



Department for Transport

Natasha Kopala
Head of the Transport Infrastructure Planning Unit
Department for Transport
c/o Great Minster House
33 Horseferry Road
London SW1P 4DR

E-mail : TRANSPORTINFRASTRUCTURE@dft.gov.uk

Web Site: www.gov.uk/dft

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National Highways Limited
Three Snowhill,
Snow Hill Queensway,
Birmingham
B4 6GA

Dear Sirs

**PLANNING ACT 2008
THE INFRASTRUCTURE PLANNING (CHANGES TO, AND REVOCATION OF,
DEVELOPMENT CONSENT ORDERS) REGULATIONS 2011**

**APPLICATION FOR NON-MATERIAL CHANGES TO THE M25 JUNCTION 10/A3
WISLEY INTERCHANGE DEVELOPMENT CONSENT ORDER 2022 (S.I. 2022 NO.
549), AS CORRECTED BY THE M25 JUNCTION 10/A3 WISLEY INTERCHANGE
DEVELOPMENT CONSENT (CORRECTION) ORDER 2023 (S.I. 2023 NO. 46)**

1. I am directed by the Secretary of State for Transport ("the Secretary of State") to inform you that consideration has been given to the change application dated 1 May 2026 ("the Application") by National Highways Limited ("the Applicant"), for non-material changes to the M25 Junction 10/A3 Wisley Interchange Development Consent Order 2022 (S.I. 2022 No. 549) ("the Order"), as corrected by the M25 Junction 10/A3 Wisley Interchange Development Consent (Correction) Order 2023 (S.I. 2023 No. 46) ("the Correction Order").
2. The Order was made on 12 May 2022. The Correction Order was made on 18 January 2023 to correct typographical errors, omissions and provide clarity to areas of the Order text. The Order allows for the alteration and upgrading of the existing roundabout junction between the M25 (Junction 10) and A3 (Wisley Interchange) including increasing capacity for right-turning traffic; providing new free-flow lanes for left-turning traffic; conversion of the existing hard shoulders through junction 10 to provide an additional lane in both directions; widening parts of the A3 and nearby roads; and improving junctions and accesses to enhance local access and provide better routes for pedestrians, cyclists, and horse riders. The works are collectively referred to as the 'Development' within this letter. The

decision letter for the Order, dated 12 May 2022, sets out the main reasons and considerations on which the decision to grant development consent is based, including relevant information about the participation of the public.

3. This Application is seeking changes to the Order to:

- Introduce variable speed limits on the M25 main carriageway and its slip roads at Junction 10. This will allow the safe and efficient operation of the road network by ensuring that the fixed speed limit provisions authorised by the Order, do not conflict with the variable speed limits for the M25 as prescribed under the [M25 Motorway \(Junctions 7 to 16\) \(Variable Speed Limits\) Regulations 2012](#);
- Amend the Order to reflect that works to the A3 northbound to A245 westbound slip lane at Painshill junction (the “jet lane”) are no longer going ahead and are not included in the authorised Development, following a design change approved by the Secretary of State under requirement 5 of the Order on 28 February 2024. This change simply seeks to remove the road from the list of roads in Part 5 of Schedule 3 to the Order with prescribed speed limits; and
- Update the relevant Speed Limits and Traffic Regulations Plans listed in Schedule 11 to the Order (sheets 3, 4, 5, 6, 7 and 9) to reflect the above changes.

4. The Application is made under section 153 and paragraph 2 of Schedule 6 to the Planning Act 2008 (“the 2008 Act”). The Application was published in accordance with regulation 6 of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (as amended) (“the 2011 Regulations”) and was subject to consultation as required by regulation 7. Any representations on the Application were due to be submitted to the Planning Inspectorate by 10 June 2026. This letter is the notification of the Secretary of State’s decision in accordance with regulation 8 of the 2011 Regulations.

5. This decision was delegated by the Secretary of State to the Minister of State, Lord Hendy of Richmond Hill CBE. While this decision has not been taken by the Secretary of State, by law, it must be issued in the name of the Secretary of State. All references to the Secretary of State are therefore to the Minister of State acting on behalf of the Secretary of State.

Summary of Secretary of State’s decision

6. The Secretary of State has decided under paragraph 2(1) of Schedule 6 to the 2008 Act to make non-material changes to the Order, with modifications, to authorise the changes detailed in the Application. This is referred to as the M25 Junction 10/A3 Wisley Interchange Development Consent (Amendment) Order 2026 (“the amended Order”).

Consideration as to the materiality of the proposed changes

7. The Secretary of State has considered whether the Application is for a material or non-material change. In doing so, she had regard to paragraph 2(2) of Schedule 6 to the 2008 Act which requires the Secretary of State to consider the effect of the change on the Order as originally made.
8. While there is no statutory definition in the 2008 Act or the 2011 Regulations of what constitutes a 'material' or 'non-material' change, guidance has been produced by the former Department for Communities and Local Government, entitled the "Planning Act 2008: Guidance on Changes to Development Consent Orders" (December 2015) ("the Change Guidance"), which makes the following points. Firstly, given the range of infrastructure projects that are consented through the 2008 Act, and the variety of changes that could possibly be proposed for a single project, the Change Guidance cannot, and does not attempt to, prescribe whether any particular types of change would be material or non-material and such decisions will inevitably depend on the circumstances of the specific case. Secondly, there may be certain characteristics that indicate that a change to a consent is more likely to be treated as a material change (those listed at (a) – (d) below) and thirdly, although the below characteristics indicate that a change to a consent is more likely to be treated as a material change, these only form a starting point for assessing the materiality of a change. Each case must depend on thorough consideration of its own circumstances.
 - (a) A change should be treated as material if it would require an updated Environmental Statement to take account of materially new, or materially different, likely significant effects on the environment. There may be cases where the change proposed will result in likely significant effects on the environment that are entirely positive, but in such cases an updated Environmental Statement will still be required, and the application will need to be treated as a material change to ensure that the regulatory requirements relating to Environmental Impact Assessments are met.
 - (b) A change is likely to be material if it would invoke a need for a Habitats Regulations Assessment. Similarly, the need for a new or additional licence in respect of European Protected Species is also likely to be indicative of a material change.
 - (c) A change should be treated as material if it would authorise the compulsory acquisition of any land, or an interest in or rights over land, which was not authorised through the existing Development Consent Order.
 - (d) The potential impact of the proposed change on local people will also be a consideration in determining whether a change is material. Additional impacts that may be relevant to whether a particular change is material will be dependent on the circumstances of a particular case, but examples might include those relating to visual amenity from changes to the size or height of buildings; impacts on the natural or historic environment; and impacts arising from additional traffic.
9. The Secretary of State has considered the changes proposed by the Applicant against the four matters given in (a), (b), (c) and (d) above.

(a) Environmental Statement

The Secretary of State has considered the information provided by the Applicant in its Application, including its Supporting Statement, and has considered the representations provided in consultation. The Secretary of State agrees with the Applicant's conclusions that, in relation to the proposed changes, there will not be any materially new or materially different likely significant effects when compared to the effects set out in the Environmental Statement submitted in support of the Order authorised in 2022. She has noted the Applicant's assertion in paragraph 4.2.4 of the Supporting Statement that the variable speed limit will generally result in reduced noise and air quality emissions but the reduced levels will be minimal. As such, the Secretary of State considers that there is no requirement to update the Environmental Statement and as there are no new significant environmental impacts as a result of the proposed changes, she does not consider that there is any need for consultation on likely significant transboundary effects in accordance with regulation 32 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

(b) Habitats Regulations Assessment

The Secretary of State has considered her obligations as set out in the Conservation of Habitats and Species Regulations 2017 ("the Habitats Regulations") which require her to consider whether the Development would be likely, either alone or in combination with other plans and projects, to have a significant effect on a protected site, as defined in the Habitats Regulations. The Secretary of State has considered the information submitted in the Application and the representations from consultees, including from Natural England, as is set out in further detail below. She is satisfied that the proposed changes do not alter the conclusions set out in the Applicant's Environmental Statement and habitats regulations assessment for the Order. The Secretary of State is also satisfied that the proposed changes do not alter the Secretary of State's conclusions in paragraphs 150 - 168 of the decision letter of 12 May 2022, relating to the consideration of the Habitats Regulations Assessment and in particular, the Thames Basin Heaths Special Protection Area. As it is considered there will be reduced emissions from reduced speed limits and subsequently there is no adverse impact on air quality around the designated sites, the changes are considered non-material and do not trigger the need for a new or updated Habitats Regulations Assessment. In respect of European Protected Species, the Secretary of State is satisfied that the changes in traffic speeds would not affect any of the European Protected Species and therefore do not bring about the need for a new or additional licence as the amendments sought.

(c) Compulsory Acquisition

In respect of compulsory acquisition, the Secretary of State notes the changes sought through the Application would not result in any additional compulsory acquisition provisions than in the Order. The Secretary of State is therefore satisfied that this does not raise any issues of materiality.

(d) Impacts on business and residents

The Secretary of State notes that the Applicant is of the view that the proposed change is intended to align the Order with the pre-existing traffic regulations applicable to the M25. As such there will be no change in the impact experienced by residents and businesses compared with the existing situation. The Secretary of State additionally notes no concerns were raised by any local resident or business with specific regard to the proposed changes in the Application. The Secretary of State considers that the potential impacts on local people and businesses are no greater than those arising from the Order.

10. The Secretary of State agrees with the Applicant that the proposed changes would not result in a Development inconsistent with the Order. For the reasons explained in the paragraphs above, the Secretary of State is satisfied that the changes sought by the Applicant are not material and should therefore be dealt with under the procedure for non-material changes.

Consultation

11. Under regulation 7(3) of the 2011 Regulations, on 27 February 2026 the Applicant requested the Secretary of State's consent for a limited consultation exercise. The Applicant set out the parties it proposed to consult, the reasons why those parties should be consulted exclusively, and the reasons why other parties identified in regulation 7(2) of the 2011 Regulations need not be consulted. On 16 March 2026, the Secretary of State confirmed that she had considered the Applicant's request and was content that the Applicant's proposed consultee list accurately represented those which should be consulted and that the Applicant had demonstrated that no other consultees should be directly affected, either because the proposed amendments will not affect their interests or because their interests relate to a different part of the scheme. The Secretary of State accordingly gave written consent for a limited consultation exercise, under regulation 7(3).
12. The Applicant publicised the Application in the manner prescribed in regulation 6 of the 2011 Regulations and undertook consultation with the agreed persons, in accordance with regulation 7 of the 2011 Regulations. The Application was also made available on the Planning Inspectorate's website so that there was an opportunity for anyone not notified to also submit representations to the Planning Inspectorate. The deadline for the receipt of any representations on the Application was 10 June 2026.
13. The Secretary of State has considered the representations received in response to the consultations and does not consider that any further information or consultation is necessary.

Consultation responses

14. The Secretary of State received responses from Natural England, Surrey County Council and Surrey Police, all of which raised no objection to the proposed changes being sought. The Secretary of State did not receive any response raising concerns.

15. The Secretary of State is content that the responses received do not raise any new issues that are material to the decision on the Application. As such, she is satisfied that there is not any new evidence or matter of fact that would need to be referred again to Interested Parties before proceeding to her decision on the Application.

General considerations

Equality Act 2010

16. Section 149 of the Equality Act 2010 includes a public sector “general equality duty” setting out the need to eliminate discrimination, advance equality of opportunity and foster good relations between persons who share a protected characteristic and persons who do not. The Secretary of State has had due regard to the need to achieve the statutory objectives referred to in section 149 of the Equality Act 2010 and is satisfied that there is no evidence that granting consent to the proposed changes will adversely affect the achievement of those objectives.

Human Rights Act 1998

17. The Secretary of State has considered the potential infringement of human rights in relation to the European Convention on Human Rights, by the proposed changes to the Development. The Secretary of State considers that granting consent to the proposed changes would not contravene any human rights as enacted into UK law by the Human Rights Act 1998.

Natural Environment and Rural Communities Act 2006

18. In making a decision on the Application, the Secretary of State has had regard to the purpose of conserving and enhancing biodiversity and, in particular, to the United Nations Environmental Programme Convention on Biological Diversity of 1992 in accordance with the duty in section 40(1) of the Natural Environment and Rural Communities Act 2006 as amended by section 102 of the Environment Act 2021. The Secretary of State notes that there will be no new environmental effects as a result of the proposed changes sought through the Application, and as such considers that no further action regarding the conservation and enhancement of biodiversity is required.

Secretary of State’s overall conclusion and decision

19. The Secretary of State considers that the need for the Development remains as set out in the decision letter of 12 May 2022 and that the proposed changes do not alter this position. The Development continues to comply with the policy objectives set out in the National Policy Statement for National Networks designated in 2015, on which the Order application was assessed and also complies with the updated National Networks National Policy Statement designated in March 2024.
20. The Secretary of State is content that none of the specific indicators referred to in the Change Guidance, or other relevant considerations, suggest that the changes sought by the Applicant are material changes to the Order.

21. The Secretary of State has considered the nature and effect of the proposed changes, noting that they would have no materially new or materially different likely significant environmental effects. She is satisfied that the conclusions of the Environmental Statement submitted in support of the application for the Order remain unchanged, and notes that no new powers of compulsory acquisition are sought.
22. After consideration of the Application, the Change Guidance and all representations and consultation responses received, the Secretary of State is content that the changes proposed by the Applicant are appropriate and will ensure the continuous safe and effective management of traffic, as speed limits can change in response to traffic or weather conditions. She agrees with the Applicant that the variable speed limits will generally result in lower noise levels and reduced emissions, thereby slightly reducing any adverse environmental impacts from the Development.
23. The Secretary of State has therefore decided under paragraph 2(1) of Schedule 6 to the 2008 Act to make the non-material changes to the Order so as to authorise the changes sought by the Applicant.

Modifications to the draft amendment Order

24. The Secretary of State has made minor modifications to the draft amendment Order proposed by the Applicant. These changes do not materially alter the terms of the draft Order but reflect the use of language and remove unnecessary or redundant wording.

Challenge to the decision

25. The circumstances in which the Secretary of State's decision may be challenged are set out in Annex A to this letter.

Notification of decision

26. The Secretary of State's decision on this Application is being notified as required by regulation 8 of the 2011 Regulations.

Yours faithfully,

Natasha Kopala

Transport Infrastructure Planning Unit

LEGAL CHALLENGES RELATING TO DECISIONS MAKING CHANGES TO DEVELOPMENT CONSENT ORDERS

Under section 118 of the Planning Act 2008, a decision under paragraph 2(1) of Schedule 6 to that Act to make a change to 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 change is published.

The M25 junction 10/A3 Wisley interchange Development Consent (Amendment) Order 2026 is published on the Planning Inspectorate website at the following address:

[M25 junction 10/A3 Wisley interchange improvement - Project information](#)

<https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/TR010030>

These notes are provided for guidance only. A person who thinks they may have grounds for challenging the decision to make the Order referred to in this letter 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).