

CORRECTION NOTICE

M25 JUNCTION 10/A3 WISLEY INTERCHANGE DEVELOPMENT CONSENT ORDER 2022 (S.I. 2022 No. 549)

SCHEDULE 4 TO THE PLANNING ACT 2008 CORRECTION OF ERRORS IN DEVELOPMENT CONSENT DECISIONS

18 January 2023

The Secretary of State received a request dated 20 June 2022 from BDB Pitmans LLP acting on behalf of National Highways (“the Applicant”) for the correction of errors and omissions in the M25 Junction 10/A3 Wisley Interchange Development Consent Order 2022 (“the Order”), under paragraph 1(5)(a) of Schedule 4 to the Planning Act 2008.

The Secretary of State has made the following corrections to the Order:

Corrections to Articles

Article 2 (interpretation)

In the definition of "electronic transmission", replace “services” replace with "services)”

Secretary of State’s rationale: to correct a typographical error.

In the definition of “the speed limits and traffic regulation plans for the purposes of this Order”, replace “regulation” with “regulations”

Secretary of State’s rationale: to refer to the correct name of the plans in question.

Article 9 (consent to transfer benefit of Order)

Before sub-paragraphs (a) a new sub-paragraph (za) is to be added to read:

“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).”

Secretary of State’s rationale: to correct an omission of information requested for incorporation into the 2022 Order.

Article 13 (classification of roads, etc.)

Replace article 13 with the following:

- “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(1) (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)(2) (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

(1) 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).

(2) 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).

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.
- (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.”.

Secretary of State’s rationale: the Secretary of State in paragraph 237 of his decision letter indicated his intention to ensure article 13 was amended to include the usual notification to the Secretary of State. The substitution of this article in full corrects the notification issue identified but also provides ease for the reader with the slight reworking of the provisions.

Article 17 (clearways)

In article 17(1), replace "the permission or" with "the permission of"

Secretary of State’s rationale: to correct a typographical error.

Article 34 (Crown Rights)

In article 34(1)(a), after "belonging" add "to"

Secretary of State’s rationale: to correct a typographical error.

In article 34(2), after "exercise" add "of"

Secretary of State’s rationale: to correct a typographical error.

In article 34(2), replace "compulsorily" with "compulsory"

Secretary of State’s rationale: to correct a typographical error.

Article 36 (apparatus and rights of statutory undertakers in stopped up streets)

In article 36(2)(a), after "position as the" add "statutory"

Secretary of State’s rationale: to correct a typographical error.

Article 38 (Special category land)

In article 38(6), replace "plot" with "plots"

Secretary of State's rationale: to correct a typographical error.

Corrections to Schedules

Schedule 1 (authorised development)

Remove Work Nos. 39 and 51

Secretary of State's rationale: to rectify a discrepancy following the reduction in area of the replacement land.

Schedule 5 (Land in which only new rights etc. may be acquired)

In the section of the table entitled '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)"

Secretary of State's rationale: to correct an omission of land over which rights may be required, the inclusion of which was discussed during the Secretary of State's consultation.

Schedule 11 (Documents to be certified)

In the first row, insert the following:

"Applicant's Submission of Tree Protection Plan for Royal Horticultural Society	TR010030/9.140	0"
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Secretary of State's rationale: to correct an omission.

In the twelfth row, insert the following:

"Proposed carriageway surface course options Regulation 5(2)(o) Sheet 1 of 1	TR010030/APP/9.22	0"
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Secretary of State's rationale: to correct an omission. The Applicant's correction request states that the information shown on the document with reference number TR010030/APP/9.22, including on road surfacing options, is included in the scheme layout plans, which are already included in Schedule 11. However, the Secretary of State notes that the scheme layout plans show the extent of low noise road surfacing only, rather than of all kinds of surfacing. The Secretary of State does not consider

that any changes to this which have happened since the decision was made constitute a correctable error. For the above reasons, the Secretary of State has included this document in Schedule 11, in line with the Examining Authority's recommended DCO.

In the fifteenth row, insert the following:

"Report of Proposed Scheme Changes 7 to 9	Figure 5.1 in TR010030/APP/10.12 (Vol 10)	0"
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Secretary of State's rationale: to correct an omission. The Applicant's correction request states that the layout of the proposed Wisley Airfield construction worksite is also shown on Sheet 2 of the Temporary Works Plans which are already included in Schedule 11. However, the Secretary of State notes that the Temporary Works Plans show less detail of the proposed Wisley Airfield worksite than Figure 5.1 in the Report of Proposed Scheme Changes 7 to 9. The Secretary of State has therefore included this plan in Schedule 11, in line with the Examining Authority's recommended DCO.

Proposed corrections not made

Schedule 2 (Requirements), Requirement 19

After "Ripley and" add ", if to be carried out by the undertaker,"

Secretary of State's rationale: This is not regarded as a correctable error as the matters set out within it do not appear to have been considered during the examination. It is therefore not considered that this constitutes a correctable error within the meaning of Schedule 4 to the Planning Act 2008.

LEGAL CHALLENGES RELATING TO APPLICATIONS FOR DEVELOPMENT CONSENT ORDERS

Under section 118(4) of the Planning Act 2008, a decision under paragraph 1 of Schedule 4 to correct an error in an Order granting development consent can be challenged only by means of a claim for judicial review. A claim for judicial review must be made to the High Court during the period of 6 weeks beginning with the day after the day on which the Order making the correction is published. The M25 Junction 10/A3 Wisley Interchange (Correction) Order 2022 (as made) is being published on the Planning Inspectorate website at the following address:

<https://infrastructure.planninginspectorate.gov.uk/projects/south-east/m25-junction-10a3-wisley-interchange-improvement/>

These notes are provided for guidance only. A person who thinks they may have grounds for challenging the decision to make the Correction Order referred to in this notice is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (020 7947 6655).