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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 1

PRELIMINARY

**Citation and commencement**

1. This Order may be cited as the M25 Junction 10/A3 Wisley Interchange Development Consent Order 2022 and comes into force on 2nd June 2022.

**Interpretation**

2.—(1) In this Order—

“the 1961 Act” means the Land Compensation Act 1961(1);

“the 1965 Act” means the Compulsory Purchase Act 1965(2);

“the 1980 Act” means the Highways Act 1980(3);

“the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981(4);

“the 1984 Act” means the Road Traffic Regulation Act 1984(5);

“the 1990 Act” means the Town and Country Planning Act 1990(6);

“the 1991 Act” means the New Roads and Street Works Act 1991(7);

“the 2008 Act” means the Planning Act 2008(8);

“address” includes any number or address for the purposes of electronic transmission;

“apparatus” has the same meaning as in Part 3 of the 1991 Act;

“authorised development” means the development described in Schedule 1 (authorised development) and any other development authorised by this Order, which is development within the meaning of section 32 (meaning of development) of the 2008 Act;

“the book of reference” means the book of reference listed in Schedule 11 (documents to be certified) and certified by the Secretary of State under article 45 (certification of documents, etc.) as the book of reference for the purposes of this Order;

“bridleway” has the same meaning as in section 329(1) (further provision as to interpretation) of the 1980 Act;

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- (1) 1961 c. 33.  
(2) 1965 c. 56.  
(3) 1980 c. 66.  
(4) 1981 c. 66.  
(5) 1984 c. 27.  
(6) 1990 c. 8.  
(7) 1991 c. 22.  
(8) 2008 c. 29.

“building” includes any structure or erection or any part of a building, structure or erection;

“carriageway” has the same meaning as in section 329(1) of the 1980 Act;

“cycle track” has the same meaning as in section 329(1) of the 1980 Act<sup>(9)</sup>;

“cycleway” means a way constituting or comprised in a highway, being a way over which the public have the following, but no other rights of way, that is to say a right of way on pedal cycles (other than pedal cycles that are motor vehicles within the meaning of the Road Traffic Act 1988<sup>(10)</sup>) with a right of way on foot and a right of way on horseback or leading a horse;

“electronic transmission” means a communication transmitted—

(a) by means of an electronic communications network; or

(b) by other means but while in electronic form,

and in this definition “electronic communications network” has the same meaning as in section 32(1) (meaning of electronic communications networks and services of the Communications Act 2003<sup>(11)</sup>);

“the engineering drawings and sections” means the drawings and sections listed in Schedule 11 (documents to be certified) and certified as the engineering drawings and sections by the Secretary of State under article 45 (certification of documents, etc.) for the purposes of this Order;

“environmental statement” means the document of that description listed in Schedule 11 (documents to be certified) and certified as the environmental statement by the Secretary of State under article 45 (certification of documents, etc.) for the purposes of this Order;

“footway” and “footpath” have the same meaning as in section 329(1) of the 1980 Act;

“highway”, “highway authority” and “local highway authority” have the same meaning as in the 1980 Act;

“the land plans” means the plans of that description listed in Schedule 11 (documents to be certified) and certified as the land plans by the Secretary of State under article 45 (certification of documents, etc.) for the purposes of this Order;

“limits of deviation” means the limits of deviation referred to in article 7 (limits of deviation);

“maintain” in relation to any part of the authorised development includes to inspect, repair, adjust, landscape, preserve, remove, reconstruct, refurbish or replace, provided such works do not give rise to any materially new or materially different environmental effects to those identified in the environmental statement, and any derivative of “maintain” is to be construed accordingly;

“Order land” means the land shown on the land plans which is within the limits of land to be acquired or used permanently or temporarily and described in the book of reference;

“the Order limits” means the limits of lands to be acquired or used permanently or temporarily shown on the land plans and works plans within which the authorised development may be carried out;

“owner”, in relation to land, has the same meaning as in section 7 (interpretation) of the Acquisition of Land Act 1981<sup>(12)</sup>;

(9) The definition of “cycle track” was amended by section 1 of the Cycle Tracks Act 1984 (c. 38) and paragraph 21(2) of Schedule 3 to the Road Traffic (Consequential Provisions) Act 1988 (c. 54).

(10) 1988 c. 52.

(11) 2003 c. 21. Section 32(1) was amended by S.I. 2011/1210.

(12) 1981 c. 67. The definition of “owner” in section 7 was amended by paragraph 9 of Schedule 15 to the Planning and Compensation Act 1991 (c.34). There are other amendments to section 7 which are not relevant to this Order.

“the permit scheme” means the Traffic Management (Surrey County Council) Permit Scheme Order 2015 (as varied) made under Part 3 (permit schemes) of the Traffic Management Act 2004(13) as in force at the date on which this Order is made;

“relevant planning authority” means, in relation to any provision of this Order, either Guildford Borough Council or Elmbridge Borough Council in their capacity as local planning authorities insofar as the matter in question falls within their respective administrative areas, or both, as the case may be;

“the special category land plans” means the plans of that description listed in Schedule 11 (documents to be certified) and certified by the Secretary of State under article 45 (certification of documents, etc.) as the special category land plans for the purposes of this Order;

“the speed limits and traffic regulations plans” means the plans of that description listed in Schedule 11 (documents to be certified) and certified by the Secretary of State under article 45 (certification of documents, etc.) as the speed limits and traffic regulation plans for the purposes of this Order;

“special road” means a highway which is a special road in accordance with section 16(14) (general provisions as to special roads) of the 1980 Act or by virtue of an order granting development consent;

“statutory undertaker” means any statutory undertaker for the purposes of section 127(8) (statutory undertakers’ land) of the 2008 Act;

“street” means a street within the meaning of section 48(15) (streets, street works and undertakers) of the 1991 Act, together with land on the verge of a street or between two carriageways, and includes part of a street;

“street authority”, in relation to a street, has the same meaning as in Part 3 (street works in England and Wales) of the 1991 Act;

“streets, rights of way and access plans” means the plans of that description listed in Schedule 11 (documents to be certified) and certified as the streets, rights of way and access plans by the Secretary of State under article 45 (certification of documents, etc.) for the purposes of this Order;

“traffic authority” has the same meaning as in section 121A(16) (traffic authorities) of the 1984 Act;

“trunk road” means a highway which is a trunk road by virtue of—

- (a) section 10(17) (general provision as to trunk roads) or 19(1)(18) (certain special roads and other highways to become trunk roads) of the 1980 Act;
- (b) an order or direction under section 10 of that Act;
- (c) an order granting development consent; or
- (d) any other enactment;

“undertaker” means National Highways Limited, company number 09346363, whose registered office is at Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ;

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(13) 2004 c. 18.

(14) Section 16 was amended by section 36 of, and paragraph 24 of Schedule 2 to the 2008 Act and section 57(1) of, and paragraph 13 of Schedule 1 to the Infrastructure Act 2015 (c. 7).

(15) Section 48 was amended by section 124 of the Local Transport Act 2008 (c. 26).

(16) Section 121A was inserted by section 168(1) of, and paragraph 70 of Part 2 of Schedule 8 to, the 1991 Act 1991 and amended by section 271 of the Greater London Authority Act 1999 (c. 29); section 1(6) of, and paragraphs 70 and 95 of Schedule 1 to the Infrastructure Act 2015; and S.I. 1999/1920 and S.I. 2001/1400.

(17) Section 10 was amended by section 22(2) of the 1991 Act; paragraph 22 of Schedule 2 to the 2008 Act; and by section 1(6) of, and paragraph 10 of Schedule 1 to, the Infrastructure Act 2015.

(18) Section 19(1) was amended by section 1(6) of, and paragraph 15 of Schedule 1 to, the Infrastructure Act 2015.

“watercourse” includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain; and

“the works plans” means the plans listed in Schedule 11 (documents to be certified) and certified as the works plans by the Secretary of State under article 45 (Certification of documents, etc.) for the purposes of this Order.

(2) References in this Order to rights over land include references to rights to do, or to place and maintain, anything in, on or under land or in the airspace above its surface and references in this Order to the imposition of restrictive covenants are references to the creation of rights over land which interfere with the interests or rights of another and are for the benefit of land which is acquired under this Order or is otherwise comprised in the Order land.

(3) All distances, directions and lengths referred to in this Order are approximate and distances between points on a work comprised in the authorised development are taken to be measured along that work.

(4) For the purposes of this Order, all areas described in square metres in the book of reference are approximate.

(5) References in this Order to points identified by letters or numbers are to be construed as references to points so lettered or numbered on the streets, rights of way and access plans.

(6) References in this Order to numbered works are references to works as numbered in Schedule 1 (authorised development).

### Disapplication of legislative provisions

**3.—**(1) The following provisions do not apply in relation to the construction of any work or the carrying out of any operation required for the purpose of, or in connection with, the construction of the authorised development—

- (a) regulation 12 (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016<sup>(19)</sup> in relation to the carrying on of a flood risk activity;
- (b) the provisions of any byelaws made under, or having effect as if made under, paragraph 5, 6 or 6A of Schedule 25 (byelaw making powers of the appropriate agency) to the Water Resources Act 1991<sup>(20)</sup>;
- (c) section 23 (prohibition on obstructions etc in watercourses) of the Land Drainage Act 1991<sup>(21)</sup>;
- (d) section 32<sup>(22)</sup> (variation of awards) of the Land Drainage Act 1991;
- (e) the provisions of any byelaws made under section 66<sup>(23)</sup> (powers to make byelaws) of the Land Drainage Act 1991; and

<sup>(19)</sup> [S.I. 2016/1154](#). Regulation 12 was amended by [S.I. 2018/10](#).

<sup>(20)</sup> [1991 c. 57](#). Paragraph 5 was amended by section 100(1) and (2) of the Natural Environment and Rural Communities Act 2006 ([c. 16](#)), section 84 of, and paragraph 3 of Schedule 11 to, the Marine and Coastal Access Act 2009 ([c. 23](#)), paragraphs 40 and 49 of Schedule 25 to the Flood and Water Management Act 2010 ([c. 29](#)) and [S.I. 2013/755](#). Paragraph 6 was amended by paragraph 26 of Schedule 15 to the Environment Act 1995 ([c. 25](#)), section 224 of, and paragraphs 20 and 24 of Schedule 16, and Part 5(B) of Schedule 22, to, the Marine and Coastal Access Act 2009 and [S.I. 2013/755](#). Paragraph 6A was inserted by section 103(3) of the Environment Act 1995.

<sup>(21)</sup> [1991 c. 59](#). Section 23 was amended by paragraph 192(2) of Schedule 22 to the Environment Act 1995, paragraphs 25 and 32 to the Flood and Water Management Act 2010 and [S.I. 2013/755](#).

<sup>(22)</sup> Section 32 was amended by [S.I. 2013/755](#).

<sup>(23)</sup> Section 66 was amended by paragraphs 25 and 38 of Schedule 2 to the Flood and Water Management Act 2010 and section 86 of the Water Act 2014 ([c. 21](#)).

(f) section 28E (duties in relation to sites of special scientific interest) of the Wildlife and Countryside Act 1981<sup>(24)</sup>.

(2) In paragraph (1)(a) “flood risk activity” has the meaning given in the Environmental Permitting (England and Wales) Regulations 2016.

(3) The provisions of the Neighbourhood Planning Act 2017<sup>(25)</sup>, insofar as they relate to temporary possession of land under articles 32 (temporary use of land for carrying out the authorised development) and 33 (temporary use of land for maintaining the authorised development) of this Order, do not apply in relation to the construction of any work or the carrying out of any operation required for the purpose of, or in connection with, the construction of the authorised development and, within the maintenance period defined in article 33(11), any maintenance of any part of the authorised development.

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<sup>(24)</sup> 1981 c. 69. Section 28E was substituted by section 75 of, and paragraph 1 of Schedule 9 to the Countryside and Rights of Way Act 2000 (c. 37) and amended by section 105 of, and paragraph 79 of Part 1 of Schedule 11 to the Natural Environment and Rural Communities Act 2006.

<sup>(25)</sup> 2017 c. 20.