



# Department for Transport

Great Minster House  
33 Horseferry Road  
London, SW1P 4DR

Telephone: 07866 013025  
e-mail: [transportinfrastructure@dft.gov.uk](mailto:transportinfrastructure@dft.gov.uk)  
Web: [www.gov.uk/dft](http://www.gov.uk/dft)

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To: National Highways

Date: 22 December 2021

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Dear Sir/Madam,

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

**Application by National Highways (“the Applicant”) for an Order granting development consent to make improvements to the M25 Junction 10/A3 Wisley Interchange (“the Proposed Development”)**

### **REQUEST FOR COMMENTS FROM THE APPLICANT**

#### **1. Request for comments from the Applicant on replacement land**

The Secretary of State refers to the [Applicant's response of 3 February 2021](#) to the [Secretary of State's consultation letter of 20 January 2021](#). The Secretary of State's consultation letter proposed an overall area of replacement land (“the January replacement land proposal”) of 16.40ha. However, the Applicant's understanding (see paragraph 2.1.7 of its response) of the Secretary of State's position is that the proposed overall area of replacement land would instead be 16.52ha. The Secretary of State notes that this is a discrepancy of 0.12ha.

The Secretary of State proposed the figure of 16.40ha to provide a 1:1 ratio of replacement land to special category land to be lost to the proposed development, and that remains the proposal. The Secretary of State proposed that the 16.40ha should comprise the whole of the areas referred to as PBF1 and PBF2, with the balance being made up from PBF3 and plot 28/2 (the latter of which has an area of 0.0495ha). As the Applicant points out in paragraph 2.17 of its response, the total area of PBF1 and PBF2, according to the Book of Reference, is 135,692 sqm (circa 13.57ha). The Secretary of State is minded to agree those figures as the correct ones from which to calculate the required amount of replacement land to be drawn from PBF3. As the Applicant points out, land parcel 28/2 is already common land, and should not therefore form part of the replacement land.

The Secretary of State is therefore clarifying his position and is minded to propose that the area of PBF3 to be used for replacement land should be **2.83ha** rather than **2.95ha**.

In summary, the updated replacement land proposal is that it should amount to 16.40ha in total (as previously proposed), to comprise the whole of the sites identified by the Applicant as PBF1 and PBF2 on Figure B.1 in [REP12-004](#) (together **13.57ha**) and **2.83ha** 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 shown in [REP8-006](#).

**Please would the Applicant provide information, to supplement the information provided in its responses of 19 November 2020 and 3 February 2020, to reflect the updated replacement land proposal, as set out above. The additional information should include the Applicant's consideration of whether any new or different significant environmental effects of any nature would be likely as a consequence of the updated replacement land proposal described above, when compared with those identified in the environmental statement.**

## **2. Request for updated documents from the Applicant**

In his [consultation letter of 15 February 2021](#), the Secretary of State requested updated documents from the Applicant to account for the January replacement land proposal.

**In light of the changes to the area of replacement land proposed above, please would the Applicant provide draft amended documents with any amendments necessary to account for the updated replacement land proposal. These documents should include replacement land plans, works plans and book of reference, and a track changed version of the proposed development consent order.**

## **3. Request for a response from the Applicant on Natural England's comments on ancient woodland**

The Secretary of State notes Natural England's comments in its [response of 23 February 2021](#) to the Secretary of State's [consultation letter of 15 February 2021](#) that the removal of replacement land in January replacement land proposal (when compared to the Applicant's original proposal) "makes it less clear how the scheme meets the published guidance on compensating for unavoidable loss of Ancient Woodland".

**Please would the Applicant provide a response to Natural England's comments on ancient woodland compensation, explaining whether it considers that the Proposed Development (as modified by the updated replacement land proposal described above) meets any published guidance on this matter which the Applicant considers may be relevant.**

## **4. Request for additional information from the Applicant on the cumulative assessment of climate impacts**

The Secretary of State invites the Applicant to update its [response of 9 August 2021](#) to the Secretary of State's [consultation letter of 26 July](#) to provide (or, to the extent that it has already been provided, identify) its assessment of the cumulative effects of Greenhouse Gas emissions from the scheme with other existing and/or approved projects on a local,

regional and national level on a consistent geographical scale (for example an assessment of the cumulative effects of the Road Investment Strategy ('RIS') 1 and RIS 2 at a national level).

This should: take account of both construction and operational effects; identify the baseline used at each local, regional and national level; and identify any relevant local, regional or national targets and/or budgets where they exist (including the carbon budgets, the 2050 net zero target under the Climate Change Act 2008, and the UK's Nationally Determined Contribution under the Paris Agreement). It should be accompanied by reasoning to explain the methodology adopted, any likely significant effects identified, any difficulties encountered in compiling the information, and how the assessment complies with the Environmental Impact Assessment Regulations.

The Secretary of State would also welcome confirmation that the response to all parts of this question has been prepared by a competent expert. Please can links be provided to any documents referenced and their relevance fully explained.

#### **5. Request for clarification from the Applicant on the impact of the Proposed Development on the carbon budgets**

The Secretary of State notes that the figures set out in Table 15.17 of Environmental Statement Chapter 15 [[APP-059](#)] regarding the impact of the Proposed Development on the carbon budgets are different to the figures set out in Table 2-2 of [the Applicant's response of 9 August 2021](#) to the Secretary of State's consultation letter of 26 July 2021.

**Please would the Applicant provide an explanation for this difference in the figures, including which set of figures it considers the Secretary of State should consider in making his decision on the scheme.**

**The deadline for any response is 19 January 2022.**

Responses to the matters outlined in this letter are best submitted by email to: [M25Junction10@planninginspectorate.gov.uk](mailto:M25Junction10@planninginspectorate.gov.uk). Postal responses should be sent to The M25 Junction 10/A3 Wisley Team, The Planning Inspectorate, Eagle Wing 3/18, Temple Quay House, Temple Quay, Bristol, BS1 6PN, however, please note that as a result of the ongoing Government guidance relating to Coronavirus (COVID-19) there are limited number of staff at Temple Quay House and therefore any submissions sent by post may be subject to delay. 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 webpage 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 the Transport Infrastructure Planning Unit