

2023 No. 46

INFRASTRUCTURE PLANNING

**The M25 Junction 10/A3 Wisley Interchange Development
Consent (Correction) Order 2023**

Made - - - - *18th January 2023*

Coming into force *19th January 2023*

The M25 Junction 10/A3 Wisley Interchange Development Consent Order 2022 (“the Order”)(**a**), which granted development consent within the meaning of the Planning Act 2008 (“the Act”) contains correctable errors as defined in paragraph 1(3) of Schedule 4 to the Act(**b**).

In accordance with paragraph 1(5) of Schedule 4 to the Act, before the end of the relevant period, as defined in paragraph 1(6)(a) of Schedule 4 to the Act, the Secretary of State received a written request from the applicant(**c**) for the correction of errors and omissions in the Order.

In accordance with paragraph 1(7) of Schedule 4 to the Act, the Secretary of State has informed Guildford Borough Council and Elmbridge Borough Council as the relevant planning authority, that the request has been received.

The Secretary of State, in exercise of the powers conferred by section 119 of, and paragraph 1(4) and (8) of Schedule 4 to, the Act, makes the following Order:

Citation and commencement

1. This Order may be cited as the M25 Junction 10/A3 Wisley Interchange Development Consent (Correction) Order 2023 and comes into force on 19th January 2023.

Corrections

2.—(1) The M25 Junction 10/A3 Wisley Interchange Development Consent Order 2022 is corrected as follows.

(2) In article 2(1) (interpretation)—

- (a) in the definition of “electronic transmission”, for “services” substitute “services”); and
- (b) in the definition of “the speed limits and traffic regulations plans”, for “regulation” substitute “regulations”.

(3) In article 9(5) (consent to transfer benefit of Order), before sub-paragraph (a) insert—

(a) S.I. 2022/549.

(b) 2008 c. 29. Paragraph 1 of Schedule 4 was amended by paragraphs 1 and 70 of Schedule 13 and Part 20 of Schedule 25 to the Localism Act 2011 (c. 20). There are other amendments to paragraph 1 of Schedule 4 that are not relevant to this Order.

(c) The term “applicant” is defined in paragraph 4 of Schedule 4 to the Act.

“(za) South Eastern Power Networks plc (company number 03043097, whose registered office is at Newington House, 237 Southwark Bridge Road, London, SE1 6NP) for the purposes of undertaking Work No. 62(a) to (q);”.

(4) For article 13 (classification of roads, etc.), substitute—

“**13.**—(1) The roads described in Part 1 (special roads) of Schedule 3 (classification of roads, etc.) will be—

- (a) classified as special roads for the purpose of any enactment or instrument which refers to highways classified as special roads; and
- (b) provided for the use of traffic of Classes I and II of the classes of traffic set out in Schedule 4(a) (classes of traffic for purposes of special roads) to the 1980 Act.

(2) From the date on which the undertaker notifies the Secretary of State that the roads described in Part 1 of Schedule 3 have been completed and open for traffic—

- (a) the undertaker will be the highway authority for those roads; and
- (b) they are classified as trunk roads for the purpose of any enactment or instrument which refers to highways classified as trunk roads.

(3) On or after the date on which the roads described in Part 2 (trunk roads) of Schedule 3 are completed and open for traffic, they are to be trunk roads as if they had become so by virtue of an order under section 10(2)(b) (general provision as to trunk roads) of the 1980 Act specifying that date as the date on which they were to become trunk roads.

(4) On or after the date on which the roads described in Part 3 (classified roads) of Schedule 3 are completed and open for traffic they are to become—

- (a) principal roads for the purpose of any enactment or instrument which refers to highways classified as principal roads; and
- (b) classified roads for the purpose of any enactment or instrument which refers to highways classified as classified roads,

as if such classification had been made under section 12(3) (general provision as to principal and classified roads) of the 1980 Act.

(5) On or after the date on which the roads described in Part 4 (unclassified roads) of Schedule 3 are complete and open for traffic, they are to become unclassified roads for the purpose of any enactment or instrument which refers to unclassified roads.

(6) The public rights of way described in Part 8 (other public rights of way) of Schedule 3 are to be of the types described in column (1) to the extent described in column (2) are open for use on or after the date on which the authorised development is open for traffic.

(7) On or after the date on which the roads specified in Part 5 (speed limits) of Schedule 3 are open for traffic, no person is to drive any motor vehicle at a speed exceeding the limit in miles per hour specified in column (3) of that Part in respect of the lengths of road identified in the corresponding row of column (2) of that Part.

(8) Subject to article 17 (clearways), on and after the date on which the roads specified in Part 6 (traffic regulation measures (clearways and prohibitions)) of Schedule 3 are open for traffic, the restrictions specified in column (3) of that Part are to apply to the lengths of the road identified in the corresponding row of column (2) of that Part.

(9) On such day as the undertaker may determine, the orders specified in column (2) of Part 7 (revocations and variations of existing traffic regulation measures (clearways and prohibitions)) of Schedule 3 are to be varied or revoked as specified in the corresponding row of column (3) of that Part in respect the lengths of roads specified in the corresponding row of column (1) of that Part.

(a) The relevant parts of Schedule 4 were amended by section 4 of, and paragraph 21(3) of Schedule 3 to the Road Traffic (Consequential Provisions) Act 1988 (c. 54).

(b) Section 10(2) was amended by section 22(2)(a) of the 1991 Act and by section 1(6) of, and paragraphs 1 and 10(1) and (2) of Schedule 1 to, the Infrastructure Act 2015 (c. 7).

(10) The application of paragraphs (1) to (8) may be varied or revoked by any instrument made under any enactment which provides for the variation or revocation of such matters.”.

(5) In article 17(1) (clearways), for “or with the permission or” substitute “or with the permission of”.

(6) In article 34 (Crown Rights)—

- (a) in paragraph (1)(a), after “belonging” insert “to”;
- (b) in paragraph (2)—
 - (i) after “to the exercise” insert “of”; and
 - (ii) for “compulsorily” substitute “compulsory”.

(7) In article 36(2)(a) (apparatus and rights of statutory undertakers in stopped up streets), after “other position as that” insert “statutory”.

(8) In article 38(6) (special category land), for “plot” substitute “plots”.

(9) In Schedule 1 (authorised development), omit Work No.39 and Work No.51.

(10) In Schedule 5 (land in which only new rights, etc, may be acquired), in the section of the table “Land Plans – Sheet 13” after row “13/4e, 13/4f, 13/4g” insert—

“13/9b	To construct, access and maintain a pre earthworks ditch and environmental barrier.	Work No.26 Work No.35(e) Work No.61(c)
13/9c	To construct, access and maintain a filter drain and environmental barrier.	Work No.26 Work No.35(e) Work No.61(c)”

(11) In Schedule 7 (land of which temporary possession may be taken), in the section of the table “Land Plans – Sheet 13” after row “13/1a” insert—

“13/9	For use as a construction compound.	All works.”
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(12) In Schedule 11 (documents to certified)—

(a) in the first blank row insert—

“Applicant’s Submission of Tree Protection Plan for Royal Horticultural Society	TR010030/9.140	0”
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(b) in the second blank row following the entry “Outline Construction Environmental Management Plan – Regulation 5(2)(q)” insert—

“Proposed carriageway surface course options – Regulation 5(2)(o) Sheet 1 of 1	TR010030/APP/9.22	0”
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(c) in the third blank row following the entry “Register of Environmental Actions and Commitments – Regulation 5(2)(q)” insert—

“Report of Proposed Scheme Changes 7 to 9	Figure 5.1 in TR010030/APP/10.12 (Vol 10)	0”
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Signed by authority of the Secretary of State

18th January 2023

Gareth Leigh
Head of the Transport and Works Act Orders Unit
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Order)

This Order corrects correctable errors in the M25 Junction 10/A3 Wisley Interchange Development Consent Order 2022 (S.I. 2022/549), a development consent order made under the Planning Act 2008 (c. 29), following a request under paragraph 1(5)(a) of Schedule 4 to that Act.

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