

Annex A – EBC ExQ1

M25 Junction 10/A3 Wisley Interchange Improvement Project

Elmbridge Borough Council Response to the Examining Authority's (ExA's) First Written Questions (ExQ1)

| 3. | Air quality and human health | | Elmbridge Borough Council (EBC) Response |
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| 1.3.2 | Applicant, Elmbridge Borough Council (EBC) and Guildford Borough Council (GBC) | For the purposes of assessing the operational effects of the Proposed Development on air quality is the baseline monitoring data that has been relied on the most up to date that could be used? | <p>Highways England (HE) have listed in their response the use of the Environmental Statement for 2017 for the baseline monitoring.</p> <p>The most up to date results for air quality in Elmbridge are in the published Annual Status Report (ASR) 2019, which is available on the EBC website. The ASR 2019 can be found using this link https://www.elmbridge.gov.uk/pollution/local-air-quality/</p> <p>EBC would like to also draw attention to the CERC Air quality modelling to support the Elmbridge Local Plan – Final Report dated 22nd July 2019. CERC was commissioned to carry out air dispersion modelling to identify the baseline air quality profile across the area and to assess two future (2035) scenarios, with and without proposed developments in the Elmbridge Local Plan in place.</p> <p>The July 2019 report describes only the baseline modelling, carried out for the year 2017; the data required as input to the 2035 modelling is expected to be provided early 2020. The report is available on the Council's website - https://www.elmbridge.gov.uk/_resources/assets/attachment/full/0/5945.pdf</p> |

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| | | | <p>The CERC Surrey-wide air quality modelling data is indicating that potential exceedances in areas around the Painshill roundabout and Cobham (upper part of the A245) therefore additional NOx tubes are planned for January 2020 to investigate this further.</p> <p>EBC have concerns that the proposed works at Junction 10 could impact the localised air quality in this area of Cobham.</p> <p>The Surrey Air Alliance (SAA) also commissioned CERC to carry out Surrey-wide modelling again using 2017 data, and this is expected to be published in early 2020.</p> |
| 4. | Biodiversity and Habitats Regulations Assessment | | |
| 1.4.3 | Local Authorities (LAs), ie EBC and GBC and SCC | Are you aware of any other plans or developments that should be taken into account in the in-combination assessment? | <p>The data provided by EBC to inform the Biodiversity and HAR was correct at the time however, the positioning of the new Local Plan has moved forwards during the development of the DCO scheme.</p> <p>EBC is currently in the process of preparing a new Local Plan which will set out the growth strategy for the Borough over a 15-year period up to 2036. The Plan will include the allocation of sites that will help to</p> |

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| | | | <p>meet the development needs of the Borough. As part of the Plan's preparation, the Council recently consulted on five options (Local Plan Options Consultation, August 2019) that could, individually or through various combinations, form the development strategy for the Borough. Potential development opportunities (sites) that could be developed under each option were identified on an interactive map. Each option included the development / redevelopment of sites in the existing built-up areas whilst two options also considered the release of land from the Green Belt. Under one option (Option 3) there was a considerable amount of land around the Cobham area that could be released for development. Whilst the Council has not yet determined its preferred option, throughout the preparation of its evidence base the Council has always considered / modelled the 'worst case scenario' (Option 3).</p> <p>EBC strongly advocate that as part of the HRA potential development sites as set out under Option 3 contained within the Local Plan Options Consultation, August 2019 are included. This is particularly pertinent given the close proximity of some potential development sites to the DCO scheme.</p> |
| 1.4.28 | LAs, NE and Surrey Wildlife Trust | In Appendix 7.11 Great Crested Newts [APP-097], Appendix 7.12 Reptiles [APP-098] and Appendix 7.14 Otters and Water Voles [APP-100] the Applicant indicates the presence of | EBC supports the comments made by Surrey County Council (SCC) that sufficient regard has been paid to these species. |

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| | | great crested newts, reptiles (including sand lizards) and otters either within, or in close proximity, to the Proposed Development site. Do you consider that the Applicant has had sufficient regard to the presence of these species in drafting the Requirements in the dDCO, the Outline CEMP [APP-134], the Landscape and Ecology Management and Monitoring Plan (LEMP)[APP-106], the SPA MMP[APP-105]. If not, then what other measures would you wish to see included? | |
| 1.4.33 | LAs, NE, RSPB and Surrey Wildlife Trust | Please confirm whether or not you are satisfied with the amount, nature and proposals for long-term management of both the SPA compensation land and the SPA enhancement areas. If not, then please state why and explain any other measures you would wish to see included? | EBC supports to the comments made by SCC as being satisfied with these proposals. |
| 1.4.34 | LAs, NE, SWT | Are you satisfied with the duration of management/monitoring for each management type as set out in Table 7.2.1 of [APP-105]? | EBC supports the comments and suggestion regarding monitoring duration made my SCC. |
| 8. | Landscape and Visual Impact | | |

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| 1.8.1 | Applicant and LAs | Please confirm what consultations, if any, were held between the Applicant, LAs, the Forestry Commission and NE on baseline conditions. Can you please indicate the extent to which there is agreement with regard to the description of baseline conditions in Chapter 9 of the ES [APP-054]. | EBC has had no consultation with the Forestry Commission or NE, and EBC also supports SCC comment that the baseline is considered appropriate. |
| 1.8.6 | LAs | Please comment on the 1.5km study area adopted for the assessment of landscape and visual impacts. | EBC appreciates that the DCO is a flat scheme, but also supports SCC's comments regarding best practice. |
| 1.8.15 | LAs | Are you content with the list of other developments at Table 9.14 of ES Chapter 9 [APP-054] which were considered for the cumulative landscape and visual impact assessment. | EBC is content with the list. |
| 1.8.18 | LAs and HistE | Are you content with the justification provided by the Application in Appendix 1.1 of [APP-078] as to why photomontages of the Proposed Development as viewed from key visual receptors have not be provided despite these being requested in the Scoping Opinion. | EBC supports the comments made by SCC regarding the omission of photomontages. |

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| 1.8.23 | LAs | Are you satisfied with the species proposed for planting that are to be decided during detailed design but which are outlined according to National Vegetation Classification types in Table 7.3.1 of the Landscape and Ecology Management and Monitoring Plan [APP-106] | EBC supports the comments made by SCC regarding the proposed species being appropriate. |
| 10. | Noise, Vibration, Dust and Lighting | | |
| 1.10.8 | Applicant, EBC and GBC | In relation to the control of construction noise would the need to apply to EBC and GBC for consents under Section 61 of the Control of Pollution Act 1974 equally apply to works being undertaken during the day and night-time periods and not just particularly the night-time as implied in paragraph 6.94 of chapter 6 of the ES [APP-051]? | <p>Yes, EBC would expect Section 61 consents to be submitted for daytime and night-time works which are likely to have a significant impact on the neighbourhood due to noise, vibration dust and lighting.</p> <p>A Section 61 application demonstrates to the local authority a pro-active approach to reducing environmental impact, outlining what methods are in place to minimise disruption to the neighbourhood thus reducing the number of potential complaints. By having Section 61 consent, we may not issue a section 60 notice. Having Section 61 consent in place minimises the likelihood of the contractor's work being stopped, as a mitigation plan is already in place.</p> |
| 15. | Content of the draft Development Consent Order (dDCO) | | |
| 1.15.4 | LAs | Are you content with the definition of 'maintain' in the Part 1(2) | EBC is content with definition of maintain. |

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| | | <p>Interpretation, and in particular the Applicant's intention that this would include terms such as adjust, alter, improve reconstruct and replace within this definition provided that such works do not give rise to any materially different effects to those identified in the ES?</p> | |
| 1.15.8 | LAs and NE | <p>Are you satisfied with the relationship between the CEMP and the HEMP, and that the HEMP would provide sufficient safeguards in regard to environmental protection measures? If not, then please detail what measures you would wish to see specifically included in the HEMP?</p> | <p>EBC would expect the EMP process to be subject to review periodically throughout the detailed design, construction and handover periods. The timing of reviews will be agreed with the Client's Scheme Manager.</p> <p>The final agreed CEMP should set out the mechanism for the provision of a HEMP (and Maintenance & Operation) when the construction of the Scheme is nearing completion.</p> <p>The CEMP should provide a detailed environmental strategy for the Scheme from the design stage, maintenance and operation through to handover, including for example;</p> <ul style="list-style-type: none">• the current environmental risks associated with the Scheme, mitigation measures to remove or reduce the risks and; assigned responsibilities for the risks; |

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| | | | <ul style="list-style-type: none">• the key Scheme roles and procedures for staff training, monitoring and the complaints procedures to be adopted• provides a commentary on the specific environmental topics and associated plans/strategies required within the outline and final CEMPs.• A Pre-Handover Checklist to include identification of;<ol style="list-style-type: none">1. Any long-term environmental liabilities2. Any permits or consents that need to be transferred/surrendered3. Any outstanding complaints or enforcement notices4. Copy of Project Environmental Plan and other supporting documentation available for handover (Copies of licences, agreements, permits. Risks. Complaint log. Installed equipment operating instructions, logs and commissioning reports (boilers/lifts. Calibration of monitoring equipment before handover)5. Site inspection checks (general housekeeping. No signs of pollution or contamination in drains/watercourses or land. Waste storage area acceptable. No lasting adverse environmental /wildlife impacts) |
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| | | | <p>The HEMP would be produced by the relevant main contractors in consultation with the Highways Agency and/or the employer's representative. This would be passed to the organisation responsible for the long-term management of the route.</p> |
| 1.15.11 | LAs and NE | <p>Please comment on the proposed wording of R5(1) having particular regard to the tailpiece that would potentially allow for an amended scheme that has not been subject to this Examination process to be approved by the Secretary of State.</p> | <p>EBC agrees with the comments made by SCC regarding the concern for a wide reaching tailpiece to allow the potential for fundamental changes in the scheme not included in the Examination process.</p> |