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STATUTORY INSTRUMENTS

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**2022 No. 549**

**The M25 Junction 10/A3 Wisley Interchange  
Development Consent Order 2022**

**PART 5**

**POWERS OF ACQUISITION AND POSSESSION OF LAND**

**Special category land**

**38.**—(1) On the exercise by the undertaker of the relevant Order powers, the special category land identified in Part 1 of Schedule 10 is not to vest in the undertaker, and the undertaker may not acquire any rights over the special category (rights) land identified in Part 2 of Schedule 10, until the undertaker has acquired the replacement land identified in Part 4 of Schedule 10 and the Secretary of State has approved the details required by requirement 7 (design, layout and implementation of Replacement Land) of Schedule 2 (requirements).

(2) On the requirements of paragraph (1) being satisfied, the special category land identified in Part 1 of Schedule 10 is to vest in the undertaker and be discharged from all rights, trusts and incidents to which it was previously subject.

(3) On the requirements of paragraph (1) being satisfied, the undertaker may acquire the rights over the special category (rights) land identified in Part 2 of Schedule 10 and the said land is to be discharged from all rights, trusts and incidents to which it was previously subject so far as their continuance would be inconsistent with the said rights to be acquired.

(4) On the requirements of paragraph (1) being satisfied, the land numbered 2/13 (being common land of which temporary possession may be taken under this Order) in the book of reference and on the land plans will be discharged from all rights, trusts and incidents to which it was previously subject.

(5) On the date on which the land comprising plots numbered in the book of reference and on the land plans 11/16, 11/17, 11/17b, 11/17c (in so far as not required for the purpose of paragraph (7)) 11/17d, 11/17e, 11/17f, 11/17g, 11/17h, 11/17i and 11/17j is laid out and provided in accordance with the requirements at paragraph (1), the said land is to vest in the persons in whom the special category land identified in Part 1 and Part 2 of Schedule 10 (save for the land comprised in plots numbered 11/3a, 11/4a, 11/8 and 11/8a in the book of reference and on the land plans) was vested immediately before it was vested in the undertaker and is to be subject to the same rights, trusts and incidents as attached to that land.

(6) On the date on which the land comprising plot numbered 27/1 and 11/17a in the book of reference and on the land plans is laid out and provided in accordance with the scheme requirements at paragraph (1), the said land is to vest in the persons in whom the land comprised in plots numbered 11/3a and 11/4a in the book of reference and on the land plans was vested immediately before it was vested in the undertaker and is to be subject to the same rights, trusts and incidents as attached to that land.

(7) On the date on which the land comprising so much of plot numbered 11/17c in the book of reference as is required for the purpose of providing replacement land to the persons in whom those

parts of the special category land comprised in plots numbered 11/8, 11/8a and 28/2 in the book of reference and on the land plans was vested immediately before it was vested in the undertaker is laid out and provided in accordance with the scheme requirements at paragraph (1), the said land is to vest in the persons described in this paragraph and is to be subject to the same rights, trusts and incidents as attached to that land.

(8) In this article “the relevant Order powers” means the powers exercisable over the special category land or the special category (rights) land by the undertaker under article 22 (compulsory acquisition of land) or article 25 (compulsory acquisition of rights and restrictive covenants).