

# **M25 junction 10/A3 Wisley interchange**

**TR010030**

## **9.35 Statement of Common ground with Elmbridge Borough Council**

**Rule 8(1)(e)**

**Planning Act 2008**

**Infrastructure Planning (Examination Procedure) Rules 2010**

**Volume 9**

**January 2020**

## Infrastructure Planning

### Planning Act 2008

#### The Infrastructure Planning (Examination Procedure) Rules 2010

### M25 junction 10/A3 Wisley interchange

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

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#### 9.35 STATEMENT OF COMMON GROUND WITH ELMBRIDGE BOROUGH COUNCIL

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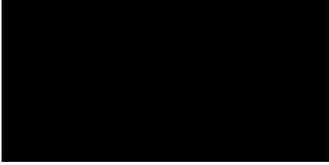
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<b>Author:</b>	M25 junction 10/A3 Wisley interchange project team, Highways England

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Rev 0	28 January 2020	Deadline 3

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## STATEMENT OF COMMON GROUND

**This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) Elmbridge Borough Council.**

Signed.....  .....

**Jonathan Wade**

**Project Manager**

**on behalf of Highways England**

**Date: 28 January 2020**

**This statement has been approved by Officers of Elmbridge Borough Council.**

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# 1. Introduction

## 1.1 Purpose of this document

- 1.1.1 This Statement of Common Ground ("SoCG") has been prepared in respect of the proposed M25 junction 10/A3 Wisley interchange improvement scheme ("the Application") made by Highways England Company Limited ("Highways England") to the Secretary of State for Transport ("Secretary of State") for a Development Consent Order ("the Order") under section 37 of the Planning Act 2008 ("PA 2008").
- 1.1.2 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties to it, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination.
- 1.1.3 The SoCG covers the position as agreed with Elmbridge Borough Council (EBC) up to 28<sup>th</sup> January 2020. It may be subject to further updates and revisions as a result of further discussion with Elmbridge Borough Council during the DCO examination process. Although the SoCG relates to the DCO examination period only, it is acknowledged that there will be a need for further agreement between the parties during detailed design and the execution of works.

## 1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by (1) Highways England as the Applicant and (2) Elmbridge Borough Council.

## 1.3 Terminology

- 1.3.1 In the tables in the Issues chapter of this SoCG, "Not Agreed" indicates a final position, and "Under discussion" where these points will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties. "Agreed" indicates where the issue has been resolved.
- 1.3.2 It can be taken that any matters not specifically referred to in the issues chapter of this SoCG are not of material interest or relevance to Elmbridge Borough Council, and therefore have not been the subject of any discussions between the parties. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to Elmbridge Borough Council.

## 2. Record of Engagement

2.1.1 A summary of the meetings and correspondence that has taken place between Highways England and Elmbridge Borough Council in relation to the Application is outlined in Table 2.1

**Table 2.1 Record of Engagement**

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
<b>Local Authority Liaison Meetings</b>		
27.07.2018	Meeting	This was the first Local Authority (LA) Liaison Meeting, where all 3 LAs attended together. The DCO process and a list of DCO deliverables were discussed, with an action to send a comprehensive list to each LA. The LA responses to Statutory Consultation were discussed and it was agreed that Highways England would send Surrey County Council (SCC) and Guildford Borough Council (GBC) response letters. Speed limits and bus stop designs were discussed, with the action on SCC to provide written comments. SCC comments on the PIER were acknowledged by Highways England, with an action on Highways England to provide a response to Elmbridge Borough Council (EBC)'s PIER comments.
27.09.2018	Meeting	A scheme and programme update were provided. Drawings of replacement land would be shared with the LAs once available. It was agreed that once the PCF Modelling report was drafted, a modelling meeting would take place prior to Feltonfleet School liaison. Side road agreements were discussed, with the action on Highways England to provide further information to SCC. The proposed Targeted Consultation dates and content were discussed. Highways England agreed to share the consultation summary report which includes the regards table with all 3 LAs. The requirement for Planning Performance Agreement was discussed, with an action on all 3 LAs to respond to Highways England with a preferred option and business case.
16.11.2018	Meeting	A high-level overview of the scheme changes was provided, outlining the new alignment of the Wisley Lane overbridge through the airfield and summarising the conversations with RHS Wisley for changing the bus route to utilise the existing infrastructure. The moving of the NMU route from the south to the north side of the A3, the widening of the Old Lane left in/out and NMU route changes were justifiable in order to follow land contours. Changes to the M25 northbound slip lane, and the reduced J10 roundabout elongation were discussed. Noting that Redhill bridge was now an NMU access only and there was the potential for a

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
		<p>small amount of land for an NMU route near to Feltonfleet school. The small changes to obtain the correct amount of replacement land were discussed.</p> <p>GBC queried a section of SPA replacement land believed to be within the 400m buffer zone for Wisley Airfield. Noting that the airfield development programme is advanced and may take precedence over the M25 J10/A3 scheme. There was an action for Highways England to share CAD file of Red Line Boundary with GBC for further assessment to be undertaken.</p>
22.01.2019	Meeting	<p>A scheme update and revised programme was provided, with an expected DCO submission date of Spring 2019. A summary of the targeted consultation responses was presented, with 85% of the responses received from members and supporters of The Girl Guide Association.</p> <p>GBC expressed the desire to seek legal advice on adequacy of consultation, due to the small changes that had been made to the scheme that were not present in the targeted consultation materials.</p>
15.03.2019	Meeting	<p>An update of Design Fix 3.1 was presented, specifically: Heyswood Campsite NMU (route moved to the north side of the A3), Seven Hills road south, at the junction all movements are permitted from Seven Hills Road South, left turn only from Seven Hills Road and right turns are banned from the A245 Eastbound. This design improves the junction but does move some traffic to the Painshill roundabout. There are no additional noise/air quality impacts, thus the proposal is being taken forward. In addition, it was explained that the SPA replacement land field, near to Wisley Airfield, had been replaced by a field currently owned by RHS Wisley. RHS Wisley are willing to sell this land and discussions over acquisition will take place. This parcel gives the scheme enough land to meet the SPA compensation and mitigation land requirements.</p> <p>It was noted there was concern about the EBC emerging local plan, this parcel of land will be checked to ensure it is not within 400m of any proposed developments. An action for Highways England was set to check the land parcel is not within 400m of any proposed developments in the emerging EBC local plan.</p>
23.04.2019	Meeting	<p>The consultation changes at Seven Hills junction were discussed. Feltonfleet School (FFS) are keen to extinguish highway rights on Old Byfleet Road, which has been discussed and agreed by SCC, FFS and Highways England. Banning the right and straight-ahead movements from Seven Hills Road (North) allows a traffic signal stage to be removed,</p>

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
		<p>reducing congestion on the A245. The forecasting shows that removing these movements does not displace a significant number of vehicles, though it may have more of an impact on those living at the base of Seven Hills Road. Each of the Local Authorities received an issue log specific to their correspondence prior to this meeting. For the majority of points raised Highways England have provided a response, with the remaining responses being “in progress”. These logs show high level information which will provide the basis for the statements of common ground (SoCG).</p> <p>Highways England wish to hold a meeting with SCC to present a draft paper which concerns various scheme land parcels and their future maintenance. If possible, the paper will be released in draft for SCC to have early sighting. It was suggested that Surrey Wildlife Trust be invited as they are land managers for SCC.</p> <p>SCC asked if a councillor briefing wood be held post DCO submission. Highways England agreed that 3 separate presentations could take place.</p>
21.05.2019	Meeting	<p>A land management update and overview was provided, outlining Highways England’s approach to the environmental issues that need to be addressed. In view of the need to acquire and/or use land within the SPA for the purposes of the Scheme it is necessary, in order to protect its integrity as a SPA to enhance some land already in the SPA and also provide additional land to (in effect) form part of the SPA by way of compensation for that to be used. As the Scheme also includes land that is designated as common land and open space, replacement for this land also has to be provided. The ratios of land take and replacement were explained and that the ratios are based on discussions with key stakeholders (NE, RSPB, SWT) (for the SPA land) and precedent established on other schemes including the M25 in this location when it was built in the late 1970s/early 1980s (for the common land/open space).</p> <p>EBC raised concern over the proposed cyclists’ route alongside the A245 in terms of safety and segregation between motorists and cyclists. Highways England explained that this route was selected due to safeguarding issues at Feltonfleet School and to provide cyclists with a clear route and avoidance of steps, he acknowledges this did make the route slightly longer.</p> <p>It was agreed that all three LAs are to provide JW with some available dates to hold a presentation at an existing council planning meeting. GB suggested once the DCO submission has occurred he could schedule a Q and A session with councillors.</p>

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
24.07.2019	Meeting	An update was provided on: the DCO application, the Project, commuted sums, PPA, land management workshop & councillor presentation. SCC stated that they had concerns regarding the lack of detail in the Road Safety Audit and agreed to provide feedback in due course.
26.09.2019	Meeting	Sent apologies and received the minutes. Main points of discussion: SoCG drafts and key issues, Relevant Representations, Commuted Sums, Designated Funds, PPA & agreements.
29.10.2019	Meeting	<p>All 3 LAs were in attendance.            Topics covered included:</p> <ul style="list-style-type: none"> <li>• Way forward with SoCG approach for all 3 LAs, using headings from Rule 6 Letter.</li> <li>• Design changes under BBA.</li> <li>• Arranging further meetings with each LA to review draft SoCGs.</li> </ul>
03.12.2019	Meeting	<p>Elmbridge Borough Council and Guildford Borough Council attended the meeting. Surrey County Council sent their apologies. Key topics covered included:</p> <ul style="list-style-type: none"> <li>• Painshill Park and Surrey Fire and Rescue – Engagement</li> <li>• Green Bridge Update</li> <li>• Side agreement update</li> <li>• HE and SCC collaboration on ExA written questions</li> <li>• SoCG approach and programme</li> </ul>
<b>Councillor Presentations – Scheme Update post DCO submission</b>		
20.06.2019	Presentation and Q&A	Scheme & DCO Update with Q&A session.
<b>Technical Meetings</b>		
08.03.2018	Meeting	EIA scoping minerals and waste
26.03.2018	Workshop	NMU design
01.11.2018	Meeting	Traffic modelling.
13.09.2018	Meeting	Land acquisition.
01.02.2019	Meeting	Replacement and SPA compensation land.
15.02.2019	Meeting	Traffic modelling
25.02.2019	Meeting	Highways classification
12.03.2019	Meeting	M25J10 scheme structures

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
08.07.2019	Workshop	SPA & Replacement Land Management.
19.08.2019	Workshop	Land Management
17.01.2020	Meeting	SCC SoCG meeting
<b>Shared Documentation (not including Consultation materials)</b>		
09.10.2017	Email	SOCC Memo of Information (Informal information on the SOCC approach)
25.01.2018	Email & Post	SMP incorporation letter (letter informing of the inclusion of J10-16 smart Motorways programme).
02.02.2018	Email & Post	Statement of Community Consultation
25.09.2018	Email	HGV layby results (surveys of HGV layby usage)
12.10.2018	Email & Post	HE response to EBC statutory consultation submissions
25.10.2018	Email	HE Traffic forecasting report (advanced draft)
25.10.2018	Email	HE Operational report (advanced draft)
31.10.2018	Email	Links and nodes (peak flows) scheme modelling
12.11.2018	Email	Notification of development safeguarding letter and PDF (Drawing to include the land acquisition requirements of the scheme and the area to be safeguarded ahead of development.)
13.11.2018	Email	Targeted consultation letter, brochure and general arrangement drawings
15.11.2018	Email	Red line boundary comparison drawings
16.11.2018	Email	DCO works plans
16.11.2018	Email	DCO draft work and requirements schedules 1- 4
29.11.2018	Email	DWG of Route protection plan
03.12.2018	Email	CAD files of Red Line Boundary
04.12.2018	Email	Speed Survey Data
21.12.2018	Email	Full draft DCO and schedules
25.01.2019	Email	Scheme papers for the 4 NMU routes near J10
05.02.2019	Email	A1 scheme plans (in lieu of the Statement of reason)
21.02.2019	Email	Speed limit, rights of way and scheme layout plans

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
11.03.2019	Email	Road Safety Audit and designer's response
03.04.2019	Email	General Arrangement Drawings
17.05.2019	Email	Draft of Issues Log.
30.07.2019	Email	A selection of DCO hard copy drawings. Drawings only, and not the entire documents of 2.1 – 1 page of drawings 2.3 – 32 pages of drawings 2.4 – 32 pages of drawings 2.5 – 33 pages of drawings 2.7 – 10 pages of drawings 2.8 – 35 pages of drawings
27.11.2019	Email	Early oversight of the documentation that HE submitted to PINS
17.12.2019	Email	RHS Wisley Data
19.12.2019	Email	Documentation submitted to PINS for Deadline 2.
21.01.2020	Email	Statement of Common Ground (1 <sup>st</sup> draft)
27.01.2020	Email	Statement of Common Ground (2 <sup>nd</sup> draft)

2.1.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) Highways England and (2) Elmbridge Borough Council in relation to the issues addressed in this SoCG.

### 3. Table of issues and matters to be agreed

3.1.1 The list below states the relevant examination documents used in Table 3.2

**Table 3.1 Examination documents**

Examination reference	Document Title
RR-001	Elmbridge Borough Council Relevant Representations
REP1-012	Elmbridge Borough Council Deadline 1 Submission – Written Representation
REP2-028	Elmbridge Borough Council Deadline 2 Submission – Annex A (Response to Examining Authority’s First Written Questions)
REP2-047	Surrey County Council, Elmbridge Borough Council and Guildford Borough Council Deadline 2 Submission – Joint Council Local Impact Report

**Table 3.2 Statement of Common Ground (SoCG) Between Highways England and Elmbridge Borough Council (EBC): Table of Issues and Matters to be Agreed - Version as at 28 January 2020**

3.1.2 Table 3.2 has been discussed with the Elmbridge Borough Council and this Interim Statement is Revision 3 at 28 January 2020.

SoCG Reference Number	Relevant examination document	Relevant Issue	Current position as regards agreement between Highways England and Elmbridge Borough Council and reasons for any differences in views	Highways England's response or further actions being taken to address outstanding matters
<b>1. LOCAL PLANNING CONTEXT</b>				
<b>1.1 Relevant statutory development plan</b>				
1.1.1	REP2-028 (ExQ1 – 1.4.3)  REP2-047 (para 5.6)	The current statutory development plan for Elmbridge Borough comprises: <ul style="list-style-type: none"> <li>Elmbridge Core Strategy 2011 (which covers the period to 2026); and the</li> <li>Elmbridge Development Management Plan 2011.</li> </ul>	Agreed.  However, EBC is in the process of preparing a new Local Plan to cover the 15 year period to 2036. The Council consulted on several potential growth options in August-September 2019. For the purpose of the TA the Council advocates that Option 3 be considered in the context of the Scheme as it is the highest potential growth strategy (modelling the worst case scenario). Option 3 involves optimising the growth potential of the urban area, whilst facilitating a large release of Green Belt land from various sites around the Borough including several located to the south of Cobham and Oxshott.	No further action proposed. EBC's consultation commenced after the DCO application had been submitted for examination and could not therefore have been taken into account. As the Council has not yet decided upon its preferred option there is insufficient certainty to justify further testing being carried out by Highways England.
<b>2.0 DRAFT DEVELOPMENT CONSENT ORDER (dDCO)</b>				
<b>2.1 dDCO articles &amp; associated schedules</b>				
2.1.1	N/A	The articles in the draft DCO (dDCO) as amended (REP2-002) are appropriate for the	Agreed.	

SoCG Reference Number	Relevant examination document	Relevant Issue	Current position as regards agreement between Highways England and Elmbridge Borough Council and reasons for any differences in views	Highways England's response or further actions being taken to address outstanding matters
		Scheme, including articles concerning arbitration and that Schedule 8 correctly identifies all relevant Tree Preservation Orders of relevance to the Scheme as they relate to trees within the boundary of Elmbridge Borough Council's administrative area.	EBC notes the now correct assessment of TPO EL:11/47 as per 6.1.4.	
<b>2.2 dDCO requirements</b>				
2.2.1	REP2-028 (ExQ1-1.15.11)	The requirements as set out in Part 1 of Schedule 2 of the dDCO (as amended see REP2-002) are appropriate and provide an appropriate framework for securing the necessary and relevant environmental mitigation measures and other environmental control measures.	Not agreed EBC shares Surrey County Council's concerns regarding the tailpiece in Requirement 5(1). Highways England considers that the use of the tailpiece is both proportionate and precedented.	No further action is proposed.
2.2.2	N/A	The procedures for discharging requirements as set out in Part 2 of Schedule 2 of the amended dDCO (see REP2-023) are appropriate and involve EBC appropriately.	Agreed.	
<b>3.0 SCHEME DEVELOPMENT AND ENGINEERING DESIGN</b>				
<b>3.1 Need/in principle support for the Scheme</b>				
3.1.1	RR-001 REP1-012  REP2-047 para 1.6	In principle, EBC supports the need for the Scheme.	Agreed.  As set out in RR-001 and REP1-012, EBC is supportive of the aims of the project but also strives to ensure that the impacts to residents and areas	

SoCG Reference Number	Relevant examination document	Relevant Issue	Current position as regards agreement between Highways England and Elmbridge Borough Council and reasons for any differences in views	Highways England's response or further actions being taken to address outstanding matters
			within Elmbridge Borough are mitigated.	
<b>3.2 Scheme objectives</b>				
3.2.1	REP2-047 (para 2.2)	The Scheme objectives as set out in Table 2.1 in APP-002 are appropriate as regards the need for the Scheme and the nature of the environment in which it is located.	Agreed. EBC, as one of the Joint Councils has commented that its focus is on minimising impacts on the surrounding local network objective.	
<b>3.3 Alternatives</b>				
3.3.1	N/A	Highways England has appropriately considered a range of Scheme alternatives and its reasons for selecting the preferred Scheme are reasonable.	Agreed.	
<b>3.4 Engineering design</b>				
3.4.1	REP1-012 page 1	The Scheme incorporates appropriate design proposals and surface treatment for Seven Hills Road South	Under discussion. EBC shares Surrey County Council's concern about the Scheme not making provision for the resurfacing of Seven Hills Road South.	Highways England is engaging in further discussions with EBC (and Surrey County Council as local highway authority).
3.4.2	REP1-012 page 1	The distance between the Painshill junction and Seven Hills Road junctions (being more than 500m apart) exceeds the 250m threshold in TD50/04 of the DMRB and as a consequence there is unlikely to be an operational benefit in linking the two sets of traffic signals.	Not agreed. EBC strongly supports the linking of the two sets of signals to improve the flow of traffic. Highways England has responded to this point in REP2-014 (see comments made on REP1-020-19 on page 33) and considers that this is a matter than	No further action proposed at this stage.

SoCG Reference Number	Relevant examination document	Relevant Issue	Current position as regards agreement between Highways England and Elmbridge Borough Council and reasons for any differences in views	Highways England's response or further actions being taken to address outstanding matters
			can be agreed at the detailed design stage.	
<b>4.0 TRAFFIC AND TRANSPORT AND NON-MOTORISED USERS</b>				
<b>4.1 Traffic Modelling and Transport Assessment</b>				
4.1.1	REP2-028 (ExQ1 – 1.4.3 and 1.8.15)	The list of proposed developments contained in Tables 3.1 and 3.2 of the Transport Assessment (APP-136) correctly reflected the scale, type and location of planned growth within the modelled network area relevant at the time of the assessment.	Agreed. EBC agrees the list was correct at the time of the Transport Assessment but has also noted in 1.1.1 that as the dDCO plans have evolved so too has the planned growth within the borough as part of the emerging Local Plan.	
<b>4.2 Impact on Strategic Road Network</b>				
4.2.1	N/A	There are no matters of contention between Highways England and EBC as regards the operation of the Strategic Road Network with the Scheme.	Agreed.	
<b>4.3 Impact on the Local Road Network/Local Communities</b>				
4.3.1	RR-001	Overall, the Scheme will lead to a reduction in the volume of traffic on the local road network.	Under discussion. EBC is concerned about increased traffic pressure on the local road network, especially in and around the Painshill and A245 Byfleet Road/Seven Hills Road junctions.	Highways England is continuing to engage with EBC (and Surrey County Council as local highway authority) on its transport assessment results and to respond to any specific concerns that EBC may have. The outcome of these discussions will be included in an updated version of this SoCG to be submitted at Deadline 5.

SoCG Reference Number	Relevant examination document	Relevant Issue	Current position as regards agreement between Highways England and Elmbridge Borough Council and reasons for any differences in views	Highways England's response or further actions being taken to address outstanding matters
4.3.2	RR-001	The removal of the right turn from Seven Hills Road to the A245 Byfleet Road as requested by Surrey County Council is supported.	Agreed. EBC was concerned that local traffic heading towards Brooklands will divert through Weybridge instead, however EBC supports Surrey County Council's assessment as the Highways Authority and their proposed linkage of the two traffic signals	As 4.3.1 above.
4.3.3	RR-001 REP1-012 (page 2)	The Scheme incorporates suitable measures to reduce the risk of traffic diverting on to the local road network during construction, including the provision of purpose built temporary slip roads at M25 junction 10	Under discussion. EBC is concerned about the increased traffic pressure on the local road network during construction and considers that the Scheme should fund repairs and resurfacing of local roads affected through the diversion of traffic. Requirement 4 provides that the Undertaker must submit for approval a Traffic Management Plan before any works affecting the M25 or A3 may commence. EBC will be a requirement consultee in this regard and will have the opportunity to comment on the details.	Highways England and Surrey County Council are to hold a workshop to further discuss and agree matters relating to traffic management measures during construction.
<b>4.5 Loss of HGV Lorry lay-by</b>				
4.5.1	REP2-047 (paras 3.2 and 7.3.1 to 7.3.3)	The closure of one designated HGV layby (comprising approximately five HGV parking spaces) on safety grounds is reasonable and appropriate.	Agreed. It is accepted that there are reasonable grounds for closing the HGV layby for safety reasons and that the loss of approximately five HGV spaces is a	

SoCG Reference Number	Relevant examination document	Relevant Issue	Current position as regards agreement between Highways England and Elmbridge Borough Council and reasons for any differences in views	Highways England's response or further actions being taken to address outstanding matters
			matter that will need to weigh in the balance against the Scheme.	
4.5.2	REP2-047 (para 7.3.3)	There are no suitable sites within the vicinity of the M25 junction 10/A3 Wisley interchange on which to build replacement HGV parking facilities as part of the Scheme.	Agreed. Given the sensitive environmental designations surrounding the M25 junction 10/A3 Wisley interchange it is acknowledged that there are no suitable sites which can be used for the provision of replacement of HGV parking places.	Highways England will consider the need for HGV laybys and parking/resting places as part of its wider Strategic Road Network Remit.
<b>4.6 Impact on non-motorised users</b>				
4.6.1	RR-001 REP1-012	There are no matters of contention between Highways England and Elmbridge Borough Council as regards the Scheme's effects on non-motorised users (NMU) or in relation to any of the proposed improvements for NMUs included within the Scheme.	Agreed. EBC supports the improvements to the NMU provision to create a safe, secure and segregated alternative route for residents.	
<b>5.0 ECONOMIC AND SOCIAL IMPACTS AND POLICY ACCORDANCE &amp; IMPLICATIONS FOR POLICY A35</b>				
<b>5.1 Facilitating planned growth</b>				
5.1.1		The Scheme will provide additional highway capacity on the Strategic road network supporting the Council's need to plan for additional 9,345 new homes in the Borough over the next 15 years.	Agreed.	Improved journey times and reduced congestion as a result of the Scheme will bring economic benefits for businesses and will improve access to employment opportunities.
5.1.2	REP2-047 (para 4.9.4-4.9.8)	The Scheme will support EBC's objectives to improve access to the Brooklands Business Park (the largest in the Upper M3 area)	Under discussion. EBC's comments in 3.4.2 above regarding the linking of the two set of	

SoCG Reference Number	Relevant examination document	Relevant Issue	Current position as regards agreement between Highways England and Elmbridge Borough Council and reasons for any differences in views	Highways England's response or further actions being taken to address outstanding matters
		through improving the operational performance of the A245 Byfleet Road/Seven Hills Road junction.	traffics lights is still under consideration.	
<b>5.2 Implications for SPA buffer zones</b>				
5.2.1	REP2-047 (para 4.4.8)	The location of the proposed SPA replacement land will not extend the 400m exclusion zone or the 5km zone of influence in such a manner so as to prejudice or constrain any planned housing delivery in the Borough.	Agreed.	
<b>6.0 ENVIRONMENTAL IMPACT ASSESSMENT</b>				
<b>6.1 Methodology of assessment, baseline and robustness of assessment</b>				
6.1.1	REP2-028 (ExQ1- 1.4.28, 1.8.1, 1.8.6).	The methodology for the environmental assessment is robust, is predicated on appropriate baseline information, addresses a suitable study area and identifies the likely significant environmental effects of the Scheme.	Agreed.	
6.1.2	RR-062 page 2; REP2-028 (ExQ1-1.8.18)	The application documentation provides sufficient detailed information to enable robust conclusions to be drawn as regards the visual impact of the Scheme, without the need for photomontages.	Not agreed. The Council support the views of Surrey County Council about the omission of photomontages.	No further action proposed. The submission of photomontages is not a requirement under IAN 135/10 and as no significant views were identified that would be likely to change, Highways England consider that photomontages would offer little benefit to the assessment process.

SoCG Reference Number	Relevant examination document	Relevant Issue	Current position as regards agreement between Highways England and Elmbridge Borough Council and reasons for any differences in views	Highways England's response or further actions being taken to address outstanding matters
6.1.3	RR-001	The Scheme has reduced the potential impact on ancient woodland near Painshill as far as is feasible and practicable.	<p>Under discussion.</p> <p>EBC is concerned about the impacts on ancient woodland and refers to the recommendations in Appendix 7.3 of the Environmental Statement: Veteran Trees and Arboricultural Impact Assessment [AS-014] for exploration of alternative detailed designs, arboriculturally sensitive construction, and arboricultural method statements to be produced in areas that conflict with valuable arboricultural features and irreplaceable habitats. If these can be produced to limit the arboricultural impact, this would be of a significant benefit.</p> <p>Highways England will seek to identify opportunities to further reduce impacts as part of developing the detailed designs for the Scheme. Requirement 3 of the dDCO requires the Undertaker to submit and obtain approval of an arboricultural method statement as part of a Construction Environmental Management Plan before construction works may commence.</p>	As requested by the ExA, Highways England is considering the possibility of submitting 'an alternative option' for the design of the private means of access where it passes through the Heyswood Camp Site.
6.1.4	RR-001	The position of the TPOs has not been correctly recorded in the TPO plan for TPO EL:11/47. The correct position has been assessed. The Scheme will not result in the loss of any TPO trees within Elmbridge but	Agreed.	

SoCG Reference Number	Relevant examination document	Relevant Issue	Current position as regards agreement between Highways England and Elmbridge Borough Council and reasons for any differences in views	Highways England's response or further actions being taken to address outstanding matters
		may result in some root disturbance or a requirement for lopping of one tree.		
<b>6.2 Cumulative effects/in combination effects</b>				
6.2.1	REP2-028 (ExQ1 – 1.4.3 and 1.8.15)	The ES (Table 9.14 of APP-054), the HRA, the WFDA, the FRA and the TA appropriately assess the effects of the Scheme in combination with other planned and committed developments known at the time of the assessment as being likely to take place in the study area and makes suitable provision to mitigate the identified significant effects.	Agreed. EBC confirmed in REP2-028 that it is content with the list. However, EBC also advocates that Highways England should now assess the potential implications of Option 3 in the Council's Local Plan Options Consultation published in August 2019.	See response at 1.1.1 above.
<b>6.3 Adequacy of environmental mitigation and compensation measures and proposed management and monitoring</b>				
6.3.1	REP2-028 (ExQ1 – 1.4.33 and 1.8.23) REP2-047 (para 4.4.10)	The package of environmental mitigation and compensation measures for the Scheme appropriately addresses the Scheme's likely significant effects.	Agreed EBC has confirmed in REP2-023 that it is satisfied with the amount, nature and proposals for the management of the SPA compensation measures (compensation land and enhancement areas) and also that it is satisfied with proposed planting species.	
6.3.2	REP2-028 (ExQ1 – 1.4.34) REP2-047 (para 4.4.10)	The measures identified in the SPA management and monitoring plan and the Landscape and Ecology Management and Monitoring Plan provide an appropriate framework for the future maintenance, management and monitoring of the environmental mitigation measures.	Agreed. EBC supports the views of SCC.	

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<b>7.0 NOISE, AIR QUALITY AND DISTURBANCE</b>				
<b>7.1 Noise and Vibration effects</b>				
7.1.1	N/A	The methodology for the assessment of noise and vibration effects is robust and appropriate.	Agreed.	
7.1.2	N/A	The provision of low noise surfacing as part of the Scheme is appropriate and will bring noise benefits for receptors.	Agreed.	
7.1.3	N/A	The location and extent of new and replacement noise barriers to be provided as part of the Scheme along the A3, M25 and at the M25 junction 10/A3 Wisley interchange is appropriate and will bring noise benefits for receptors.	Agreed.	
7.1.4	RR-062 page 2 and REP2-047 (para 4.3)	The assessment conclusions that there would be no significant noise or vibration effects on receptors within Elmbridge due to the operation of the Scheme, including as a result of any predicted changes in traffic flows, are sound and appropriately justified.	<p>Under discussion</p> <p>EBC is concerned about the potential for increased noise levels due to the construction and operation of the Scheme. No specific receptors have been identified by EBC as cause for concern, however EBC would like to see the agreed Final CEMP be periodically reviewed to reflect any changes and/or complaints from those potentially affected.</p> <p>Highways England confirms that requirement 3 of the dDCO requires the Undertaker to agree the arrangements for the monitoring and recording of</p>	No further action is proposed.

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			<p>compliance with environmental commitments as part of the Construction Environmental Management Plan (CEMP). EBC will be a consultee for this requirement. As set out in paragraph 13.5.1 of the Outline CEMP [APP-134], the approved CEMP can be reviewed as often as necessary in response to changes in risk, scope, circumstances etc. Paragraph 13.2 of the Outline CEMP also explains that an audit will be carried out 4 to 6 weeks after commencement.</p>	
7.1.5	<p>RR-062 page 2 and            REP2-047 (para 4.3)</p>	<p>Carriageway resurfacing works on the A245 will result in a significant temporary vibration effect on two receptors at Seven Hills Road during the works. The CEMP provides an appropriate framework for requiring the Undertaker or Principal Contractor to agree details of measures to minimise disturbance as far as practicable.</p>	<p>Under discussion.</p>	
<b>7.2 Air Quality effects</b>				
7.2.1	<p>REP2-028 (ExQ1 -1.3.2)             REP2-047 (paras 4.2.4 and 4.2.6)</p>	<p>The methodology for carrying out the air quality modelling is robust and appropriate and is predicated on the most up to date data available at the time of carrying out the assessment.</p>	<p>Under discussion            EBC has queried whether the EIA is predicated on the most up to date baseline information and has referred to 2019 monitoring results now being available. EBC has commented that the most recent Air Quality data is published in the Annual Status Report</p>	

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			<p>(ASR) 2018 and that this data should be taken into account so that the likely impact can be properly assessed.</p> <p>Highways England confirms that the assessment was carried out in 2018 and at the time the 2016 results were the most up to date available for Elmbridge. The Elmbridge results for 2017 and 2018 were not published until after the DCO application was submitted for examination. The 2019 results referred to in [REP2-028] are only in an Annual Status Report and have not yet been ratified. From a review of the 2017 and 2018 data Highways England does not consider that there would need to be any changes to the AQ summary of baseline conditions as reported in the ES chapter.</p>	
7.2.2	RR-001; REP2-028 (ExQ1- 1.3.2) and REP2-047 (para 4.2.2 and 4.2.3)	The assessment conclusions that there would not be an overall significant adverse air quality effect on receptors within Elmbridge are sound.	<p>Under discussion</p> <p>EBC is concerned about the potential for the construction and operation of the Scheme to adversely affect air quality in the local area, including in and around the Painshill roundabout and at Cobham. EBC has advised that it has installed an additional 6 NOx diffusion tubes in the Painshill Roundabout (Portsmouth Road and Between Streets area) to assess the</p>	No further action is proposed. The Environmental Statement sets out the results of the air quality assessment and confirms that there would not be an overall significant adverse air quality effect on receptors within Elmbridge.

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			<p>levels and potentially declare this area as an AQMA.</p> <p>Further to the comments raised in 7.2.1 EBC also has concerns that any additional increase in traffic will have a significant adverse impact on the air quality in the Cobham, Esher High Street and Painshill Air Quality Management Areas (AQMA).</p>	
<b>8.0 CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN AND CONSTRUCTION IMPACTS</b>				
<b>8.1 Outline CEMP, CEMP and HEMP</b>				
8.1.1	REP2-028 (ExQ1-1.15.8)	The CEMP (approval of which will be required under DCO requirement 3) will provide suitable and enforceable safeguards as regards environmental protection measures to be applied during the construction of the Scheme and for the preparation of a handover environmental management upon completion of the authorised development.	<p>Under discussion.</p> <p>EBC has expressed the view that it would expect the CEMP to be subject to periodic review.</p> <p>Requirement 3 makes provision for the CEMP to be submitted for approval before construction of the works commence. The CEMP is to contain a number of environmental control plans which will be prepared and updated as and when required. Upon completion of the Scheme the CEMP is to be converted into a HEMP. Requirement 3(2)(d) also requires the CEMP to set out the arrangements for monitoring and recording of compliance with environmental commitments during construction, which will include provision for periodic review should circumstances change or new risks</p>	

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			emerge. Highways England considers that requirement 3 therefore makes adequate provision for the approval of CEMP matters.	
8.1.2	REP2-028 (ExQ1-1.10.8)	The Undertaker/Principal contractor will be required to obtain consent from EBC under S61 of the Control of Pollution Act 1974 and this will provide a further mechanism for the control of construction noise as regards the Scheme.	Agreed. EBC has confirmed that Section 61 consents will be required and that a Section 61 consent will minimise the likelihood of construction work being stopped.	As noted in the Consents and Agreements Position Statement (APP-020) the responsibility for securing S.61 consents will be a matter for the Principal Contractor carrying out the works.
<b>8.2 Reinstatement of land used temporarily during construction</b>				
8.2.1	RR-001	The dDCO (requirement 17) makes appropriate provision for the reinstatement of land used temporarily during construction, including placing an obligation on the Undertaker/Principal Contractor to demonstrate how opportunities have been taken to restore land designated as SPA or SSSI to achieve biodiversity gains and support enhancements of the sites' nature conservation value.	Agreed	
<b>9.0 LAND INTERESTS</b>				
9.1.1	RR-001 REP2-047 (para 4.9.9)	The principal access to Painshill Park (which is owned by EBC and leased to the Painshill Park Trust) is from the A245/Anvil Lane and there is a further service access from the A245 Cobham Road to the north-west.	Agreed.	
9.1.2	RR-001	The Surrey Fire and Rescue Service has confirmed that due to topography of the land	Agreed	

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	REP1-012 (page 2) and REP2-047 (paras 4.9.9-4.9.11)	around the Gothic Tower, it is not possible to deploy aerial appliances for high level firefighting from the A3 direction.	This point was acknowledged in paragraph 4.9.11 of the Local Impact Report [APP-047].	
9.1.3	RR-001 REP1-012 (page 2) and REP2-047 (paras 4.9.9 – 4.9.11).	Removal of the access from the A3 to the southern end of Painshill Park.	<p>Under discussion</p> <p>EBC is concerned about the loss of this access because it considers that EBC may have to enter into a private treaty to acquire replacement rights and could put the Council in a vulnerable position in such negotiations. EBC considers that the loss of this access will result in a loss of amenity to the property. The result of which will impact the management of the Park as a whole, including the flow and integration of vehicular and pedestrian traffic. EBC consider that the removal of the access will affect the ongoing and future use of the property and the ability of the occupier and land owner to fully utilise and maintain the historical asset which the park provides to the public without a net increase in costs.</p> <p>Highways England considers that the continued use of a direct access to Painshill Park from the A3 southbound carriageway would be unsafe, both for the people using the access and for people travelling on the A3 mainline. Highways England has sought</p>	Highways England is continuing to engage with EBC as regards this matter and a summary of progress made will be provided in an updated version of this SoCG at Deadline 5.

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			<p>clarification from EBC as to why the two accesses from the A245 cannot be used for the purposes of maintaining Painshill Park. Highways England has also received confirmation from the Surrey Fire and Rescue Service that it is possible for fire appliances to gain access to the Gothic Tower via existing tracks through the Park (a point which is acknowledged in paragraph 4.9.11 of the Local Impact Report [REP2-047]). The stopping up of the existing access will be a matter to be addressed as part of any compensation settlement with EBC.</p>	
<b>10.0 PLANNING PERFORMANCE AGREEMENT</b>				
10.1.1	REP2-047 (para 1.4)	EBC had requested a planning performance agreement for the reasons set out in paragraph 1.4 of the Local Impact Report [REP2-047].	<p>Not agreed.</p> <p>EBC as one of the Joint Councils, has expressed disappointment in the Local Impact Report about no agreement having been reached as regards a PPA.</p> <p>Highways England provided guidance to EBC on 21 January 2019 as regards Highways England's procedures on this matter and awaits EBC's response.</p>	
<b>11.0 PROPOSED SCHEME CHANGES</b>				
11.1		There are no points of contention between EBC and Highways England as regards	Under discussion.	EBC intends to submit representations as regards the

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		proposals to make a number of changes to the dDCO as set out in (AS-023).		consultation on the proposed changes.

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