

**M25 JUNCTION 10/A3 WISLEY INTERCHANGE IMPROVEMENT SCHEME
PROPOSED M25 JUNCTION 10/A3 WISLEY INTERCHANGE DEVELOPMENT
CONSENT ORDER (“DCO”)**

**REPRESENTATIONS SUBMITTED ON BEHALF OF THE ROYAL HORTICULTURAL
SOCIETY (“RHS”)**

REGISTRATION NUMBER: 20022900

This Representation is submitted on behalf of the RHS. Richard Max & Co LLP are the duly appointed solicitors to the RHS and are authorised to submit this Representation on its behalf.

The RHS:

- **OBJECTS** to the DCO scheme in a number of respects and, in particular that the DCO itself is fundamentally flawed;
- Seeks to **COMMENT** on various issues raised by the DCO that will affect the operations at the RHS Gardens at Wisley both during and after construction;
- **ASSERTS** that the DCO is causing and will continue to cause significant economic, environmental and local impact damage on the RHS Gardens at Wisley and Wisley Village;
- **RESERVES** its position to submit further information and material following 6 September 2019;
- **NOTES** alternative assessments have not been properly carried out or considered and **REGRETS** that despite many assurances detailed technical responses to RHS alternative solutions have not been received from Highways England (“HE”);
- **BELIEVES** that certain underlying technical material that should underpin the DCO has either not been carried out by HE or has not been disclosed as part of the DCO process;
- Does **NOT ACCEPT** that there is a compelling case in the public interest for land that it owns to be the subject of a Compulsory Purchase Order (“CPO”);

- Asks that its status as both an “Interested Party” and an “Affected Person” be **CONFIRMED**; and
- Wishes to **ATTEND** the Preliminary Meeting and to be **INVITED** by the Examining Authority to attend at and make both oral and written representations to the Examination.

RHS OBJECTIONS TO THE DCO SCHEME

1. The RHS has participated in the formal and informal Consultation process undertaken by HE over the three-year period prior to the submission of the DCO.
2. Throughout this period, the RHS has consistently set out its concerns regarding the significant implications of the proposals on its flagship Garden at Wisley and the current £65m investment programme into the future of the Garden as part of its national £160m Strategic Plan. The RHS considers that many of the impacts which would result from the DCO scheme are unnecessary and avoidable.
3. When the first iteration of the DCO proposals was published in December 2016, the threat to the redwood trees along the boundary of the RHS Garden with the A3 resulted in a national outcry and subsequent modification of HE’s proposals. But it has recently been disclosed that the redwood trees along the A3 within the garden maybe liable to tree root impact that has not been considered, so the threat to these trees remains.
4. Unfortunately, despite detailed representations made by the RHS during the consultation period, certain components and consequences of the DCO scheme still put the RHS Garden and its activities (and the surrounding area) at severe risk. The RHS **OBJECTS** to those parts of the DCO scheme that adversely affect Wisley Garden and Wisley Village, with unacceptable impacts on the surrounding area including the SPA.
5. The key deficiency of the DCO scheme is that the intention that the signed route for travel to and from the south on the A3 will require

visitors to the RHS Gardens to incur an additional 5.3 miles of travel (compared to the existing provision), and on arrival/departure will pass the Garden three times. The additional travel resulting from the DCO scheme will amount to over 2.7 million vehicle miles of wasted travelling each year, just for RHS visitors and not accounting for others travelling locally.

6. The RHS set out alternative solutions as early as February 2017 and then again in its March 2018 submission in respect of the statutory consultation undertaken by HE to be included in the DCO scheme. These addressed some of the significant detrimental impacts of the current DCO scheme and would offer achievable benefits and, in particular, a significant reduction in overall travel distances. These are:
 - the introduction of south facing slip roads to the Ockham Park roundabout; and
 - the retention of Wisley Lane's direct "left out" connection to the A3 with an improved and compliant slip road northbound.
7. Despite the RHS having presented detailed technical justifications of its alternative solutions, HE has not responded satisfactorily with any technical justifications of its own despite giving assurances that it would do so. Thus, there is no clear explanation as to why these alternative solutions should not be included in the DCO Scheme. However, it is clear from the meetings held with HE and its technical team that the logic behind the south facing slips at the Ockham Roundabout in particular is understood and the potential benefits are recognised. RHS contact with local authorities has also supported this opinion in relation to the local road network.
8. Having worked with HE in some detail over a period of almost three years, the RHS regretfully concludes that HE has failed to undertake a full and proper assessment of the RHS alternative solutions and the DCO scheme is fundamentally flawed as:
 - it does not meet the original objectives set by HE;

- it fails to comply with the requirements of The Conservation of Habitats and Species Regulations 2017; and
 - the Options Selection process conducted by HE was deficient and, in particular, the final Option 14 selected lacked certain key components that RHS had identified during the consultation process that would have resulted in lesser effect on the integrity of the SPA in particular and the area in general.
9. Whilst the additional travel which would result from the intended signed route is clearly unacceptable, it is now acknowledged by HE (based on the traffic modelling work reported) that Ripley High Street will actually become the preferred route for all Wisley Lane movements to and from the south. These are trips which currently, rightfully, use the A3 (the original Ripley Bypass). By encouraging traffic through Ripley instead of the A3, the local situation is worsened by the scheme.
10. The RHS believes that elements of the consultation process have been incomplete and therefore inappropriate, resulting in wasted time and funds. Aside from the lack of any meaningful response by HE to the RHS March 2018 technical submission, other examples of this have been the lack of traffic model output and details of the proposed traffic signage. This information has been requested and promised on a number of occasions but not yet provided for full examination. We understand that other consultees are also seeking this information including the local authorities. An example of wasted time is the now unresolved issue of the redwood tree roots alongside the A3 and its potential realignment to accommodate them.
11. The RHS, represented by over half a million members nationally, and over 1 million visitors to Wisley per annum, is extremely concerned about the impact of these proposals on the operation of its flagship garden and extensive Wisley Village assets. It believes that in making the DCO, all local needs should be taken into account and properly balanced. This is not the case in respect of the RHS Estate nor for some of the surrounding villages of which the RHS Gardens are an important community component.

12. Should the DCO scheme go ahead as planned, the potential economic damage resulting from the works, and to local people and their activities, will be significant.
13. The RHS Gardens at Wisley are amongst the highest visited destinations nationally, and regionally of very great importance, generating significant benefits (financial and other) for the local economy. Current proposed investment by the RHS of over £160 million nationally for horticulture, and over £65 million directly at Wisley is proposed. The DCO scheme threatens these local benefits due to the nature and timing of the works, and an inappropriate solution would threaten the charitable work and financial viability of the garden. The current round of RHS investments are due to be completed in mid-2021 and if the access to the garden is not simple, understandable, and effective, visitors will naturally seek alternative destinations and the RHS will suffer.
14. The RHS position has consistently been that land take of the Gardens is a non-negotiable matter if the RHS suggestions for the improvements to the DCO are not adopted.
15. There are some 23 parcels of land owned by the RHS, which are required to be compulsorily acquired as a result of the DCO scheme. Some of these are small and may be felt not to be of great consequence but, taken as a whole, the proposed “landtake” amounts to a further and highly unwelcome erosion of RHS’s estate which was significantly reduced by the construction of the M25.
16. The DCO scheme fails adequately to acknowledge the part it will have in further compromising the flagship site of the RHS by noisy and polluting activities. It is for this reason that the RHS is against further erosion of the historic garden, and the level of threat to its assets in the village where land is also scheduled for compulsory purchase, means that it will not simply accept land-take unless it is convinced that the proposed scheme has positive benefits for the RHS and its estate.

17. Similarly, the design for the Wisley Lane overbridge will require compulsory purchase of part of the RHS Garden because the angle of the bridge is unnecessarily skewed because the Wisley Lane slip road is not to be retained.

HIGHWAYS AND TRANSPORT RELATED COMMENTS ON THE DCO

18. From the initial HE consultation, RHS has been supportive of the principle of improving J10 but have noted that the proposals for the A3 were of greatest concern. RHS's subsequent exchanges with HE have set out consistent objections whilst also proposing alternative arrangements which would better address these issues and impacts. These matters are set within the context of the HE's original Key Benefits of the RIS scheme being '*improved access to RHS Wisley*'. As proposed, the DCO Scheme would result in a significant worsening of access to and from RHS Wisley.

19. The RHS alternative solutions contained in the March 2018 RHS submission promote the retention of an improved Wisley Lane to A3 Northbound and the addition of south facing slips at the Ockham Roundabout. Details of the RHS alternative solutions, which address the weaving requirements of HE, and, which set out the benefits of retaining a Wisley Lane connection to the A3 northbound and of extending the current scope to include the south facing slips, have been provided to HE and will be provided to the Examining Authority in due course.

20. Compared to the DCO Scheme, *on the basis of HE's suggested signing of Wisley Lane traffic via the A3 and J10*, the RHS alternative solutions would result in 2.7 million miles per annum less travel. These savings would reduce air quality impacts including those impacts connected with sensitive receptors within the SPA and in respect of traffic through local villages. With regard to other Wisley Lane trips, further savings in travel distance and vehicle emissions would also be expected. Given some of the diversion distances and inconvenience, it is expected that in practice some drivers will divert away from the A3

and route via Send and Ripley – this is now acknowledged by the modelling results reported within the DCO submissions.

21. Concerns continue to be raised as to how the DCO Scheme could be signed in a manner which would not result in driver confusion. It is considered that a signage strategy should be prepared to determine how this issue could be addressed. It is also noted that despite Driver Stress being identified within the RHS representation to the Statutory Consultation, the DCO promotes inaccurate and unfounded conclusions that the arrangements will be much safer and less stressful for visitors to RHS Wisley. The DCO will not achieve these suggested benefits, whereas the RHS alternative solutions would.
22. In respect of public transport, the combination of the retained left turn slip from Wisley Lane onto the A3 northbound and the provision of south facing slips at Ockham Roundabout as proposed within the RHS Alternative Scheme would enable bus services to continue to route along the A3 and serve RHS Wisley in a more efficient manner than the DCO scheme.
23. The RHS believes that the issues and implications of the DCO Scheme are unnecessary and avoidable. RHS has suggested alternative solutions to the scheme which would significantly improve the proposals, and which would address these concerns.

AIR QUALITY/ECOLOGICAL COMMENTS ON THE DCO

Impacts on the Thames Basin Heaths Special Protection Area

24. The DCO scheme will increase road traffic on the A3 north of Wisley Lane by requiring traffic accessing the RHS Gardens from the south to pass along this section of road four times for each visit. This section of the A3 passes through the Thames Basin Heaths Special Protection Area (SPA), which should be highly protected under the Habitats Regulations. The air quality assessment shows that the nitrogen oxides (NO_x) critical level is exceeded within the SPA and that the DCO scheme will give rise to medium to large increases in 2022. A

significant part of this increase will be due to the additional traffic movements associated with access to the RHS Gardens.

25. The RHS alternative solutions with south-facing slip roads for the A3 at Ockham Roundabout would remove this increased traffic through the SPA and therefore reduce the adverse impact of the DCO scheme.

26. The RHS is also concerned that the information to support the Appropriate Assessment of the impacts of the HE scheme is inadequate in a number of respects:

- (a) it does not cover an assessment of the impacts of NO_x in relation to the critical level (although covered in the air quality assessment);
- (b) it does not include the contribution of ammonia emissions from the road traffic, both in relation to the critical levels for ammonia and in terms of the contribution of ammonia to nitrogen deposition;
- (c) the in-combination assessment has not been carried out correctly; and
- (d) the Appropriate Assessment incorrectly concludes that the scheme will not adversely affect the integrity of the SPA in relation to air quality, as a result of which mitigation of the air quality impacts should be being considered.

Impacts on Climate Change

27. The DCO scheme will increase the distance travelled by RHS traffic which will add to emissions of the greenhouse gas carbon dioxide (CO₂) at a time when these emissions should be being reduced. The RHS alternative solutions for south-facing slip roads for the AQ at Ockham Roundabout would remove the increased traffic through the SPA and therefore reduce the adverse impact of the DCO scheme.

28. The RHS alternative solutions for south-facing slip roads for the A3 at Ockham Roundabout and the re-instatement of the left turn from Wisley Lane will reduce the distance travelled by visitors using the A3 from the south by around 7.3 miles per vehicle per visit, and visitors from the north by around 1.5 miles per vehicle per visit.

Impacts on Air Quality in Ripley

29. The air quality impacts of the additional traffic expected to pass through Ripley have not been assessed by HE; RHS calculates that the additional visitor traffic through Ripley could amount to around 800 vehicle movements per day as an annual average (AADT), and it could be significantly higher on individual days.
30. The RHS alternative solutions for south-facing slip roads for the A3 at Ockham Roundabout would remove the increased traffic through Ripley and therefore reduce the adverse impact of the DCO scheme on the health of residents in Ripley
31. RHS is also concerned that HE has not adequately assessed impacts in Ripley. In particular there are concerns about (a) the selection of receptors, which are not worst-case, (b) the presentation of baseline concentrations, which are not worst-case, and c) the selection of descriptors for the impacts. These matters would need addressing at the same time as the additional traffic through Ripley is assessed so as to properly present the impacts of the DCO scheme.

TEMPORARY ACQUISITION OF LAND AND RIGHTS AND CONSTRUCTION RELATED OBJECTIONS

32. The RHS has significant concerns arising from the temporary acquisition of land and rights to facilitate works during construction: In particular, the proposed construction compound off Mill Lane and its early implementation in the construction programme will have a prolonged and direct impact on garden access;
33. The RHS understand that the construction work will commence at the south end of the scheme and progress north, although no this is not confirmed in the DCO, so the RHS cannot prepare for the disruption or comment on the mitigation measures that should be expected for a national visitor attraction.

CPO OBJECTIONS TO THE DCO

34. The RHS notes that HE proposes to CPO significant areas of land owned by the RHS;

35. Land and Rights to be taken break down into a number of types:

- Permanent Rights with Temporary Possession
- Temporary Possession
- Title Acquisition

36. Some or all of these types are required to build the RIS and some or all of these types are required as “Replacement Land”;

37. RHS opposes the taking by compulsion of any of its land until the entirety of the scheme is agreed. In particular, the RHS registers its concerns about:

- Effect on A3 roadside tree roots
- Land take of the RHS garden for the Wisley Lane overbridge at a skewed angle if the Wisley Lane left-out is not implemented
- Land take of Village land, further compromising RHS assets in the village that could otherwise be used for scientific and horticultural research purposes

38. The RHS has significant concerns arising from the alleged need to acquire some of its land as a result of the design of the scheme and it believes land take may be excessive;

39. One meeting between the RHS and HE has been held concerning the compulsory acquisition of its land – these meeting proved inconclusive; and

40. No proposals have been received from HE to make any “favourable opportunity” purchases in respect of any of the plots identified in HE’s letter to the RHS dated 17 June 2019.

QUESTIONS FOR EXAMINING AUTHORITY

- 41. Why has HE not considered and included suitable alternatives to the DCO scheme?**
- 42. Should south-facing slip roads at the Ockham Roundabout be included in the DCO Scheme to meet the scheme's objectives?**
- 43. Should a left-out junction at Wisley Lane onto the A3 be included in the DCO scheme?**
- 44. Is there a compelling case in the public interest for the CPO of land from the RHS?**
- 45. Have the construction impacts of the DCO scheme been adequately mitigated?**

Richard Max & Co LLP for and on behalf of the RHS

06 September 2019