

M25 junction 10/A3 Wisley interchange TR010030

9.18 Applicant's Response to Written Questions

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Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

Volume 9

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Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended)

M25 junction 10/A3 Wisley interchange Development Consent Order 202[x]

9.18 APPLICANT'S RESPONSE TO WRITTEN QUESTIONS

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Introduction

This document sets out Highways England's responses to the Examining Authority's first round of Written Questions (ExAQs). Where the ExAQs have requested that Highways England provide new documents, these are submitted at Deadline 2 with the associated ExAQ referenced in the document title.

Highways England have met with and shared answers with:

- Surrey County Council (SCC) and Guildford Borough Council to discuss traffic issues on 11th December, including responses to ExAQ and shared answers on 12th December 2019.
- Wisley Property Investment Limited (WPIL) on 4th December 2019 to discuss the WR and ExAQs and shared answers on 12th December 2019.

These meetings have informed Highways England's final responses.

Highways England submitted proposed responses to Royal Horticultural Society (RHS). An intended meeting did not materialise.

Highways England has collaborated with Natural England on a number of ExAQ responses through email correspondence and at a meeting on 3rd December 2019.

Highways England's final responses to ExAQs have been shared with SCC, WPIL, Elmbridge Borough Council, Guildford Borough Council and RHS in advance of Deadline 2.

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| 1. General | | | |
| 1.1.1 | Applicant | Some, but not all Environmental Statement (ES) topic chapters, confirm that the basis of the assessment has either been the Proposed Development description contained at Chapter 2 or the Scheme Layout Plans. Please confirm that all ES topic chapters have based their assessment on the submitted Scheme Layout Plans, Works Plans and Engineering Drawings and Sections. | All Environmental Statement (ES) topic chapters [APP-049 to 062] have based their assessment on the submitted Scheme Layout Plans [APP-012 and AS-004], Works Plans [AS-003] and Engineering Drawings and Sections [APP-014]. |
| 1.1.2 | Applicant | Please also confirm whether the submission of Revision 1 of the Scheme Layout Plans and the Works Plans would give rise to any revisions to the assessment of effects presented in the Environmental Statement | Revision 1 of the Scheme Layout Plans Sheets 11 to 31 [AS-004] and the Works Plans [AS-003] does not give rise to any revisions to the assessment of effects presented in the Environmental Statement [APP-049 to 062]. |
| 1.1.3 | Applicant | <p>a) Section 4.9 of Chapter 4 of the ES [APP-049] provides an overarching methodology for the assessment of effects. Please confirm which of the significance categories shown in Table 4.2 of ES Chapter 4 are deemed to be 'significant' for the purposes of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.</p> <p>b) Within the ES some residual effects are referred to as being 'not expected to be significant with appropriate mitigation measures in place' (for ease of reference see Register of Environmental Actions and Commitments (REAC) [APP-135]). Please be more explicit as to whether appropriate mitigation could be provided to avoid significant adverse effects from arising.</p> | <p>a) Effects which are moderate, large or very large are deemed to be significant.</p> <p>b) As regards such likely significant effects that arise, all appropriate mitigation will be carried out and it will be secured in the following ways.</p> <p>First, a Construction Environmental Management Plan (CEMP) will be required under Requirement 3(1) and 3(2) of the dDCO [APP-018]. Under Requirement 3(3) the authorised development must be constructed in accordance with the approved CEMP. Second, a Handover Environmental Management Plan (HEMP) will be required under Schedule 2 Requirement 3(4) and 3(5). Under Requirement 3(6) the authorised development must be operated and maintained in accordance with the HEMP.</p> |

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| 1. General | | | |
| | | | <p>A number of the Requirements deal specifically with environmental issues to be addressed as part of the scheme including, as regards replacement land (Requirement 7), the Thames Basin Heaths Special Protection Area (Requirement 8), the Bolder Mere mitigation and enhancement area (Requirement 10), the Buxton Wood environmental mitigation area (Requirement 11) and the Stratford Brook environmental mitigation area (Requirement 12). The dDCO includes the necessary powers in respect of land such that these requirements can be met.</p> <p>As regards protected species it will be necessary to adhere to the conditions of the relevant licences to be issued by Natural England.</p> |
| 1.1.4 | Applicant | Please provide a copy of the Scheme Layout Plans annotated with works numbers to enable cross referencing to the draft DCO. | A set of the Scheme Layout Plans [APP-012 and AS-004] with the Works Plans [AS-003] centre lines and works numbers overlaid is included in the Deadline 2 submission as Volume 9.21. |
| 1.1.5 | Applicant | Paragraph 1.2.6 of the Introduction to the Scheme Layout Plans[APP-012] and Note 5 on the Scheme Layout Plans states that the information shown on the plans is commensurate with the preliminary design status of the project, and that detailed design would follow consent for the Proposed Development. Please confirm what assumptions have been made in respect of the design of the mitigation measures in assessing the residual effects of the Proposed Development. | <p>We are confident that the mitigation measures in the Environmental Statement are relevant to the detailed design as they are to the preliminary design the subject of the DCO application.</p> <p>The documents and drawings submitted as part of the DCO application give an appropriate level of detail to have prepared a robust Environmental Statement.</p> |

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| 1. General | | | |
| | | | <p>The mitigation measures set out in the Environmental Statement and listed in the Register of Environmental Actions and Commitments will be implemented through the Requirements set out in Schedule 2 of the dDCO [APP-018], including the Construction Environmental Management Plan and the Handover Environmental Management Plan (HEMP) which functions as the equivalent of the Construction Environmental Management Plan (CEMP) for the operational period of the Scheme which are both to be prepared and approved as part of Requirement 3. There are a number of additional control documents related to construction which will provide mitigation for construction effects. These are set out in the "roadmap" which is submitted in response to Examining Authority Written Question 1.1.6. Requirements related to mitigation of effects of the Scheme on specific environmental designations or resources is also set out in Schedule 2.</p> |
| 1.1.6 | Applicant | <p>The REAC [APP-135] and Outline CEMP [APP-134] both refer to a number of management and other plans which are to be prepared. Please present a 'roadmap' which demonstrates the hierarchy of these plans, how they will operate together and the mechanism/s for their review, finalisation, implementation and monitoring.</p> | <p>A 'roadmap' of management and other plans referred to in the REAC [APP-135] and the outline CEMP [AS-016] is presented at Deadline 2 in Volume 9.15. The 'roadmap' seeks to show the overview of the context of these plans, their interrelationship and the context for their review, finalisation, implementation and monitoring.</p> <p>The 'roadmap' contains all of the plans listed in either REAC or outline CEMP which will inform or be incorporated within material submitted to discharge the relevant Requirements under the DCO.</p> |

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| 1. General | | | |
| | | | <p>The management and other plans referred to in the REAC and the outline CEMP can broadly be divided into the following categories:</p> <ul style="list-style-type: none"> • Environmental Control Plans (ECPs); • Risk Assessment Method Statements; • Method Statements; • Managements Plans; • Schemes and Strategies; and • Other documents (e.g. contractual documents) <p>ECPs are documents which ensure that construction-related mitigation measures and actions set out in the REAC are successfully implemented on site. ECPs inform the works and the development of associated task-specific risk assessments. It is expected that some or all of the ECPs included in the outline CEMP will be prepared during the detailed design and construction planning, as appropriate, for the Scheme as part of the final CEMP and will be in accordance with the Requirement 3 (2)(c) of the draft DCO [APP-018].</p> <p>The drafting of Requirement 3, including the specification at Requirement 3(2)(a) that the CEMP must 'reflect the mitigation measures set out in the REAC' is aligned with the drafting in the Testo's Order and other made DCOs. It should also be noted that Requirement 3, at paragraph (1), stipulates that the CEMP submitted for approval must be 'substantially in accordance with</p> |

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| 1. General | | | |
| | | | <p>the outline CEMP'. The CEMP, along with the plans and documents included in it, will thus secure all environmental commitments contained in the REAC. The appended REAC will therefore be secured as part of the CEMP. Section 6 of the outline CEMP [AS-016] sets out the mechanism for how the REAC (included as Appendix G to the outline CEMP) will be secured as part of the CEMP and HEMP. During the implementation of the Scheme it will be appended to the approved CEMP for the construction period and ultimately shall be appended to the HEMP.</p> <p>The plans and documents referred to in the REAC and outline CEMP and shown on the enclosed "road map" operate within the wider context of design and management plans which relate to permanent works, including environmental mitigation.</p> |
| 1.1.7 | Applicant | Please provide an updated copy of the REAC [APP-135] with the DCO referencing expanded to show the relevant Requirement which will secure each mitigation measure. | The Volume 7.3 Register of Environmental Actions and Commitments (REAC) [APP-135] has been updated to show relevant Requirements where appropriate and is submitted at Deadline 2. |
| 1.1.8 | Applicant | Please confirm that while the submitted application includes two NSIPs if the Secretary of State was to grant the DCO then the consented development would be implemented as a single project. | Highways England can confirm that, if the DCO is made, the Scheme will be implemented as a single highway scheme. As a matter of law, the Scheme comprises two nationally significant infrastructure projects (NSIPs), although it has been designed as a single scheme and assessed for environmental impact assessment purposes as such. |

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| 1. General | | | |
| 1.1.9 | Applicant | Please provide a 'Key Legend' for the whole of the suite of Engineering drawings that comprise examination document [APP-014]. | A 'Key Legend' for the whole of the suite of Engineering Drawings is provided in Volume 9.30, which is submitted at Deadline 2. |
| 1.1.10 | Applicant | With respect to cross referring the proposed carriageway surfacing to be undertaken, as stated in various of the Works Numbers listed in Schedule 1 of the dDCO [APP-018], with the notations for the numbered works on Sheets 1 to 31 of the Works Plans [APP-007] it is difficult to determine the geographical extent of the carriageway surfacing works. The applicant is therefore requested to submit drawings showing the geographical extent of the carriageway surfacing works in a more explicit drawn form. This would also assist in differentiating the parts of the Scheme that it is proposed would be surfaced with or without low noise road surfacing materials. | Drawings showing the geographical extent of the carriageway surfacing works where the carriageway is proposed to be surfaced with and without low noise surfacing is included in Volume 9.22, which is submitted at Deadline 2. |
| 1.1.11 | Applicant | To differentiate Works 25 and 25(a) and 28 and 28(a) referred to in Schedule 1 of the dDCO [APP-018] more clearly and for reasons of drafting consistency used elsewhere in Schedule 1 Works Nos 25 and 28 should be redrafted so that they are written as a multi-part set of works. | The Examining Authority's attention is drawn to the revised dDCO submitted at Deadline 2 (Volume 3.1(1)), which includes at schedule 1 the sub-division of Work Nos. 25 and 25(a) and Work Nos. 28 and 28(a) as requested. |
| 1.1.12 | Applicant | The ES in various chapters, refers to the monitoring of certain design elements being undertaken, for example at paragraph 13.13.4 of Chapter 13 [APP-058]. Please explain what is meant by this and if it concerns monitoring of the effectiveness of the Scheme's operational design and the undertaking of remedial works, how that would be secured under the Requirements of the dDCO. | The wider environmental performance of the scheme after opening will be monitored under Highways England's Benefits Realisation and Evaluation Plan (BREP) the purpose of which is to require reviews of the performance of schemes five years after they open to traffic. Any remedial actions required by the BREP review would be implemented by Highways England irrespective of the requirements of the DCO. As regards matters addressed by the HEMP Requirement 3(6) requires the authorised development to be operated and maintained in |

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| 1. General | | | |
| | | | accordance with it. |
| 1.1.13 | Applicant | <p>The ES states that assessments described in Chapter 13 are based on study areas established using 'professional judgement, knowledge and best practice'. The Applicant is requested to explain the reasons in support of the defined study areas listed in Table 13.2 and how these relate to the expected zone of influence of the Proposed Development.</p> | <p>The Environmental Statement Chapter 13: People and communities [APP-058] considers a range of different sub-topics, for which a variety of study areas have been defined which seek to ensure that all likely significant effects are described and assessed. In the absence of prescriptive guidance in DMRB Volume 11 the recommended study area for People and Communities, the study area has been based on professional judgement, knowledge and best practice. The approach to study areas is in accordance with Design Manual for Roads and Bridges HA 205/08, which states that "The study area for the assessment should be defined on a case-by-case basis reflecting the project and the surrounding environment over which significant effects can reasonably be thought to have the potential to occur". In most cases, as referred to in Table 13.2, the study area includes land within the DCO boundary plus 500m except in the case of agricultural land, where the additional distance used is 250m.</p> <p>The study areas were selected having regard to the likely significant environmental effects of a scheme of this kind on the categories of receptors identified in Table 13.2.</p> <p>The People and Communities study area covers the area where direct effects of the Scheme will be experienced as well as the area where effects on an asset or receptor might be felt. For some topics the effects of the Scheme extends beyond the immediate area of the works – for example, amenity effects</p> |

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| 1. General | | | |
| | | | could be experienced in the surrounding area where there would be changes in traffic flows as a result of the Scheme, or upon the extent or operation of agricultural holdings. The relevant zones or areas were adopted which, based on professional judgement, knowledge and best practice would pick up and address both the direct and indirect impacts resulting from the scheme. |
| 1.1.14 | Applicant | Please provide a revised version of Figure 13.1 which shows the object ID for each of the residential properties, local businesses and community assets. This will help clarify the identification and exact location of the features listed in Tables 1.1–1.3 of [APP-124]. | A revised version of Volume 6.4 Environmental Statement: Chapter 13 People and Communities Figures [AS-010], incorporating a revised Figure 13.1, is provided at Deadline 2. It was not practicable to identify the exact location of each of the features listed in the Tables 1.1–1.3 of [APP-124] and so, in some cases, the features listed have been grouped as shown on the revised plan. |

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| 1. General | | | |
| 1.1.15 | Applicant | <p>Chapter 13 of the ES[APP-058] provides limited information as to the age of the baseline data used to inform the assessment. Therefore, please confirm the age of the following items of data and why they are considered to be representative of the existing situation:</p> <ul style="list-style-type: none"> list of residential dwellings (Appendix 13.1 of the ES)[APP-124]; list of community assets and PRoW (paragraph 13.7.5 of the ES and Table 13.22)[APP-058]; list of local businesses and organisations (paragraph 13.7.21 of the ES); list of affected agricultural holdings (Table 13.30 of the ES); and list of land allocated for development or covered by an existing planning permission (Table 13.21 of the ES) | <p>The details of residential dwellings, community assets, businesses and organisations and agricultural holdings were taken from a GIS address database - which was last compiled in 2018.</p> <p>The details of Public Rights of Way (PRoW) were based on the Surrey County Council interactive rights of way map which was last updated in 2018.</p> <p>The details of land allocated for development or covered by an existing planning permission were obtained iteratively, using information from the various local authority websites, which were most recently reviewed in spring 2019. This approach was in line with the other developments set out in Table 16.2 of Environmental Statement Chapter 16: Assessment of Cumulative Effects [APP-061].</p> <p>In all of these cases, the data used was the latest available and is considered representative of the existing situation.</p> |
| 1.1.16 | Applicant | <p>The criteria used to establish the magnitude of impacts for the amenity value of private residential properties, land take from community assets, local economy and employment, agricultural soils and non-motorised users are not based on published guidance. Consequently, please explain how these criteria have been derived and what supporting evidence has been used to establish them.</p> | <p>The criteria used to establish magnitude of impacts is largely derived from <i>Design Manual for Roads and Bridges Volume 11 Part 6 Land Use</i> (for private dwellings, community land and assets, development land and businesses and agricultural soils).</p> <p>As there is no published guidance for non-motorised users, a qualitative approach to the assessment is detailed in application document Environmental Statement Chapter 13: People and communities [APP-058] Section 13.5.45 – 13.5.47 (including Table 13.15) .</p> |

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| 1. General | | | |
| 1.1.17 | Applicant | Table 13.3 of Chapter 13 of the ES [APP-058] presents four categories of receptor sensitivity. However, the 'significance of effects matrix' presents five categories of sensitivity (Table 13.5 [APP-058]). Please explain the discrepancy, and address whether this affects any of the findings presented in this chapter of the ES. | <p>The DMRB (Volume 11 Section 2 Part 5) guidance identifies five description categories of receptor sensitivity and of these five categories, four are included in application document Environmental Statement Chapter 13: People and communities [APP-058] Table 13.3 with the exclusion of the environmental value 'Very High'. The value of 'Very High' in the DMRB guidance is described as 'very high importance and rarity, international scale and very limited potential for substitution'.</p> <p>Following an assessment of receptors, as demonstrated in Environmental Statement Chapter 13: People and communities, [APP-058] Table 13.4, it was concluded that none of the receptors were considered to be of 'Very High' value, thus the value was excluded from the table.</p> |
| 1.1.18 | Applicant | Paragraph 13.6.2 of the ES [APP-058] states that some details in the Outline Environmental Management Plan, Transport Assessment and the operation of the Proposed Development may be unknown or subject to change which may result in differing magnitude or significance of effects other than those that are assessed in the ES. Could the Applicant explain to what extent, if this is the case, the ExA can place firm reliance on the conclusions reached in the ES. | <p>The assessment of likely significant environmental effects on people and communities [APP-58] was carried out within the parameters of a preliminary scheme design which may be subject to some refinement and evolution as part of detailed design. This approach is common to nationally significant infrastructure projects (NSIPs) consented under the Planning Act 2008. Indeed, the level of preliminary design of the Scheme is more advanced in several respects than for other NSIP schemes, which has been driven by the environmental constraints within which the Scheme has been developed.</p> <p>Highways England can confirm that the detailed design of the Scheme is intended to be carried out within the parameters of the environmental envelope which has been assessed in the</p> |

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| 1. General | | | |
| | | | <p>environmental statement.</p> <p>Moreover, requirement 5 of the dDCO [APP-018] will operate so as to preclude Highways England from making any amendments to the Scheme as part of detailed design which would give rise to any materially new or materially different significant environmental effects in comparison with those assessed in the environmental statement.</p> <p>Accordingly, Highways England wishes to clarify the statement made in paragraph 13.6.2 of Environmental Statement Chapter 13: People and Communities. The statement was not intended to create any impression that materially new or materially different significant environmental effects may be introduced at the detailed design stage. For completeness, the statement made at paragraph 13.6.2 of Chapter 13 was in any event only made in respect of the conclusions of that environmental statement topic chapter, rather than in relation to the overall conclusions presented in the environmental statement as a whole.</p> <p>The conclusions of the environmental statement are therefore robust and the examining authority (and in due course, the Secretary of State) can have full confidence that Highways England has identified the likely significant effects of the Scheme as required under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.</p> |

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| 2. Principle and nature of the development including need and alternatives | | | |
| 1.2.1 | Applicant | <p>RRs from some IPs, for example the Gardens Trust and Painshill Park Trust [RR-014 and RR-021 respectively] have referred to retained or replacement access at the western end of the park that was provided in earlier iterations of the project design but have been omitted from the scheme that has been submitted. Please justify this approach including why the access route has not been extended to the Painshill Park entrance and explain how an acceptable level of access would be provided for both emergency and land management purposes.</p> | <p>Earlier versions of the Scheme included features from which a vehicular access into the western part of the park could have been provided directly. Since that time, the NMU route from the new Red Hill bridge has been moved to the north side of the A3, primarily to accommodate the Girl Guide Association's concerns over safeguarding for the children who visit the campsite. The Scheme, therefore, no longer includes a new track past the Gothic Tower (and the existing western access to the park) that could be used by vehicles. Relocating the NMU route to the north side of the A3 also accords with the wishes of the Trust and Historic England to minimise impacts on the setting of the tower. This is illustrated in Section 6.4 of the Consultation Report Main Report [APP-026].</p> <p>This design change was also made in the context that the existing direct access from the A3 southbound carriageway could not be re-provided in the Scheme on safety grounds (as it would not be compliant with design standards for four-lane carriageways, sightline distances or weaving lengths).</p> <p>Highways England has consulted with the Surrey Fire and Rescue Service (SFRS), who have confirmed they are able drive their fire appliance to the Gothic Tower via the existing internal road network at Painshill Park.</p> <p>The current design includes a private means of access (PMA) from the Painshill Junction slip road terminating at Court Close Farm. To extend the PMA to provide a direct access to the western end of the park would entail a new route across</p> |

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| 2. Principle and nature of the development including need and alternatives | | | |
| | | | privately-owned third-party land. The internal network of maintenance tracks provides access for both emergency and maintenance vehicles to the western part of Painshill Park. |
| 1.2.2 | Surrey Fire and Rescue Service via Surrey County Council (SCC) | <p>a) Please advise what is the current primary access route that would be used by the Fire and Rescue Service in the event of there being a fire at the Grade II* Listed Gothic Tower within Painshill Park that required attendance by a fire appliance or appliances?</p> <p>b) Please advise whether the stopping up of the private access to Painshill Park shown at point E on sheet 6 of 31 of the Streets, Rights of Way and Access Plans [App-008] would or would not mean that there would be an adequate route available for fire appliances needing to attend an incident at the Gothic Tower?</p> | N/A |
| 1.2.3 | Applicant | In light of the RR from Extra MSA Cobham Limited [RR-013], please clarify the situation regarding the relocation or replacement of the 1.5 mile advanced direction sign for Cobham Services, and clarify what works will take place in proximity of Cobham Services. | <p>The 1.5 mile advanced direction sign for Cobham Services located on the eastbound carriageway verge immediately east of junction 10 near marker post M25/B/71.8 will either be relocated or replaced, as necessary, as part of Work No. 26 in the draft Development Consent Order (dDCO) [APP-018]. Highways England will work with Extra MSA Cobham Limited to agree an appropriate course of action during detailed design.</p> <p>The work proposed between M25 junction 10 and the MSA is shown on the Works Plans [AS-003], Sheets 13 to 18, Scheme Layout Plans (Sheets 11-31 of 31) [AS-004], and Schedule 1 of the dDCO [APP-018].</p> <p>In the immediate vicinity of the MSA, under Work No. 24(a), and Work No. 27(a) the works consist of modifications to road</p> |

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| 2. Principle and nature of the development including need and alternatives | | | |
| | | | <p>markings, signage and existing gantries and associated cabling and ducting works (as shown on Sheet 5 and Sheets 10 to 18 of the Works Plans). In detail the works immediately adjacent are a gantry upgrade at Chainage 8155 (Sheet 17), and gantry relocations at Chainage 8817 (Sheet 16) and 9707 (Sheet 15).</p> <p>It is not expected that the proposed works set out above will have a direct effect on the operation of the MSA, including the slip roads.</p> <p>As part of preparing the construction traffic management plan to discharge Requirement 4, Highways England will engage with key stakeholders including Extra MSA Cobham Limited, who will be invited to regular workshops regarding the works being delivered. This will be an element of the community relations strategy forming part of the CEMP to be approved under Requirement 3 of the DCO.</p> |
| 1.2.4 | Royal Horticultural Society (RHS) | Please provide a copy of your March 2018 technical submission that you refer to in paragraph 10 of your RR [RR-024]. | N/A |

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| 3. Air quality and human health | | | |
| 1.3.1 | Applicant | The applicant is requested to provide a copy of Highways England Air Quality Strategy (2017) [cited in APP-050] | A copy has been provided at Deadline 2 in Volume 9.23. |
| 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? | Yes, the most recent year of ratified data available at time of publication of the Environmental Statement was for 2017 and that was the data used for baseline monitoring. |
| 1.3.3 | Applicant and GBC | In view of concern raised by SCC in its RR [RR-004] about the predictions for re-routed traffic passing through Ripley (paragraph 2.2.2), is the estimate for traffic travelling through Ripley of sufficient accuracy to enable the air quality effects for this settlement to have been adequately assessed in Chapter 5 of the ES [APP-050]? | The traffic models have been developed, calibrated and validated in accordance with Department for Transport best practice guidance. Consequently, they are fit for purpose and the outputs of forecast traffic flows across the road network for the different scenarios are sufficiently accurate to enable air quality effects of the Scheme to have been adequately and robustly assessed for the Environmental Statement, including through Ripley. |
| 1.3.4 | Applicant | What effect would the provision of south facing slips at the Oakham Park junction have on the projected air quality for the area? | South facing slip roads are not included as part of the Scheme and so the air quality effects have not been modelled. Highways England therefore does not have information to enable a response to this question to be made. |
| 1.3.5 | Applicant | With respect to the construction effects due to dust it is stated at paragraph 5.10.1 of Chapter 5 of the ES [APP-050] that with the use of 'standard and appropriate mitigation' there is 'unlikely to be a significant effect due to the | When undertaking the air quality assessment for construction effects, there is usually limited information, as in this case, about the actual construction methods and programme to be applied |

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| 3. Air quality and human health | | | |
| | | <p>construction of the scheme'. Please be more explicit as to whether or not adequate mitigation could be provided to avoid a significant construction effect arising from the generation of dust.</p> <p>Please provide details of what mitigation measures have been assumed to reach this conclusion and how these measures will be secured (eg through the CEMP).</p> | <p>during construction by the contractor, ahead of the detailed design stage. A qualitative appraisal of the potential effects during construction is included at paragraphs 5.8.2 to 5.8.5 of the Environmental Statement Chapter 5: Air Quality [APP-050]. As stated in the DMRB Air Quality guidance, (LA105, paragraph 2.106), with best practice construction mitigation measures the impacts of construction dust are unlikely to trigger a significant air quality effect. It is common practice to assume that if appropriate mitigation measures are in place, as has been documented in section 5.9 of the Environmental Statement Chapter 5: Air Quality [APP-050], dust emissions would be suitably minimised such that there would not be a significant residual effect.</p> <p>The actual mitigation measures will have regard to the likely magnitude of the dust source, the duration of the works and their proximity to sensitive receptors. These measures will provide adequate mitigation to avoid a significant construction effect arising from the generation of dust. Mitigation measures will be secured in a CEMP under Requirement 3 of the dDCO [APP-018] following consultation with local authorities. A list of mitigation measures that may be included are documented at paragraph 5.9.1 of APP-050 and include regular water-spraying and sweeping of roads; using wheel washes for vehicles leaving site; sheeting vehicles carrying dusty materials; enforcing speed limits; and storing dusty materials appropriately.</p> |

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| 3. Air quality and human health | | | |
| 1.3.6 | Applicant | <p>The ExA recognises that with respect to the operational effect on air quality that the Applicant has no direct control over the volume of traffic using either the strategic or local road networks. However, is the Applicant able to provide a greater degree of comfort than the scheme is '... not expected to have a significant effect on human health receptors' [paragraph 5.10.2 of APP-050]?</p> | <p>When reaching conclusions on an air quality assessment, it is a requirement to determine whether the effect during operation could be significant. For a Highways England scheme, this determination is made in accordance with Highways England's Interim Advice Note 174/13. This requires an informed judgement made on the basis of key criteria questions, including for example: the future estimated concentrations relative to air quality criteria; the magnitude of changes due to the scheme in the context of that future concentration; the number of properties the change is representative of; and the likely duration of that change. Paragraph 5.10.2 of the Environmental Statement Chapter 5: Air Quality [APP-050] assesses the significance of the effect of the Scheme in accordance with these key criteria questions.</p> <p>Information about the forecast magnitude of changes in concentrations at receptors is provided in Section 5.8 of APP-050, including at receptors expected to experience a decrease in pollutant concentrations (paragraph 5.8.11 of APP-050).</p> <p>To ensure that the assessment was robust a conservative approach was adopted, including in relation to the consideration of receptors, the verification of the modelled outputs, and the long-term trends analysis as described below.</p> <p>When considering receptors for inclusion in an air quality assessment it is best practice to include those expected to have the largest changes in concentrations with the scheme, as well as those likely to have the highest concentrations. The</p> |

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| | | | <p>assessment for the Scheme included receptors closest to roads affected by the Scheme, those that are representative of large numbers of properties, as well as those near junctions. Therefore, the described changes are the highest that may be expected in the study area.</p> <p>In accordance with relevant guidance (DEFRA LAQM.TG(16)), pollutant concentrations derived from the air dispersion modelling exercise were verified using real world monitoring data and, where appropriate, adjusted (paragraphs 5.5.21 and 5.5.22 of APP-050) and further described in Appendix 5.4 of Environmental Statement Appendix 5.1: Air Quality [APP-080]. Once adjusted, the statistics derived from the comparison of modelled to measured concentrations demonstrated an acceptable model performance.</p> <p>For Highways England road schemes, a sensitivity test or 'long term trends analysis' in accordance with IAN 170/12 v3 is undertaken for nitrogen oxides and nitrogen dioxide concentrations, to account for the fact that there are uncertainties in future emissions and projected concentrations. The long-term trends analysis for the Scheme was presented in Appendix 5.7 of APP-080. The higher, estimated concentrations from this sensitivity test were used to draw the conclusion in the air quality assessment chapter, which showed that the Scheme is not expected to have a significant effect on human health receptors [paragraph 5.10.2 of APP-050].</p> |

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| 1.4.1 | Applicant | Can you please clarify what data on non-native invasive species was used to inform the assessment under the Habitats Regulations? | <p>Data on non-native invasive plant species was recorded during the extended Phase 1 habitat survey (refer to Environmental Statement Chapter 7 Biodiversity [APP-052], paragraph 7.6.16 – 17 for the method and 7.8.122 for a summary of the baseline).</p> <p>This consisted of a search for non-native invasive plants subject to legal control (i.e. those listed in Schedule 9 to the Wildlife and Countryside Act 1981).</p> <p>The non-native invasive plants species rhododendron (<i>Rhododendron ponticum</i>) and Himalyan balsam (<i>Impatiens glandulifera</i>) are widespread within wooded areas of the SPA, and Bolder Mere contains Nuttall's waterweed (<i>Elodea nuttallii</i>), alternate water-milfoil (<i>Myriophyllum alterniflorum</i>) and New Zealand pigmyweed (<i>Crassula helmsii</i>).</p> <p>However, the Habitats Regulations Assessment did not require, nor use this non-native invasive plant species data. Instead an adverse effect from the potential spread of non-native invasive plants was ruled out during the Habitats Regulations Assessment: Stage 2 [APP-043], based on the embedded construction mitigation measures.</p> <p>The embedded mitigation measures include the following, as taken from Table D.1 of the Habitats Regulations Assessment Stage 2 appropriate assessment [APP-043] "As part of the Precautionary Method for Working, prior to all works commencing, a check for non-native invasive plants will be undertaken. Any non-native invasive plants will either be avoided or removed by a suitably qualified specialist".</p> <p>These embedded mitigation measures will ensure that the spread of non-native invasive plants does not occur during construction and will be</p> |

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| | | | secured through the Construction Environmental Management Plan (CEMP). The prevention of the spread of non-native invasive plant species is committed to within the REAC, as outlined in Tables G.2 and G.3 in Appendix G of the Outline CEMP [AS-016]. |
| 1.4.2 | Applicant and Natural England (NE) | Please can you provide the ExA with an update on the discussion around the inclusion of the Heathrow Expansion in the scope of the in-combination assessment? Are both of you in agreement with the scope? | As recorded in Rev 0 of the 8.2 Statement of Common Ground with Natural England [APP-138], this was "under discussion". The scope of the in-combination assessment, which excludes the Heathrow expansion has now been agreed with Natural England. The status of the issue as agreed will be reflected in the updated statement of common ground which will be submitted to the Examining Authority at Deadline 3 (28 January 2020). |
| 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? | N/A |
| 1.4.4 | Applicant | In regard to the assessment of the effects of recreational disturbance in the Habitats Regulations Assessment: Stage 2 Statement to inform appropriate assessment [APP-043], please explain how the conclusions of the assessment of recreational disturbance would be affected if the Cockcrow bridge was not built with the green margin as described. Having regard to your letter of 4 November 2019 [AS-023], please provide comment on how wider approach ramps necessary to the proposed change of the 'green element' of the replacement Cockcrow | As explained in footnote 14 to section 7.4.20 of the Environmental Statement Chapter 7: Biodiversity [APP-052], the provision for a green element to the Cockcrow bridge (Work No. 35(b)) as part of the Scheme, subject to funding by way of Highways England's Environmental Designated Funds programme, will act as an additional enhancement measure to address historic issues relating to severance of ecological habitats by the existing A3. The green bridge is not however required to mitigate the effects of the Scheme on the environment as the Scheme will not make the ecological |

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| | | bridge would affect the assessment of effects on Thames Basin Heaths SPA. | <p>severance effects of the A3 any worse than at present. Accordingly, the conclusions of the assessment of recreational disturbance presented in the habitats regulations assessment (Habitats Regulations Assessment: Stage 2 [APP-043] and Habitats Regulations Assessment Stage 3-5 [044]) would not change if the Cockcrow bridge was not built with the green margin.</p> <p>As noted in AS-023, Highways England proposes to increase the provision of a green margin at Cockcrow bridge from the 10 metre width provided for as part of Work No. 35 (b) Scheme to a 25 metre width. Although this would lead to a requirement for wider approach ramps, it would not change the red line boundary. As described in 7.8.23 of the Environmental Statement Appendix 7.19 SPA management and monitoring plan ([AS-015]), these approach ramps would be reinstated and would be sown with a bespoke native species-rich acid grassland seed mix and supplemented with heather brash. The HRA already assumes the temporary or permanent loss of all habitats within the SPA within the red line boundary. Therefore, the inclusion of wider approach ramps would not change the findings of the assessment of effects on the Thames Basin Heaths SPA.</p> |
| 1.4.5 | Applicant | In the Habitats Regulations Assessment: Stage 2 Statement to inform appropriate assessment [APP-043], it is noted that Nitrogen deposition rates during operation are predicted to be below the current baseline levels. This is attributed to technological improvements in vehicle emissions. Can you explain the certainty behind these assumptions applied to the air quality assessment and how precaution has been applied in this regard? | The Environmental Statement Chapter 5: Air Quality [APP-050] followed the Highways England methodology and used the most up to date tools available at the time of assessment. The method was agreed with Natural England, as recorded in Point 2.0 of the meeting minutes for 27 March 2018, in Appendix A.13 of 8.2 Statement of Common Ground with Natural England [APP-138]. |

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| | | | <p>The total nitrogen deposition rates reported in the air quality assessment of the ES and used in the Habitats Regulations Assessment: Stage 2 [APP-043] comprise a “background” component and a “road” component. The background component is taken from the Air Pollution Information System (APIS) website. This is the official source of nitrogen deposition data and is maintained by the Centre for Hydrology and Ecology for the relevant statutory authorities.</p> <p>Nitrogen deposition rates near to major roads are directly related to emissions of oxides of nitrogen (NOx). Emissions of oxides of nitrogen (NOx) have fallen by 72% since 1990, as noted on the National Atmospheric Emissions Inventory (NAEI) website (https://naei.beis.gov.uk/overview/pollutants?pollutant_id=6). The reduction in NOx emissions from road transport of 77% over this period is cited as being a result of the introduction of catalytic converters and stricter regulations. This provides supporting historic evidence of the effect of technological improvements in vehicle emissions.</p> <p>Trends in historic nitrogen deposition rates are available on APIS. For the Thames Basin Heaths SPA it shows that total nitrogen deposition rates to forest habitat have fallen from 26 kg/N/ha/yr in 2005 to 21 kg/N/ha/yr in 2016 (http://www.apis.ac.uk/src1/select-a-feature?site=UK9012141&SiteType=SPA&submit=Next). This equates to a reduction of approximately 0.5 kg/N/ha/yr, around 2% a year.</p> <p>The UK Government is committed to further reducing air pollution from transport, as documented in the Clean Air Strategy 2019 (available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/770715/clean-air-strategy-2019.pdf), with the</p> |

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| | | | <p>intention of ending the sales of new petrol and diesel cars by 2040. On this basis, the current reduction in emissions of NOx is expected to continue, as older, higher emitting vehicles are retired from the fleet, and newer lower emitting vehicles replace them. There is already an effect as a result of this policy in the form of a reduction in new diesel vehicle registrations “contrasted by increases for petrol and alternative fuel cars” (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/812253/vehicle-licensing-statistics-january-to-march-2019.pdf).</p> <p>Given that emissions of NOx are falling year on year, largely due to more stringent emissions controls, and such controls and policy measures are expected to continue, it follows that nitrogen deposition rates will also continue to fall. This assumption is inherent in the Highways England's DMRB methodology [Paragraph F2.3 Step 2], which notes that the nitrogen deposition rates on the APIS website should be reduced year on year for use in the assessment. The DMRB method was followed for the assessment, as agreed with Natural England and recorded in Point 2.0 of the meeting minutes for 27 March 2018, in Appendix A.13 of 8.2 Statement of Common Ground with Natural England [APP-138].</p> <p>Regarding the road component of nitrogen deposition, this is derived from modelling of future year concentrations. The emission factors used in the assessment for future years were taken from the Highways England “speedband” emission factors which were derived from DEFRA's Emissions Factors Toolkit. These emissions factors take account of expected improvements in vehicle emissions technology, for instance as a result of tighter European emission standards, as well as</p> |

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| | | | <p>data on fleet composition provided in the NAEI, and fleet projections from the Department for Transport and/or Transport for London.</p> <p>The inherent uncertainty in estimating future air pollutant concentrations and, by association, the road component of the total nitrogen deposition rate, is taken into consideration in the Highways England standard methodology for road schemes and associated Interim Advice Notes (IANs).</p> <p>In accordance with guidance, nitrogen dioxide (NO₂) concentrations derived from the air dispersion model for the base year were verified using monitoring data and adjusted where appropriate, to bring them in line with real-world concentrations. This step addresses uncertainty in the vehicle fleet emissions estimates (paragraphs 5.5.21 and 5.5.22 of Environmental Statement Chapter 5: Air Quality APP-050, and described further in Appendix 5.4 of Environmental Statement Appendix 5.1 Air Quality APP-080). Once adjusted, the total NO₂ concentrations were considered to demonstrate acceptable model performance, giving confidence in the results so derived. The same adjustment factors were applied to the future concentrations which were then used in the calculation of future nitrogen deposition rates.</p> <p>To account for uncertainty in emission factors in future years, the Highways England Interim Advice Note (IAN) 170/12 v3 for long term trends was applied, which is a precautionary approach. This procedure involved the application of an adjustment factor to modelled concentrations to ensure future concentrations are not overly optimistic (see paragraph 5.5.23 of the air quality assessment in the Environmental Statement Chapter 5: Air Quality [APP-050]). The nitrogen deposition</p> |

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| | | | <p>rates used in the Habitats Regulations Assessment: Stage 2 [APP-043] were calculated from the adjusted modelled nitrogen oxides concentrations, therefore it follows that the nitrogen deposition rates are also unlikely to be overly optimistic.</p> <p>Furthermore, the Highways England standard methodology ensures a conservative assessment of effects by including receptors at the closest point within the designated site to the road edge. For the Thames Basin Heaths SPA, however, the areas of woodland at the road edge act as a buffer for the qualifying features for the designated site which only breed and forage within the open heathland areas (as stated in paragraph 7.2.8 of 5.3 Habitats Regulations Assessment: Stage 2 [APP-043]). Hence, even if future NOx concentrations or background nitrogen deposition rates do not reduce at the rate expected in the assessment, it could still be concluded that there would be no adverse effect on the habitats used by the SPA qualifying species.</p> |
| 1.4.6 | Applicant | <p>Requirement 8 of the dDCO [APP-018] states that compensatory habitat creation measures must be begun prior to the authorised development in the SPA, but does not require them to be completed or to reach any particular stage of completion. R8 does not explain what activities would be counted as 'begun'. It is understood that the ratio of 3:1 SPA enhancement measures are proposed to account for the time period that will elapse before the compensation measures reach their full potential. Can the Applicant explain what proposed programming of the compensation and enhancement works has been relied upon in the assessment?</p> | <p>In line with the provisions of Requirement 8 of the dDCO, the programme relied upon for the suite of compensatory measures assumes that the works within the SPA compensation land will have begun prior to authorised development in the SPA.</p> <p>The programme for the suite of compensatory measures assumes that the SPA enhancement area works will take place in stages over several winters. Works will take place in some enhancement areas during construction, but will be phased, and some enhancement areas will undergo works once construction has been completed. This is outlined in Section 5.2 of 5.3 Habitats Regulations Assessment Stage 3-5 [APP-044]).</p> |

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| | | | <p>The term 'begun' refers to, as a minimum, commencing preparatory works within either of the SPA compensation land parcels (i.e. ground preparation or fencing). This interpretation was discussed and agreed in a meeting with Natural England on 03 December 2019.</p> <p>The Habitats Regulations Assessment process included a thorough consultation process with a number of stakeholders, including Natural England. This consultation process has been recorded in 5.3 Habitats Regulations Assessment Annex B [APP-041]. In a meeting with Natural England on 09 October 2018 it was agreed that the SPA enhancement area works could be staged and could take place after construction if required. The Habitats Regulations Assessment has assumed that the suite of compensatory measures will be provided through a phased programme of works.</p> <p>The reasoning behind this staged approach is for three reasons:</p> <ol style="list-style-type: none"> 1. a staged approach will produce variations in ages of restored heathland and thinned woodland, increasing the diversity within the SPA. For example, this will extend the period of time that there will be optimal clear fell habitat present on site for woodlarks. 2. clearance of woodland areas immediately adjacent to construction areas could potentially attract woodlarks to nest within habitats that will be disturbed by construction works. Works in these locations will take place once construction has finished. 3. to ensure that the public users are not subjected to 22.6 ha of woodland clearance and 24.9 ha of woodland thinning in a single period of time. |

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| | | | <p>The SPA enhancement areas are not solely in place to provide an invertebrate resource whilst the SPA compensation areas reach their full potential, but will also offset the temporary loss of habitat within the SPA and will maintain the coherence of the Natura 2000 network by ensuring that the populations of all three qualifying species within the Ockham and Wisley Commons component of the SSSI remain stable, or even increase (refer to paragraphs 5.1.33-35 in 5.3 Habitats Regulations Assessment Stage 3-5 [APP-044]).</p> <p>Under requirement 8(2) in schedule 2 of the dDCO [APP-018], Highways England will be required to carry out the SPA compensatory habitat creation and enhancement measures and thereafter maintain, manage and monitor them, in accordance with the details approved by the Secretary of State under requirement 8(1). Accordingly the examining authority can be confident that the provision of the necessary compensatory measures is fully secured under the dDCO.</p> |
| 1.4.7 | Applicant | <p>In regard to the compensatory measures proposed, how are the specifics of the programming, for example milestones of completion to be reached in advance of construction of the Proposed Development, to be secured? How will the progress against the programme be monitored and measured and is there any plan for remedial action.</p> | <p>As these measures are not 'mitigation' that might need to be in place before the development was complete, but 'compensation' for an impact that will occur, they will be ongoing once commenced and can't be completed in advance of construction of the Proposed Development.</p> <p>Requirement 8 of the dDCO [APP-018] requires details of the SPA compensatory habitat creation and enhancement measures to be submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority and Natural England. The approved SPA Management and Monitoring Plan must include a timetable for the completion of the environmental mitigation and</p> |

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| | | | <p>enhancement works and Highways England will work on this timetable with the appointed Principal Contractor .</p> <p>In addition, the Environmental Statement: Appendix 7.19 SPA Management and monitoring plan [AS-015] includes a commitment (in paragraphs 7.2.1.11 to 7.2.1.13) by Highways England to set up a steering group including representatives from Highways England, Natural England, Surrey County Council/Surrey Wildlife Trust, Royal Society for the Protection of Birds (RSPB), Forestry Commission and Highways England's principal contractor and detailed design ecological consultant.</p> <p>The remit of this steering group would be to work collaboratively with the monitoring party, and those carrying out the works, to track progress and inform decision making throughout the duration of the management plan (including discussing the need for remedial actions and agreeing a way forward). Terms of reference for the steering group will be set during the development of the management plan and will include details such as the frequency of meetings, how meetings will be administered and how any conflicts will be resolved.</p> <p>Progress will be monitored and measured against the measures of success set out in various tables in the Environmental Statement: Appendix 7.19 SPA Management and monitoring plan [AS-015] for each habitat type restored/created or enhanced across its specific management and monitoring duration. Highways England will appoint a monitoring party to monitor the outcomes of the works carried out at set intervals during the agreed management/monitoring periods (which</p> |

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| | | | <p>differs according to the target habitat type). The document states that monitoring will be carried out to determine:</p> <ul style="list-style-type: none"> • Whether measures have been implemented as agreed. • The success/effectiveness of the measures. • How to remedy the situation if any signs of failure to achieve the measures are seen. • If further consultation/approvals/actions are required because proposed measures are not proving effective. <p>It is envisaged that an annual monitoring report will be prepared (and submitted to the steering group) highlighting major works carried out and/or achievements met.</p> <p>These are all matters to be covered in the scheme for the maintenance, management and monitoring of the SPA compensatory and enhancement measures required to be approved under Requirement 8(1)(g).</p> |
| 1.4.8 | Applicant | <p>Given that the specifications of dDCO R8 are included within the SPA Management and Monitoring Plan (MMP) [APP-105], including timescales, responsibilities, and funding, the ExA considers that this document and its final mechanism of delivery must be specifically stated in the dDCO. Can you revise R8 to reflect this, setting out how the final version of the SPA MMP will be delivered.</p> | <p>The dDCO has been amended accordingly.</p> |

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| 1.4.9 | Applicant, NE and Surrey Wildlife Trust (SWT) | Noting the information in the HRA Reports and the SPA MMP [APP-105] around existing management plans and Countryside Stewardship arrangements for land proposed as SPA compensation land, can the Applicant, NE, and SWT comment on whether the compensation measures and the enhancement measures can be considered to be in addition to the actions that are normal practice for the Thames Basin Heaths SPA. | <p>The compensation measures and enhancement measures are in addition to the actions that are normal practice for the Thames Basin Heaths SPA.</p> <p>As recorded in the minutes for the meeting held with representatives of Natural England, Forestry Commission, Royal Society for the Protection of Birds, Surrey Wildlife Trust and Surrey County Council on the 16 March 2018 (Item 4, page 49 of 5.3 Habitats Regulations Assessment Annex B [APP-041]), Surrey Wildlife Trust confirmed that their obligations were to maintain the SPA and SSSI, and therefore the SPA enhancement measures do not form part of normal practice. In particular, the clearance of woodland to allow heathland restoration would require a felling licence from the Forestry Commission, and could not be undertaken as part of normal practice.</p> <p>As well as the SPA enhancement measures not forming normal practice, the creation of wood pasture outside the SPA and SSSI also does not form part of normal practice.</p> <p>The relevant representation from Natural England [RR-020] states in paragraph 3.1.2.6 that <i>“the proposed SPA enhancement works set out in Appendix 7.19 are additional to existing plans for habitat maintenance and management and, at present, there is no legal obligation on the part of Surrey Country Council or Surrey Wildlife Trust to undertake any of the proposed enhancement works, ie expansion of heathland, creation of ‘wood pasture’ and enhancement of retained woodland”</i>.</p> |

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| 1.4.10 | Applicant | The text content of footnote c on both Screening Matrix 2 and 3 [APP-040] does not match the corresponding likely effect in the matrix. Footnote d for both these matrices is missing a reference to the detailed bat survey information. Can you please provide updated HRA screening matrices addressing these points, and provide both the screening and integrity matrices in a Microsoft Word format | The text within the relevant matrices for Screening Matrix 2 and 3 has been amended to reflect this comment. APP-040 has been revised to include these amendments and reissued. |
| 1.4.11 | Applicant and NE | Please can you provide an update regarding progress made to address issues raised in NE's RR [RR-020], including in relation to monitoring and management of enhancement measures, re-instatement of temporary land-take, and drainage design, and the level of agreement reached in this regard? Can NE explain the extent to which efforts in this regard affect the conclusions presented in the Applicant's HRA? | <p>A meeting was held with Natural England on 11 September 2019. This included a discussion regarding the points raised within the Relevant Representation received from Natural England [RR-020]. Natural England agreed that they were satisfied with responses to all points raised, and this will be recorded in the updated Statement of Common Ground which will be submitted to the Examining Authority by Deadline 3 (28 January 2020).</p> <p>Responses to points raised in RR-020, contained in 'Applicant's comments on relevant representations' [REP1-009], are described below in italics, with Highways England's response below:</p> <p><i>Ref 3.2.1.5 Natural England is keen to continue to work with the applicant to achieve the benefits set out in Appendix 7.19.</i></p> <p>Highways England will continue to work with Natural England during construction and the management period (as set out in Table 7.2.1 of the SPA management and monitoring plan [APP-105]) to ensure that the proposed suite of compensatory measures (as set out in Section 5 of the Habitats Regulations Assessment Stage 3-5 [APP-044]) are successfully implemented.</p> <p><i>Ref 3.2.1.8 Natural England is pleased to see that Highways England</i></p> |

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| | | | <p><i>clearly state that they commit to fund the proposed works set out in the draft SPA management and monitoring plan. This should be a condition of Scheme approval.</i></p> <p>The works set out in the SPA Management and Monitoring Plan are committed to by way of Requirement 8 of the dDCO and will therefore be fully funded by Highways England.</p> <p><i>Ref 3.2.1.10 It will be important to clarify the role, if any, which RHS Wisley may have in the management of 'C2 Wisley Compensation Land' and whether there may be a need for changes in the arrangement between Surrey Wildlife Trust and RHS Wisley to clarify roles and responsibilities, particularly in relation to long term maintenance liability.</i></p> <p>Highways England has sought to discuss the management of C2 Wisley Compensation Land with the RHS. Discussions between the parties are ongoing although to date RHS has not indicated that it is willing to take on the long-term management of the works to be undertaken on this land. In the absence of an agreement with RHS providing for its management in accordance with the SPA Management and Monitoring Plan, the dDCO includes powers for Highways England to acquire permanent rights over the land comprising C2 in order to ensure that the works will be delivered.</p> <p><i>Ref 3.2.3.1 There are some matters of detail where we would welcome further discussion over the applicant, such as proposals for monitoring of Annex 1 birds during the construction phase to enable appropriate measures to be put in place if it were to become evident that birds are being displaced due to disturbance.</i></p> <p>Highways England will continue to survey the SPA qualifying species</p> |

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| | | | <p>during construction, using the same methodology as agreed with Natural England and deployed during the gathering of the pre-construction baseline data.</p> <p>Highways England held a meeting with Natural England on the 11 September 2019 where this point was discussed. It was acknowledged that SPA populations may naturally fluctuate, as they have done in recent years (as set out in Appendix B of the Habitats Regulations Assessment: Stage 2 [APP-043]). Therefore, if the populations of an SPA qualifying species were to reduce at Ockham Common and/or Wisley Common, this could be due to other factors (such as changes in vegetation structure) and would not necessarily be attributable to the construction works.</p> <p>Natural England agreed population fluctuations could occur for a range of reasons, and that the monitoring would need to be tied in with discussion with Natural England as to whether any changes in baseline are due to construction or natural fluctuation. Highways England welcomes the opportunity to continue working with Natural England to further develop the construction monitoring proposals.</p> <p><i>Ref 3.2.1.11 As set out the proposed monitoring of the SPA enhancement works in C1 and C2 has no direct link to the desired function of these areas ie that they should have the potential to provide feeding habitat for nightjar. It is acknowledged that the proposed monitoring of tree establishment and plant diversity in the grassland will, to an extent, provide a proxy measure of the likely suitability of the areas for nightjar. However, Natural England would encourage consideration of means of measuring habitat suitability and/or usage of the areas by</i></p> |

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| | | | <p><i>nightjar, such as through use of bio-acoustic technology.</i></p> <p>Highways England held a meeting with Natural England on the 11 September 2019 where this point was discussed. As outlined in 7.2.7-7.2.9 of the Habitats Regulations Assessment: Stage 2 [APP-043], it was agreed that the permanent land take within the SPA does not actually support any qualifying SPA species as foraging or nesting habitat. Therefore, the function of the SPA compensation land is to provide an invertebrate resource for the SPA, rather than to provide additional foraging habitat, and if the SPA compensation land is not used by nightjars, this is not necessarily an indication of failure as long as the invertebrate resource that the SPA compensation land provides increases. With this in mind, the monitoring of usage by nightjars would not be an indication of whether the SPA compensation land is successful. Natural England and Highways England agreed in a meeting on the 11 September 2019 that an assessment of vegetation structure and/or invertebrate abundance would be appropriate in order to determine if the SPA compensation areas are successful. Highways England welcomes the opportunity to continue working with Natural England to further refine the management and monitoring strategy.</p> <p><i>Ref 3.2.4.2 The potential effects of road lighting on this activity should be given careful consideration. There is a large body of evidence which demonstrates that 'light spill' from brightly-lit highways can have significant adverse effects on bat behaviour. It will be important that this is considered in the design of the junction and the design and layout of construction compounds. Natural England would welcome further discussion with the applicant over this aspect at detailed design stage.</i></p> |

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| | | | <p>As stated in Table 7.8 and paragraph 7.4.47 of the Environmental Statement Chapter 7 Biodiversity [APP-052], lighting will be designed sensitively for bats both during construction and operation. This will take place during detailed design and will ensure that light spill will be minimised outside of the construction footprint and, once operational, the road footprint. This will be undertaken under continued discussion with Natural England.</p> <p><i>Ref 3.2.6.2 The proposal to translocate ancient woodland soils is noted. It is clear that the applicant has made strenuous efforts to avoid the loss of Ancient Woodland and that the translocation of soil from those areas where loss is unavoidable is very much a decision of last resort to seek to obtain benefits from the resource. The successful translocation of Ancient Woodland soils is a technically demanding process. It will be important that the work is properly planned and follows best practice, as set out in Habitat Translocation – a best practice guide, P Anderson 2003 CIRIA C600.</i></p> <p>The proposal to translocate ancient woodland soils is described in Section 7.4 of the Environmental Statement Appendix 7.20 Landscape and ecology management and monitoring plan [APP-106]. Paragraph 7.4.3.3 refers to Habitat Translocation – a best practice guide, P Anderson.</p> <p>The methodology will be developed during detailed design and will follow best practice .</p> <p>As stated in paragraph 7.2.1.5 of the Environmental Statement Appendix 7.20 Landscape and ecology management and monitoring plan [APP-106], a specialist contractor with the required experience, equipment and</p> |

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| | | | skills will undertake the ancient soil translocation. Highways England welcomes the opportunity to continue working with Natural England to further refine the methodology, management and monitoring strategy for the ancient woodland soil translocation. |
| 1.4.12 | | Please can you confirm to what habitats, species and species groups paragraph 7.8.127 of ES Chapter 7 [APP-052] applies? | <p>Paragraph 7.8.127 is methodology text and refers to all habitats, species and species groups within the site that are not notable, based on the criteria listed in paragraph 7.5.4 of the Environmental Statement Chapter 7: Biodiversity [APP-052].</p> <p>The assessment considered all habitats within designated sites, Habitats of Principal Importance (HPI) and notable/protected species and assemblages, and these were assessed of Local value or above, as detailed in Table 7.5 of APP-052. Those features that fall outside of these categories have been scoped out of further assessment.</p> <p>Paragraph 7.8.127 of the Environmental Statement Chapter 7: Biodiversity [APP-052] therefore refers to all habitats outside of designated sites and HPIs and all species that are not notable or protected.</p> <p>As described in paragraphs 7.8.26-7.8.36 of the Environmental Statement Chapter 7: Biodiversity [APP-052] the habitats that are not HPIs consist of:</p> <ul style="list-style-type: none"> • Chatley Wood pond • Manor pond • River Wey • River Mole |

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| | | | <ul style="list-style-type: none"> • Stratford Brook • Nine ephemeral ditches • Highway soft estate, including semi-improved neutral grassland and semi-improved species-poor grassland, often forming a mosaic with tall ruderal and scrub vegetation |
| 1.4.13 | | <p>Please explain what level of agreement has been reached with NE regarding the approach to the assessment of air quality impacts on habitats. In particular, can you explain if there is agreement with regard to the assumption in paragraph 7.9.27 of ES Chapter 7 [APP-052] that the assessment carried out for designated sites within 200m of the Affected Road Network (ARN) is representative and can be relied upon to understand the effects on other habitats which may be affected by the proposals.</p> | <p>As recorded in item 2.0 of the minutes for the meeting held with Natural England on 27 March 2018 (5.3 Habitats Regulations Assessment Annex B [APP-041]) , Natural England confirmed that they do not require an air quality assessment on non-designated sites, and agreed that the assessment should follow the methodology described in the DMRB Volume 11 Section 3 Part 1 (HA 207/07 Air Quality). This states in paragraph 3.13 that “<i>The Designated Sites that should be considered for this assessment are those for which the designated features are sensitive to air pollutants, either directly or indirectly, and which could be adversely affected by the effect of local air quality on vegetation within the following nature conservation sites: SACs (SCIs or cSACs), SPAs, pSPAs, SSSIs and Ramsar sites</i>” and “<i>Only properties and designated sites within 200 m of roads affected by the project need be considered</i>”. In addition, there was no request from any of the local authorities who responded to consultation for an assessment of a non-designated ecological site.</p> <p>For all of the transects assessed within the SPA/SSSI it was demonstrated that operational nitrogen deposition levels will change by less than 0.9 kg/N/ha/yr compared to the without Scheme. The text in paragraph 7.9.27 is not focused on particular habitats outside the</p> |

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| | | | <p>designated sites, but instead, comments that these transects are likely to be a reflection of the wider Scheme, and therefore operational nitrogen deposition levels throughout the Scheme are likely to be similar to, or lower than, existing baseline levels. This will result in no perceivable changes to the habitats that occur adjacent to the Scheme, as the levels of nitrogen deposition would not increase from the existing baseline and may even reduce.</p> <p>Paragraph 7.9.27 of Environmental Statement Chapter 7: Biodiversity [APP-052] was not specifically discussed with Natural England, although they did review a draft version of the ES chapter including this paragraph and confirmed that they were broadly satisfied with the content.</p> |
| 1.4.14 | Applicant | <p>If the land take from designated sites and other habitats may be reduced at the detailed design stage, can you provide comment as to how that may affect the proposals for habitat creation and enhancement (ie do you envisage a corresponding flexibility around the habitat creation and enhancement works, in terms of extent, funding or other commitments)?</p> | <p>Even were it possible to reduce land take from designated sites and other habitats at the detailed design stage, Highways England will provide the full suite of compensatory measures as outlined in Section 5 of 5.3 Habitats Regulations Assessment Stage 3-5 [APP-044] and the replacement land measures as outlined in Section 5 of 4.1 Statement of reasons Appendix C [AS-005].</p> <p>In any event the provision of the relevant SPA measures is secured by Requirement 8 (Thames Basin Heaths Special Protection Area (SPA) Compensatory Habitat Creation and Enhancement Measures) of the dDCO [APP-018], which provides that the measures must be carried out and maintained, managed and monitored in accordance with details approved by the Secretary of State.</p> |
| 1.4.15 | Applicant | <p>Can you confirm what design parameters for the lighting proposed for the Proposed Development and the proposed environmental barrier</p> | <p>When considering the assessment residual effects of ecological receptors with regards to proposed lighting, the following have been</p> |

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| | | <p>fences (noise mitigation measures) have been used to inform the assessment of residual effects on ecological receptors.</p> | <p>taken into account as detailed in Paragraph 7.4.47 of Environmental Statement Chapter 7: Biodiversity [APP-052 and the Outline Construction Environmental Management Plan [AS-016] (see Table G.1 and G.3):</p> <ul style="list-style-type: none"> • The operational lighting on the Scheme will be designed in accordance with best practice guidelines (BCT/ILP, 2018), taking into consideration the presence of commuting and foraging bats and other wildlife, including measures to avoid and minimise light spill onto adjacent vegetation, particularly ancient and secondary woodland; • In addition, the lighting along the A3 and M25 within the DCO boundary will be spaced at a distance of 30m apart, and the lights will be positioned as far away as possible from the NMU bridges. This will provide a shaded corridor along the bridges, increasing the potential for bats and other nocturnal animals to utilise the bridges for commuting; • Where possible night time working should be avoided and would be kept to a minimum during the construction period. If it cannot be avoided, it should be restricted in the vicinity of known bat commuting routes and valuable areas of foraging habitat (i.e. commuting routes should not be illuminated nor have generators placed next to them); • Operational lighting would aim to avoid illuminating habitats adjacent to the Scheme |

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| | | | <ul style="list-style-type: none"> • Additional lighting should only be installed in accordance with the Lighting Engineers Guidance for the Reduction of Light Pollution (Bat Conservation Trust and The Institution of Lighting Engineers, 2009). In brief, the effect on bats and disturbance to adjacent habitats can be minimised by the use of suitable lamps with low light spillage, such as LEDs, instead of mercury or metal halide lamps. The brightness would be kept as low as possible by directing the beam downwards using hoods and limiting the height of lighting columns. • Provision of a sensitive lighting design during construction that takes bats and other wildlife into account; • Use limited and/or directional lighting wherever possible to restrict night time impacts; Any night lighting (relating to site compound security or for night time working) to be directed and avoid illumination of key foraging areas during construction, should not produce UV light, has a narrow wavelength, and avoids blue-white colour of light. Warm white lighting should be used if possible. <p>Lighting specific design parameters will be determined during detailed design.</p> <p>The assessment of the residual effects for noise took into account the noise mitigation measures described in Section 6.9 of the Environmental Statement Chapter 6: Noise and Vibration [APP-051] including the improved noise barriers and low noise road surfacing on the A3.</p> |
| 1.4.16 | Applicant | Please can you clarify what works to the culverts on the Stratford Brook are to be included in the dDCO, detailing the options being considered if necessary, and what works to the culverts have been | Engineering works to the culverts on the Stratford Brook comprise strengthening to Stratford Brook (south) culvert (Work No. 6a refers). No engineering works are proposed for the Stratford Brook (north) |

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| | | <p>applied to the assessment of effects on Stratford Brook.</p> | <p>culvert.</p> <p>Highways England has committed to mitigation to partially address the effect of the engineering works on Stratford Brook (south) culvert as well as the more substantial engineering works associated with construction of the Stratford Brook underbridge (Work No. 33b). This mitigation is listed in Table 3 and Figure 2 of Appendix F to the Water Framework Directive Assessment Report [APP-045] and also reported in Environmental Statement Chapter 7: Biodiversity [APP-052] section 7.10. The mitigation set out in the Environmental Statement does not include any works on either of the two culverts.</p> <p>The Environment Agency and Highways England agree that further mitigation to that described in the above paragraph is required to fully address the effect of the Scheme on Stratford Brook. This further mitigation is likely to include work on one or both of the culverts. However, a barrier to agreeing the scope of this further mitigation is insufficient information on the form and condition of the culverts. This information will not become available until surveys to inform detailed design are completed. The Environment Agency and Highways England have agreed a strategy for identifying the scope of the additional mitigation, as set out in the answer to question 1.4.17.</p> <p>The assessment in the Environmental Statement is based on the further mitigation identified in the strategy agreed by the Environment Agency and Highways England being implemented.</p> <p>Requirement 12 of the dDCO (Stratford Brook Environmental Mitigation Area) secures that details of the mitigation measures must be approved by the Secretary of State following consultation with the Environment</p> |

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| | | | <p>Agency before works to construct the Stratford Brook overbridge can commence. The measures to be approved must be substantially in accordance with the relevant measures described in the Water Framework Directive Assessment Report [APP-045]. The examining authority and the Secretary of State can therefore have confidence that the relevant mitigation will be implemented.</p> |
| 1.4.17 | Applicant and Environment Agency (EA) | Please provide an update on the progress of discussions with regards to the proposed detail of mitigation measures associated with effects on Stratford Brook and Bolder Mere. | <p><u>Stratford Brook</u></p> <p>The Environment Agency Relevant Representation (letter dated 6th September 2019, EA ref WA/2019/126852/01-L01) confirms the Environment Agency and Highways England are in broad agreement on a strategy for developing an effective mitigation package for the effects of the Scheme on Stratford Brook. This strategy comprises</p> <ul style="list-style-type: none"> a) Implementation of mitigation that Highways England has committed to as part of the Scheme. This is listed in Table 3 and Figure 2 of Appendix F to the Water Framework Directive Assessment Report [APP-045] and also reported in Environmental Statement Chapter 7: Biodiversity [APP-052], section 7.10. b) Studies to determine the technical feasibility and cost of potential additional mitigation measures, and a commitment by Highways England to undertake these works if they are feasible and of reasonable cost. c) Fall-back to payment of an agreed commuted sum to the Environment Agency if the cost of additional mitigation is not reasonable. Further details on this strategy can be found in Section F.3 of Appendix F to the Water Framework Directive Assessment Report [APP-045]. |

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| | | | <p>The following bullet points list the additional mitigation measure to be considered in the feasibility studies, in order of preference, as proposed by the EA:</p> <ul style="list-style-type: none"> • Full mammal and fish passage improvement works to both Stratford Brook (North) and Stratford Brook (South) culverts; • Partial removal / notching of concrete sill in Stratford Brook (South) culvert; • Improved connectivity (e.g. through use of baffles) through Stratford Brook (South) culvert; • Enhancement/restoration of length of watercourse equivalent to new bridge width downstream of A3 culverts [noting that this is outside of the redline boundary]; and • Commuted sum <p>The detail of the construction sequence is in section 2.7 of the ES (contained within Environmental Statement (Chapters 1-4) [APP- 049]), and further work by Highways England indicates that engineering works affecting Stratford Brook will be built in March to September 2021, requiring surveys, feasibility studies and design of additional mitigation measures to completed before this date.</p> <p>Furthermore, and as described further in the response to 1.4.16 above, Requirement 12 of the dDCO [APP-018] has been agreed with the</p> |

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| | | | <p>Environment Agency to ensure that the identified mitigation as regards the effect of the Scheme on Stratford Brook is delivered.</p> <p>Bolder Mere</p> <p>The Environment Agency Written Representation (letter dated 6th September 2019) confirms a) that the EA's focus on Bolder Mere is on compliance of the water body with the Water Framework Directive, and b) that the Environment Agency considers the mitigation package proposed for the Scheme (as presented in section F.2 of Appendix F) to be sufficient.</p> <p>Furthermore, Requirement 10 of the dDCO [APP-018] and commitment RD1.16 of the Register of Environmental Actions and Commitments (REAC) [APP-135] ensure that the identified mitigation as regards the effect of the Scheme on Bolder Mere is delivered.</p> |
| 1.4.18 | Applicant | <p>Please clarify how the details of the Precautionary Methods of Working (PMW) for protected species will be approved and secured? Similarly, Chapter 7 of the ES notes the use of an Arboricultural Method Statement to minimise risks to veteran trees. However, it is not clear how this will be approved and secured.</p> <p>Can you please provide this information? What are the minimum measures necessary to achieve the mitigation relied upon in the ES?</p> | <p>As stated in paragraph 7.11.90 of the Environmental Statement Chapter 7 Biodiversity [APP-052], the PMWs will be secured through the Construction Environmental Management Plan (CEMP) which must be approved by the Secretary of State under Requirement 3 and the authorised development thereafter constructed in accordance with it.</p> <p>The CEMP is to be substantially in accordance with the Outline CEMP [AS-016]. The CEMP will be submitted to and approved in writing by the Secretary of State, following consultation with the relevant planning authority.</p> <p>The protected species PMWs are committed to within the REAC, as outlined in Tables G.1-G.3 in Appendix G of the Outline CEMP [AS-016] and the CEMP to be approved under Requirement 3 requires a</p> |

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| | | | <p>management plan and method statement to be included dealing with the protection of ecological habitats and species (Requirement 3(2)(c)(ix)).</p> <p>The Method Statement for tree protection works is committed to within the REAC, as outlined in Table G.3 (ref LV2.2) in Appendix G of the Outline CEMP [AS-016]. This refers to the protection of important/mature trees with regards to BS 5837:2012 Trees in relation to construction.</p> <p>The CEMP, to be approved under Requirement 3, must include a management plan and method statement setting details of the trees to be retained and measures for their protection during construction (Requirement 3 (2)(c)(i)).</p> <p>The mitigation measures intended to be taken as set out in Section 7.10 of the Environmental Statement Chapter 7 Biodiversity [APP-052] have been included in the REAC and the outline CEMP. They will become incorporated into the CEMP.</p> |
| 1.4.19 | Applicant | Please provide an explanation (with evidence) that addresses the additional mitigation commitments presented and relied upon in Section 7.10 of the ES[APP-052] and explain how such measures are secured with reference to relevant Requirements in the dDCO or any other legally binding mechanism. | <p>All of the mitigation commitments identified in section 7.10 of chapter 7 (Biodiversity) of the environmental statement [APP-052] are secured under the dDCO [APP-018]. Some of the measures referred to in section 7.10 are the subject of specific requirements and other consents, for example the bat and badger mitigation licences which will be granted by Natural England.</p> <p>As regards all other commitments in section 7.10 where a specific requirement is not identified, those commitments as pertain to the construction of the Scheme are secured under requirement 3 (Construction and handover environmental management plans) of the dDCO. Requirement 3(1) requires a CEMP to be approved by the</p> |

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| | | | <p>Secretary of State prior to commencement of any part of the authorised development. Under requirement 3(2), the CEMP to be approved by the Secretary of State must reflect the commitments made in the REAC.</p> <p>Further, under requirement 3(1)(c) the CEMP to be approved by the Secretary of State must include a number of management plans and method statements for undertaking the authorised development, including in relation to ecological habitats and the protection of trees. The method statements which must be included in the CEMP approved by the Secretary of State under requirement 3 will contain the precautionary means of working and other protection measures as referred to in section 7.10 of [APP-052].</p> <p>As regards the commitments in section 7.10 which pertain to the operation of the Scheme, these are secured under requirement 3(4) which requires Highways England to prepare a handover environmental management plan (HEMP) in accordance with the process set out in the approved CEMP. The HEMP must, under requirement 3(5), address the matters set out in the approved CEMP as relevant to the operation and maintenance of the Scheme. As has already been stated, the CEMP must reflect the commitments made in the REAC. The HEMP will therefore in turn reflect the commitments made in the REAC as relevant to the operation of the Scheme.</p> <p>Please also see the roadmap (volume 9.15) provided in response to question 1.1.6 which provides an overview of the various control plans and other documents which are required to be produced under the requirements.</p> |

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| 1.4.20 | Applicant | <p>It is understood that the details of the bat replacement roost and badger artificial sett will be contained within the respective protected species licence applications to NE, and that precise locations may have been excluded from the Scheme Layout Plans due to sensitivities around this information. Nevertheless, the ExA must be satisfied that the works can be adequately accounted for within the DCO. Can you provide clarity on how these works are described in the draft DCO, and confirm that they are to be located within the Order Limits or land accessible to or within the control of the Applicant.</p> | <p>Owing to the sensitivities of these matters, Highways England can only provide this information to the ExA on a confidential basis. The Examining Authority may wish to request PINS to place suitably 'redacted' documents on its website.</p> <p>Both the replacement bat roost mitigation structure and the artificial badger sett are located within the Scheme red line boundary.</p> |
| 1.4.21 | Applicant | <p>Please clarify the plans for reinstatement of the construction compound at the site of the former San Domenico hotel, and in particular clarify whether this has any overlap or interaction with land to be used for the bat roost replacement and proposals for bat mitigation described in Section 7.10 of the ES [APP-052], with reference to areas of land to be temporarily acquired and permanently acquired.</p> | <p>The red line boundary for the construction compound at the site of the former San Domenico hotel was designed to be sufficiently sized to incorporate the construction compound and the bat mitigation structure (including associated screening).</p> <p>The intention is that the bat replacement roost will be in place before works start, and therefore will not form part of the compound area but included within the red line boundary to secure access.</p> <p>As stated in the draft mitigation licence submitted to Natural England to which the Letter of No Impediment (LONI) dated 26.03.2019 relates to (see Appendix A.25 within the Statement of Common Ground with Natural England [APP-138]), the replacement bat roost will be provided at the edge of the woodland to the north of B1 prior to the demolition of B1. The mitigation structure will be screened from any light spill/noise associated with the temporary site compound and future development of the land post-construction of the Scheme using fencing and tall tree/hedgerow planting. The construction compound will be reinstated</p> |

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| | | | <p>with open grassland planting.</p> <p>The dDCO [APP-018] includes a requirement (Requirement 17 – restoration and/or landscaping of land used temporarily for construction) which provides that a scheme for the restoration and landscaping of any land used temporarily for the Scheme must be approved by the Secretary of State and the restoration and landscaping thereafter carried out in accordance with the approved scheme.</p> <p>The majority of land that falls within the former San Domenico hotel site, including the bat mitigation area, is to be temporarily acquired, while the area adjacent to the A3 is to be permanently acquired as shown on page 17 of the Land Plans [AS-002].</p> |
| 1.4.22 | Applicant | Please comment on the objections raised by the Woodland Trust in its RR [RR-031] due to the loss of ancient woodland and impacts on trees. | Highways England has commented on the objections raised by the Woodland Trust in its comments on relevant representations (see REP1-009 at page 66 to 68). |
| 1.4.23 | Applicant | Please confirm that the protection proposed for veteran trees would comply with Natural England's standing advice regarding a buffer zone of 15 times the diameter of the tree or 5 metres beyond the canopy, whichever is the greater distance. | <p>Protection measures for veteran trees will be undertaken prior to construction and detailed within an arboricultural method statement, being one of the documents forming the CEMP to be approved under Requirement 3. The use of Natural England's buffer zones will inform these protection measures and, where feasible, they will be applied.</p> <p>The current impacts of the proposals were informed by BS5837:2012 Trees in relation to design, demolition and construction – Recommendations, with each tree having root protection areas (RPAs) drawn and any infringement into these areas recorded, and the impacts removed or mitigated for during the continued progression of the Scheme. The mitigation measures will also be informed by impacts into</p> |

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| | | | <p>actual root zones of the trees, and the use of sonic-tomography to determine extent of any root loss that could occur, and to reduce or remove works in these locations. In all cases where the tree's RPAs extend into the DCO boundary, the land that the RPAs are extending into is generally either 'disturbed' or 'made' ground, meaning the soils contain less organic material, nutrients and likely to have less mycorrhizal fungi activity – so the preservation of these areas beyond that of root retention is less of a priority.</p> |
| 1.4.24 | Applicant and Natural England | <p>Whilst you have both agreed that the areas of compensation land can be considered for recommendation to be classified as SPA please provide details of the process by which this would take place. Furthermore, what is the likelihood of this land not becoming SPA and if that were to be the case what implications would this have in terms of the 'compensation' element of the Habitats Regulations?</p> | <p>Highways England's understanding is that the procedure for the formal designation of the compensation land as part of the SPA requires the UK government to make a notification to the European Commission under the Habitats Directive, acting on advice from Natural England as its statutory environmental adviser.</p> <p>The SPA compensation land will be managed in accordance with a scheme to be approved by the Secretary of State under Requirement 8 of the dDCO [APP-018] which must reflect the Environmental Statement: Appendix 7.19 SPA Management and monitoring plan (AS-015) which forms part of the Environmental Statement.</p> <p>Highways England is confident that all reasonable steps have been, and will be, taken to ensure that the SPA compensation land achieves the ecological criteria to become suitable for designation as part of the SPA. In any event, Highways England is satisfied that it has secured all necessary compensatory measures to offset the effects of the Scheme on the SPA such that the coherence of the Natura 2000 network is maintained.</p> |

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| 1.4.25 | Applicant | You state that the SPA Management and Monitoring Plan, Appendix 7.19 [APP-105] is a 'working document'. Can you provide details of how this will be taken forward and how detailed proposals will be developed, implemented and monitored. This shall include any methodology you propose for dispute resolution procedures, should the need arise. | <p>The Environmental Statement: Appendix 7.19 SPA Management and monitoring plan [AS-015] has been provided with the application documents to provide certainty as to the form of management and monitoring of the SPA compensatory and enhancement measures which will be delivered as part of the Scheme, and which will be subject to the approval of the Secretary of State under Requirement 8 of the dDCO.</p> <p>As noted in the response to question 1.4.24 above, compliance with a scheme approved by the Secretary of State is secured by Requirement 8 of the dDCO, which provides that such a scheme must reflect the SPA Management and Monitoring Plan.</p> <p>Requirement 8(2) of the dDCO provides that the compensatory habitat creation and enhancement measures must be carried out and maintained, managed and monitored in accordance with the scheme approved by the Secretary of State. A failure by Highways England to comply with Requirement 8 of the dDCO is enforceable in the same manner as any other failure to comply with a provision of a development consent order.</p> |
| 1.4.26 | Applicant | How are the proposed works as set out in the draft SPA Management and Monitoring Plan to be funded in the long-term, and how is this funding to be secured either within or out with the dDCO? In addition, provide details of your dispute resolution mechanism for the proposed Steering Group that is referenced in paragraph 7.2.1.11 of [APP-105]. | <p>The measures set out in the SPA Management and Monitoring Plan, to be formalised as the scheme approved by the Secretary of State under requirement 8 of the dDCO [APP-018], will be fully funded by the Applicant. The costs of undertaking the measures described in the SPA Management and Monitoring Plan form part of the capital cost of the Scheme at 2.1 of the Funding Statement [APP-024].</p> <p>As explained in the response to question 1.4.25 above, failure by the Applicant to comply with the scheme to be approved by the Secretary of</p> |

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| | | | <p>State under requirement 8 of the dDCO [APP-018] is enforceable in the same manner as any other failure to comply with a provision of a development consent order.</p> <p>Although the responsibility to discharge the requirements of the SPA management and monitoring plan falls upon Highways England under the DCO requirements, Highways England wishes to work collaboratively with the organisations and others mentioned in 7.2.1.11 of AS-015. The terms of reference will include measures for conflict resolution but they have yet to be determined or discussed with those mentioned above and cannot detract from Highways England's overall responsibility to deliver upon its responsibilities under the requirements.</p> |
| 1.4.27 | Applicant and RHS | What, if any, is the role of RHS Wisley in the management of the 'C2 Wisley Compensation Land' and how would this be managed and, if required, funded in the long-term? | <p>Highways England has discussed with RHS Wisley the possibility of RHS taking on the long-term management of the C2 Wisley Compensation Land parcel under an agreement with Highways England. However, RHS' position is that they would prefer not to do so. In any event, Highways England has sought powers in the dDCO [APP-019] to acquire permanent rights over the land to ensure that the compensatory measures can be implemented in the event that RHS Wisley remains unwilling to carry them out on Highways England's behalf.</p> <p>As explained in the response to question 1.4.26 above, the costs of undertaking the measures on C2 Wisley Compensation Land form part of the Scheme budget as set out in the Funding Statement [APP-024] and are therefore fully funded.</p> |

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| 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 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 SPAMMP [APP-105]. If not, then what other measures would you wish to see included? | N/A |
| 1.4.29 | Applicant | Having regard to your letter of 4 November 2019 [AS-023], please respond to the comments made in [RR-036] about the potential impact of the Proposed Development on toads and the opportunities for mitigation. | Please see the response to RR-036 in REP1-009. |
| 1.4.30 | Applicant | Please provide details of whether/how the proposed retaining structures (eg Work No. 5(c) and Work No. 47(c)) would be designed so as to enhance biodiversity interests. | <p>Work No 5(c) Bolder Mere Retaining Wall</p> <p>The proposed steel sheet pile construction of the retaining wall has been selected with biodiversity interests specifically in mind. Compared to other retaining wall constructions it requires and disturbs least land, and can be constructed in a way that integrates with the reinstatement of lakeshore reedbed habitat along its toe. It can also be configured not to disturb existing groundwater flow. The preliminary design for the steel face of the wall itself does not include biodiversity enhancements; however a comprehensive package of measures have been agreed with regulators and stakeholders to mitigate and compensate for the effect of the wall on the water environment of Bolder Mere.</p> |

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| | | | <p>A steel sheet pile wall can be built vertically. Alternative wall designs (for instance a crib wall) would need to be built on an incline and require a foundation. An inclined wall with a foundation would need more land for construction, encroach further into Bolder Mere and disturb a greater area of habitat.</p> <p>Although the construction method for the steel sheet pile wall would need to be confirmed during detailed design, it is likely to be built from a piling platform made up of inert material on the lake side of the wall. The material used to create this platform could be redistributed later to form a deep foundation for the reedbed to be reinstated at the toe of the wall, minimising habitat disturbance during construction, and increasing the likelihood of translocation success.</p> <p>Section F.6 of Appendix F to the Water Framework Directive Assessment Report [APP-045] (as well as Environmental Statement Chapter 7: Biodiversity [APP-052] section 7.10) briefly describes how the design of the retaining wall will ensure no detrimental effects on groundwater flows.</p> <p>A package of measures has been agreed with Natural England, the Environment Agency and Surrey Wildlife Trust to mitigate and compensate for the effect of the retaining wall on Bolder Mere. These include relocation of Wisley Common Restricted Byway away from Bolder Mere; the additional mitigation summarised in section F.2 of Appendix F to the Water Framework Directive Assessment Report [APP-045] and a commitment to redirecting an existing drainage outflow into Bolder Mere away from the lake (secured under Requirement 10 of the dDCO [APP-018]. This package of measures has been agreed with</p> |

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| | | | <p>Natural England in principle as being a) proportionate to the risk of adverse effect of the Scheme on the Bolder Mere SSSI unit and b) with potential to deliver additional biodiversity benefit.</p> <p>Work No. 47(c) Manor Pond Retaining Wall</p> <p>Manor Pond is an artificial commercial fishing lake. The preliminary design for the proposed retaining wall is a steel sheet pile construction. This avoids encroachment of the wall into open water and minimises loss and disturbance to the riparian edge of the pond. The design for the steel face of the wall itself does not include biodiversity enhancements.</p> <p>In the letter of 4th November 2019, Applicant's letter regarding request for changes to the DCO [AS-031] Highways England informed the Planning Inspectorate of the intention to remove Work No. 47(c) in consequence of the proposal to omit the widening of the A245 eastbound in the vicinity of Manor Pond.</p> |
| 1.4.31 | Applicant | Having regard to your letter of 4 November 2019 [AS-023], please respond to the view expressed by Surrey Wildlife Trust [RR-027] that the proposed 'green element' to the replacement Cockrow bridge must have a width of 25 metres as an absolute minimum in order to ensure its effectiveness. | The dDCO [APP-018] makes provision for a 10m wide green verge to be provided as part of the replacement for Cockcrow overbridge (Work No 35(b)). This feature has been incorporated within the Scheme to address historic severance issues and is not required as mitigation for any of the Scheme's likely significant environmental effects. The inclusion of the "green bridge" element is contingent upon securing the necessary designated funds. It is, however, acknowledged that both Surrey County Council and Surrey Wildlife Trust have expressed a |

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| | | | <p>preference for a wider verge than that which is currently provided for in the dDCO.</p> <p>In response, Highways England has undertaken further work and agrees that it would be technically feasible to provide a 25m wide verge and can confirm that there is a reasonable prospect of designated funds being made available to facilitate this. Highways England proposes to introduce by way of a non-material change to the Scheme, as raised in Highways England's letter of 4 November 2019 [AS-023], which includes provision for a 25m wide soft/green verge.</p> |
| 1.4.32 | Applicant | Please confirm that the replacement Footpath 17 Cockcrow overbridge is considered to constitute additional biodiversity mitigation and would not form an integral part of the compensation package in Habitats Regulations terms. | <p>The green element of the replacement Footpath 17 Cockcrow overbridge is not required as mitigation or compensation for the Scheme, and would be an additional enhancement, providing connectivity between Ockham Common and Wisley Common. This feature has been incorporated within the Scheme, subject to funding, to address historic severance issues by the existing A3 and is not required as mitigation or compensation for any of the Scheme's likely significant environmental effects.</p> <p>The green element of Cockcrow bridge was not considered as mitigation or compensation during the Habitats Regulations Assessment or the ecological impact assessment within the Environmental Statement. It would not form an integral part of the compensation package in Habitats Regulations terms.</p> |
| 1.4.33 | LAs, NE, RSPB and | 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 | N/A |

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| 4. Biodiversity and habitats regulations assessment | | | |
| | Surrey Wildlife Trust | please state why and explain any other measures you would wish to see included? | |
| 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]? | N/A |

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| 5. Construction | | | |
| 1.5.1 | Applicant | Please set out the measures you intend to adopt to ensure the effective monitoring of construction impacts and liaison with householders who may be affected by construction operations, such as those residing at Elm Corner. | <p>The proposals for monitoring construction effects are set out in the Outline Construction Environmental Management Plan (oCEMP) [AS-016] and the Register of Environmental Actions and Commitments (REAC) [APP-135].</p> <p>Under Requirement 3 of the dDCO a Construction Environmental Management Plan (CEMP) is to be approved by the Secretary of State, following consultation with the relevant planning authority before the authorised development, or the relevant part of it, may commence.</p> <p>The CEMP will contain numerous provisions to ensure that the construction works are carried out in an appropriate way and will include a range of management plans and method statements. The CEMP will also set out the arrangements for the monitoring and recording compliance with environmental commitments during construction. It will also contain a community relations strategy allowing local residents, such as those residing at Elm Corner, to be kept informed about the construction works.</p> <p>During the construction phase, there will be a dedicated Public Liaison Officer responsible for maintaining good stakeholder relations. He or she will be contactable via a dedicated phone number and/or email address which will be communicated via Highways England's project webpage / signage on site and made known to all stakeholders already held in the Stakeholder Records Database. The contractor will adopt and utilise the Highways England Customer Relationship</p> |

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| 5. Construction | | | |
| | | | <p>Management (CRM) system to record all engagement, communication and correspondence with stakeholders and customers.</p> <p>The contractor will be required to keep local residents and other affected parties informed of the progress of the works via the Highways England project page and by the issuing of email updates. For specific issues relating to construction effects, the identified stakeholders/residents affected will be proactively contacted by the Public Liaison Officer to inform them of when and where the construction activities will be taking place and how long they are expected to last.</p> |
| 1.5.2 | Applicant | <p>In its RR [RR-025] the Royal Mail has requested that HE or its contractors liaise with it on any road closures, diversions and alternative access arrangements. Please set out how you intend to notify the main local businesses, including the Royal Mail, of any such works that will affect the local road network.</p> | <p>Highways England liaises with all stakeholders during the construction of its major project schemes (such as this scheme) in line with its three imperatives, one of which is customer service. Public Information Events (PIEs) will be held in advance of construction and continue over a number of weeks and locations to ensure that they are accessible to all stakeholders, including local businesses. PIEs are organised to inform stakeholders of the phasing of the works, including key closures and planned diversion routes, which will have supporting documentation available on Highways England's website. Highways England and its contractors will be present to answer any questions asked by stakeholders.</p> <p>Once construction begins, Highways England will send out regular newsletters to inform stakeholders of how the Scheme is progressing and in particular, in advance of any major</p> |

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| 5. Construction | | | |
| | | | <p>closures that would require diversions. This is so that businesses and other affected stakeholders can plan their journeys in advance. Highways England will include the Royal Mail on its stakeholder database of local businesses to ensure that it receives the regular newsletter. In addition to this, more detailed plans of diversions routes will be shared in advance with local businesses, including the Royal Mail, so that impacts can be mitigated with advanced planning, which is part of Highways England's usual practices for communications during construction. This will be captured within the community relations strategy that will form part of the CEMP to be approved by the Secretary of State under Requirement 3 of the dDCO [APP-018].</p> |
| 1.5.3 | Applicant | <p>Please clarify the process for the development, submission and approval of the various Environmental Control Plans (ECPs), such as those that are listed in paragraph 4.4.4 of the CEMP [APP-018]. How do the ECPs relate to the various management plans and method statements for undertaking the construction works that are detailed in Requirement 3(2)(c)?</p> | <p>The various Environmental Control Plans identified in the Outline CEMP [AS-016] paragraph 4.4.4 will be prepared before the commencement of construction and will be incorporated within the Construction Environmental Management Plan (CEMP), that must be submitted to and approved by the Secretary of State before the authorised development, or the relevant part, may commence under Requirement 3 of the dDCO [APP-018].</p> <p>The Environmental Control Plans will set out general provisions for the protection of the environment during construction, whereas the method statements identified in the Register of Environmental Actions and Commitments (REAC) [APP-135] will detail how specific operations or activities must</p> |

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| | | | <p>be carried out to reduce/minimise impacts. The REAC also commits Highways England (as the Undertaker) to prepare a number of management plans, which will be incorporated within the CEMP to be submitted and approved under Requirement 3 of the dDCO, such as a Construction Resources Management Plan, a Resources Management Plan and a Water Management Plan. In developing the CEMP, the opportunity will be taken to rationalise the titles of these plans and consolidate or combine documents to avoid any unnecessary duplication of material.</p> <p>A number of the Environmental Control Plans will also be used inform the written schemes and documents to be submitted for approval under Requirements 13, 14 and 15 of the dDCO, namely the Contaminated Land Management Plan, the Archaeological Control Plan and the General Ecology Plan.</p> <p>A 'road map' showing the relationship between the various Environmental Control Plans and other management plans and method statements, including plans and statements identified in the REAC [APP-135] and how these will be secured through the relevant DCO Requirements has been prepared and is appended to the response to the ExA's written question 1.1.6 and will be submitted at Deadline 2 within Volume 9.15.</p> |
| 1.5.4 | Applicant | Please indicate whether details for the fencing and any landscaping of the construction compound(s) and topsoil storage areas would be provided and, if so, how this is secured in the dDCO. | The details for the fencing and any landscaping of the construction compound(s) and topsoil storage areas will be developed during the detailed design stage, as is normal practice. The fencing designs will be selected from the |

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| 5. Construction | | | |
| | | | <p>standard fencing types set out in the Specification for Highways Works which is available online at http://www.standardsforhighways.co.uk/ha/standards/mchw/vol1/index.htm. This is secured by Requirement 16 of the dDCO [APP-018] which requires any permanent and temporary fencing and other means of enclosure for the authorised development to be constructed and installed in accordance with the Manual of Contract Documents for Highway Works, unless any departures have been approved by the Secretary of State.</p> <p>Site compounds will have temporary perimeter fencing to provide an appropriate level of security and public safety. Where these compounds are in visually sensitive locations, such as within or adjacent to open space and common land, then temporary perimeter hoardings may be used to provide a tidier appearance to the site by screening elements and activities within the compound.</p> <p>Where the fencing around construction compounds and other elements of the works is intended to provide screening to construction noise and/or dust, then the requirements for such fencing will be set out in the Dust, Noise and Nuisance Management Plan, which is one of the Environmental Control Plans to be provided under the Construction Environmental Management Plan (CEMP), secured by Requirement 3 of the dDCO [APP-018], as described in the Outline CEMP [AS-016] Section 9.</p> |

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| | | | <p>Soil storage areas will have the existing topsoil layer (where present) removed and placed in suitable bunds along the perimeter of the storage area. These will be typically 2-3m high (depending on the soil quantities and the space available) and will provide a visual screen to subsequent ground-level activity within the soil storage area. The bunds will be seeded to provide a neat appearance, reduce weed growth and help minimise dust generation. Temporary perimeter fencing may also be used to provide site security and ensure public safety. These measures will be detailed in the Soil Handling and Management Plan to be secured under Requirement 3 of the dDCO [APP-018].</p> <p>After construction, the compounds and soils storage areas will be reinstated to the reasonable satisfaction of the land owner in accordance with article 31(5) of the dDCO [APP-018]. In practice this is likely to mean that the land will be returned in a condition similar to that existing before construction. For example, such areas within the Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI) are likely to be reinstated with appropriate broadleaved woodland and scrub planting plus some areas of grassland and bare ground, rather than reinstated with Scots pine plantation.</p> <p>The Scheme Layout Plans [APP-012 and AS-004] indicate the general nature of the works proposed in the areas to be reinstated, including the compounds.</p> <p>As regards land within the SPA or SSSI used temporarily,</p> |

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| | | | Requirement 17 of the dDCO requires a scheme for its restoration to be approved by the Secretary of State, following consultation with the relevant planning authority and Natural England. |

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| 6. Flood risk, drainage and water management | | | |
| 1.6.1 | SCA and EA | Are you satisfied with the surface water mitigation measures (attenuation ponds and ditches) that are discussed ES Chapter8[APP-053]and do you agree with the conclusions drawn by the Applicant in regard to the residual effects on surface water and groundwater? | N/A |
| 1.6.2 | Applicant | Please clarify how the new drainage attenuation ponds and ditches (Work No.52) that are proposed would be managed in the long-term, including in terms of enhancing biodiversity interests, and how these features would, depending on their location, relate to the management and monitoring that is detailed in the LEMP [APP-106] and the SPA MMP [APP-105]. | <p>The new drainage attenuation ponds and ditches have not been specifically designed to enhance biodiversity interests as they are not required for biodiversity mitigation, enhancement, or compensation.</p> <p>However, marginal and emergent planting will be incorporated into their design to integrate them into the surrounding landscape and this planting will be subject to the landscaping arrangements required to be approved and maintained under Requirement 6 of the dDCO. The maintenance/management and monitoring of this planting for the 5 year duration has been included in both the Environmental Statement: Appendix 7.19 SPA Management and monitoring plan [AS-015] (paragraph 7.9.6.1 and 7.9.6.2) and the Environmental Statement Appendix 7.20 Landscape and ecology management and monitoring plan (LEMP) [APP- 106] (paragraph 7.10.3.1) as the new attenuation ponds and ditches fall both within the SPA boundary and outside of it.</p> <p>Under Requirement 3(4) of the dDCO Highways England is required to prepare a Handover Environmental Management Plan (HEMP) that addresses the matters set out in the approved CEMP that are relevant to the operation and maintenance of the scheme. The HEMP must cover long-term commitments to aftercare, monitoring and maintenance activities relating to the environmental features and mitigation measures that will be required to</p> |

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| 6. Flood risk, drainage and water management | | | |
| | | | <p>ensure the continued long-term effectiveness of the design and mitigation measures and the prevention of unexpected environmental impacts.</p> <p>The Register of Environmental Actions and Commitments (REAC) [APP-135] contains in Table 1.4 REAC Part 2: Environmental Action Plan under reference RD3.1 an environmental objective of maintaining attenuation ponds and ditches post construction. This includes removing contaminated sediment periodically from the attenuation ponds, soakaways and other drainage features and undertaking regular inspections to ascertain when this action would need to be taken.</p> |
| 1.6.3 | SCC (as Lead Local Flood Authority) | Is the Lead Local Flood Authority content with the disapplication of any of the legislation referred to in Article 3(1)&(2) of the dDCO [APP-018] for which it is responsible for administering? | N/A |

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| 6. Flood risk, drainage and water management | | | |
| 1.6.4 | Applicant | With respect to surface water drainage what mitigation/compensation is intended to address the increased impermeable area that would arise from the Proposed Development in locations such as: the A245 west of the Painshill roundabout; areas by M25 Junction 10 between the A3 and Wisley Airfield; and by Oakham Park junction/Stratford Brook [paragraph 8.2 of RR-004]? | <p>The existing surface water drainage system for the A3 and M25 is approximately 35-40 years old and does not comply fully with current design standards or Environment Agency requirements in terms of attenuation of flow rates into receiving waters. A new and/or upgraded surface collection system to address existing flooding and mitigate the increase in carriageway runoff rates is an important feature of the Scheme design. Surface water runoff from new and widened carriageways will be directed towards a series of new drains and ditches that will convey the flow to drainage balancing ponds or swales.</p> <p>In total, 14 new balancing ponds are proposed, including alongside the A245, in the vicinity of M25 junction 10 and adjacent to the A3 between M25 junction 10 and the Ockham Park junction – all locations highlighted to be of concern by Surrey County Council. The drainage design will ensure that for widened carriageways the peak run-off rates will not exceed current rates up to the 1 in 100-year return period and will not exceed greenfield runoff rates for new impermeable road sections.</p> |
| 1.6.5 | EA | In relation to paragraph 2.4 of your RR [RR-011] please explain why you consider the submitted Flood Risk Assessment(FRA)[APP-046] has used 'unclear terminology in places 'and includes' a number of assumptions made without supporting evidence'. | N/A |

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| 6. Flood risk, drainage and water management | | | |
| 1.6.6 | Applicant and EA | Further to the EA's RR [RR-011], most particularly paragraph 2.4, please explain why the FRA [APP-046] has or has not made an appropriate allowance for climate change. If an inappropriate allowance for climate change has been made does this have any implications for the assessment of effects included in section 8.10 of Chapter 8 of the ES [APP-053]? | The Flood Risk Assessment (FRA) [APP-046] has made appropriate allowances for climate change. Section 8.5.3 of the Environmental Statement Chapter 8: Road drainage and the water environment [APP-053] incorrectly referenced out of date guidance. The FRA methodology has followed the appropriate current guidance (<i>Flood risk assessments: climate change allowances</i> , Environment Agency 2016) and has made an appropriate allowance for climate change. There are no implications for the assessment of effects reported in section 8.10 of Chapter 8 of the Environmental Statement [APP-053]. This was discussed with the Environment Agency at a meeting on 8 October 2019 and Highways England understands that the Environment Agency is now satisfied that the FRA has made an appropriate allowance for climate change. |

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| 7. Historic environment | | | |
| 1.7.1 | Applicant | ES Chapter 11 Cultural heritage [APP-056] identifies a 'large adverse effect on the Bell Barrow on Cockcrow Hill SAM during the construction stage with this then being a 'moderate adverse effect' during operation. Paragraph 11.10.6 of ES Chapter 11 goes on to state that :“The increased proximity of the junction to the barrow, with the expected increase in traffic and noise, would further erode the ability of the setting to reflect the significance of the barrow as part of a prehistoric funerary landscape”. However, in Table11.5 of ES Chapter 11, the residual effect after mitigation on this SAM is categorised as 'Slight Adverse'. Please explain and justify this categorisation. | Environmental Statement Chapter 11: Cultural heritage [APP-056] table 11.4 and section 11.10.6 establish the significance of effect without any mitigation in place. Table 11.5 outlines residual effects that take into account the proposed emplaced mitigation (screening etc) to ameliorate the effects on setting due to changes within the setting of the monument. Unlike loss of buried archaeology, effects accrued from changes in setting (which this is) can be mitigated down to slight adverse through appropriate mitigation. |
| 1.7.2 | Applicant | On what basis do you categorise any hitherto undiscovered archaeological remains to be of 'low to moderate value' when, as you acknowledge in paragraph 11.8.7 of ES Chapter 11 [APP-056], further assessment is required. Also, please explain your reasoning for the effects of the Proposed Development on as yet unknown archaeological remains would be 'neutral to slight adverse'. | Environmental Statement Chapter 11: Cultural heritage [APP-056] paragraph 11.6.1 indicates that hitherto undiscovered archaeology could be of low to high value. This is a reasonable assessment of the potential based on professional judgement, known local archaeological resource and the degree to which it has likely been pre-disrupted by extensive tree plantation and previous road construction impacts. The neutral to slight effect on undiscovered archaeology is again based on professional judgement as to the likelihood of significant archaeological remains surviving well in situ and the degree to which the proposed scheme will impact on them. |
| 1.7.3 | Applicant | Although you have submitted a Desk-Based Assessment [APP-122], please provide a draft Archaeological Written | In view of the expectation that undiscovered archaeological remains are likely to be only of low to moderate value a Written Scheme of Investigation is not appropriate at this stage. However, Requirement 14 of the dDCO [APP-018] |

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| 7. Historic environment | | | |
| | | Scheme of Investigation or justify why you consider that one does not need to be provided at this stage. | requires a written scheme for the investigation and mitigation of areas of archaeological interest, to be approved in writing by the Secretary of State, following consultation with the relevant planning authority and the County Archaeologist. The Scheme must reflect the mitigation measures set out in the Environmental Statement and the Register of Environmental Actions and Commitments REAC [APP-135]. |
| 1.7.4 | Applicant | What is the mechanism for determining and agreeing the 'provision for further sub-written schemes of investigation if required' that is referenced in R14(2) of the dDCO? | Whether a sub-written scheme of investigation is appropriate or not is a matter to be considered at the relevant time as part of submitting the main scheme for approval under Requirement 14(1) of the dDCO [APP-018]. If the main scheme as approved by the Secretary of State under Requirement 14(1) includes provision for a sub-scheme then it must be approved in the same way as the main scheme is approved under Requirement 14(1). |
| 1.7.5 | Applicant | Please set out your proposed consultation and approval process with both HistE and Painshill Park Trust in regard to the submission of full details for all measures that may have an effect of the setting of Painshill Park, such as the design and associated landscaping of the pedestrian bridge, acoustic barriers, lighting columns and signal gantries, the balancing pond and restoration of the land that is proposed to be used as construction compound. Similarly, in regard to RHS Wisley please provide details of your consultation and approval process with HistE and RHS Wisley in regard to noise reduction measures, and the design and location of lighting and signal gantries. | The process for approving the detailed design for the scheme is set out in Requirement 5 of the dDCO [APP-018] and involves obtaining approval from the Secretary of State following consultation with relevant planning authority. Whilst in Highways England's view it would not be appropriate for the organisations mentioned in the question to be included within the formal approval process, Highways England is willing to continue a dialogue with them in respect of the elements of the scheme mentioned in the question of relevance to them. Highways England has consulted throughout with Historic England, Painshill Park Trust and RHS Wisley in respect of the evolving scheme design. |

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| 8. Landscape and visual impact | | | |
| 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]. | <p>Discussions have been held with the local authorities, the Forestry Commission and Natural England since 2017 to review and analyse baseline conditions. The discussions were not specifically about the baseline conditions as described in Chapter 9 but they included discussion of the existing landscape and the components of it.</p> <p>Environmental Statement Chapter 9: Landscape [APP-054] has not been the subject of consultation with the parties listed but Highways England notes that there has not been any comment on the baseline conditions described in this chapter in the Relevant Representations from Natural England, Surrey Wildlife Trust or Surrey County Council and that no Relevant Representation was received from the Forestry Commission, although the organisation would have been aware of the opportunity to submit a representation.</p> |
| 1.8.2 | Applicant | Paragraph 7.6.1 of ES Chapter 7 [APP-052] gives the source of data ancient woodlands as being the Multi-Agency Geographic Information for the Countryside (MAGIC) website. However, government guidance at https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences states that 'Ancient woodland is unlikely to appear on these inventories' and this includes MAGIC. Therefore can you confirm whether all areas of ancient woodland that may be affected by the Proposed Development have been identified in the ES, and if so, how? | <p>The link provided is the Government guidance on ancient woodland, ancient trees and veteran trees. Within the 'Consult inventories' section, it lists Natural England's ancient woodland inventory, the Woodland Trust's ancient tree inventory, and Natural England's wood pasture and parkland inventory as the inventories to consult with regards to ancient woodland and/or ancient and veteran trees. These inventories were all consulted, as listed in Environmental Statement Chapter 7: Biodiversity [APP-052] paragraph 7.6.1.</p> <p>However, the 'Consult inventories' section of the Government guidance then states 'Ancient woodlands smaller than 2 hectares are unlikely to appear on these inventories'. This acknowledges that the inventories are appropriate for identifying ancient woodlands over 2 ha in size, but that some small parcels of woodland less than 2 ha in size could potentially be ancient woodland but have been overlooked by the inventories.</p> |

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| 8. Landscape and visual impact | | | |
| | | | <p>Preliminary Ecological Appraisal surveys and arboricultural assessments were undertaken of all woodland areas that may be affected by the Scheme as described in Environmental Statement Chapter 7: Biodiversity [APP-052] paragraphs 7.6.4 and 7.6.9. These surveys identified all veteran and ancient trees within the Scheme footprint, and the presence of any ancient woodland indicator plant species. These measures ensured that any ancient woodland, ancient trees and veteran trees within the Scheme footprint that were not listed in the inventories would not have been overlooked by our assessment.</p> |
| 1.8.3 | Applicant | <p>In its scoping response GBC drew attention to a number of non-designated historic parks and gardens, but only one of these, Foxwarren Park, is referred to in your assessment. Please can you confirm what regard has been given to impacts on the following sites: Ockham Park, Ockham; Dunsborough Park, Ripley; Send Grove, Send; and Sendholme, Send, and please confirm whether there would be any likely significant effects on any of these.</p> | <p>The Ockham Park, Ockham and Dunsborough Park, Ripley sites were within the study area as shown in Environmental Statement: Chapter 9 Landscape Figures 1 of 2 [APP-072] Figure 9.3 and so considered in the landscape assessment within the Environmental Statement [APP-054] but because of the distance from the scheme, intervening landform or vegetation or the nature of the proposals they were not considered to be affected and consequently there are no significant effects on them. The other sites mentioned fall outside of the study area.</p> <p>Section 9.6 of Environmental Statement Chapter 9: Landscape [APP-054] sets out the methodology for defining the study area. It was considered that the landscape effects on any receptors outside of the 1.5 km study area are unlikely to be significant and have therefore been scoped out from the assessment.</p> |
| 1.8.4 | Applicant | <p>Please clarify the numbering of the Veteran, Notable and TPO Trees Tree Protection Plans in the Revision 1 of your Appendix 7.3 Veteran Trees and Arboricultural Impact Assessment document [AS-014] that was submitted to</p> | <p>The drawing set at this scale has 11 drawings that cover the scheme. The sheet numbering on these plans is incorrect and should read 1 of 11, 2 of 11 etc. Sheet numbers 5, 6, 7, 10, and 11 have no relevant information relating to veteran trees so are not included. The revised document that formed</p> |

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| | | accompany your letter of 5 November 2019 [AS-011] as some refer to 'X of 8' whilst some refer to 'X of 11'. | Environmental Statement: Appendix 7.3 Veteran trees and Arboricultural Impact Assessment [AS-014] contains the corrected Tree Protection Plans. |
| 1.8.5 | Applicant | Please confirm that agreement has been reached with LAs in relation to the 1.5km study area that has been adopted and how this relates to the anticipated extent of the Proposed Development. Are you content that all relevant sensitive receptors, including those located outside of the study area have been included in the assessment of landscape and visual impacts? | No specific agreement was reached on the 1.5km study area but this was considered by Highways England to be an appropriate distance based on the site conditions, (topography, vegetation etc), the scale of the proposals and guidance in <i>DMRB Vol 11 Section 3 Part 5 Landscape Effects</i> and the <i>Guidelines for Landscape and Visual Impact Assessment (GLVIA)</i> published by the Landscape Institute. Highways England is content that all sensitive receptors have been included in the assessment. |
| 1.8.6 | LAs | Please comment on the 1.5km study area adopted for the assessment of landscape and visual impacts. | N/A |
| 1.8.7 | Applicant | Please confirm whether agreement has been reached with all relevant local authorities regarding the representative viewpoints. | Representative viewpoints were chosen by Highways England on the basis of site conditions and relevant guidance (see ExA Question 1.8.5 above) without consultation with local authorities. |
| 1.8.8 | Applicant | Figure 9.8 [APP-072] shows extensive areas of existing woodland to be felled. Please comment on the potential for this loss of woodland to lead to additional views or increased visibility from views already assessed towards the existing road network, in particular at Year 1. Please refer to visual receptors 1, 2 and 15, and any others that may be affected. | The loss of woodland has the potential to lead to increased visual impact and this effect has been assessed as part of the visual impact assessment of all receptors where appropriate, as set out in Environmental Statement Appendix 9.1 Landscape Assessment and Methodology [APP-109] and Environmental Statement Chapter 9: Landscape [APP-054]. Table 9.12 in Chapter 9 refers to visual effects during construction for visual receptors including numbers 1, 2 & 15. Table 9.13 details visual effects during operation including receptor numbers 1, 2 & 15 effects at year 1 (& year 15). |
| 1.8.9 | Applicant | In the assessment of visual effects at table 9.1.10 of Appendix 9.1 [APP-109], 'introduced' or 'implemented' | Proposed mitigation measures (including tree and shrub planting) would have a negligible effect on reducing visual impacts to receptors in Year 1, this |

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| | | <p>environmental design measures are relied on for mitigation effects in Year 1, in the cases of a number of receptors. Please confirm what design measures are intended to provide this mitigation, and whether it has been assumed that woodland planting would provide such mitigation at Year 1.</p> | <p>would be offset by the discontinuation of construction activities. The immature nature of these planting measures will not start to reduce visual effects until a certain degree of maturity has been achieved, which for this assessment has been set at Year 15. The implementation of mitigation planting will at Year 1 start the process of offsetting the construction impacts including the changes in landform, removal of vegetation and introduction of road infrastructure.</p> |
| 1.8.10 | Applicant | <p>In the assessment of visual effects at table 9.1.10 of Appendix 9.1 [APP-109], mitigation planting is assumed to have matured at Year 15. Please confirm what planting mixes and densities were assumed for the various planting types shown on the Scheme Layout Plans [APP-012 and AS-003, and what heights were assumed at Years 1 and 15 of the assessment?</p> | <p>Only areas of tree and shrub planting and wood pasture planting would have the required density to have an effect in reducing visual impacts and assumed for the various planting types shown on the Scheme Layout Plans [APP-012 and AS-004]. Typical plant species to include but not limited to: Sessile Oak, Hornbeam, Field Maple, Hazel, Hawthorn, Elder, Wild Cherry, Scots Pine for mitigation were set out in Environmental Statement Chapter 9: Landscape [APP-054] para 9.9.8. Planting densities were not specified but are typically between 1m and 2m centres for highways schemes this is based on professional experience of highways planting schemes. Planting heights in year 1 were assumed to be around 0.5m and having negligible effect on visual impact. In Year 15 planting height was assumed to have reached a height of 6m, which is a conservative estimate and is based on professional experience of highways planting schemes.</p> |
| 1.8.11 | Applicant | <p>Paragraph 2.5.33 of ES Chapter 2 [APP-049] states that areas of temporary possession will be restored sufficiently to be handed back to the respective owner (SCC) with public access reinstated, and that this could be between 2.5 to 4 years after the start of construction. Please confirm if any such areas are to be utilised for landscape mitigation planting and whether the relevant timescales have been taken into</p> | <p>Areas of land taken temporarily for site compounds or soil storage would generally be returned to their owners, with sufficient restoration work carried out for them to be returned in their pre-existing condition, including reinstatement of any public access or be capable of developing into that condition. The two compounds used for the J10 works (just north of Cockcrow bridge and at Breach Hill Wood) and at the Buxton Wood Environmental Mitigation Area are exceptions to this. These areas are to be</p> |

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| | | account in the assessment of landscape and visual effects at Year 15. | <p>used for landscape mitigation planting and will have tree and shrub planting and wood pasture planting respectively.</p> <p>Other areas taken temporarily to construct the works would be planted as shown on the Scheme Layout Plans [APP-012 and AS-004] and would form part of the landscape mitigation for the scheme. This mitigation, and the time it would take to establish has been taken into account in the assessment of landscape and visual effects of the scheme at Year 15.</p> |
| 1.8.12 | Applicant and Historic England (HistE) | Please provide an update on your progress in compiling a Statement of Common Ground. | A meeting was held with Historic England on 1 October 2019 to review and discuss Statement of Common Ground (SoCG) [APP-140] with Historic England that was submitted with the DCO application. At this meeting, updates to the SoCG were agreed with Historic England. The existing SoCG will be updated in line with these discussions with a view to a revised SoCG being submitted to the Examining Authority at Deadline 3. |
| 1.8.13 | Applicant | Please confirm which plans, drawings or design details have formed the basis for the assessment of landscape and visual effects. In particular, what maximum heights AOD have been assumed for overbridges, gantries, retaining walls, earthworks, lighting, environmental barriers and fences? | <p>The assessment of the effects of the scheme has been based on the drawings and documents that comprise DCO application, including Works Plans [AS-003], Scheme Layout Plans [APP-012 and AS-004], Engineering Drawings and Sections [APP-014] and Temporary Works Plans [APP-015]</p> <p>The Scheme is largely an alteration to existing infrastructure and as such the heights of the various elements are dictated by the existing A3 and M25 infrastructure, which are fixed. Typically overbridges have a minimum clearance of 5.4 or 5.8m, depending on existing constraints, over the carriageways and a depth of 1.7 to 2.6m, depending on span and structural form. The proposed NMU have a minimum clearance of 5.8m over the carriageways and half-through and through truss depths of 2m and 5m respectively, with the difference due to spans and providing internal</p> |

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| | | | headroom. Similarly, gantries have a minimum clearance of 5.8m and have a depth of 2.5 to 3.7m, depending on gantry type. Retaining walls vary in height according to the height of the retained ground. Light columns are 15m high and environmental barriers are 2.5m high. Fences are subject to detailed design and are expected to be typically around 1.5m high apart from anti dazzle fences that would be 2m high. These heights have been assumed for the purpose of the landscape assessment, together with an allowance for changes in these measurements within the limits of deviation provided for in Article 7 of the dDCO [APP-018]. |
| 1.8.14 | Applicant | Please confirm, in light of paragraph 9.5.3 of ES Chapter 9 [APP-054] and the Visual impact Assessment at Table 9.1.10 of Appendix 9.1 [APP-109] whether or not views from upper floors of dwelling houses have been included in your assessment. | Views from upper floors of dwelling houses were not identified separately as the Highways England DMRB Volume 11 methodology used does not require this. |
| 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. | N/A |
| 1.8.16 | Applicant | In Appendix G.1 Table of the Outline CEMP [APP-134] you make reference to BS55. Please confirm if this reference is correct as the more typical standard would be BS5837:2012. | The reference in the Outline CEMP [AS-016] to BS55 is incorrect and reference should be made to BS5837:2012. |
| 1.8.17 | Applicant | In regard to Appendix G.1 of the Outline CEMP, under the heading of 'Stakeholders' please confirm whether local authorities would also be included in the proposed liaison. Also, in relation to the Outline CEMP please explain how as far as possible' would be determined and whether this would | Local authorities would be included in the proposed liaison. Under Requirement 6 of the dDCO [APP-018] a landscaping scheme must be submitted to and approved by the Secretary of State following consultation with the relevant planning authority. Under Requirement 6(2) the landscaping of the scheme must reflect measures set out in the Register of Environmental |

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| | | provide sufficient certainty that any future contractor would implement the advice of the relevant consultation bodies. | <p>Actions and Commitments (REAC) [APP-135] and be substantially in accordance with the Scheme Layout Plans [APP-012 and AS-004], Environmental Statement 6.5 Environmental Statement: Appendix 7.19 SPA Management and monitoring plan [AS-015] and the Environmental Statement Appendix 7.20 Landscape and ecology management and monitoring plan [APP-106].</p> <p>The inclusion of the words “as far as possible” in the mitigation commitments column of the REAC reflects the fact that whilst Highways England would prefer that all of the bodies mentioned are content with the proposed landscaping scheme to be approved under Requirement 6 of the dDCO, it may not be possible to achieve this or indeed appropriate.</p> |
| 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. | N/A |
| 1.8.19 | Applicant | Please respond to SCC's concern [RR-004] that the landscape mitigation is over-reliant on tree screening. | In this location, Highways England believe that tree screening is the most practicable and appropriate landscape mitigation. The presence of the SPA means that the Scheme must take the least amount of land such that the 'least damaging feasible alternative' that meets the Scheme objectives is pursued. By taking the least amount of land this has limited the scope for mitigation by way of earth mounding or shaping to reduce impacts. The existing mature vegetation provides established mitigation for the Scheme and more extensive earthworks would involve greater loss of the existing |

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| | | | trees and woodland. Tree screening is therefore the most appropriate mitigation in this case. |
| 1.8.20 | SCC | Further to your RR [RR-004] please provide details of what other landscape mitigation you would wish the Applicant to consider apart from/in addition to tree screening. | N/A |
| 1.8.21 | Applicant | SCC in [RR-004] has raised the issue of trees potentially being made more susceptible to wind throw. Please respond to this comment. | Wind throw is possible where new areas of existing woodland are exposed by clearance. The exposed areas of woodland would be assessed during the construction phase and measures implemented where wind throw would be considered to be likely. This would include the removal of trees susceptible to wind throw, variation in edge profile and new planting to create a new edge to woodland areas. Environmental Statement 6.5 Environmental Statement: Appendix 7.19 SPA Management and monitoring plan [AS-015] and the Environmental Statement Appendix 7.20 Landscape and ecology management and monitoring plan [APP-106] provide scope for managing the woodlands to respond to wind throw and other issues during the course of the management periods. The scheme includes planting proposals on temporarily taken and other land which would, in time form a new woodland edge and reduce the likelihood of wind throw. |
| 1.8.22 | Applicant | Table 9.13 of ES Chapter 9 [APP-054] assesses effects on visual receptors at Year 1 and Year 15. Please explain why a Year 15 timeframe has been used and please justify why you consider this would be appropriate to ensure that all the proposed species would have reached a sufficient | The assessment in Year 1 and Year 15 is in line with guidance in DMRB <i>Vo/ 11 Section 3 Part 5 Landscape Effects</i> . Previous experience on highways projects has demonstrated that this timeframe gives sufficient time for mitigation to establish and become effective with vegetation conservatively expected to reach 6m in height in this period, which would screen most highway infrastructure and traffic. |

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| | | height/density by Year 15 so as to enable you to draw the conclusions that you have. | |
| 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]? | N/A |
| 1.8.24 | Applicant | What measures do you intend in terms of landscaping and/or boundary treatments for the proposed construction compounds? | Please see response to ExA Question 1.5.4 on Construction. |

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| 9. Land use, recreation and non-motorised users | | | |
| 1.9.1 | Applicant and Ockham Parish Council (OPC) | In its RR [RR-002] OPC comments that the redesign of Ockham Bites car park should include the prevention of antisocial behaviour. Please provide details of the measures that are, or you consider should be, provided in this regard? | Highways England is aware of anti-social behaviour at this location, but enforcement in relation to such problems is beyond the scope of the Scheme. Highways England will continue to engage with Surrey County Council and Surrey Wildlife Trust in relation to Ockham Bites car park. |
| 1.9.2 | Applicant | In light of the comments made by SCC in [RR-004] please explain your intentions for the adoption and/or long-term management of the stretches of new or diverted footpath and bridleway that you are proposing to create or amend as part of the Proposed Development. | <p>Highways England, as strategic road authority, does not have a statutory duty to maintain public rights of way. The responsibility for maintaining the proposed public bridleways and footpaths should rest with the relevant highway authority, as provided for in Article 11 of the dDCO [APP-018] in this case Surrey County Council, and should be funded through the usual Government channels. This approach is consistent with the approach taken in other made DCO schemes, where new and improved public rights of way are delivered as part of schemes for strategic road network improvements.</p> <p>The alignment of the proposed bridleway along the A3 corridor has been designed specifically so that this becomes an integral feature of the common land and open space where it passes through the Surrey County Council land holding; and where practicable, this alignment has followed existing tracks. The proposals to designate other bridleways or footpaths have followed existing tracks used by pedestrians and horse riders and, therefore, there will be no change in the maintenance already provided by Surrey County Council as local highway authority. In these respects, the Scheme directly supports Surrey County Council's objectives to improve non-motorised user routes and connectivity across the network.</p> <p>Highways England is in discussions with Surrey County Council with a view to entering into an agreement on a range of matters. Progress on these</p> |

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| | | | discussions will be reported in a SoCG with Surrey County Council to be submitted during the Examination process at deadline 3. |
| 1.9.3 | Applicant | Tables 13.42 and 13.43 of the ES [APP-058] are titled 'Amenity and Severance effects on NMU during construction/operation'. However, the tables appear to only discuss the effects of severance. Can you please explain how impacts on amenity have been addressed in this assessment for relevant receptor groups? | <p>Environmental Statement Chapter 13: People and communities [APP-058] Tables 13.42 and 13.43 show the effects arising from changes to amenity of NMUs in the form of qualitative assessments. The tables consider impacts on and changes to NMU facilities and journeys. This is in accordance with DMRB Volume 11 Section 3 Chapter 4 which states 'in assessing amenity for the routes used by pedestrians and others, a descriptive approach should be employed which gives an overall indication of the change in amenity and the number of journeys affected and also cites the reasoning behind the judgement' and 'The description of amenity impacts should include a reference to forecast traffic flows. For the reasons stated in paragraph 3.4 opening year traffic figures should always be used.'</p> <p>Although there is no specific assessment of amenity effects on users of NMU routes, the Environmental Statement Chapter 13: People and communities [APP-058], paragraph 13.14.19, states that the Scheme, once operational, is anticipated to provide benefits to NMUs with increased and better-connected routes.</p> |
| 1.9.4 | Applicant | With regard to the relevant criteria specified in the ES, please explain why a loss of 12% of the area of Chatley Heath during construction is classed as an impact magnitude of 'minor' rather than 'moderate'? | This follows the methodology stated in Environmental Statement Chapter 13: People and communities [APP-058], Table 13.8. The minor adverse criteria is defined as "Small loss of community land take (<25%) is required which would affect enjoyment of people using the community facility." In comparison the criteria for moderate adverse is defined as the "Loss of community land available (> 25% but <50%) so as to reduce the enjoyment of people using the community facility. Loss of land to be replaced near to the study area." |

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| 1.10.1 | Applicant | <p>a) Please clarify whether any part of the 'new or replacement environmental barrier' comprising Work No. 61 in Schedule 1 of the dDCO [APP-0-18] is intended to consist of the noise barriers referred to in paragraph 6.9.10 of the noise chapter of the ES [APP-051]?</p> <p>b) Please notate on the Engineering Drawings and Sections [APP-014] or any of the other suites of drawings the heights for the noise barriers to be installed as part of the mitigation identified within chapter 6 of the ES [APP-051]. The details of the heights for any other highway fences and anti-dazzle fencing should also be shown of the revised drawings that are to be submitted.</p> | <p>a) The 'new or replacement environmental barrier' comprising Work No. 61 in Schedule 1 of the dDCO [APP-018] does consist of the noise barriers referred to in paragraph 6.9.10 of Environmental Statement Chapter 6: Noise and Vibration [APP-051].</p> <p>b) All of the new or replacement noise barriers are 2.5 m in height as noted in para 6.6.16 and Table 6.21 in Environmental Statement Chapter 6: Noise and Vibration. Anti-dazzle fencing is 2m high. Details of other fence types have not yet been decided but boundary fencing is typically around 1.5m high in accordance with guidance (see answer to 1.5.4). Volume 9.24, which is provided at Deadline 2, illustrates the fence heights as requested.</p> |
| 1.10.2 | Applicant | <p>Please provide the rationale for why the carriageways (presumed to be the main line) within Junction 10 of the M25 are not being surfaced with low noise road surfacing, as variously stated in Chapter 6 of the ES [APP-051], for example in Table 6.21?</p> | <p>Our assumption is that reference is being made to the Hot Rolled Asphalt (HRA) surface course being proposed on the A3 mainline which crosses M25 junction 10 which is located on a structure (bridge). DMRB Design Standard CD 358 Revision 0 titled "Waterproofing and surfacing of concrete bridge decks" states "<i>premature failures of the waterproofing system have been attributed to several factors...</i>" and lists the accumulation of water in the asphalt as one of these factors. HRA is being proposed as it is less permeable when compared to a Thin Surface Course System (TSCS), which would be a low noise road surfacing, and is considered to be a more durable option as the underlying layers and structure will be protected from surface water infiltration. The carriageway surface of the M25 will remain as</p> |

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| | | | <p>an exposed concrete surface without low noise surfacing.</p> <p>Further to the above, Clause E/1.7 of the National Application Annex to CD236 (CD236 Revision 3) states “HRA shall be permitted without the departure for use on bridge decks that have not been designed for a TSCS, even if the site is noise sensitive”. It is therefore proposed that all structures within the scheme extents are surfaced with HRA due to the above reasons.</p> |
| 1.10.3 | Applicant | <p>What is the life expectancy and resurfacing frequency for the proposed low noise road surfacing materials that would be used as the surfacing material for parts of the Proposed Development referred to in ES Chapter 6 [APP-051]?</p> | <p>A Highways England document titled “Asset Renewal Scheme Justification and Appraisal – Road v0.6” (Highways Agency, Oct 2014) defines the age at which surface courses are considered to be at an increased risk of rapid failure (trigger age). The trigger age and therefore the life expectancy for the proposed low-noise Thin Surface Course System (TSCS) is 10 years.</p> <p>A further guidance document - Interim Advice Note 157/11 titled “This Surface Course Systems – Installation and Maintenance” further states that “experience has shown that when surfacings are specified and installed correctly, they can achieve a service life of up to 15 years...”</p> <p>It is therefore expected that the low-noise TSCS, will need to be resurfaced between 10 and 15 years from when it is laid.</p> |
| 1.10.4 | Applicant | <p>Which Requirement, if any, included in Schedule 2 of the dDCO [APP-018] would secure:</p> <p>a) the use of low noise road surfacing materials in the locations shown on any plans to be subject to the certification procedure under Article 44 and/or subject to a detailed design approval under Requirement 5 of the dDCO and the subsequent maintenance of that road surfacing material throughout the operational life of the</p> | <p>The provision of low noise road surfacing will be a matter for approval by the Secretary of State as part of the detailed design under Requirement 5 of the dDCO [APP-018] which also requires that the authorised development is carried in accordance with the approve details. The subsequent maintenance of the road surfacing is a matter falling within Highways England's general responsibility to maintain the strategic road network. The provision of low noise road surfacing will be a matter for approval by the SoS as part of the detailed design under Requirement 5 of the dDCO [APP-</p> |

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| | | <p>Scheme?</p> <p>b) the installation of environmental fencing with the purpose of providing noise mitigation, no later than the completion of all of the construction works, and the subsequent retention and maintenance of any such fencing. While Requirement 16 refers to the installation of permanent fencing, it does so only in the context of ensuring that fencing is installed in accordance with the Applicant's manual of contract documents for highway works?</p> | <p>018] which also requires that the authorised development is carried in accordance with the approve details. The subsequent maintenance of the road surfacing is a matter falling within Highways England's general responsibility to maintain the strategic road network.</p> <p>The provision of environmental fencing would also be a matter of detailed design under Requirement 5, which also requires that the development is carried out in accordance with the approved details. The longer term maintenance would be a matter for Highways England's general responsibility to maintain the strategic road network but also a matter to be provided for in the Handover Environmental Management Plan (HEMP) required my Requirement 3(4). Amongst other things the HEMP must contain long term commitments to aftercare, monitoring and maintenance activities relating to the environmental features including within the scheme. See Requirement 3(5)(b).</p> |

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| 1.10.5 | Applicant | <p>Under the 'Do-Something' scenario what level of traffic growth in excess of that projected would there need to be for the predicted noise levels at the noise sensitive receptor locations considered in the Chapter 6 of the ES [APP-051] to be exceeded and for occupiers or users at the receptor locations to experience a significant effect, ie be of a magnitude that the predicted level would change from 'No Observed Effect Level' to the 'Lowest Observed Adverse Effect Level' (LOAEL) or from LOAEL to a 'Significant Observed Adverse Effect Level'?</p> | <p>The amount of traffic growth required would vary depending on the receptor location and the specific roads that influence the noise levels there the most. A noise increase of 1dB $L_{A10,18h}$ would require a 25% increase in traffic flow (assuming the speed and fleet composition is the same). A noise increase of 3dB $L_{A10,18h}$ would be achieved by doubling the traffic flow.</p> <p>As shown in Figure 6.7 to Figure 6.10 in Environmental Statement: Chapter 6 Noise and Vibration Figures 1 of 2 [APP-066], the LOAEL (55dB $L_{A10,18h}$ façade) was exceeded at all noise sensitive receptors in the study area for all of the modelled scenarios described in Environmental Statement Chapter 6: Noise and Vibration [APP-051], paragraph 6.5.15. There were no receptors where there were predicted road traffic noise levels that would change their impact from No Observed Effect Level (NOEL) to LOAEL.</p> <p>The level of change that is required for road traffic noise levels to exceed the SOAEL (68dB $L_{A10,18h}$ façade) depends on how close to the SOAEL the predicted Do Something noise levels are, before further traffic increases are considered. For properties close to the M25 and the A3, noise levels are more likely to be closer to the SOAEL, however, the changes in traffic flow needed to increase noise levels by 1-3dB would be large. For properties near local roads a smaller increase in traffic flow could give the same increases in noise, but the noise levels are more likely to be lower than the SOAEL.</p> |

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| 1.10.6 | Applicant | Given the potential for traffic to re-route via Ripley in the absence of south facing slips at the Oakham Park junction, should the effects of the Proposed Development on Ripley's noise climate be assessed and the results of that assessment be included in Chapter 6 of the ES [APP-051]? | The potential for road traffic noise levels at Ripley was assessed as part of the wider area assessment, which can be found in paragraphs 6.8.54 and 6.8.55 of Environmental Statement Chapter 6: Noise and Vibration [APP-051]. As stated in paragraph 6.8.54, " <i>In the short-term and the long-term, the Basic Noise Level calculations indicated that for the majority of the roads the change in road traffic noise levels was negligible according to the impact magnitude criteria in the DMRB 11:3:7</i> ". Although not mentioned by name, the roads in Ripley were among those where negligible changes were predicted. |
| 1.10.7 | Applicant | In projecting the noise climate for the area affected by the Proposed Development for 2037 and beyond has any allowance been made for the increasing powering of vehicles by means other than internal combustion engines? | The predicted noise levels did not take into account the power transmission type used within the traffic fleet because this factor is not considered by the standard approved assessment methodology. As tyre-road noise is the dominant component of vehicular noise when vehicles are travelling at 30-50 kph or higher, quieter engines associated with electric or hybrid vehicles would not affect road traffic noise levels in the study area. |
| 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]? | The need to apply for a Section 61 consent applies equally to works being undertaken during the daytime and the night-time. It should be noted that ambient noise levels are lower at night so there would be more potential for disturbance from construction noise as it has potential to be more noticeable. |
| 1.10.9 | Applicant | During the construction period what form might the community liaison referred to in paragraph 6.9.6 of Chapter 6 of the ES [APP-051] take? | Arrangements for liaison with householders and other affected local parties will be set out in a Community Relations Strategy that will form part of the final CEMP as noted in Requirement 3(2)(e) of the draft DCO [APP-018]. |

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| | | | <p>The contractor will keep local residents and other affected parties informed of the progress of the works via the Highways England Project page and by the issuing of email updates (where customer details have been provided). For specific issues relating to construction impact (such as those stakeholders affected by noise levels), the identified stakeholders/residents affected will be proactively contacted by the Public Liaison Officer to inform them of when and where the construction activities will be taking place and how long they are expected to last. This communication will take the form of email, phone call, meeting/visit as deemed appropriate.</p> <p>During the construction phase of the scheme, there will be a dedicated Public Liaison Officer responsible for maintaining good stakeholder relations. They will be contactable via a dedicated phone number and/or email address which will be communicated via Highways England's project webpage / signage on site and made known to all stakeholders already held in the Stakeholder Records Database. The contractor will adopt and utilise the Highways England Customer Relationship Management (CRM) system to record all engagement, communication and correspondence with stakeholders and customers.</p> |

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| 1.10.10 | Applicant | Paragraph 13.13.4 of Chapter 13 of the ES [APP-054] refers to monitoring which 'should' be carried out. Consequently, please confirm if the monitoring described in this paragraph will be carried out? Would there be a trigger point for remedial action eg in relation to the need for additional noise barriers? How would any such action be implemented? | All of the noise barriers that Highways England consider are required in view of the environmental assessment will be provided. In addition the environmental performance of the scheme will be monitored in accordance with Highways England's Benefits Realisation and Evaluation Plan (BREP) which is concerned with the performance of schemes five years after they open to traffic. Trigger points for remedial action would be assessed on a case by case basis with no specific points currently being set. Any remedial actions highlighted as necessary by the BREP review would be implemented by Highways England separately to the controls under this project. |

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| 11. Pollution, contaminated land, geology and ground conditions | | | |
| 1.11.1 | Applicant | <p>Table 1.2 of the REAC [APP-135] makes reference to a number of actions/commitments that are required before the start of construction. These include matters such as developing a Pollution Prevention Plan, agreeing a Drainage Strategy and designing an Environmental Incident Control Plan. Whilst some of these are specifically referenced in the Outline CEMP, others are not.</p> <p>What is the process for the future authorisation, management and monitoring of these?</p> | <p>Table 1.2 of the Register of Environmental Actions and Commitments (REAC) [APP-135] commits Highways England to prepare a number of plans and strategies before the start of construction. These documents will be incorporated within the various documents prepared to discharge requirements in Schedule 2 of the dDCO) [APP-018] as appropriate.</p> <p>Most of the plans referred to in Table 1.2 of the REAC will be incorporated within the Construction Environmental Management Plan, that must be submitted to and approved by the Secretary of State before any part of the Scheme may commence in accordance with Requirement 3 of the dDCO [APP-018]. Some of the plans will be incorporated within or will be prepared to inform the written submissions made under other DCO requirements, notably Requirement 13 which relates to contaminated land and groundwater, Requirement 14 which relates to archaeology and Requirement 15 which relates to protected species. Each of the various plans will detail environmental protection measures to be put in place, the arrangements for the management of relevant construction activities and the arrangements for monitoring compliance during the construction works.</p> <p>A number of the commitments in Table 1.2 of the REAC will inform the preparation of the detailed design for the Scheme, which under Requirement 5 of the dDCO must be compatible with the preliminary design for the Scheme shown on the Scheme Layout Plans [APP-012 and AS-004], Works Plans [AS-003] and Engineering Drawings and Sections [APP-014] once certified. Under dDCO Requirements 6, 7, 8, 9, 10, 11 and 12, Highways England must submit further detailed design information for</p> |

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| 11. Pollution, contaminated land, geology and ground conditions | | | |
| | | | <p>approval by the Secretary of State which will provide a further mechanism for securing commitments made in Table 1.2 of the REAC.</p> <p>A number of the commitments and plans identified in the REAC will be used to inform contractual arrangements between Highway England and its Principal Contractor and are not intended for approval under DCO Requirements – these relate primarily to matters of health and safety, buildability, maintenance of risk registers and record keeping.</p> <p>A 'road map' showing the relationship between the various plans, statements and strategies identified in both the REAC and the outline Construction Environmental Management Plan [AS-016] and how they will be secured through the relevant DCO Requirements has been prepared and is included in Volume 9.15, which will be submitted at Deadline 2.</p> |

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| 12. Socio-economic impacts | | | |
| 1.12.1 | Painshill Park Trust | Please explain what you consider the effects on visitor safety and the visitor experience at Painshill Park as a result of the Proposed Development would be, in particular, affected by the loss of the western access on to the A3 without a replacement access track being provided. | The access from the A3 southbound carriageway into the western end of Painshill Park is not used by the public and Highways England understand that it is infrequently used. |
| 1.12.2 | Applicant | Please respond to the comments made by The Gardens Trust [RR-014] and Painshill Park Trust [RR-021] about the need for replacement access at the western end of Painshill Park Trust's land ownership for emergency and land management purposes. | <p>Highways England notes the Gardens Trust and Painshill Park Trust wish for replacement access to the A3 to be provided for the Painshill Park Trust on the western end of their ownership for both emergency and land management purposes.</p> <p>The existing direct access is being closed for safety reasons. Additionally, current design standards do not allow for a direct access on to a dual carriageway with more than two lanes. Therefore, it is not appropriate to provide a direct access in this location and Highways England will not be doing so.</p> <p>Notwithstanding this, to provide a replacement access to the western end of the park would entail providing a new route across third-party land to connect to the PMA at Court Close Farm. As the western part of Painshill Park can be accessed via the network of maintenance tracks within the park, there is no proper basis for Highways England to acquire rights across third-party land to provide the Trust with an access for emergency and or land management purposes.</p> <p>Highways England has consulted with the Surrey Fire and Rescue Service who have confirmed they are able to drive their fire appliance to the Gothic Tower via the existing internal road network at Painshill Park.</p> |

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| 12. Socio-economic impacts | | | |
| | | | <p>The Scheme does not preclude an access track linking the Court Close Farm PMA and Painshill Park. The scope for action in advance of the DCO Examination was discussed with the Trustees and it was suggested by Highways England that Painshill Park Trust facilitate a meeting with the Girl Guides Greater London West and the owners of New Farm and Court Close Farm to consider whether there is any common ground on the provision of an access to the Park and mechanisms for achieving it. However, it would not be appropriate for Highways England to seek to obtain compulsory powers to this end as there would not be a compelling case in public interest to do so.</p> |
| 1.12.3 | Applicant | <p>Clarification is required with respect to what appear to be contradictions in Tables 13.24 and 13.27 with respect to the extent of any temporary and permanent land takes concerning the categories of 'Local businesses and local economy' and 'Development land' in Chapter 13 of the ES [APP-058]. With the way the previously mentioned tables are worded it is unclear whether one of the aforementioned land categories is being treated as a sub-set of the other, as the total land areas for the Feltonfleet School and RHS Wisley quoted in Table 13.24 are different to those quoted in Table 13.27.</p> <p>Please provide an additional table which clearly summaries what the intended temporary and permanent land take areas would be for the premises that are listed in both Tables 13.24 and 13.27. Confirmation should also be provided that for the sites that are only listed in either Table 13.24 or Table 13.27 that the quoted temporary and permanent land take areas are accurate and in the event of any inaccuracy corrected land take areas should be submitted.</p> | <p>By way of clarification, Environmental Statement Chapter 13: People and communities [APP-058], Table 13.24 Potential land take impacts and Table 13.27 Potential impacts on Development Land both contain information about permanent and temporary land take from local businesses and other non-residential organisations.</p> <p>Table 13.24 refers to local businesses and other non-residential organisations with respect to their entire land holding whereas the potential impacts in Table 13.27 refer to the extent of development proposals or policy land allocations related to those land holdings. For this reason, there are more organisations mentioned in Table 13.24 than Table 13.27 since not all the organisations in Table 13.24 have development proposals or are the subject of land allocations in policy.</p> <p>Some minor errors in Tables 13.24 and 13.27 have been identified and corrected in the tables below. Updated figures for land take are taken from project GIS data and the Book of Reference [APP-025]. Table 13.27 provides information about land use requirements for the Scheme with reference to each proposed development site. While some of the same receptors are also mentioned in Table 13.24, those assessments are based</p> |

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12. Socio-economic impacts

| | | | <p>on the extent of the land boundaries of those businesses, which may differ from the boundaries of any planning applications relevant to that land. Despite some discrepancies in land take figures in these tables, the potential impacts remain unchanged.</p> <p>Table 13.24 Potential land take impacts</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Holding</th> <th style="text-align: center;">Temporary Land Take m²</th> <th style="text-align: center;">Permanent Land Take m²</th> <th style="text-align: center;">Total Area m²</th> </tr> </thead> <tbody> <tr> <td>Nutberry Farm</td> <td style="text-align: center;">56,342</td> <td style="text-align: center;">1,733</td> <td style="text-align: center;">223,927</td> </tr> <tr> <td>Former San Domenico restaurant site</td> <td style="text-align: center;">19,294</td> <td style="text-align: center;">4,612</td> <td style="text-align: center;">23,906</td> </tr> <tr> <td>Feltonfleet School</td> <td style="text-align: center;">1,548</td> <td style="text-align: center;">1,532</td> <td style="text-align: center;">69,696</td> </tr> <tr> <td>Cobham Hilton</td> <td style="text-align: center;">5,075</td> <td style="text-align: center;">6,390</td> <td style="text-align: center;">100,236</td> </tr> <tr> <td>Surrey Wildlife Trust, Pond Farm</td> <td style="text-align: center;">1,466</td> <td style="text-align: center;">2,525</td> <td style="text-align: center;">141,542</td> </tr> <tr> <td>Painshill Park</td> <td style="text-align: center;">22,236</td> <td style="text-align: center;">28,404</td> <td style="text-align: center;">865,886</td> </tr> <tr> <td>RHS Gardens Wisley</td> <td style="text-align: center;">8,440</td> <td style="text-align: center;">8,478</td> <td style="text-align: center;">635,962</td> </tr> </tbody> </table> | Holding | Temporary Land Take m ² | Permanent Land Take m ² | Total Area m ² | Nutberry Farm | 56,342 | 1,733 | 223,927 | Former San Domenico restaurant site | 19,294 | 4,612 | 23,906 | Feltonfleet School | 1,548 | 1,532 | 69,696 | Cobham Hilton | 5,075 | 6,390 | 100,236 | Surrey Wildlife Trust, Pond Farm | 1,466 | 2,525 | 141,542 | Painshill Park | 22,236 | 28,404 | 865,886 | RHS Gardens Wisley | 8,440 | 8,478 | 635,962 |
|-------------------------------------|---------------------------------------|---------------------------------------|--|---------|---------------------------------------|---------------------------------------|------------------------------|---------------|--------|-------|---------|-------------------------------------|--------|-------|--------|--------------------|-------|-------|--------|---------------|-------|-------|---------|----------------------------------|-------|-------|---------|----------------|--------|--------|---------|--------------------|-------|-------|---------|
| Holding | Temporary Land Take m ² | Permanent Land Take m ² | Total Area m ² | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Nutberry Farm | 56,342 | 1,733 | 223,927 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Former San Domenico restaurant site | 19,294 | 4,612 | 23,906 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Feltonfleet School | 1,548 | 1,532 | 69,696 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Cobham Hilton | 5,075 | 6,390 | 100,236 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Surrey Wildlife Trust, Pond Farm | 1,466 | 2,525 | 141,542 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Painshill Park | 22,236 | 28,404 | 865,886 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| RHS Gardens Wisley | 8,440 | 8,478 | 635,962 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| 12. Socio-economic impacts | | | | | | |
| | | | Wisley Trails | 5,020 | 4,080 | 74,000 |
| | | | Table 13.27 Potential impacts on Development Land | | | |
| | | | Development site | Total Area m² | Temporary land take m² | Permanent land take m² |
| | | | The former Wisley Airfield Site Allocation A35 in the Proposed Submission Local Plan: strategy and sites 2016 | 927,881 | 9,768 | 30,689 |
| | | | The former Wisley Airfield Planning application refs. SCC 2012/0034 Guildford. 12/P/00533 | 167,779 | 59,632 | 39,610 |

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| 12. Socio-economic impacts | | | | | | |
| | | | RHS Gardens, Wisley Lane, Wisley, Woking, GU23 6QS Planning permission reference, 16/P/01080 | 129,598 | 6,581 | 2,962 |
| | | | Former San Domenico Restaurant (Planning ref. 2017/0524) | 23,906 | 19,294 | 4,612 |
| | | | Feltonfleet School Planning ref. 2017/2106 | 53,852 | 1,548 | 799 |
| 1.12.4 | Euro Garages | Please provide evidence to justify your assertion [RR-012] that the Proposed Development would render your property unviable as a roadside location to provide motorists' facilities. Please clarify whether this relates to only the existing facilities or includes any future development potential of the site. | N/A | | | |

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| 12. Socio-economic impacts | | | |
| 1.12.5 | Applicant | Please respond to the comments made in the Euro Garages RR [RR-012] concerning the impact on their business. | <p>Highways England has provided a response to Euro Garages in 9.12 Applicant's Comments on Relevant Representations [REP1-009].</p> <p>For the reasons given in that response it would be unsafe for the existing access to be retained.</p> <p>Highways England acknowledges that accordingly the site could no longer be used for any purpose that is dependent upon public vehicular access directly to or from the A3 and this would be a matter for the compensation process.</p> |
| 1.12.6 | Applicant | In response to the comments [for example in RR-50 and RR-059] that the Proposed Development would affect the security of both Painshill Park and the residents of Painshill Estate, please set out how this has been assessed in the ES and how security matters would be monitored and mitigated should the DCO be made. With respect to the access for residents of Painshill Park off the Painshill junction roundabout please advise as to whether there is any intention to make any alterations to the gated access. | <p>DMRB guidance for environmental assessment does not include assessment of security issues and so no such assessment is in the Environmental Statement.</p> <p>The Scheme Layout Plans [APP-012], sheets 7 and 8 show that the proposed private means of access will tie-in and be at the same level as the A3 southbound entry slip from the Painshill junction. Therefore, the start of the private means of access will be cut into the adjacent ground, with earthworks that slope up to the level of Painshill Park, which sits higher than the on-slip. There will be a highway fence at the top of the earthworks and the existing trees will be seen behind the fence. The combination of earthworks slope, fence and trees would act as a deterrent to unauthorised access, along with the park boundary fence.</p> <p>The earthworks will reduce in height beyond the proposed security gate (shown on sheet 7), as the private means of access arrives at the same level as the existing ground. There will be highway fencing provided on both sides, which will deter unauthorised access. This will provide security for both Painshill Park and the residents of Painshill Park estate. However, no monitoring is proposed.</p> |

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| 12. Socio-economic impacts | | | |
| | | | Highways England does not intend to make any alteration to the existing gated access leading to the Painshill Park estate from the Painshill roundabout. There may be times during construction where the access is restricted, but Highways England's Principal Contractor will ensure access is maintained at all times. |
| 1.12.7 | Applicant and Girl Guiding Greater London West | a) Would the proposed access for the Heyswood Girl Guide Camp, including the location of the secure gate and fencing, provide an appropriately secure access for the camp site? b) If not, how could the access arrangements be amended to improve the security of the access to and from the camp site? | a) Yes, Highways England is satisfied that the gates and fencing will provide an appropriately secure access for the camp site. Please see Highways England's full response to this in Applicants Response to Written Representations (Volume 9.19). b) See above. |
| 1.12.8 | GBG | Please provide a copy of the policy and supporting text concerning the Wisley Airfield allocation included within the Guildford Local Plan of 2019. | N/A |
| 1.12.9 | Applicant | Table 13.45 of the ES [APP-058] states that users of Feltonfleet School would experience a significant residual adverse effect on amenity, while Tables 13.32 and 13.36 say that no amenity effects are predicted. The Applicant is requested to explain this apparent discrepancy and address how it might affect the conclusions reached | Environmental Statement Chapter 13: People and communities [APP-058] Table 13.45 column 3 row 4 is incorrect. This should state "No Significant residual adverse effects on amenity for users of Feltonfleet School". |

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| 13. Traffic, Transport and Road Safety | | | |
| 1.13.1 | Applicant | Please clarify with respect to the forecast modelling under the 'Do-Minimum' works scenario, whether the effect of implementing the 'Smart Motorway' works at M25 J10, which might otherwise be undertaken as part of the implementation of the wider planned Smart Motorway scheme for J10 to J16, has been excluded from the Do Minimum forecasting, having regard to what is stated in paragraphs 3.5.5 to 3.5.9 and Table 3.2 of the TA [APP-136] and paragraph 5.4.16 of the SoR [APP-022]. | The section of the M25 Smart Motorway through J10 will only be implemented as part of the Scheme. This part of the Scheme would not be undertaken as part of the wider planned Smart Motorway scheme (J10-J16). Accordingly, the element of the M25 Smart Motorway through J10 included in the Scheme is excluded from the Do-minimum scenario. |
| 1.13.2 | Applicant | <p>If the answer to the request for clarification under question 1.13.1 is Yes:</p> <ul style="list-style-type: none"> a) Does this have any implications for any of the comparative assessments reported in any of the ES Chapters or other applications documents where comparisons have been made between the Do-Minimum and Do- Something scenarios? b) Does the information submitted with the Application provide an accurate forecasting basis for M25 J10's operational performance and the accident rate under a Do Minimum scenario? c) The Applicant is requested to provide evidence concerning road safety and future network performance under a Do Minimum scenario that includes the implementation of Smart Motorway works as part of the planned Smart Motorway | <p>As the answer to question 1.13.1 is yes,</p> <ul style="list-style-type: none"> a) this has no implications for any of the comparative assessments reported in any of the ES Chapters or other applications documents where comparisons have been made between the Do-Minimum and Do-Something scenarios; b) the information submitted with the Application does provide an accurate forecasting basis for M25 J10's operational performance and the accident rate under a Do Minimum scenario; and c) the Do-Minimum scenario includes implementation of the SMP between J10 and J16, excluding through junction 10. Evidence for the SMP between J10 and J16 is available in the associated reporting from Highways England for this specific scheme. |

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| 13. Traffic, Transport and Road Safety | | | |
| 1.13.3 | Applicant | <p>works scheme between M25 J10 to J16 for the first operational year following the completion of the Smart Motorway works and 2037.</p> <p>Please clarify whether the 133 accidents on the M25 at J10 between 2012 and 2016 referred to in paragraph 4.2.2 and Table 4.1 of the TA [APP-136] are or are not additional to 171 accidents between 2012 and 2016 stated in paragraph 4.2.3 of the TA, the latter having been identified as part of the 'further local analysis' undertaken within the proximity of J10. This clarification is requested because at paragraph 4.2.4 of the TA it is stated that '... approximately 106 of accidents were on either M25 or A3 main carriageways ...', which suggests that the figure of 171 accidents may include some of the 133 accidents referred to in paragraph 4.2.2 of the TA.</p> <p>In providing clarification on this matter the applicant is requested to explain clearly when reference is being made to accidents in the TA what are the boundaries respectively for: M25 mainline; M25 J10; and the A3 to assist, most particularly, with the interpretation of the information contained within Tables 4.5, 4.6 and 4.7 and paragraph 4.4.2.</p> | <p>The 171 accidents between 2012 and 2016 stated in paragraph 4.2.3 of the Transport Assessment Report (TA) [APP-136] include the 133 accidents on the M25 at J10 between 2012 and 2016 referred to in paragraph 4.2.2 and Table 4.1 of the TA. The 133 accidents referred to are not, therefore, additional to 171 accidents between 2012 and 2016 stated in paragraph 4.2.3 of the TA.</p> <p>The 171 accidents referred to in paragraph 4.2.3 of the TA includes all the accidents on the M25 and A3, including J10, recorded between 2012 and 2016 within 1 km of the centre of J10.</p> <p>The 133 accidents on the M25 at J10 between 2012 and 2016 referred to in paragraph 4.2.2 and Table 4.1 of the TA includes all the accidents on the M25, including J10, recorded between 2012 and 2016 within 1 km of the centre of J10, but excludes accidents on the A3 that were not classified as being junction related (not at or within 20 metres of junction). This is consistent with the analysis of accident records for other junctions on the M25 that are presented for comparison in Table 4.1 of the TA.</p> <p>The 106 accidents referred to in paragraph 4.2.4 of the TA are those accidents on both the M25 and A3 within 1 km of the centre of J10 that are classified as not being junction related. Therefore, of the 171 accidents between 2012 and 2016 stated in paragraph 4.2.3 of the TA, 65 are classified as being junction related (at or within 20 metres of junction) and 106 are classified as not being junction related.</p> |

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| | | | Plans showing the boundaries of the accident analysis are included in Figures 8-1 and 8-2 of the Transport Assessment Supplementary Information Report, which is submitted at Deadline 2 (Volume 9.16). |
| 1.13.4 | Wisley Property Investments Limited (WPIL) | <p>Please provide a copy of:</p> <ul style="list-style-type: none"> a) The 'WSP scheme' for the Ockham Park junction referred to in paragraph 7.61 of the TA [APP-136]. b) The appeal decision referred to by the Wisley Action Group [RR-029]. c) The Transport Assessment or any other document prepared by WPIL in connection with the determination of the appealed planning application that identifies the anticipated vehicular traffic volumes and routing associated with the redevelopment of the airfield. d) The 'Agreed Statement on Progress' of 13 March 2018 concerning the provision of north facing slips at Burntcommon junction referred to in paragraph 2.3.2.5 of SCC's relevant representation [RR-004]. | N/A |
| 1.13.5 | WPIL, SCC and GBC | By reference to a map please provide details of all of the intended, agreed or otherwise, vehicular and non-motorised user access points for the redevelopment of Wisley Airfield. | N/A |

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| 13. Traffic, Transport and Road Safety | | | |
| 1.13.6 | Applicant | Having regard to the representations made by SCC [RR-004], RHS [RR-024] and WPIL [RR-030] if the Secretary of State was to grant the DCO and then the authorised scheme was to be implemented, could south facing slips at the Oakham Park junction subsequently be installed without detriment to either the free or safe operation of the A3? | <p>South facing slips at Ockham Park junction are not required to mitigate any impacts due to the Scheme and, consequently, they do not form part of the Scheme.</p> <p>The Scheme does not preclude future implementation of south facing slips at Ockham Park junction. However, it is evident that there are several challenges and constraints associated with providing them, including the likely need to acquire land outside the highway boundary, which would need to be overcome to demonstrate that they are deliverable without detriment to either the free or safe operation of the A3, affordable and offer the most appropriate solution to the identified problem. These include that:</p> <ul style="list-style-type: none"> the Ockham Park roundabout would need to be enlarged and the B2215 Portsmouth Road, the B2039 Ockham Road North and the Wisley Lane diversion connections with the Ockham Park Roundabout would need to be re-aligned. The roundabout is located within the Stratford Brook flood zone (Zone 3) and adjacent to both a Site of National Conservation Importance (SNCI) and a historic landfill site, so these factors would need to be taken into account in any provision of new slips. |

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| | | | <ul style="list-style-type: none"> the Ripley services on the A3 are located only 1.5 kms south of Ockham Park junction. Consequently, there is insufficient distance between the junctions to provide a design with a standard compliant weaving length between the merge and diverge sections of the respective on and off slip roads. A minimum weaving length of 1000m is required for a compliant design where only approximately 650m northbound and 690m southbound can be achieved. Therefore, the accesses off the A3 to the Ripley services would have to be relocated to accommodate south facing slips at the Ockham Park junction to achieve a compliant design; and third party land outside of the boundaries of both the public highway and the DCO would be required to construct the enlarged roundabout and to realign the side road connections and the slip roads. |
| 1.13.7 | Applicant, GBC, SCC and WPIL | Without south facing slip roads at the Oakham Park junction how would traffic originating from the south of this junction and heading for the Wisley Airfield redevelopment site exit the A3 and how would southbound traffic exiting the airfield site join the A3? The responses to this question should include any identified routes being drawn on a map base. | <p>With the Scheme (which does not include south facing slips at Ockham Park junction), traffic originating from the south could access the Wisley Airfield development by three routes:</p> <ol style="list-style-type: none"> 1) Leaving the A3 northbound at Burntcommon, travelling along the B2215 London Road/Portsmouth Road/Ripley High Street through Ripley to Ockham Park junction and then on to the Wisley Lane diversion from where access to the airfield site is intended to be provided; or. 2) Leaving the A3 northbound at M25 J10 and make a U-turn on to the A3 southbound on-slip, then making a left turn into Old Lane from where access to the airfield site is intended to be provided; or |

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| | | | <p>3) Same as (2) but leaving the A3 southbound at Ockham Park Junction rather than Old Lane and then on to the Wisley Lane diversion from where access to the airfield site is intended to be provided.</p> <p>With the Scheme, traffic leaving the Wisley Airfield development heading to the south could use three routes:</p> <ol style="list-style-type: none"> 1) Turning left from site access onto Old Lane and then left onto the A3 southbound; or 2) Turning left from the site access onto the Wisley Lane diversion to Ockham Park junction, then travelling along the B2215 Portsmouth Road/Ripley High Street through Ripley to the A247 Clandon Road to join the A3 southbound at Burntcommon. 3) Turning left from the site access onto the Wisley Lane diversion to Ockham Park junction then heading north on the A3 towards Junction 10 and making a U-turn southbound on the A3. <p>Traffic modelling undertaken assumes that traffic would use the route with the lowest cost (a combination of time and distance) to access their destination.</p> <p>Plans showing the above routes are included in Appendix D of the Transport Assessment Supplementary Information Report, which is submitted at Deadline 2 (Volume 9.16)</p> |
| 1.13.8 | Applicant and WPIL | a) What, if any, interdependency would there be between the implementation of a redevelopment scheme for Wisley Airfield and any development that might be authorised by a road scheme subject to the | a) The dDCO Scheme is not dependent on any scheme for the redevelopment of Wisley Airfield. However, the dDCO Scheme does not preclude the future implementation of a scheme for the redevelopment of the airfield along the lines of that previously put |

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| | | <p>DCO application?</p> <p>b) Is there any requirement under the provisions of allocation A35 of the Guildford Local Plan of 2019 for south facing slips at the Oakham Park junction to be provided and if so at what stage in the airfield scheme's build out would the slips' need to be available for use?</p> | <p>forward by the WPIL or generally and nor does the Scheme compromise access arrangements for such a redevelopment scheme necessary to meet the requirements of Policy A35 of the adopted Guildford Local Plan 2019. However, the redevelopment of Wisley Airfield is effectively dependent on the delivery of improvements to M25 J10. Regarding Policy A35, the Guildford Local Plan states:</p> <p><i>"Interventions will be required which address the potential highway performance issues which could otherwise result from the development. The Infrastructure Schedule in the latest Infrastructure Delivery Plan identifies the locations on the Local Highway Network and the Strategic Highway Network which could be expected to experience the most significant potential highway performance issues, in the absence of mitigating interventions. To include mitigation schemes to address issues: on the A3 and M25 and at the M25 Junction 10/A3 Wisley interchange."</i></p> <p>Should planning permission be granted for a redevelopment of Wisley Airfield and the construction programme for that scheme coincide with that for the dDCO Scheme, then there is the potential for interdependencies during construction. Highways England will collaborate with WPIL (and is doing so) to try and satisfactorily resolve any interdependencies during construction should they arise.</p> <p>b) There is no requirement under the provisions of Policy A35 of the Guildford Local Plan (2019) for south facing slips at the Ockham Park junction to be provided.</p> |

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| 1.13.9 | RHS | Please provide any daily traffic survey data that has routinely been collected or obtained in support of any submitted application(s) since 2015 for vehicles arriving and departing from RHS Wisley. This data, if available, should cover Mondays to Sundays, for the duration of the opening hours for RHS Wisley and should identify for both week days (ie Monday to Friday) and Saturdays and Sundays the peak flow times for arrivals/departures at RHS Wisley. If available please provide daily averages as well as data for special event days. | N/A |
| 1.13.10 | RHS and SCC | In the light of the on-going plans to increase visitor numbers from 1.0 million to 1.4 million per year (the latter being referred to on page 30 of [APP-026]) what daily increase in daily vehicular movements to and from RHS Wisley has been planned for? | N/A |
| 1.13.11 | Applicant, SCC and RHS | Without south facing slips at the Oakham Park junction what would be the route or routes for vehicular traffic originating from the south and arriving at RHS Wisley or departing from RHS Wisley and having a southern destination? The responses to this question should include any routes being drawn on a map base. | <p>With the Scheme (which does not include south facing slips at Ockham Park junction), traffic originating from the south has the option of accessing RHS Wisley by two routes:</p> <ol style="list-style-type: none"> 1) leaving the A3 northbound at Burntcommon, travelling along the B2215 London Road/Portsmouth Road/Ripley High Street through Ripley to Ockham Park junction and then on to the Wisley Lane diversion. 2) leaving the A3 northbound at M25 J10 and making a U-turn on to the A3 southbound to Ockham Park junction and onto the Wisley Lane diversion. |

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| | | | <p>With the Scheme, traffic leaving RHS Wisley heading to the south has the option of two routes:</p> <p>1) driving along the Wisley Lane diversion to the Ockham Park Junction, then travelling along the B2215 Portsmouth Road/Ripley High Street through Ripley to the A247 Clandon Road and joining the A3 southbound at Burntcommon.</p> <p>2) driving along the Wisley Lane diversion to the Ockham Park Junction, then joining the A3 northbound to J10. At J10 making a U-turn to join the A3 southbound.</p> <p>Plans showing the above routes are included in Appendix B of the Transport Assessment Supplementary Information Report which is submitted at Deadline 2 (Volume 9.16)</p> |
| 1.13.12 | Applicant and RHS | What proportion of the visitors to RHS Wisley arriving by motorised vehicles originate from the south and currently use the left turn from the A3 into Wisley Lane? | <p>The ANPR traffic survey undertaken for Highways England on Tuesday 16th May 2017, which was not a special event day at RHS Wisley Gardens, recorded 34% of all motorised vehicles (visitors, staff and deliveries combined) arriving to RHS Wisley Gardens between 06:00 and 19:00 hours originated from the south and used the left turn from the A3 into Wisley Lane.</p> <p>This 34% figure comprises 24% from the A3 south and 10% from B2215 Portsmouth Road. The analysis of the ANPR traffic survey is presented in Section 2 (Table 2.1) of the Transport Assessment Supplementary Information Report. This is included in Volume 9.16, which is submitted at Deadline 2.</p> |

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| 1.13.13 | Applicant and RHS | <p>a) For 2022 (ie the theoretical opening year for the Proposed Development) in the absence of south facing slips at the Oakham Park junction what additional distance, in vehicle kilometres and miles per year, would visitors arriving at and departing from RHS Wisley need to travel compared with the current situation?</p> <p>b) RHS is requested to explain how it has calculated its estimate for visitors to its gardens generating 2.7 million extra vehicle miles should the Proposed Development be granted consent [paragraph 5 of RR-024]. In doing that RHS should state whether the estimated figure of 2.7 million extra vehicle miles relates to current visitor numbers or to those arising from the planned visitor growth.</p> | <p>a) The additional distances that RHS Wisley Gardens visitors will need to travel in 2022 due to the Scheme (that does not include south facing slips at Ockham Park junction) is dependent on whether visitors choose to follow the signposted route to and from the A3 to the south via Junction 10 or choose to route via Ripley. RHS has estimated that Wisley Gardens will attract approximately 1.494 million visitors a year due to their 10-year investment plan [Appendix M of REP1-044], which will generate approximately 626,650 vehicle arrivals and departures annually. If all this growth is assumed to occur by 2022, then the total annual additional distance due to the Scheme would be approximately 355,400 kms (213,700 miles) if visitors to and from the south choose to route via Ripley, or approximately 1.879m kms (1.165m miles) if visitors to and from the south choose to route via J10 (the signposted route). Note that these figures include visitors travelling to/from other directions as well as from the south.</p> <p>Analysis of changes in journey distances for RHS Wisley Gardens traffic due to the Scheme is presented in Section 2 and Appendix C of the Transport Assessment Supplementary Information Report , which will be submitted at Deadline 2 (Volume 9.16).</p> <p>b) RHS to respond.</p> |
| 1.13.14 | RHS | What alternative garden destination(s) might potential visitors to RHS Wisley consider visiting if they thought that the proposed access arrangements were going to | N/A |

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| | | significantly increase their journey times and effect a decision as to whether or not to visit RHS Wisley? | |
| 1.13.15 | Applicant | How many 'U-turn' movements generated by RHS Wisley and theredevelopment of the Wisley airfield have been predicted to take place within M25 J10 by 2037 in the absence of south facing slips at the Oakham Park Junction? | <p>In the 2037 'Do-minimum' scenario approximately 750 vehicles per day generated by RHS Wisley are predicted in the modelling to U-turn at Junction 10 to access the Wisley Airfield development via Old Lane. In the 2037 Do-something scenario, no vehicles generated by RHS Wisley are predicted in the modelling to U-turn at Junction 10, since the route from the A3 south is shorter and quicker via Ripley than via Junction 10 and the route to the A3 south are shorter and quicker via Old Lane. Therefore, the model assumes all vehicles will take these routes.</p> <p>In the 2037 Do-minimum scenario no vehicles generated by the redevelopment of Wisley Airfield are predicted to U-turn at Junction 10. This is because forecast congestion at J10 without the Scheme means that the quickest route from the A3 south is via Ripley, rather than via J10. In the 2037 'Do-something' scenario, approximately 110 vehicles a day generated by the redevelopment of the Wisley Airfield are predicted to U-turn at Junction 10.</p> <p>Plots of the distribution of RHS Wisley Gardens traffic taken from the strategic model for the different scenarios are provided in Section 2 of the Transport Assessment Supplementary Information Report (Volume 9.16), which is submitted at Deadline 2.</p> |
| 1.13.16 | Applicant | Having regard to the answer to question 1.13.15 what effect would there be on the predicted accident rate for 2037 within M25 J10 were south facing slips at the Oakham Park junction to be available? | A scheme including south facing slips at Ockham Park junction has not been modelled and so no accident risk assessment can be or has been undertaken. |

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| | | | <p>However, south facing slips at Ockham Park junction would be unlikely to alter predicted accident rates at M25 J10, since with the Scheme, Wisley Lane traffic to and from the A3 south is forecast in the traffic modelling to route via Ripley, rather than via Junction 10, as it is the shorter and quicker route. Therefore, south facing slips at Ockham Park junction would not alter traffic volumes at J10 as modelled and used for the accident analysis.</p> |
| 1.13.17 | Applicant and SCC | Without south facing slips at the Oakham Park junction for the Do-Something scenario what would the estimated additional daily weekday and weekend two- way traffic flow through Ripley be in 2022 and 2037? | <p>The estimated additional weekday two-way traffic due to the Scheme on B2215 Portsmouth Road/Ripley High Street between Newark Lane and the Ockham Park junction (which is the section of road within Ripley most impacted by the Scheme) is approximately 1,000 vehicles per day in 2022 and 1,550 vehicles in 2037. These traffic flows are presented in Section 2.5 of the Transport Assessment Supplementary Information Report which is submitted at Deadline 2, (Volume 9.16).</p> <p>In line with established best practice, the traffic modelling and associated assessment of the scheme is based on a weekday. No traffic modelling of weekends has been undertaken so it is not possible to provide weekend information as requested. However, analysis of automatic traffic count data collected on the B2215 Portsmouth Road/Ripley High Street, indicates that the weekend flows are approximately half the weekday interpeak (10:00-16:00) flows.</p> |
| 1.13.18 | Applicant | A number of IPs, for example Surrey County Council (SCC) [RR-004] and the Royal Horticultural Society (RHS) [RR-024] have made representations about the need for south facing slip roads to be included at Ockham Park Junction as part of the scheme. Please provide a justification for why these have not been included in the | The traffic modelling undertaken demonstrates that these slip roads are not necessary. The increases in forecast traffic through Ripley on account of the Scheme is not such as to justify their inclusion and the slip roads are not required by Policy A35 of the Guildford Borough Local Plan. |

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| | | <p>application and your views on the feasibility of including these slip roads in the project envelope at this stage in the Examination process.</p> | <p>The estimated additional weekday daily traffic (AADT) due to the Scheme is presented above. These increases in traffic flows represent approximately a 5% increase compared to without the Scheme and equates to a maximum of 3 to 4 additional vehicles every minute (1 to 2 in each direction) during the busiest periods. The additional traffic predicted to route through Ripley due to the Scheme is therefore insufficient to give rise to any significant adverse impacts. This is because a) traffic modelling has demonstrated that the local road network can accommodate the additional traffic due to the Scheme without material deterioration in traffic congestion and delay (i.e. the road network operates within capacity); and b) the forecast increases in traffic flow through Ripley due to the Scheme are well below the thresholds required to trigger significant adverse severance, road safety, noise or air quality effects. Accordingly, there is no justification for including within the Scheme south facing slips at the Ockham Park roundabout.</p> <p>As regards the feasibility of including the slips in the application at this stage:</p> <ul style="list-style-type: none"> • there is no additional funding available from Highways England to enable their inclusion in the Scheme; • their inclusion would require further traffic modelling and other assessments to be undertaken; • third-party land outside of the current DCO boundary would be needed; • a re-design of the Ockham Park roundabout would be necessary to accommodate the slips; and • additional consultation would be necessary. |

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| | | | Accordingly, it is not feasible for south facing slips at the Ockham Park junction to be included in the DCO project. |
| 1.13.19 | Applicant and SCC | Would any additional traffic flows through Ripley justify any or all of the funding of the mitigation measures referred to in paragraph 2.3.2.5.3 of SCC's RR [RR- 004]? | <p>The first paragraph of the response to 1.13.18 above explains why the impact of the Scheme is insufficient to give rise to any significant adverse impacts that would trigger the requirement for any mitigation measures in Ripley to be funded by Highways England.</p> <p>The measures mentioned in paragraph 2.3.2.5.3 of SCC's Relevant Representation [RR- 004] refer to mitigation against severance rather mitigation for the additional traffic as a result of the DCO scheme yet a number of the measures (e.g. re-surfacing and bus shelters) would do nothing or very little to address issues of severance that may be experienced regardless of whether the DCO scheme takes place or not.</p> |
| 1.13.20 | Applicant | What degree of future proofing does the retention of the two lane A3 overbridges within junction 10, as opposed to widened overbridges, provide beyond 2037? | <p>The maximum volume over capacity ratios on the A3 through J10 with the Scheme (that maintains two lanes in each direction) for either the AM or PM peak hour, are forecast to be 81% northbound and 78% southbound in 2037. Applying National Trip End Model (NTEM) traffic growth forecasts to the 2037 flows on the A3 through J10, with two lanes in each direction, indicates that it would not begin to approach maximum practical capacity, i.e. demand to capacity ratio of 90%, in either direction until the late 2050s at the earliest. This estimate does not take account of developments that may influence travel patterns along this corridor, nor does it take into account measures that may alter travel behaviour in the corridor or any reassignment of traffic that may occur due to capacity constraints on the road network. Analysis to support this is presented in the Transport</p> |

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| | | | Assessment Supplementary Information Report [Volume 9.16], which is submitted at Deadline 2. |
| 1.13.21 | Applicant and SCC | Should the realigned Wisley Lane be the subject of a 30 or 40 mph speed limit, as referred to in paragraph 2.3.4.1 of SCC's RR [RR-004]? | <p>In Highways England's view the speed limit for the Wisley Lane diversion should be 40 mph except on the overbridge element where it should be 30 mph. The dDCO provides accordingly.</p> <p>A 40 mph speed limit is consistent on the speed limit on other neighbouring rural roads. The 30 mph speed limit is appropriate for the overbridge (including the approach to the bridge) because it is consistent with the design speed for the ramps linking the overbridge and the entrance to RHS Wisley. In addition, the proposed 30 mph speed limit mirrors the proposed 30 mph speed limit along Wisley Lane.</p> |
| 1.13.22 | Applicant | With respect to the NSIP works to be undertaken at the at the interface between the strategic and local road networks, for example the installations of new structures and traffic control systems (traffic lights), what are the applicant's intentions for the future maintenance of these matters? | <p>Article 11(1) of the draft Development Consent Order (dDCO) [APP-018] provides that any street other than a trunk road or special road to be constructed or altered as part of the Scheme must be maintained by the local highway authority at its own expense from its completion. This approach is consistent with other made DCOs for schemes promoted by Highways England. The Streets, Rights of Way and Access Plans [APP-008] define the limits of the trunk road and motorway/special road network and the point at which works are to become the responsibility of the local highway authority, which for this Scheme is Surrey County Council.</p> <p>On this basis, Highways England intends that all works forming part of the Ockham Park junction, (with the exception of the two structures carrying the A3 over the gyratory carriageway) will become the responsibility of Surrey County Council as the local highway authority, including signage, signals, footways, cycle tracks, bridleways and associated drainage.</p> |

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| | | | <p>The Wisley Lane Diversion is proposed as a safer alternative means of connection to Wisley Lane and is intended to become part of the local road network. Highways England therefore intends that all elements of the new road, including earthworks and associated drainage and the bridge that will carry the road over Stratford Brook should become the responsibility of Surrey County Council, with the exception of the Wisley Lane Overbridge structure, which Highways England would maintain in accordance with the provisions of article 11(3) of the dDCO.</p> <p>At Painshill, Highways England intends that Surrey County Council should continue to be responsible for the maintenance of the gyratory carriageway of the Painshill junction (with the exception of the two structures which support the A245 over the A3) together with the two new dedicated slip-lanes that will connect the A245 directly with the A3 slip roads. There is an existing agreement between Highways England and Surrey County Council as regards the Painshill junction, under which Highways England has agreed to operate and maintain the traffic signals on the gyratory carriageway. This agreement will continue under the Scheme and Highways England is willing to extend the scope of that agreement to include the additional new signal-controlled pedestrian crossing proposed on the A3 southbound on-slip at the junction.</p> <p>Highways England intends that Surrey County Council should retain responsibility for the A245 as this is a local road, including the new retaining wall structures, NMU provision and proposed new drainage and landscaping.</p> <p>The Scheme includes proposals for significant upgrades to the public rights of way network, including new non-motorised user crossings over the M25</p> |

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| | | | and over the A3. It is Highways England's intention that the local highway authority should be responsible for the maintenance of rights of way outside of the proposed trunk road/motorway boundary, as is currently the case for such routes. |
| 1.13.23 | Applicant | What is the justification for the removal of the existing lorry parking laybys on the A3? | <p>The existing HGV layby is located on the junction 10 southbound slip road prior to the diverge to Old Lane. Highways England is improving M25 junction 10 by adding free flow left turn lanes and extending the diverge at the junction with Old Lane utilising the space currently taken by the HGV layby. Replacing the HGV layby at this location would be unsafe as there is insufficient room to locate a layby and also due to the volume of traffic merging at junction 10 and diverging at Old Lane.</p> <p>A replacement layby would require a minimum of 1,000m weaving length between the upstream junction merge and also 1,000m to the downstream junction diverge. Due to the proximity of junctions on the A3 it is not possible to provide a layby to a compliant design within the Scheme limits. Furthermore, adding laybys to the widened A3 would require acquisition and development within the Thames Basin Heaths Special Protection Area (SPA).</p> <p>Whilst the Scheme would result in the closure of one HGV layby and two all vehicles laybys between M25 junction 10 and the Ockham Park junction, there is adequate capacity elsewhere along the A3 to meet the needs of A3 HGV drivers who would be affected by the closures. There are a further five laybys on each of the A3 carriageways within a 15 minute drive time south of M25 junction 10 and when surveyed in July 2018 most of these were not fully utilised and could readily accommodate displaced HGV parking demand.</p> |

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| | | | <p>The laybys that are to be closed are generally well used, which suggests that they may also be used as a convenient stopping off point for drivers making a short diversion from the M25. These drivers are unlikely to use the facilities further south on the A3, as the necessary diversion from the M25 will be less convenient. Instead these drivers are likely to seek out facilities elsewhere, such as at Cobham Services. Even if some M25 HGVs did continue further south to use alternative layby facilities along the A3, it is unlikely that it would give rise to material adverse effects on the local road network or on the amenity of nearby properties. It is the case that the HGVs would need to use some short sections of local roads to return to the M25, given the configuration of the junctions on this section of the A3. However, the absolute numbers of vehicles involved would be relatively small in relation to general background traffic flows.</p> |
| 1.13.24 | Applicant and SCC | <p>In the light of SCC's comments about bus stop locations and bus services [RR-004]:</p> <ul style="list-style-type: none"> a) With respect to the siting of any retained and/or repositioned bus stops would they be conveniently located for bus users and does the Applicant intend that these would be equipped with real time passenger information displays? b) Would there be a need to provide any additional footways to enhance pedestrian accessibility to any retained or repositioned bus stops? c) Would any temporary bus stops during the construction works be optimally located? | <ul style="list-style-type: none"> a) Highways England has worked closely with SCC to discuss how bus stop facilities that would be affected by the Scheme should best be accommodated within the design proposals. The Scheme makes provision to relocate the bus stops that are currently situated in the laybys on the A3 in the vicinity of Wisley Lane to a position adjacent to the entrance to RHS Wisley Gardens. Highways England is not aware of any objection to this on the grounds that the location would be unsuitable for bus operators. Real-time bus information is now readily available via mobile apps and text messaging. Consequently, it is not necessary for Highways England to provide real-time information systems at the affected bus stops where no such provision currently exists and so none will be provided. b) Footways are provided in the Scheme to the repositioned bus stops. Highways England will hold further discussions with SCC with a view to |

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| | | | <p>ensuring that there are no better alternative solutions that could potentially be incorporated within the Scheme design at the detailed design stage.</p> <p>c) Discussion prior to the start of construction between Highways England, the main contractor, SCC and the bus operator will be with a view to ensuring that temporary bus stops during the construction works would be optimally located. Requirement 4 (Traffic management during construction) in the dDCO [APP-018] requires that no part of the authorised development may commence until details of a traffic management plan are approved by the Secretary of State, following consultation with the relevant planning authority and relevant highway authority. The undertaker carrying out the works will therefore need to address the location of the temporary bus stops as part of this approval process. There are also commitments in the Register of Environmental Actions and Commitments (REAC) [APP-135] requiring the undertaker/principal contractor to agree measures with SCC regarding arrangements for maintaining bus services during the construction works.</p> |
| 1.13.25 | Applicant | Please confirm what the proposed access arrangements for the existing Starbucks site are on completion of the Proposed Development and following the return of the site to the land owner. | <p>The direct access from the San Domenico/Starbucks site to the A3 is closed off permanently in the Scheme upon the widening of the A3 to four lanes as it would be unsafe due to the short distance between M25 junction 10 merge and San Domenico site diverge and also between the San Domenico site merge and the Painshill junction diverge.</p> <p>A substitute access to the site is provided for in the dDCO (see Part 3 of Schedule 6) [APP-018] but it will not be a public vehicular access. Access to the Starbucks site on completion of the Scheme will be from the A245, Seven Hills Road (south) and the private means of access road running parallel to the A3. There is a secure barrier proposed on Seven Hills Road</p> |

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| | | | <p>(south) to prevent public vehicular access. A plan showing the substitute site access is included in the Scheme Layout Plans (Sheets 1 to 11), Sheet 7 [APP-012]. An additional plan has been compiled in response to this question, submitted at Deadline 2 in Volume 9.31.</p> <p>Highways England acknowledges that the site could no longer be used for any use that is dependent upon public vehicular access and this would be a matter for the compensation process.</p> |
| 1.13.26 | Applicant | <p>What does 'GEH criteria' stand for? The GEH abbreviation being introduced in paragraph 6.5.4 onwards of the TA [APP-136] and referred to thereafter without being defined.</p> | <p>The GEH Statistic is a formula used in traffic engineering, traffic forecasting, and traffic modelling to compare two sets of traffic volumes. The GEH formula gets its name from Geoffrey E. Havers, who invented it in the 1970s while working as a transport planner in London. Although its mathematical form is similar to a chi-squared test, it is not a true statistical test. Rather, it is a widely accepted empirical formula that has proven useful for a variety of traffic analysis purposes.</p> <p>Using the GEH Statistic avoids some pitfalls that occur when using simple percentages to compare two sets of volumes. This is because the traffic volumes in real-world transportation systems vary over a wide range. For example, the mainline of a motorway might carry 5,000 vehicles per hour, while one of the on-ramps leading to the motorway might carry only 50 vehicles per hour (in that situation it would not be possible to select a single percentage of variation that is acceptable for both volumes). The GEH statistic reduces this problem; because the GEH statistic is non-linear, a single acceptance threshold based on GEH can be used over a wide range of traffic volumes. The use of GEH as an acceptance criterion for travel demand forecasting models is recognised in the UK Highways England's <i>Design Manual for Roads and Bridges</i> (DMRB).</p> |

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| | | | <p>For traffic modelling work in the "baseline" scenario, a GEH of less than 5.0 is considered a good match between the modelled and observed hourly volumes (flows of longer or shorter durations should be converted to hourly equivalents to use these thresholds). According to DMRB, 85% of the volumes in a traffic model should have a GEH less than 5.0. GEHs in the range of 5.0 to 10.0 may warrant investigation. If the GEH is greater than 10.0, there is a high probability that there is a problem with either the travel demand model or the data.</p> |
| 1.13.27 | Applicant | <p>Please advise whether are you content that Stage 1 road safety auditing undertaken to date has been sufficiently comprehensive to address the proposed changes to both the strategic and local road networks?</p> | <p>The Stage 1 Road Safety Audit (RSA) was undertaken in accordance with DMRB Standard HD 19/15 (revised recently to GG119) on the Scheme design in November 2018. Highways England is content that the auditing was sufficiently comprehensive for a Stage 1 (Preliminary Design) audit. As a matter of good practice, a further interim Stage 1 RSA is being undertaken to reflect the final scheme design the subject of the DCO application. It is not anticipated that the findings of the study will be materially different. In any event a Stage 2 RSA will be carried out at the detailed design stage.</p> |

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| 14. Waste management | | | |
| 1.14.1 | Applicant | Please detail the measures for sustainable waste management that you propose to adopt during the course of the construction operations, including the provision for the use of recycled aggregates. | <p>Design, mitigation and enhancement measures for sustainable waste management are outlined in Section 12.9 of the Environmental Statement Chapter 12: Materials and Waste [APP-057]. Highways England will fully implement the waste hierarchy, in the prevention and management of wastes arising, during construction. Wastes that cannot be prevented will be segregated by type and classification, where practicable to do so, to maximise the potential for recovery in the following order of preference: preparing for reuse, recycling, other recovery, and disposal as the least preferable option. The proximity principle, i.e. the distance of treatment and disposal facilities from the Scheme, will also be taken into consideration when managing wastes.</p> <p>The Principal Contractor will develop a Site Waste Management Plan (SWMP) and a Materials Management Plan (MMP), as appropriate, prior to construction commencing. The SWMP and MMP will be provided as part of the CEMP, secured under Requirement 3 of the dDCO [APP-018]. The SWMP will identify the anticipated waste types, quantities and how they will be managed to maximise their potential for reuse, recycling and recovery. During construction, the SWMP will be updated with actual waste transfers and act as a record to demonstrate compliance. The MMP will be the mechanism via which suitable excavated materials will be reused within the Scheme.</p> <p>The Scheme has a net requirement for fill material, primarily due to the extension of the raised junction between the A3 and M25. Where practicable, excavated material and other suitable materials, e.g. from demolition, will be reused within the Scheme, to reduce the quantity of material that is imported. Materials that are imported to the Scheme will be ordered according to the required quantity to avoid overordering. Pre-manufactured materials, such as structural components of bridges and kerb stones, will be used to minimise</p> |

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| | | | waste generation within the boundary of the Scheme. Highways England will aim to use recycled and secondary aggregates in place of primary aggregates, where these are available locally and meet the requirements of the design and are geotechnically and chemically suitable. |
| 1.14.2 | Applicant | Is the Site Waste Management Plan (SWMP) that is listed in paragraph 4.4.4 of the Outline CEMP [APP-134] the same document as the Construction Resources Management Plan (CRMP) that is referenced in the REAC [APP-135]? If it is not, then please state how the CRMP is to be secured in the dDCO? | The Construction Resources Management Plan referred to in the Register of Environmental Actions and Commitments (REAC) [APP-135] (Commitment GS2.1 (page 112)) will be secured by Requirement 3 of the dDCO [APP-018] as part of the CEMP. It is a separate management plan to the Site Waste Management Plan and Materials Management Plan which will be secured under Requirement 3(2)(c)(vii). |
| 1.14.3 | Applicant | Please respond to the issue raised by SCC [RR-004] concerning the capacity of local sites to accept any hazardous waste arising from the construction of the Proposed Development. | <p>As stated in the Surrey Waste Needs Assessment 2017, 47,000 tonnes of hazardous waste is forecast to arise in Surrey in 2023 – the closest year within the proposed construction period. In the Environmental Statement Chapter 12: Materials and Waste [APP-057], the hazardous waste infrastructure capacity in Surrey was estimated at 75,200 tonnes, based on an average of hazardous waste received in Surrey between 2015 and 2017.</p> <p>The hazardous waste arising from construction of the Scheme was estimated at 120 tonnes per annum. This represents 0.3% of the forecast arisings and 0.2% of the waste infrastructure capacity in the Waste Planning Authority (WPA) area for Surrey. On this basis it is not anticipated that there will be any difficulty in dealing with hazardous waste arising.</p> <p>Based on the assessment, the impact on hazardous waste infrastructure within Surrey is expected to be negligible. The ground investigation, including preliminary waste classification for the Scheme is still ongoing and the results of this will enable a more detailed estimate of the type and quantity of any</p> |

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| | | | hazardous waste arisings from the Scheme to be made. Requirement 3 of the dDCO [APP-018] stipulates that no part of the authorised development is to commence until a Construction Environmental Management Plan (CEMP) has been approved by the Secretary of State in consultation with the relevant planning authority. The CEMP must include method statements and management plans for a number of aspects, including the management of materials and the management of site waste. |
| 1.14.4 | Applicant | Please confirm, with reference to Chapter 12 of the ES [APP-057] and the TA [APP-136] whether the assessment contained in ES Chapter 12 on quantities of construction materials and requirement for fill has been taken into account in calculating the anticipated HGV movements during the construction period? | Yes, the anticipated HGV movements used for the construction traffic modelling, used to inform Environmental Statement Chapter 12: Materials and waste [APP-057] and the Transport Assessment Report [APP-136] are based on assumptions provided by Highways England construction advisors who prepared an estimate of construction traffic likely to be generated by construction of the Scheme. |

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| 15. Contents of dDCO | | | |
| 1.15.1 | Applicant | Please justify your definition of 'commence' in Schedule 2, Part 1(1) of the dDCO and in particular the inclusion of the following activities: erection of any temporary means of enclosure, receipt and erection of construction plant and equipment, and the diversion and laying of underground apparatus and site clearance. | <p>The Applicant's general approach to drafting the requirements at schedule 2 to the dDCO [APP-018] has been informed by the desire to ensure an appropriate degree of certainty as to the approval of the details of the relevant mitigation measures which are secured by the requirements before any significant works are undertaken, together with the need for a proportionate degree of flexibility to enable the Applicant to deliver a nationally significant infrastructure project in an effective and efficient manner.</p> <p>In relation to the definition of 'commence', the Applicant has sought to strike this balance by providing that works which are likely to have only minor environmental effects, such as non-intrusive surveys and investigations, can be commenced expeditiously (without the need for the requirements to be discharged formally). The Applicant's position is that it would be disproportionate to delay the timely implementation of the Scheme by requiring such minor works to be subject to the formal discharge of requirements process.</p> <p>As regards the items excluded from the definition of 'commence', the Applicant has provided a revised definition in the revised dDCO which removes reference to:</p> <ul style="list-style-type: none"> • the creation and establishment of replacement land under sections 131 and 132 of the Act, on the basis that the details of the replacement land should be approved under requirement 7 before any works to create the replacement land are commenced; and • the diversion and laying of underground apparatus. |

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| 1.15.2 | SCC | Schedule 2, Part 1 (1) of the dDCO refers to the term 'County Archaeologist'. Please confirm that such a post exists within your organisation. | The Applicant is content to amend the reference to 'County Archaeologist' in the dDCO [APP-018] should SCC consider that a more appropriate term should be used. |
| 1.15.3 | Applicant | Article 7 of the draft DCO [APP-018] states that the vertical limits of deviation are shown on the engineering drawings and sections and allow deviation up to a maximum of 0.5 metres upwards or downwards. In addition, your Response to Rule 6 letter references a change to these limits of deviation. Note 5 on the longitudinal sections within the engineering drawings and sections states that 'All details shown on the longitudinal profile referring to the retaining walls, bridge decks, gantries and culverts are indicative only.' There is a limited level of information provided on the cross sections and details of gantries environmental barriers and lighting columns are variable or 'typical'. Therefore please confirm where the information on the maximum height of each element of the Proposed Development which has been used as the basis of the environmental assessment is defined, including overbridges, gantries, retaining walls, earthworks, lighting, environmental barriers and fences, including highway fences, noise control fences and anti-dazzle fences. | The drawings that form the basis of the DCO Application were used as the basis of the assessment with the heights of different elements being scaled off the sections. These included the Works Plans [AS-003], Scheme Layout Plans [APP-012 and AS-004], Engineering Drawings and Sections [APP-014] and Temporary Works Plans [APP-015]. This source of information was supplemented with the following information provided by the design team. Being largely an alteration to existing infrastructure the heights of the various elements of the scheme are dictated by the existing A3 and M25 which are fixed. Typically overbridges have a minimum clearance of 5.4 or 5.8m, depending on existing constraints, over the carriageways and a depth of 1.7 to 2.6m, depending on span and structural form. The proposed NMU bridges have a minimum clearance of 5.8m over the carriageways and half-through and through truss depths of 2m and 5m respectively, with the difference due to spans and providing internal headroom. Similarly, gantries have a minimum clearance of 5.8m and have a depth of 2.5 to 3.7m, depending on gantry type. Retaining walls vary in height according to the height of the retained ground. Light columns are 15m high and environmental barriers are 2.5m high as noted in ES Chapter 6, paragraph 6.6.16 [APP-051]. Fences are subject to detailed design and are expected to be typically around 1.5m high apart from anti dazzle fences that would be 2m high. These heights have been assumed for the purpose of the landscape assessment, together with an allowance for changes in these |

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| | | | measurements within the limits of deviation provided for in Article 7 of the dDCO [APP-018]. |
| 1.15.4 | LAs | Are you content with the definition of 'maintain' in the Part 1(2) 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? | N/A |
| 1.15.5 | Applicant | Please clarify the intention of your wording of Article 47, the Arbitration clause and explain whether this would also relate to the discharge of any of the Requirements that are contained in Schedule 2, Part 1 of the dDCO. | <p>Article 47 of the dDCO [APP-018] provides that, unless otherwise agreed between the relevant parties, any difference arising under any provision of the dDCO (which includes the schedules to it in addition to the numbered articles) must be settled by arbitration.</p> <p>The Applicant has taken the opportunity to clarify in the revised dDCO that the arbitration provisions will not apply to the discharge of requirements under Schedule 2 to the dDCO. This has been done by adding a paragraph (paragraph 24) to Part 2 Schedule 2 to this effect.</p> |
| 1.15.6 | Applicant | R3(2)(c) refers to 'construction works'. However, this term is not defined in the dDCO. Should it be defined or if not, then should another term such as 'authorised development' be used instead? | The Applicant's revised dDCO (Volume 3.1(1)) includes an amendment to Requirement 3(2)(c) to substitute the term 'authorised development' for 'construction works'. |
| 1.15.7 | Applicant | R3 of the dDCO refers to the submission of a Handover Environmental Management Plan (HEMP). Please provide either an Outline version of this document for this Proposed | The Handover Environmental Management Plan (HEMP) functions as the equivalent of the Construction Environmental Management Plan (CEMP) for the operational period of the Scheme, i.e. post-construction. Its preparation is secured by Requirement 3(4) of Schedule 2 to the dDCO [APP-018] and |

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| | | <p>Development or an approved one from another Scheme and explain how it relates to the CEMP, LEMP and SPA MMP.</p> | <p>compliance with it is required by Requirement 3(6). As the HEMP for the Scheme will not be required for some considerable time, an outline version has not yet been prepared for Highways England. The HEMP would be prepared during the latter stages of construction phase of the Scheme, which is not expected to end until 2023.</p> <p>The HEMP must address the environmental matters set out in the approved CEMP that are relevant to the operation and maintenance of the authorised development (Requirement 3(5) of the dDCO). As such the HEMP will reflect the relevant commitments in the REAC and the relevant mitigation measures detailed in the Environmental Statement to avoid, reduce or mitigate effects during the operation of the Scheme. The HEMP must contain the environmental information needed for the future maintenance and operation of the Scheme, long-term commitments to aftercare, monitoring and maintenance activities (including measures for the prevention and management of unexpected environmental impacts that could occur during the operation of the Scheme), and a record of the consents and commitments from statutory bodies.</p> <p>The LEMP and SPA MMP (as they relate to the operational period of the Scheme) will be relevant to the HEMP as these documents set out the long-term goals and landscape and ecology management practices for the Scheme. The HEMP will also incorporate the management and monitoring arrangements as approved in due course under Requirements 6, 7, 8, 10, 11 and 12 of the dDCO.</p> <p>The requirement for a HEMP in respect of this Scheme is consistent with other recent Highways England schemes that have been authorised by way of a DCO including the M20 Junction 10a scheme authorised by a DCO in</p> |

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| | | | <p>2017 (SI 2017/1202) and the A19/A184 Testo's Junction Alteration scheme authorised by a DCO in 2018 (SI 2018/994). In both of those cases the scheme has not progressed to a point where a HEMP is called for.</p> <p>The roadmap appended to the response to question 1.1.6 demonstrates how the Outline CEMP and Environmental Control Plans (ECPs) operate together and then form the HEMP.</p> |
| 1.15.8 | LAs and NE | 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? | N/A |
| 1.15.9 | Applicant | R4 of the dDCO states that: " <i>No part of the authorised development comprising the alteration or improvement of the M25 or A3 ...</i> ". This would appear to be a narrower definition than that provided for 'authorised development' in the Part 1 Preliminary, Interpretation section. Please explain this. | <p>As explained in the response to question 1.15.1 above, the Applicant has sought to strike an appropriate balance between on the one hand ensuring that details of the required mitigation are approved before significant works are undertaken, whilst on the other ensuring that the Scheme may proceed efficiently and effectively post-consent.</p> <p>In relation to Requirement 4 (Traffic management during construction), the Applicant considers the restriction on carrying out the parts of the authorised development which comprise the alteration or improvement of the A3 or M25 until a traffic management plan has been approved to be reasonable and proportionate. The works to the A3 and M25 which form part of the authorised development are those which it is appropriate to control by way of a traffic management plan. It would not be proportionate to require the Applicant to obtain the Secretary of State's approval to a</p> |

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| | | | <p>traffic management plan for other elements of the authorised development which will not give rise to an effect on the local highway network, including the undertaking of environmental mitigation works and enhancements to non-motorised user (NMU) routes.</p> |
| 1.15.10 | Applicant | <p>Paragraph 17.4 of the Planning Inspectorate's Advice Note 15 'Drafting Development Consent Orders' provides an example of the unacceptable use of a tailpiece. Having regard to this, please explain and justify the use of the tailpiece that you propose in R5(1).</p> | <p>The Applicant considers that the use of the 'tailpiece' in requirement 5 (Detailed design) of the dDCO [APP-018] is both proportionate and precedented and that the tests in Advice Note 15 have been respected.</p> <p>Requirement 5 provides that the authorised development (i.e. the Scheme) must be designed in detail and carried out so that it is compatible with the preliminary scheme design shown on the Works Plans, the Scheme Layout Plans and the engineering drawings and sections. This is subject to the ability of the Secretary of State, following consultation with the relevant planning authority, to approve variations to the detailed design of the Scheme, provided that any such variations cannot give rise to any materially new or materially different environmental effects (i.e. environmental effects which have not been assessed in the environmental statement).</p> <p>Requirement 5 therefore provides the Applicant with a proportionate level of flexibility in the detailed design of the Scheme, which is necessary and indeed appropriate in the delivery of complex major infrastructure projects. It is also in the public interest that the Applicant is provided with a degree of flexibility, within the envelope of the environmental statement, to develop the detailed design of the Scheme in the most appropriate manner.</p> <p>Advice Note 15 states at paragraph 17.3 that <i>'it is not acceptable to circumvent the prescribed process in Schedule 6 by seeking to provide another route to approving such changes or variations, by a person other</i></p> |

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| | | | <p><i>than the Secretary of State who made the DCO, for example by applying the provisions of section 73 and/ or section 96A of the TCPA 1990.</i></p> <p><i>17.4 Therefore, adding a tailpiece such as the one below would not be acceptable because it might allow the discharging authority to approve a change to the scope of the Authorised Development applied for and examined, thus circumventing the statutory process: "The authorised development must be carried out in accordance with the principles set out in application document [x] [within the Order limits] unless otherwise approved in writing"</i></p> <p>Requirement 5 does not offend against the provisions of Advice Note 15, as it does not permit a person other than the Secretary of State (as the maker of the DCO) to approve changes to any details approved under requirement 5. Thus the drafting of requirement 5 respects Advice Note 15.</p> <p>In summary, the flexibility given to the Applicant under requirement 5 is reasonable and proportionate as it is subject to consultation (that between the Secretary of State and the relevant planning authority) and must be within the overall envelope of the environmental assessment.</p> <p>Moreover, such a provision has been included in other made development consent orders, c.f. The M20 Junction 10a Development Consent Order 2017 and the A19/A184 Testo's Junction Alteration Development Consent Order 2018.</p> |
| 1.15.11 | LAs and NE | 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. | N/A |

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| 1.15.12 | Applicant | Please explain how you consider, under the terms of R9(3), a soft verge wildlife crossing could be omitted from the Cockrow Green Bridge whilst also complying with R5(1)? | The examining authority's attention is drawn to the revised dDCO (Volume 3.1(1) which omits the 'subject to' part of requirement 9(3). |
| 1.15.13 | Applicant | R10, R11 and R12 refer to the commencement of the authorised development only when details have been approved but only in regard to those specific works and not the principal element of the Proposed Development, i.e. the highways works. In light of this, please justify the particular wording you have used in these three Requirements. | <p>As to requirement 10 (Bolder Mere Mitigation and Enhancement Area), the Applicant is precluded from commencing Work No. 5(c) (comprising a retaining wall along the edge of Bolder Mere, which is necessary in connection with the widening of the A3) until details of mitigation and enhancement measures to be undertaken at Bolder Mere have been approved by the Secretary of State. Accordingly, the wording of the requirement operates to preclude the Applicant from commencing the highway part of the authorised development which would give rise to an effect on Bolder Mere (namely Work No. 5(c)).</p> <p>As to requirement 11 (Buxton Wood Environmental Mitigation Area), the Applicant has amended the wording of requirement 11(1) in the revised dDCO to link the approval of the Buxton Wood mitigation measures to a highway element of the authorised development. The examining authority's attention is drawn to requirement 11 of the revised dDCO in this regard.</p> <p>As to requirement 12 (Stratford Brook Environmental Mitigation Area), the Applicant has agreed with the Environment Agency that the wording of the requirement should be adjusted to refer to Work No. 33(b) in addition to Work No. 54. Work No. 33(b) comprises the Stratford Brook underbridge which will carry the Wisley Lane diversion over Stratford Brook. The examining authority's attention is drawn to requirement 12 of the revised dDCO in this regard.</p> |

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| 1.15.14 | Applicant | In response to paragraph 8.1 of SCC's RR [RR-004] is there any intention to include Protective Provisions within the dDCO relating to Ordinary Watercourses for which SCC is the Local Lead Flood Authority? | The dDCO includes at Part 4 of Schedule 9 protective provisions for the protection of Surrey County Council (SCC) as local lead flood authority. The Applicant is engaged in discussions with SCC regarding the content of the protective provisions and a further update will be provided to the examining authority in due course. |
| 1.15.15 | Applicant and EA | In response to the RR made by EA [section 1 of RR-011] please advise as to what progress is being made to negotiate Protective Provisions that would be acceptable to the EA, given that the dDCO seeks to disapply the legislative requirement to apply to the EA for certain consents. | Following submission of the dDCO [APP-018], the Applicant has engaged in discussions with the Environment Agency regarding the protective provisions for the protection of the Agency which are included at Part 3 of Schedule 9 to the dDCO. Highways England has now agreed with the Environment Agency the form of the protective provisions which should be included in the dDCO. The revised dDCO (Volume 3.1(1)) includes the agreed protective provisions at Part 3 of Schedule 9. |
| 1.15.16 | Applicant | Where not already specifically referenced in any of the other questions from the ExA, please consider the various drafting issues that were discussed during the course of ISH1 and either make amendments to the wording of the dDCO or explain why such drafting changes are considered to be unnecessary. The recording for ISH1 being available on the Planning Inspectorate's website for this Proposed Development [EV-003 and EV-004]. | The revised dDCO (Volume 3.1(1)) takes into consideration all of the points which were raised during the course of the issue specific hearing on 12 November 2019 (ISH1). |

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| 1.16.1 | Applicant | <p>The ExA has prepared the annexed Compulsory Acquisitions Objections Schedule (Annex A), which summaries the positions with respect to objections to the proposed CA and TP stated in the submitted RRs.</p> <p>The Applicant is requested to complete and review the entries within this schedule as the examination of the Proposed Development progresses, giving reasons for any additions and changes as negotiations progress with the Affected Persons.</p> | <p>Highways England have reviewed and completed the annexed Compulsory Acquisitions Objections Schedule (as provided in Annex A). This has since been updated to incorporate those parties who have since made written representation. Highways England will ensure its records on engagement with these parties are the tracker is reviewed and updated on a weekly basis, as negotiations with Affected Persons progress.</p> <p>The Applicant's Compulsory Acquisitions Objections Schedule is provided at Deadline 2 in Volume 9.14.</p> |
| 1.16.2 | Applicant | <p>The former Department for Communities and Local Government published Guidance related to procedures for CA (September 2013) in 'Planning Act 2008: procedures for the compulsory acquisition of land' (the CA guidance). This states that:</p> <p>'Applicants should be able to demonstrate that adequate funding is likely to be available to enable the compulsory acquisition within the statutory period following the order being made, and that the resource implications of a possible acquisition resulting from a blight notice have been taken account of.'</p> <p>The Funding Statement [APP-024] gives a combined funding figure of £23.5 million for CA costs and blight compensation. However, no funding figure for CA costs alone has been provided nor has it been explained how the aforementioned combined figure has been derived. Please identify the anticipated cost of CA, how this figure has been arrived at,</p> | <p>Current compulsory acquisition costs remain at £23.5m, as stated in the Funding Statement [APP-024]. This figure is based on the lands cost estimate provided by Highways England's valuation advisers; the Valuation Office Agency (VOA).</p> <p>The land cost estimate is based on the latest available information detailing the full cost of acquiring the necessary land and rights, and of compensating landowners in accordance with the compensation code. The estimate reflects the cost of any advance acquisitions (statutory blight or discretionary purchases), acquisitions following the exercise of compulsory powers and of compensating landowners from whom no land is taken but are affected by diminution in the value of their property by the subsequent use of the road once complete. The estimate includes all heads of claim including, where appropriate, market value of land taken, severance and injurious affection to retained land and compensation for disturbance (including reasonable fees) plus statutory loss payments.</p> <p>The estimate is reviewed on a six-monthly basis and reviews the best/worst/most likely position to ensure that the anticipated costs remain</p> |

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| | | and provide confirmation of how the CA costs are going to be met. | <p>within allocated budget. It should be noted that the estimate provides the valuer's opinion of the likely full land cost, but that it is only an estimate and it must be borne in mind that it is based on current available information and can only be a matter of opinion.</p> <p>Highways England does not think it appropriate, at this stage to provide a specific breakdown for blight claims or all the possible liabilities that may fall upon Highways England, nor would it be standard practice to do so.</p> <p>Highways England provided details of how the Scheme would be funded in the Funding Statement [APP-024]. Paragraph 3.1.2 refers to the government's commitment to fully fund the Scheme as part of the Road Investment Strategy 2015 – 2020 (2016). Paragraphs 3.1.4 to 3.1.7 confirm the continued commitment of the government to fully funding the Scheme following annual reviews of Highways England's Delivery Plan. Paragraph 3.1.8 confirms the Delivery Plan 2018-2019 continues to show this commitment. The Highways England Delivery Plan 2019 – 2020 continues to commit funding for the Scheme.</p> |
| 1.16.3 | Applicant | Paragraphs 5.97 – 5.103 of the EM [APP-019] indicate how Art 26 of the dDCO [APP-018] provides for the extinguishment of private rights. Please explain how this addresses the CA guidance which, in Annex D, paragraph 10 states: <i>'Where it is proposed to create and acquire new rights compulsorily, they should be clearly identified. The Book for reference should also cross-refer to the relevant articles contained in the development consent order.'</i> | Article 26 of the dDCO [APP-018] concerns the extinguishment of private rights over land subject to compulsory acquisition under the dDCO. In common with other made development consent orders (c.f. The A14 Cambridge to Huntingdon Improvement Scheme Development Consent Order 2016, The M20 Junction 10a Development Consent Order 2017 and The A19/A184 Testo's Junction Alteration Development Consent Order 2018), the dDCO will authorise Highways England to extinguish existing third party rights in land subject to compulsory acquisition in order to facilitate the implementation of the Scheme. |

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| | | | <p>Paragraph 10 of Annex D of the CA Guidance refers to the acquisition of new rights in land by way of compulsory acquisition. The dDCO identifies at Schedule 5 the land within the limits of the dDCO which will be subject to the acquisition of rights or restrictive covenants. Such land is also clearly identified in the Book of Reference [APP-025] as denoted by the description 'Acquisition of rights over' in the 'Extent, description and situation of land or right in land to be acquired' column. The land is also clearly identified coloured blue on the Land Plans [AS-002].</p> |
| 1.16.4 | Applicant | <p>The Book of Reference (BoR) [APP-025] includes a number of Statutory Undertakers with interests in land.</p> <p>a) Please provide a progress report on negotiations with each of the Statutory Undertakers listed in the BoR, with an estimate of the timescale for securing agreement from them.</p> <p>b) Indicate whether there are any envisaged impediments to the securing of such agreements.</p> <p>State whether any additional Statutory Undertakers have been identified since the submission of the BoR as an application document.</p> | <p>In response to a)</p> <ul style="list-style-type: none"> • Affinity Water: Highways England is in ongoing discussions with Affinity Water and anticipates that agreement will be reached by the end of the examination period. • Arqiva: Highways England has had some discussion with Arqiva and anticipates that agreement will be reached by the end of the examination period. • BT: Highways England is in ongoing discussions with BT and anticipates that agreement will be reached by the end of the examination period. • Cornerstone Telecommunications: Highways England is in discussion with Cornerstone regarding interface between any apparatus and the Scheme. • National Grid: Highways England is in ongoing discussions with National Grid and anticipates that agreement will be reached by the end of the examination period. |

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| | | | <ul style="list-style-type: none"> • Sky Telecommunications: Highways England is entering into discussions with Sky Telecommunications regarding interface between any apparatus and the Scheme. • South Eastern Power Networks: Highways England is entering into discussions with South Eastern Power Networks regarding interface between any apparatus and the Scheme. • Southern Gas Networks: Highways England is in ongoing discussions with Southern Gas Networks (SGN) and is currently considering SGN's proposed amendments to its suggested protective provisions. Negotiations remain ongoing and Highways England is preparing an imminent draft response to SGN's suggested proposals. Highways England anticipates that agreement will be reached by the end of the examination period. • Sutton and East Surrey Water: Highways England has had confirmation that there is no interface with Sutton and East Surrey Water. The asset was confirmed as Affinity Water. • Thames Water: Highways England confirms that Thames Water does not have assets affected by the Scheme. • Virgin Media: Highways England is entering into discussions with Virgin Media regarding interface between any apparatus and the Scheme <p>In response to b), it is difficult to foresee whether any impediments will arise. However, at this stage, Highways England does not envisage any impediments to securing such agreements.</p> <p>In response to c), Highways England has not identified any further Statutory</p> |

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| | | | Undertakers since the submission of the Book of Reference. |
| 1.16.5 | Applicant | <p>The Applicant is requested to review Relevant Representations and Written Representations of any Statutory Undertakers made as the Examination progresses and to prepare at each successive deadline updates, as necessary, a table identifying and responding to any representations made by Statutory Undertakers with land or rights to which PA2008 S127 applies. Where such representations are identified, the Applicant is requested to identify:</p> <ul style="list-style-type: none"> a) the name of the Statutory Undertaker; b) the nature of their undertaking; c) the land and or rights affected (identified with reference to the most recent versions of the BoR and Land plans available at that time); d) in relation to land, whether and if so, how the tests in PA2008 S127(3)(a) or (b) can be met; e) in relation to rights, whether and if so, how the tests in S127(6)(a) or (b) can be met; and f) in relation to these matters, whether any protective provisions and /or commercial agreement are anticipated, and if so: <ul style="list-style-type: none"> i) whether these are already available to the ExA in draft or final form, ii) whether a new document describing them is | Highways England has provided this in document Volume 9.25, which is submitted at Deadline 2. |

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| | | <p>attached to the response to this question or</p> <ul style="list-style-type: none"> iii) whether further work is required before they can be documented; and g) in relation to a Statutory Undertaker named in an earlier version of the table but in respect of which a settlement has been reached: <ul style="list-style-type: none"> i) whether the settlement has resulted in their representation(s) being withdrawn in whole or part; and ii) identifying any documents providing evidence of agreement and withdrawal. <p>The table provided in response to this question should be titled ExQ1.16.5: PA2008 s127 Statutory Undertakers Land/Rights and provided with a version number that rolls forward with each deadline. If at any given deadline, an empty table is provided, a revised table need not be provided at any subsequent deadline unless the Applicant becomes aware that the data and assumptions on which the empty table was provided have changed.</p> | |

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| 1.16.6 | Applicant | <p>The Applicant is requested to review its proposals relating to CA or TP of land and/ or rights and to prepare and at each successive deadline update a table identifying if these proposals affect the relevant rights or relevant apparatus of any Statutory Undertakers to which PA2008 S138 applies. If such rights or apparatus are identified, the Applicant is requested to identify:</p> <ul style="list-style-type: none"> a. the name of the Statutory Undertaker; b. the nature of their undertaking; c. the relevant rights to be extinguished; and/or d. the relevant apparatus to be removed; e. how the test in S138(4) can be met; and f. in relation to these matters, whether any protective provisions and/ or commercial agreement are anticipated, and if so: <ul style="list-style-type: none"> i) whether these are already available to the ExA in draft or final form, ii) whether a new document describing them is attached to the response to this question or iii) whether further work is required before they can be documented; and g. in relation to a Statutory Undertaker named in an earlier version of the table but in respect of which a settlement has been reached: | <p>Highways England has provided this information in document Volume 9.26, which is submitted at Deadline 2.</p> |

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| | | <p>i) whether the settlement has resulted in their representation(s) being withdrawn in whole or part; and</p> <p>ii) identifying any documents providing evidence of agreement and withdrawal.</p> <p>The table provided in response to this question should be titled ExQ1.16.6: PA2008 S138 Statutory Undertakers Apparatus etc. and provided with a version number that rolls forward with each deadline. If at any given deadline, an empty table is provided, a revised table need not be provided at any subsequent deadline unless the Applicant becomes aware that the data and assumptions on which the empty table was provided have changed.</p> | |
| 1.16.7 | Applicant | <p>Paragraph 3.4 of the EM [APP-019] states that the Applicant has chosen not to differentiate between 'associated development' within the meaning of section 115(2) PA2008 and works which form part of the NSIP.</p> <p>a. How does that approach reflect the Guidance on associated development 'Planning Act 2008: associated development applications for major infrastructure projects' (former Department for Communities and Local Government, April 2013)?</p> <p>b. The Statement of Reasons (SoR) [APP-022], paragraph 2.3.1, lists the works necessary to deliver the scheme. Which, if any, of these works, can be identified as associated development?</p> | <p>In response to a) as is explained in paragraph 3.4 of the Explanatory Memorandum [APP-019], the approach taken in the drafting of Schedule 1 to the dDCO [APP-018] of not separately defining elements of the Scheme as forming part of either NSIP or as associated development is deliberate and is in line with precedent for highways development consent orders (DCOs), including the A19/A184 Testo's Junction Alteration Development Consent Order 2018.</p> <p>There is no requirement in law to separate the works comprising the NSIPs from those constituting associated development, and nor does the <i>Planning Act 2008: associated development applications for major infrastructure projects, guidance on what constitutes associated development under the Planning Act 2008</i> (DCLG, 2013) (the referred to DCLG Guidance) require an applicant for a DCO to do so.</p> |

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| | | | <p>Paragraph 10 of the DCLG Guidance recommends that applicants should explain 'as far as practicable' in their explanatory memorandum which parts of the development are associated development and why. Section 3 of the Explanatory Memorandum reflects the DCLG Guidance.</p> <p>As a matter of law, all of the works identified within Schedule 1 to the dDCO either form part of one of the NSIPs or are associated development with either or both of them within the meaning of section 115(2) Planning Act 2008. In England once development consent is granted there is no distinction made in law between associated development and development constituting the NSIP and so the distinction is academic. Moreover given the complicated nature of the Scheme, involving as it does the interaction of two NSIPs (one being an alteration to a motorway, the other being an alteration to a trunk road) it would not be proportionate or beneficial to require Highways England to seek to identify each numbered work as either comprising NSIP development or associated development.</p> <p>Highways England acknowledges that in deciding whether to make the DCO, the Secretary of State will need to be satisfied that the various elements of the Scheme fall into at least one of these categories (and Highways England's view is that they all do) but the Secretary of State is not required to identify whether each work is either NSIP development or associated development. Even if Highways England were to categorise the elements of the Scheme into NSIP development or associated development, that would not obviate the need for the Secretary of State to take his or her own view in respect of each specific work.</p> <p>In response to b) as noted in the response to question 1.16.7(a), Highways England does not propose to identify each numbered work forming part of the Scheme which can be identified as associated development.</p> |

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| | | | <p>In relation to the general description of the Scheme contained at paragraph 2.3.1 of the Statement of Reasons [APP-022], and without prejudice to its response at 1.16.7(a) above, Highways England considers that the following elements of the Scheme are more likely to comprise associated development rather than NSIP development:-</p> <ul style="list-style-type: none"> • modification of A3 side road junctions, including improvement of the Old Lane junction, closure of the Wisley Lane junction and construction of a new road, bridging over the A3 to connect Wisley Lane with the A3 at the Ockham Park junction; and closure of the Elm Lane junction and provision of an alternative access to Elm Corner via Old Lane and an improved section of Byway Open to All Traffic; • closure of private accesses from the A3 mainline carriageways and the provision of substitute local access arrangements, including a substitute access for properties on the west side of the A3 connecting to Redhill Road and Seven Hills Road, a substitute access for properties on the edge of Painshill Park via the A3 southbound on-slip and a substitute access for properties at Wisley Common from Old Lane and crossing the A3 via the replacement Cockcrow overbridge; • provision of new and improved facilities for pedestrians, cyclists and horse riders, including a new 5.5 km long route between the Ockham Park and Painshill junctions, new and replacement bridges for the benefit of non-motorised users to cross both the M25 and the A3, and new and upgraded public rights of way in the vicinity of the M25 junction 10/A3 Wisley interchange; and |

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| | | | <ul style="list-style-type: none"> extensive areas of habitat creation and enhancement and other environmental mitigation works, including measures to compensate for the impacts of the scheme on the Thames Basin Heaths Special Protection Area and on Bolder Mere, the provision of replacement common land and public open space and the provision of a new wildlife crossing over the A3 as part of a replacement Cockcrow overbridge. <p>As described at section 3 of the Explanatory Memorandum [APP-019] and in response to question 1.16.7(a) above, all of the works identified in Schedule 1 to the dDCO for which development consent is sought either comprise NSIP development or associated development and can (or in the case of NSIP development, must) be consented by way of the DCO.</p> |
| 1.16.8 | Applicant | <p>With respect to the powers of Temporary Possession sought under Articles 31 and 32 of the dDCO [APP-018] and referred to in section 3.4 the SoR [APP- 022], and to assist with the consideration of whether the extent of the land to be used temporarily is no more than is reasonably required for the purposes of the development to which the development consent will relate, please provide further details to justify the extent of the land sought to be used temporarily. For each area explain why such a size is required and the justification for the extent of the plots proposed to accommodate them.</p> | <p>Highways England worked with a major construction contractor in an advisory role during development of the design of the Scheme to assist with construction proposals, including compound and storage area locations and sizes, space for temporary alignments for roads, tracks and public rights of way (PRoW), temporary working space for construction and space for movement of plant and materials around the site. This enabled the dDCO to include the areas necessary to guarantee that the Scheme can be constructed, whilst ensuring that the minimum practicable area has been included.</p> <p>The construction of the Scheme is covered in Section 25 of the Introduction to the Application and Scheme Description [APP-002], pages 84-87 and in Chapter 2 of the Environmental Statement [contained in Environmental Statement (Chapters 1-4) [APP-049], pages 33-42, supported by the Temporary Works Plans [APP-015]. Schedule 7 of the dDCO [APP-018],</p> |

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| | | | <p>pages 105-112, includes a summary of the purposes for which temporary possession is required, for each plot or group of closely associated plots.</p> <p>The principal uses for the areas of temporary possession have determined the sizes of the areas identified in each case, broadly as follows:</p> <ul style="list-style-type: none"> • Construction compounds, worksites and storage areas. These have been sized from estimates of the activities to be undertaken at each location and the associated quantities of staff, car parking, construction machinery parking and maintenance, materials storage (including topsoil) and lay-down areas, office accommodation and associated utilities and the space required for safe access and movement within each area. The identified compounds, worksites and storage areas are described in section 25.2 of the Introduction to the Application and Scheme Description [APP-002] (pages 84-86) and are shown on the Temporary Works Plans [APP-015]. |

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| | | | <ul style="list-style-type: none"> • Provision of temporary slip roads at M25 junction 10. These are to enable safe working space for the construction of the new roundabout bridges over the M25 and the associated enlargement of the roundabout carriageway. The alignment of the temporary slip roads has been designed to minimise the land needed as far as practicable, whilst being able to achieve safe operation under traffic management; they are shown on the Temporary Works Plans [APP-015] sheets 3 and 5. The temporary slip road alignments use space also identified for the new bridleway or other highway-related works, particularly to the east of M25 junction 10. As the temporary slip roads can be built, used and removed before the bridleway and final extents of the drainage ponds are required, it has been possible to limit the extent of temporary possession. • Space for the provision of temporary alignments of local roads, tracks and PRoW. These are required to allow continued use of these routes during the construction period, but have only been used where it is not possible to provide the new permanent provision without affecting the existing route, such as the realignment of Bridleway 544 around the topsoil storage area in plot 2/3. These have been sized to accommodate the temporary alignments in the smallest practicable area, except where detailed survey of topography and tree locations will be needed to determine the best alignment and associated working space, such as for the temporary alignment of Wisley Lane around the tie-in works for the permanent diversion in plot 2/28. |

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| | | | <ul style="list-style-type: none"> • Construction traffic access routes as shown on the Temporary Works Plans [APP-015]. The construction traffic will be routed via the strategic road network and then local roads as far as possible, which has helped minimise the need for temporary possession of land. A 6 m width has been allowed for these routes (where they do not follow an existing track), to enable vehicles to pass. • Space to construct major utilities diversions, principally the diversion of the large gas mains that currently run alongside the A3. A 6 m working width has been provided for the gas main diversions, plus specific working areas for connections into existing gas mains and for providing a new crossing under the A3 just north of Wisley Lane bridge. This working space has been aligned along existing tracks where practicable and has also been used for the construction of the new bridleway link along the A3 corridor (between Wisley Lane and Cockcrow bridge and a short length around the west end of Red Hill bridge) and for the construction of the PMA to serve Heyswood camp site and Court Close Farm). This has minimised the total need for temporary possession and loss of vegetation and intrusion of the works in the SPA, SSSI and special category land, or into private land holdings. |

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| | | | <ul style="list-style-type: none"> • Construction working area. This is an allowance alongside proposed Scheme elements and associated earthworks and drainage to enable machinery movement and provision of temporary site boundary fencing to ensure public safety. This has been set at 5 m in most locations, but has been minimised where practicable to limit incursion into the SPA, SSSI, special category land and private land by means such as: inclusion of the drainage works within the construction space; working largely within the final footprint of some works (eg for provision of the new bridleway along the A3 corridor and for surfacing BOAT 525); and avoiding specific facilities, such as the existing maintenance track within Painshill Park. • Changes to existing roads or rights of way, such as stopping-up or changes to speed limits, where these extend beyond the permanent works or permanent rights. These areas are limited to the extent of the highway/PRoW affected and include Footpaths 13 and 13a (plot 1/22a), Wisley Lane (plots 20/1, 20/1a, 20/5), Bridleway 8 (plot 20/1b), Elm Lane (plots 2/8, 2/9, 2/10), Old Byfleet Road (plots 8/12, 8/12a) as shown on the Land Plans [AS-002]. <p>In all locations the design of permanent works has been with a view to minimising the need for permanent land take. This, in turn, minimises the extent of the associated temporary possession needed to construct these elements.</p> |

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| | | | <ul style="list-style-type: none"> • The proposed bridleway link parallel to the A3 in the southeast quadrant between Cockcrow bridge and Bridleway 69 near Hatchford Park bridge is aligned along the line of an existing horse track and part will also provide the maintenance access for Highways England to their balancing pond near Sandpit Hill bridge, to minimise impacts of separate routes being provided in this part of the SPA. • One of the satellite compounds for the junction 10 bridge works (Breach Hill Wood construction compound) is in an area that will be also used as part of the replacement land once the compound closes. The existing mature Scots pine plantation would have been largely cleared anyway for the purposes of the replacement land, so although this delays provision of part of one parcel of replacement land, it avoids the need to locate the compound within the SSSI and common land. • The diversion of the existing access from the A3 to Pond Farm is combined with the replacement of Cockcrow accommodation bridge across the widened A3, which has minimised the length of new accommodation track needed within the SPA and avoided the need for a separate bridleway route at this point. • The sandy ground conditions in this area generally require embankment side slopes of 1:3 or 1:4, but the embankments for the overbridges proposed within the special category land, designated areas and RHS land have been designed with 1:2.5 or steeper side slopes to limit the space required, with the intention of using selected fill material or stabilisation techniques to ensure these slopes are viable. |

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| | | | <ul style="list-style-type: none"> To minimise the land requirements in constrained and designated locations, filter drains are included where practicable and the maintenance access provided within the temporary land needed anyway for construction. Soakaways are proposed in some locations to avoid the need for additional attenuation ponds. The design has sought to restrain land take and construction impact in many locations by including new or extended retaining walls instead of widening the earthworks slopes, including: Ockham Park junction; RHS Wisley Garden; Bolder Mere; Hut Hill; Red Hill bridleway bridge; below the Gothic Tower; Heyswood ancient woodland; the northbound off-slip to Painshill junction; and along most of the M25 slip road extensions. |
| 1.16.9 | Applicant | For the avoidance of doubt, what are all the factors that are regarded as constituting evidence of a compelling case in the public interest for the Compulsory Acquisition powers sought for this NSIP and where, giving specific paragraph references, are these set out in the submitted documentation? | <p>The two principal submitted documents setting out the evidence of the compelling case in the public interest for the Compulsory Acquisition powers sought are the Statement of Reasons (SoR) [APP-022] and the Planning Statement [APP-133], including the National Networks Policy Statement (NN NPS) Accordance Table.</p> <p>The factors set out in these documents which support Highways England's case are:</p> |

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| | | | <ul style="list-style-type: none"> • Need for the Scheme - the need for the Scheme is described in detail in Chapter 2 of the Planning Statement [APP-133] and section 2.2 of the Statement of Reasons. Specifically, paragraphs 2.1.1 to 2.1.7 of the Planning Statement establish the transport issues faced at the M25 J10/A3 interchange and the surrounding road network. This includes figures on the daily usage of the interchange and the impacts on journey time reliability arising from the limited junction capacity. Paragraph 2.1.6 identifies the potential for pressures on the interchange to increase given the significant growth forecast in this region in the proceeding 20 years. Paragraphs 2.1.8 to 2.1.11 describe the planned and forecast significant population growth in further detail and identifies the increased pressure on the junction resulting from increased journeys as a result of this growth. In addition, paragraph 2.1.9 explains how the delivery of Guildford Borough Council and Elmbridge Borough Council's housing requirements is partly dependant on the improved traffic flow that the Scheme would help to facilitate. • The Scheme is part of the Department of Transport's Road Investment Strategy (RIS) published in 2014 (See Planning Statement, paragraphs 2.1.17 - 2.1.26). • The "critical need" to improve the national networks identified in the NN NPS. Paragraph 5.2.5 of the Planning Statement refers to the recognition that the NPS gives to a critical need to improve the national networks to address road congestion in order '<i>...to provide safe, expeditious and resilient networks that better suppose social and economic activity; and to provide a transport network that is capable of stimulating and supporting economic growth.</i>' |

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| | | | <ul style="list-style-type: none"> • The alignment of the objectives of the Scheme with the NN NPS (See Chapter 2 and Appendix A of the Planning Statement). • The way in which the Scheme will achieve these objectives. Paragraph 5.2.8 of the Planning Statement confirms that the Scheme objectives, which are outlined in full in Chapter 2 of this Planning Statement and span route operation, capacity, safety, social and environment - align with the Government's strategic objectives for national networks as well as the Government's wider policies. • The monetised and non-monetised benefits of the Scheme (see Section 4.2 of the Planning Statement). • The need for each plot of land subject to compulsory acquisition in order to deliver the Scheme (See Statement of Reasons Appendix A).Highways England had regard to section 122 of the Planning Act 2008 and the tests set out in '<i>Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land</i>' (DCLG, 2013) (see Sections 5.2 Statement of Reasons). • The large beneficial effects on Non-Motorised User facilities, including the A3 Bridleway Route as set out in Environmental Statement Chapter 13 People and Communities [APP-058]. |
| 1.16.10 | Applicant | <p>The SoR [APP-022] in section 5.4 states that there is a compelling case in the public interest for the Compulsory Acquisition.</p> <p>a. What assessment, if any, has been made of the effect upon individual Affected Persons and their private</p> | <p>In response to a): Section 4 of the Statement of Reasons sets out how Highways England has identified persons with an interest in land. Highways England has carried out diligent inquiry to identify all such persons. Persons with an interest in land have been listed in the Book of Reference [APP-025] and have been consulted about the DCO application in accordance with section 42 of the Planning Act 2008. As set out in the Highways England</p> |

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| | | <p>loss that would result from the exercise of Compulsory Acquisition powers in each case?</p> <p>b. Where is it demonstrated within the application documentation that the public benefits of the scheme outweigh any residual adverse effects including private loss suffered by individual land owners and occupiers?</p> <p>Please demonstrate how such a conclusion has been reached and how the balancing exercise between public benefit and private loss has been undertaken?</p> | <p>response to Q1.16.13 below, a proportionality exercise was carried out on a plot by plot basis, to determine that the exercise could be justified in each case. The extent of land take was also a factor considered as part of the options selection process, as evidenced in section 3.2.17 of the Planning Statement [APP-133].</p> <p>The Environmental Statement Chapter 13 People and Communities [APP-076] includes an assessment of impacts on private dwellings and local businesses as a result of land take and changes to access. An assessment of impacts on agricultural land as a result of changes to farms is also provided.</p> <p>The assessment of impacts on these receptors has followed guidance provided in DMRB Volume 11 Section 3 Part 6 Land Use. This guidance includes an assessment of impacts from land take and severance/changes to access.</p> <p>In response to b): Highways England has had regard to the Compulsory Acquisition Guidance in developing its case for compulsory acquisition, including the general consideration that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose and is necessary and proportionate (see paragraphs 8-10 of the CA Guidance). As noted in Highways England's response to Q1.16.13 below, section 6 of the Statement of Reasons [APP-022] specifically covers how human rights have been taken into account in balancing public benefit and private loss. In relation to both Article 1 and Article 8 European Convention on Human Rights, there is a compelling case in the public interest for the compulsory acquisition powers included in the DCO, which is sufficient to justify the interference with rights (see chapter 5 of the Statement of Reasons [APP-022], the Planning Statement [APP-133] and in particular the factors highlighted in Highways England's response to Q1.16.9 above). The land</p> |

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| | | | <p>over which compulsory acquisition powers are sought as set out in the DCO, is the minimum necessary to ensure the delivery of the Scheme. Highways England has also sought to minimise the private loss suffered by individual landowners and occupiers by seeking to acquire land through agreement where possible. Section 4.8 of the Statement of Reasons sets out the approach taken by Highways England to acquire interests in land by agreement, while Appendix B sets out the progress made in negotiations to date.</p> |
| 1.16.11 | Applicant | <p>In the light of the CA guidance, in particular paragraph 8:</p> <p>a. How can the ExA be assured that all reasonable alternatives to Compulsory Acquisition (including modifications to the scheme) have been explored?</p> <p>Set out in summary form, with document references where appropriate, what assessment/comparison has been made of the alternatives to the proposed acquisition of land or interests in each case.</p> | <p>The identification of the nature and extent of the Scheme and the assessment of potential options for the layout of the Scheme or for elements within it is summarised in Chapter 3 of the Environmental Statement (contained in Environmental Statement (Chapters 1-4) [APP-049], pages 44-50 in the Planning Statement [APP-133], pages 23-32 and described in more detail in the Habitat Regulations Assessment Stages 3-5 [APP-044], pages 12-35. This process has followed normal Highways England practice to identify the highways strategy to be adopted followed by a staged process of scheme and option identification, development and assessment, to arrive at the preferred solution and then the preliminary design to use as the basis for the dDCO and the associated extent of compulsory acquisition needed.</p> <p>The rationale for the inclusion of powers for compulsory acquisition and temporary possession within the dDCO is summarised in the Statement of Reasons [APP-022] section 3, pages 12-14. The case for compulsory acquisition is set out in the Statement of Reasons, section 5, pages 19-25. As stated in section 5.5 of the Statement of Reasons:</p> <p><i>“5.5.1 In designing the Scheme and determining the land to be subject to compulsory acquisition and temporary possession powers, the Applicant</i></p> |

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| | | | <p><i>has considered alternatives and modifications to the Scheme to minimise the potential land take.</i></p> <p><i>5.5.2 To meet the Client Scheme Requirements and respond to the constrained nature of the surrounding land, options explored by the Applicant have focused on improvements to the existing junction 10 and M25 and A3 carriageways, rather than wholesale route changes. The resulting Scheme is largely a linear alteration and improvement project, and as such the design and associated land take is limited to the adjacent land.”</i></p> <p>The tables in Appendix A to the Statement of Reasons summarises the purposes for inclusion of each plot and lists the work or works to which the plot relates; Table A.1 covers plots for acquisition of title and Table A.2 covers plots for (temporary possession with) acquisition of rights. Schedule 5 of the dDCO [APP-018] includes the same summary of purposes for acquisition of rights, for each plot or group of closely associated plots.</p> <p>The preferred way forward will be to acquire such title or rights by agreement with the current landowner and discussions on this have been started where possible, as described in section 4.8 of the Statement of Reasons [APP-022], pages 17-18. However, Highways England have included compulsory powers of acquisition and temporary possession in the dDCO to be able to guarantee delivery of the Scheme should negotiations with any landowners not be successful.</p> <p>Highways England has adopted an approach that aims to minimise the need for permanent acquisition of title to or rights in land, both by preparing the preliminary design to minimise the permanent and temporary footprint of the Scheme and by the intention to not seek to acquire title if it is possible to achieve the same objective using temporary possession or acquisition of</p> |

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| | | | <p>new rights wherever practicable. The consequent approach taken to determining the Compulsory Acquisition powers to be included in the dDCO can be summarised as:</p> <ul style="list-style-type: none"> • Acquisition of title for all land within the existing Highways England highway boundary to 'cleanse' the title of any issues remaining from previous acquisitions or sales of individual parcels. (Note that this acquisition excludes the areas of former common land that lie within the M25 highway boundary, as these have not yet completed their vesting process with Surrey County Council and so have not been removed from the commons register. This is to avoid invoking the requirements of Section 131 of the Planning Act in relation to land that is not usable as common.) • Acquisition of title for all land that will be within the proposed Highways England highway boundary (including facilities to deal with drainage from the strategic roads and their earthworks). • Acquisition of title for all land that will be within the proposed Surrey County Council highway boundary (including facilities to deal with drainage from the local roads and their earthworks), unless the land is already owned by Surrey County Council. • Acquisition of permanent rights over land that will be used for access by Highways England and/or third parties to ensure appropriate maintenance of their assets and to ensure completion and maintenance of environmental works for the Scheme. <p>Where none of the above apply, but access is still required by Highways England to construct the works, then only temporary possession has been</p> |

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| | | | <p>sought (in accordance with the rationale provided in the response to ExA Question 1.16.8).</p> <p>Highways England considers that all reasonable alternatives to the Scheme have been identified and investigated and that the level of compulsory acquisition in the dDCO is, therefore, justified and proportionate and in accordance with CA guidance.</p> |
| 1.16.12 | Applicant | <p>Paragraph 5.5.7 of the SoR [APP-022] states that none of the alternatives or modifications considered would obviate the need for the compulsory acquisition and temporary possession of the Land. The Applicant is asked to provide further detail to substantiate this position.</p> | <p>Any substantive improvement to M25 junction 10 will require land-take from multiple third parties, necessitating compulsory acquisition and temporary possession (at least as a back-stop measure) to ensure that the land could be assembled to guarantee delivery of such a scheme. Highways England has identified the highways strategy to be adopted followed by a staged process of scheme and option identification, development and assessment, to arrive at the preferred solution and then the preliminary design to use as the basis for the dDCO and the associated extents of compulsory acquisition and temporary possession needed. All the scheme options identified during this process entailed new construction beyond the existing highway boundary and, therefore, the need for compulsory acquisition/possession of land and/or rights from third parties, on the assumption that negotiations for all such acquisition/possession could not be completed within the required timescale.</p> <p>This process of identification of the nature and extent of the Scheme and the assessment of potential options for the layout of the Scheme or for elements within it is summarised in Chapter 3 of the Environmental Statement [APP-049], pages 44-50 and in the Planning Statement [APP-133], pages 23-32 and described in more detail in the Habitat Regulations Assessment Stages 3-5 [APP-044], pages 12-35. Highways England has adopted an approach that aims to minimise the need for permanent</p> |

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| | | | <p>acquisition of title to or rights in land, both by preparing the preliminary design to minimise the permanent and temporary footprint of the Scheme and by using temporary possession powers alone wherever these are applicable, as described in the responses to Questions 1.16.8 and 1.16.11.</p> |
| 1.16.13 | Applicant | <p>Section 6 of the SoR [APP-022] addresses human rights:</p> <ul style="list-style-type: none"> a. Where is it demonstrated that interference with human rights in this case would be proportionate and justified? b. How has the proportionality test been undertaken and explain how this approach has been undertaken in relation to individual plots? | <p>In response to a): Paragraph 6.2.1 of the Statement of Reasons [APP-022] confirms that the Scheme will have an impact on individuals but considers that the public benefits that will arise from the Scheme as set out in this Statement of Reasons outweigh the harm to those individuals.</p> <p>As regards the public benefits, Highways England refers to its response to ExA 1.16.9 and 1.16.10. Paragraph 6.2.2 of the Statement of Reasons further confirms that the land proposed to be acquired is the minimum land-take required to construct, operate, maintain and mitigate the Scheme and is therefore necessary to achieve the objectives of the Scheme. This is further evidenced in section 3.2.17 of the Planning Statement [APP-133] which shows that land take required for the development was considered at part of Highways England options selection process. Highways England has sought to achieve a balance between minimising land take and securing sufficient land to ensure delivery of the Scheme, noting that the detailed design of the Scheme has yet to be developed. In that context, the limits of the land to be acquired or used has been drawn as tightly as possible so as to avoid unnecessary land take. In that way, the proposed land take is proportionate, justified and necessary.</p> <p>In response to b): In relation to a proportionality test for individual plots, during review of the land requirements for the Scheme, over the course of three workshops, each plot was reviewed individually based on a consideration of the practical engineering requirements against the</p> |

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| | | | <p>individual impacts that would occur at the local level. This process of checks and balances, carried out by Highways England to challenge the proposed land take requirements as the Scheme design evolved following consultation, allowed Highways England to refine the land requirements and, wherever possible, to mitigate the effects of the Scheme on landowners. Highways England plot-by-plot review included detailed consideration of the following:</p> <ul style="list-style-type: none"> • The justification for and extent to which the plot was required, to ensure that only land that was absolutely required to deliver the Scheme was included within the Order limits. Where land requirements were possible to be minimised by reconfiguration of the design, this was undertaken. • Review of plot land use and ownership to understand the impacts resulting from the inclusion of a given plot on the individual's land ownership and business. • Review of plot areas and shape to refine the design within existing field, landownership and land use boundaries to configure the design to contain it within one land area to minimise the impact on multiple landowners or uses. <p>As a result of the above process of challenge and scrutiny, balancing the requirement for each individual plot against its anticipated impacts on the existing landowners and occupiers, Highways England is satisfied that the powers of compulsory acquisition and temporary possession sought in the DCO are necessary, proportionate and justified. The culmination of this process has been the production of the Statement of Reasons and, in particular, Appendix A which sets out the particular uses for each parcel of land within the Scheme boundary.</p> |

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| 1.16.14 | Applicant | With respect to the ten Crown land interests (plots 1/13, 1/14, 1/15, 1/18, 1/18a, 1/21, 1/22, 8/28, 8/29 and 8/34) listed in Part 4 of the BoR [App-025], please advise when it is expected that the necessary consent from the appropriate Crown authority to the compulsory acquisition of its affected land will have been obtained. | In relation to plots 1/14, 1/15, 1/18, 1/18a, 1/21, 1/22, as shown on the Land Plans [AS-002], discussions are continuing with the agent appointed by DEFRA. Highways England is looking to obtain a certificate of consent from DEFRA as early as practicable. Highways England is also engaging with HM Land Registry to update the title register in respect of those plots still shown as being within the Secretary of State for Transport's ownership (plots 1/13, 8/28, 8/29, 8/34). The Highways England department overseeing the registrations expect the work to be completed prior to April 2020. |
| 1.16.15 | Applicant and SCC | Please advise when will you conclude the vesting process for the exchange of Common Land subject to the 1979 and 1982 Compulsory Purchase Orders relating to the original construction of the M25 and associated alterations to the A3? | <p>As explained in submission Volume 9.1 Transferring Historic Common Land and Exchange Land [AS-017], Highways England is engaged in discussions with Surrey County Council (SCC) in relation to the outstanding transfers of land subject to the 1979 and 1982 compulsory purchase orders relating to the original construction of the M25. As at the date of this response, the transfers have not yet been completed although work on them is continuing.</p> <p>In the light of the examining authority's request in the rule 8 letter that confirmation of the completion of the outstanding transfers be provided at Deadline 7 (20 April 2020), Highways England has again raised the importance of concluding this long-running matter with SCC. Highways England is hopeful that the transfers will be completed prior to the completion of the examination although the matter</p> <p>As noted at paragraph 2.1.7 of [AS-017], Highways England will provide the examining authority with a further update on progress as the examination proceeds.</p> |

| Question Number | Question to: | Question | Highways England Response |
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| 16. Compulsory Acquisition | | | |
| 1.16.16 | Applicant and SCC | Should the exchange of the Common Land referred to in question 1.16.15 not be concluded prior to the close of the examination on 12 May 2019 then would it be appropriate for ExA to treat the affected land as being Common Land for the purposes of the Commons Act 2006? | <p>The making of a development consent order for the Scheme does not depend on the completion of the historic transfers (see Volume 9.1 Transferring Historic Common Land and Exchange Land [AS-017], paragraph 2.1.8). However, Highways England considers that it would be prudent for the examining authority to regard the exchange land which should have vested in SCC pursuant to the original compulsory purchase orders relating to the construction of the M25 as special category land. Although title to the land is not vested in SCC, it is currently managed by SCC as open space and is open to the public for recreation.</p> <p>Highways England has regarded the land as special category land in the development of the Scheme, as this approach reflects the current nature of the land and the legal definition of special category land provided for in The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 as amended.</p> |
| 1.16.17 | SCC | Please provide full copies of the Common Land Register entries, including the rights and definitive maps for Wisley Common and Oakham Common. | N/A |
| 1.16.18 | SCC | Would any of the proposed TP of Common Land associated with the construction of the Proposed Development constitute any 'interference' of registered rights of common for the purposes of S139(3) of the PA2008? | N/A |
| 1.16.19 | Applicant and WPIL | Would the proposed land take for the Proposed Development have any adverse effects on the proposals to mitigate Wisley's Airfield's redevelopment on the SPA, including the provision of Suitable Alternative Green Space? | As a consequence of consultation undertaken in advance of its application, Highways England has made changes to its proposals for SPA compensation land so that it does not impact on the 400 m development exclusion zone, as raised by both Wisley Properties Investment Limited (WPIL) and Guildford Borough Council as documented in Table 6.1 of the |

| Question Number | Question to: | Question | Highways England Response |
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| | | | <p>Consultation Report [APP-026]. This change was made to ensure that the Scheme is not in conflict with the adopted local plan, and consequently the proposed development of the former Wisley Airfield pursuant to Policy A35 of the adopted local plan.</p> <p>The Scheme includes the provision of a temporary soil storage and a construction compound within the Wisley Airfield site need in connection with the construction of the Wisley Lane diversion. Through consultation and engagement with WPIL, Highways England was made aware that land required for the Scheme within the airfield site was an area that had been proposed by WPIL for a suitable alternative natural green space (SANG) in relation to its proposed redevelopment of the site.</p> <p>Highways England has considered alternative locations for materials storage and was not able to identify other suitable alternative locations or an alternative configuration within the former Wisley Airfield site that would be acceptable to WPIL and also suitable for the Scheme.</p> <p>Highways England has sought advice from construction contractors as to whether it would be possible to minimise the space identified for a construction compound at this location and more widely around the Scheme, or to not utilise the space for the full duration of the Scheme construction period. Neither of these solutions are possible without adversely affecting Highways England's ability to deliver the Scheme within the relevant timeframe. For further detail about the justification for the identified compound area please see Highways England's response to question 1.16.8.</p> <p>Highways England understands that WPIL is proposing some of the identified materials storage area for a prospective SANG. Highways England remains in discussion with WPIL to find a mutually acceptable solution to this matter.</p> |

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