of State seeks further comment from the Applicant regarding the significance of effects of RL on species for which the Applicant intends that RL would contribute to the mitigation of habitat loss. The Secretary of State also requests clarification from the Applicant as to whether the conclusions of the Applicant's HRA rely in any way on the RL.

5. Clarifications on Special Category Land and Replacement Land DCO drafting

In the Applicant's final, preferred draft DCO [\[REP12-002\]](#):

- Plots 11/17 and 30/1 are listed in Part 4 (replacement land) of Schedule 10 (special category land) but unlike all the other plots mentioned in Part 4, they are not mentioned in either paragraph (5) or (6) of article 39 (special category land),
- Plot 26/5a is mentioned in article 39(5) but is not mentioned in Part 4 of Schedule 10.

The Applicant is asked to explain the above.

6. Status of Common Land

The Secretary of State notes that at the close of the Examination, the Applicant continued to be the owner of some of the exchange land (“the Historic Exchange Land”) which should have been vested in SCC when compulsory purchase orders were made in 1979 and 1982 for the original construction of Junction 10. As a consequence, some parts of the M25 and A3 slip roads remain registered as common land (“the Highways Common Land”) and had not been acquired by the Applicant at the close of the Examination.

The Secretary of State seeks an update from the Applicant and SCC regarding the current status of the Historic Exchange land and the Highways Common Land, and whether this matter have been resolved. Furthermore, the Secretary of State seeks comment from the Applicant as to the potential impact on the Development if the Highway Land is not acquired by the Applicant and deregistered as common land.

7. Submissions Received at Deadline 11 and 12

The Secretary of State notes that submissions were submitted at Deadline 12 on which there was no time remaining within the extended Examination timetable for the Examining Authority to receive responses on these. Furthermore, the Secretary of State notes that there were submissions made at Deadline 11 for which there was also limited time available within the extended Examination timetable for responses to be received.

The Secretary of State therefore invites Interested Parties to comment on the submissions received at [Deadline 12](#) and [Deadline 11](#).

8. Tree Survey Information

The Secretary of State notes that the matter regarding a private means of access through Heyswood campsite was not resolved at the close of the Examination. **The Secretary of State requests that the Applicant submits the further tree survey information of June 2020 that was undertaken but which had not been submitted into the Examination and referenced in [REP11-010](#).**

9. Diversion of Gas Main Between Court Close Farm and the Gas Valve Compound

With regard to the proposed acquisition of Plot 7/1, the Secretary of State needs to be satisfied that the acquisition is for a legitimate purpose and that alternatives to the routing of the diversion of the gas main through Heyswood Campsite have been considered.

The Applicant is therefore asked to provide:

- full details of all of the routes that have been considered for the diversion of the gas main between Court Close Farm and the gas valve compound subject to dDCO Work No.63(c) [\[REP12-002\]](#).
- an explanation as to why any other routes have been discounted.

10. The Applicant and Girlguiding Greater London West are asked to provide an update on any discussions they have had regarding an alternative route for the diversion of the gas main through the Heyswood Campsite.

The deadline for any response is Thursday 19 November 2020.

Given the coronavirus (COVID 19) emergency, the Planning Inspectorate are currently unable to accept hard copies of consultation responses. Responses to the matter outlined in this letter should therefore be submitted by email to: M25Junction10@planninginspectorate.gov.uk. If you will have difficulty in submitting a response by the consultation deadline, or difficulty in submitting a response by email, please inform the Case Team.

The responses will be published on the project page for the M25 Junction 10/A3 Wisley DCO on the Planning Inspectorate's website as soon as possible after the above deadline at: <https://infrastructure.planninginspectorate.gov.uk/projects/south-east/m25-junction-10a3-wisley-interchange-improvement/>

This letter is without prejudice to the Secretary of State's decision whether or not to grant development consent for the M25 Junction 10/A3 Wisley Interchange Improvement, and nothing in this letter is to be taken to imply what that decision might be.

Yours faithfully

Natasha Kopala
Head of Transport Infrastructure Planning Unit

From: [CHALLIS Mark](#)
To: [M25 Junction 10](#)
Cc: [Church, Eleanor](#); [Wade, Jonathan](#); [Helen Forbes](#)
Subject: M25 Junction 10 DCO Application - Agreement Between Highways England and Surrey County Council dated 13 July 2020
Date: 10 August 2020 15:37:32
Attachments: [image001.gif](#)

Dear Eleanor

As you will be aware this firm acted for Highways England in relation to the recently completed examination.

Paragraph 3 of Highways England's position statement on agreements with Surrey County Council (document reference REP12-018) explained that the wording of the agreement had been settled but that it had not been completed at the time of writing.

Unfortunately it was not possible to achieve the completion of the agreement until the day after the examination ended and so the agreement, as completed, is dated 13 July 2020.

The purpose of this email is to make the Inspectorate aware of the position. It is appreciated that the ExA is not in a position to receive any further information but presumably the Inspectorate will make the Secretary of State aware of the situation when the ExA's report is before him for determination, if not before. Please confirm that our understanding is correct.

Yours sincerely



Mark Challis [Partner \(Head of Dept\)](#)
T +44 (0)20 7783 3413
M+44 (0)7717 704234
W www.bdbpitmans.com

For and on behalf of BDB Pitmans LLP

WARNING – This email and any files transmitted with it are confidential and may also be privileged. If you are not the intended recipient, you should not copy, forward or use any part of it or disclose its contents to any person. If you have received it in error please notify our system manager immediately on +44 (0)20 7783 3555 or +44 (0)345 222 9222. This email and any automatic copies should be deleted after you have contacted the system manager.

This email is sent from the offices of BDB Pitmans LLP, a limited liability partnership authorised and regulated by the Solicitors Regulation Authority (SRA ID number 448617) and registered in England and Wales with registered number OC320798. A full list of members, referred to as partners by the firm, is available for inspection on request. BDB Pitmans LLP accepts no responsibility for software viruses and you should check for viruses before opening any attachments.

***Cybercrime Alert** : If you receive an email purporting to be from someone at this firm and telling you that we have changed our bank details, it is likely to be from a criminal. Please do not reply to that email – instead ring the person you have been dealing with as soon as possible to check whether the change is genuine.*

Internet communications are not secure and therefore BDB Pitmans LLP does not provide any guarantee or warranty that this message or any attachments shall remain confidential. To ensure client service levels and business continuity BDB Pitmans LLP operates a policy whereby emails can be read by its employees or partners other than the addressee. This policy complies with the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000.
