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Environment Transport and Infrastructure
Planning Group
Surrey County Council
County Hall
Kingston Upon Thames
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For the attention of Mr Jones

Emailed to: M25Junction10@planninginspectorate.gov.uk

Your Ref: **TR010030**

Our Ref:

26th November 2019

Dear Mr Jones

Planning Act 2008

Application by Highways England for an order granting development consent for the M25 Junction 10/A3 Wisley Interchange improvement project

Submission made pursuant to Deadline 1

This submission is in response to the Examining Authority (“ExA”) Rule 8 letter dated 20th November 2019 and comprises the relevant information requested from Surrey County Council (SCC).

The submission includes the following:

1. Notification of wish to be considered as an interested party
 2. Provision of suggested locations and justification for site inspections for consideration by the EXA
 3. Notification of wish to attend Accompanied Site Inspection (ASI)
 4. Notification of wish to speak at a Compulsory Acquisition Hearing (CAH)
 5. Notification of wish to speak at subsequent Issue Specific Hearings (ISHs)
 6. Notification of wish to have future correspondence electronically
 7. Post Preliminary Meeting and draft DCO Issue Specific Hearing submissions, including written submissions of oral case
 8. Written Representation and summary of Written Representation (including comments on update to application documents)
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1. **Notification of wish to be considered as an interested party**
SCC confirm that they wish to be considered as an interested party for the examination.

2. Provision of suggested locations and justification for site inspections for consideration by the EXA

SCC note the locations included in the Unaccompanied Site Inspection and the intention to retrace a number of routes and in response to first Written Questions. SCC has included comments on a number of these routes (cross referencing some of the first Written Questions) as well as making additional suggestion for inclusion in the Accompanied Site Inspection:

Ref	Location/Journey Routes	Reason for Request / Time Required / Duration of Route
1	<p>Ripley Village/Burnt Common/Newark Lane – Travelling from Guildford to Ripley via the A3 and B2215. Re-joining the A3 before entering Wisely Lane and travelling along its entire length and then continuing onto Ripley via Lock Lane, Pyrford Road, Warren Lane and Newark Lane. Thereafter re-joining the A3 via the Oakham Park roundabout junction.</p> <p><i>Ref ExA Written Questions 1.3.3, 1.10.6 1.13.19</i></p>	<p>SCC understand that that the ExA will wish to retrace the route it took between Wisley Lane and Ripley, i.e. Wisley Lane, Lock Lane, Pyrford Road, Warren Lane and Newark Lane.</p> <p>SCC would endorse this in order to investigate the revised access arrangements to RHS Wisley Gardens and impact upon Ripley Village/Newark Lane.</p> <p>Time required It is suggested this area is viewed both during a peak hour to view peak hour traffic but in addition off peak to view potential severance non-motorised user severance issues as a result of additional traffic arising from the change of the existing A3/Wisley Lane access arrangements.</p>
2	<p>Wisley Lane/RHS Wisley Gardens access – Travelling from Guildford to travel along/staying on the A3 past the existing Wisley Lane up to M25 junction 10 and back south to Ockham Roundabout and then travel north and exit at the existing wisely Lane to access RHS Wisley.</p> <p><i>Ref ExA Written Questions 1.3.4, 1.13.6, 1.13.7 1.13.11 1.13.15-18</i></p>	<p>To seek to replicated the proposed new u turn that would be similar under the scheme to access Wisley Lane/RHS Wisley Gardens.</p> <p>Time required It is suggested this area is viewed during a peak hour to view peak hour traffic.</p>
3	<p>Existing bus stop locations – Ockham, RHS Wisley, Painshill</p> <p><i>Ref ExA Written Question 1.13.24</i></p>	<p>To understand impact proposals will have on siting of any retained and/or repositioned bus stops, enhancing pedestrian accessibility to/from bus stops and temp bus stops required.</p> <p>Time required No specific time – suggest fit around timetable to view conditions that would be experienced by passngers.</p>
4	<p>Painshill junction/Seven Hills Road – travel through the Painshill junction from the A3 in both a northbound and southbound exit (e.g. u turning at A3/B2039/B2215 and A3/A244 junctions).</p>	<p>To include consideration of the submitted DCO changes at the Painshill Roundabout and the A245 junction with Seven Hills Road. SCC understand that that the ExA will wish to retrace the route it took to Byfleet and Cobham via the A245.</p> <p>Time required It is suggested this area is viewed during a peak hour to view peak hour traffic.</p>

Ref	Location/Journey Routes	Reason for Request / Time Required / Duration of Route
5	<p>Existing HGV laybys – on A3 southbound on slip from M25 jtn 10 and adjacent to Wisley Lane/A3</p> <p><i>Ref ExA Written Question 1.13.23</i></p>	<p>To view locations of existing/loss of existing HGV parking and potential impacts on the Local Road Network.</p> <p>Time required No specific time – suggest fit around timetable/routes accessing M25 Jtn 10/Old Lane and A3/Wisley Lane.</p>
6	<p>Old Lane/Elm Lane/Ockham Lane</p>	<p>To view the existing traffic conditions and access arrangements to the A3. SCC understand that that the ExA will wish to retrace the route it took along Old Lane, Oakham Lane and Oakham Road North and the Oakham Park roundabout.</p> <p>Time required It is suggested this area is viewed during a peak hour to view peak hour traffic and potential increase of traffic along Old Lane.</p>
7	<p>Ockham Bites car park and Boldermere</p> <p><i>Ref ExA Written Question 1.4.17</i></p>	<p>To understand impact the Cockcrow green bridge would have on the car park and access to the common. Suggested visit parks in Ockham Bites Car park and then walk to Boldermere to view proposed works at this location (stout boots/wellington boots required).</p> <p>Time required No specific time – suggest fit around timetable - Ockham Bites café open 8am-4pm.</p>
8	<p>Wisley Airfield</p> <p><i>Ref ExA Written Question 1.13.8</i></p>	<p>To view this site and inter-relationship with realigned Wisley Lane access.</p> <p>Time required No specific time – suggest fit around timetable</p>
9	<p>Stratford Brook east of Ockham Roundabout/realigned Wisley Lane</p> <p><i>Ref ExA Written Questions 1.4.16, 1.4.17</i></p>	<p>This designated main river is required to be bridged to allow the realigned Wisley Lane to pass over it. This will require consent by Environment Agency and in addition clarification as to which organisation will own/maintain this structure. Similarly there are various smaller watercourse that will require consent from Surrey County Council as Lead Local Flood Authority and so useful for the ExA to visit Stratford Brook to see the issues involved.</p> <p>Time required No specific time – suggest fit around timetable</p>
10	<p>Construction compounds</p>	<p>To understand access points and post scheme restoration.</p> <p>Time required No specific time – suggest fit around timetable</p>

3. Notification of wish to attend Accompanied Site Inspection (ASI)

The following SCC officers wish to attend the Accompanied Site Inspection:

- David Stempffer – Major Transport Projects Manager
- A second Surrey County Council officer – name tbc

4. Notification of wish to speak at a Compulsory Acquisition Hearing (CAH)

SCC confirm that they wish to speak at a Compulsory Acquisition Hearing in respect of land acquisition and compensation in respect of the County Council's retained land which is adversely impacted/blighted including the strips of land remaining between the NMU and the A3 carriageway (e.g. plots 3/3, 3/7 etc) and the land implications related to Old Lane/Ockham Bites car park (e.g. adjacent to plots 4/24, 4/25 etc) which have recently become apparent.

Attendees will be:

- Chris Duke – Development Manager
- Steve Mitchell - Countryside Access and Operations Manager
- Property/Legal representation

5. Notification of wish to speak at subsequent ISHs

SCC confirm that officers will wish to speak at subsequent Issue Specific Hearings.

6. Notification of wish to have future correspondence electronically

SCC is content to receive all future correspondence electronically

7. Post PM and dDCO ISH submission of oral case

SCC officers (David Stempffer, Nancy El-Shatoury and Judith Jenkins) attended the Issue Specific Hearing relating to the draft Development Consent Order on 12th November 2019.

Information set out below also provides a response to the ExA's action points from the ISH1 on the draft DCO published on 18th November 2019 and to add to/reiterate the points made by SCC officers at in relation to the questions asked by the ExA:

Question	Comment / Response
<p>ISH 1: Question 3. The Structure of the dDCO:</p> <p>iv. The proposed Articles</p> <p>ISH 1: Action Point 2</p> <p>ISH 1: Action Point 7</p>	<p>Article 11- Surrey County Council ("SCC") is concerned at the lack of reassurance that this article of the DCO provides for Highways Authorities in respect of the maintenance burden that would fall to the County Council as set out in para 5.1.2.1 of its Relevant Representation. SCC seek clarity/a definition on the wording in this article; <i>"unless otherwise agreed with the local highway authority"</i>. It is essential that Highways England ("HE") makes clear the additional financial maintenance burden without the accompanying funds that SCC is being required to take on.</p> <p>Article 11 (3) Officers noted that the phrase "unless otherwise agreed with the local street authority" has not been included and require it to be so.</p> <p>In non DCO situations where Highways England (HE) are undertaking works on the Local Road Network it is usual for HE to enter into an agreement with the Local highway Authority under section 4 of the Highways Act 1980. This provides for obligations such as works being completed to the reasonable satisfaction of the Council, changes to the works requiring consent, HE paying the cost of the works, HE indemnifying the Council against certain claims which may be made against it and a clear description of works within the highway boundary. It is not clear to SCC, as Local Highway Authority where the requirement for a section 4 provision would fit under the DCO.</p>

Question	Comment / Response
	<p>In addition SCC operates the South East Permit Scheme (“SEPS”), which provides for highway authorities to co-ordinate works affecting the highway, discharging the duty to maintain the highway network under the New Roads and Street Works Act 1991. SCC requires that HE’s works be subject to SEPS to ensure clear coordination of the works during construction.</p> <p>To seek to address these issues SCC have raised in its Relevant Representation (see para 2.8.2) that HE agree Protective Provisions for the Highway Authority. It was made clear at the Preliminary Meeting by HE’s solicitor that HE are not prepared to enter into any separate agreements for the protection of the Local Highway Authority where the proposed scheme impacts on the Local Road Network (“LRN”).</p> <p>Protective Provisions for the Highway Authority have been used in a number of DCOs. They have been proposed in the HE A303 Sparkford to Ilchester Dualling DCO (TRO10036), currently with the Secretary of State for decision.</p> <p>As regards agreements with Highway Authorities through the DCO, SCC notes that Article 13 of the General Model Provisions (Agreements with street authorities) has not been included within the M25 Junction 10 DCO. Article 13 provides, inter alia, for the street authority and the undertaker to enter into agreements with respect to the construction of any new street authorised by the Order, the maintenance of the structure of any bridge or tunnel carrying a street, any Order authorised stopping up, alteration or diversion or the carrying out of street works.</p> <p>SCC requires this article to be included. Works on SCC’s Local Road Network must be undertaken in a safely managed way as would be the case in a non DCO Highways England project as it affects Local Highway Authority Road Networks.</p>
<p>ISH 1: Question 3. The Structure of the dDCO:</p> <p>iv. The proposed Articles</p>	<p>Article 47 Arbitration – Surrey County Council raised the lack of clarity on this article, including which party pays for arbitration.</p>
<p>ISH 1: Question 3. The Structure of the dDCO:</p> <p>vi. The Protective Provisions as set out in Schedule 9</p> <p>ISH 1: Action Point 2</p>	<p>Surrey County Council confirmed that discussions are underway in relation to the wording of the proposed Protective Provisions for Surrey County Council in respect of ordinary watercourses.</p> <p>The County Council has made comments in their Relevant Representation suggesting inclusion of Protective Provisions for the Highways Authority in order to address concerns raised above in relation to Article 11. This approach has been proposed in the A303 Sparkford to Ilchester Dualling DCO (TRO10036), currently with the Secretary of State decision.</p> <p>A mechanism needs to be provided through which the Applicant pays a commuted sum to the Local Highway Authority, where the authority will become responsible for the maintenance of structures. The County Council has repeatedly asked the Applicant for a full schedule of items that the County Council will be expected to maintain post DCO but this has not yet been received.</p>
<p>The Structure of the dDCO:</p> <p>iv. The proposed Articles</p>	<p>Surrey County Council have previously made detailed comments to Highways England on an early version of the DCO prior to the submission version some of which were taken account of in the dDCO. Surrey County Council plan to submit further comments on the Applicants first revised dDCO by the relevant deadline.</p>

8. Written Representation and summary of Written Representation (including comments on update to application documents)

A Written Representation and summary is included at Annex A. This is an updated version of SCC's Relevant Representation which was submitted on 6th September 2019. It has been updated in light of newly identified or addressed issues and in response to the proposed changes to the DCO submitted by the Applicant on 4th November 2019 (AS-023). SCC also appreciates the submitted Development Consent Order (DCO) scheme will continue to develop during the examination, which may lead to changing views that will be communicated to the Examining Authority (ExA) throughout the DCO process.

I would be grateful if you could please acknowledge receipt of this letter.

Yours sincerely

A solid black rectangular box redacting the signature of Caroline Smith.

Caroline Smith – Planning Group Manager