

M25 junction 10/A3 Wisley interchange

TR010030

9.39 Statement of Common Ground with Wisley Property Investments Limited

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M25 junction 10/A3 Wisley interchange

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

9.39 STATEMENT OF COMMON GROUND WITH WISLEY PROPERTY INVESTMENT LIMITED

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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) Wisley Property Investment Limited.

Signed.....DRAFT....
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Project Manager
on behalf of Highways England
Date: **[DATE]**

Signed.....DRAFT....
[Mike Murray]
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Date: **[DATE]**

Table of contents

Chapter	Pages
1. Introduction	5
1.1. Purpose of this document	5
1.2. Parties to this Statement of Common Ground	5
1.3. The role of Wisley Property Investment Limited and the DCO application.	5
1.4. Terminology	5
2. Issues	7
2.1. Design & Scheme Changes	7
2.2. Environment (including Replacement & Compensation Land)	10
2.3. Traffic & Local Road Network Impacts	13
2.4. Impacts on Land & Compensation	14

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 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available in the deposit locations and/or the national infrastructure planning website.
- 1.1.3 The SoCG has been produced to inform the Examining Authority where agreement has been reached between the parties to it, and where agreement has not (yet) been reached.
- 1.1.4 The SoCG covers the position as agreed with Wisley Property Investment Limited as at deadline 3 of the examination. It may be subject to further updates and revisions as a result of further discussion with Wisley Property Investment Limited (WIPL) during the DCO examination process.

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) WPIL.
- 1.2.2 Highways England became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing Highways England made provision for all legal rights and obligations of the Highways Agency, including in respect of the Application, to be conferred upon or assumed by Highways England.

1.3. The role of Wisley Property Investment Limited and the DCO application.

- 1.3.1 WPIL has been identified as a person with an interest in the land the subject of the Application and therefore have been consulted as such. WPIL is the freehold owner of former Wisley Airfield, the airfield being the largest part of a prospective residential-led development site of approximately 2,100 new homes (C3/C2) and allocated as such in the Guildford Local Plan (2015-34).

1.4. Terminology

- 1.4.1 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.

- 1.4.2 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 WPIL 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 WPIL

2. Issues

2.1. Design & Scheme Changes

Issue	Sub-section	Wisley Property Investments Limited Comment	Highways England Response
Scheme changes	Wisley Lane – Public Rights of Way	Targeted consultation December 2018 - WPIL support the amendments to the DCO scheme and the potential for increased connectivity from Wisley Airfield with changes to the bridleway diversion that are not in conflict with its prospective development.	Noted.
	Wisley Lane – access	WPIL would like Highways England provide an access for the development of Wisley Airfield from the proposed Wisley Lane diversion.	Highways England is prepared to work with WPIL so that both schemes may be constructed at the same time to the extent that is practicable. Detailed arrangements are proposed to be settled in a side agreement that is at present under negotiation
		WPIL would like Highways England to enable access to its prospective development from the Wisley Lane diversion and to not impede the ability of WPIL and its contractors to start works as planned in Q1 of 2021, assuming WPIL has a planning permission that it can implement by then.	
Gas pipeline diversion (Wisley Lane – Ockham Park Junction)		WPIL request that details of the easement are provided in order to assess the impact of this proposal on the implemented IVC planning permission and on the prospective new settlement as allocated in Policy A35.	Easement details can be provided.
		WPIL seeks a provision or legal requirement that ensures that the diverted gas main is located and protected in a way that takes into account and does not hinder the likely location and design for the Wisley Airfield development access. [REP1-048, 5.20ii]	The detailed design of the gas main diversion has not been started, however Highways England will provide assurance that the gas main will be laid so that should consent be given for the Airfield development, an access of the Wisley Lane diversion would not require subsequent diversions..

Issue	Sub-section	Wisley Property Investments Limited Comment	Highways England Response
Topsoil Storage	South of Wisley Lane diversion	<p>WPIL seeks clarity on the intentions, land area and timing of the use of this land for topsoil storage and construction compound use.</p>	<p>Highways England confirm that its intention at this stage is to use this land temporarily for the full duration of the construction phase. Please see Work No. (o) of DCO Schedule 1, TR010030/APP/3.1 and Sheet 2 and Sheet 23 of the Works Plans, TR010030/APP/2.3. It may be possible to optimise the use of this land once the principal contractor for the DCO scheme has been appointed.</p>
		<p>WPIL request that the temporary compound and topsoil storage area is not used beyond 2022. [REP1-048, 4.3]</p>	<p>Until detailed design and construction planning have been completed, Highways England cannot guarantee that it will not continue to need this land on a temporary basis at that date. Highways England will make provision in the side agreement with WPIL to vacate this area within a time that is linked to the Open for Traffic date for the DCO scheme so as to provide re-assurance to WPIL that the land will not be in use by Highways England for longer than necessary.</p> <p>If there is an opportunity to reduce the area of land required as construction progresses, then Highways England will work with WPIL to limit the impact of this temporary land take on WPIL's proposed SANG.</p>
		<p>The preference is for this land to be removed from the DCO, or as a second preference it be made very clear that this land is to only be used temporarily (and not beyond the scheme being open for public use), and only extend to the current hardstanding in accordance with plan at Appendix [x] to avoid impact on the SNCI designated species.</p>	
Fence Line	Wisley Lane diversion	<p>WPIL request that the DCO red line (and permanent land take) is minimised in this area in order to avoid the loss of developable land within the allocation boundary of Allocation A35. This should include limits of adoption and fence-lines to be as close as possible to the built highway. The fence should be shown directly adjacent to the</p>	<p>This area has been minimised as far as practicable but is required to allow for the construction of the Wisley Lane diversion, associated drainage works and to accommodate a diverted gas pipeline, for which the asset owner requires a</p>

Issue	Sub-section	Wisley Property Investments Limited Comment	Highways England Response
		proposed highway land for adoption which should allow for an appropriate access to the Wisley Airfield site.	minimum 6.0m clear space over the pipeline to allow for future maintenance. During detailed design Highways England will seek to minimise the area of permanent land take across the scheme, including the Wisley Lane diversion.

2.2. Environment (including Replacement & Compensation Land)

Issue	Sub-section	Wisley Property Investments Limited Comment	Highways England Response
Flood Compensation	Stratford Brook	Flood compensation area previously shown on Stratford Brook has been removed in discussion with and as agreed by the Environment Agency. WPIL support this amendment to the DCO scheme.	Noted.
Ecological Enhancement	Stratford Brook – Ecological appropriateness	The Stratford Brook compensation proposals are acceptable from an ecological point of view and do not conflict with the ecological enhancements that the WPIL scheme is likely to provide in this part of the proposed SANG associated with the delivery of allocation A35. WPIL note the requirement to agree the scope of works with the Environment Agency. [REP1-048, 5.33]	Noted.
	Stratford Brook – Maintenance	WPIL requires certainty with regard to the detailed scope and timing of the works and future management arrangements and funding to enable alignment between these and its SANG proposals. WPIL would consider a transfer of Highways England’s future maintenance obligations under the DCO to WPIL in order to provide certainty of alignment with WPIL’s SANG future management proposals. [REP1-048, 5.34]	Highways England is willing to enter into a side agreement with WPIL for the long-term maintenance of these works should WPIL gain planning permission for its proposed development.
SPA Compensation Land	Reduction at Old Lane	WPIL support the reduction in SPA Compensation Land at Old Lane, as per the consultation material of December 2018.	Highways England can confirm that the rationale of the reduction in size of the SPA land adjacent to Elm Lane was to ensure that the buffer zone did not impinge on the WPIL/ Guildford Local Plan housing allocations.
Biodiversity Strategy	Reptiles and Amphibians - extent	Broadly, the results of the ecological surveys carried out on the WPIL land and its surroundings accord with WPIL’s own findings and WIPL agree	Noted.

Issue	Sub-section	Wisley Property Investments Limited Comment	Highways England Response
		<p>with the overall conclusions of ES Chapter 7 (APP-052) and its associated figures and appendices (APP-068 to APP-070). [REP1-048, 5.23]</p>	
Biodiversity Strategy	Reptiles and Amphibians – mitigation measures at Wisley Lane diversion	<p>Paragraph 7.10.43 of ES Chapter 7 (APP-052) – WIPL request that HE is required to consult/ liaise with WPIL at the detailed design stage, to ensure that the mitigation measures anticipated with both schemes operate in conjunction with each other. [REP1-048, 5.25 & 5.26]</p>	Highways England will keep WPIL informed during detailed design of its mitigation measures with a view to WPIL’s and Highways England’s proposals being complementary
	Precautionary Method of Working	<p>WIPL request that the Precautionary Method of Working (PMW) is extended by Highways England to include all suitable habitat within the ‘SE Quadrant’ where the breeding ponds are located. [REP1-048, 5.24]</p>	Highways England will assess a suitable area for a Precautionary Method of Working with Natural England as the consenting Statutory Environmental Body. Should Natural England consider a revised area is required as regards a PMW here, then Highways England will amend it accordingly.
	Replacement planting - SNCI	<p>Replacement planting is proposed by WIPL for the temporary loss of habitat within the Wisley Field SNCI. As this falls within the WPIL SANG area, WIPL request that HE consult with WPIL on this at the detailed design stage to ensure that it aligns with the Airfield scheme proposals. [REP1-048, 5.27]</p>	Highways England will keep WPIL informed during detailed design of its mitigation measures with a view to WPIL’s and Highways England’s proposals being complementary, should the Wisley Airfield development be granted consent.
Trees, Landscape and Visual Effects	Tree loss	<p>WPIL would seek to ensure that any trees that are not directly affected by the Wisley Lane diversion are clearly identified in a comprehensive BS5837 tree survey by Highways England and given the same level of protection as other veteran and TPO trees during construction of the DCO scheme. [REP1-048, 5.49]</p>	<p>Highways England are reviewing the tree survey submitted by WPIL in its Written Representation and will provide a response when this work is concluded.</p> <p>Highways England will commit to reducing the number of trees removed within temporary land take, to the extent that this does not prejudice the safe and efficient delivery of the DCO Scheme.</p>

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		<p>Any higher quality trees that have to be removed for the purposes of the DCO scheme where impacts cannot be avoided should be replaced by semi-mature specimens planted at a ratio of two replacements for every one lost and be covered by a minimum of a 24-month warranty. As a result of chalara ash dieback, any ash losses should be replaced by oak trees.</p> <p>[REP1-048, 5.53]</p>	<p>Highways England will replace trees that are lost as a consequence of the scheme. The quantity and type of trees will be reviewed during detailed design.</p> <p>Tree planting across the DCO scheme will not be with semi-mature trees, it will be done with an appropriate range of tree sizes in line with the Landscape Environmental Management Plan and usual practice (APP-106).</p>

2.3. Traffic & Local Road Network Impacts

Issue	Sub-section	Wisley Property Investments Limited Comment	Highways England Response
Traffic & Local Road Network Impacts	Traffic modelling – Allocation A35	WIPL is satisfied that Highways England has taken full account of the allocation A35 for 2,100 dwellings at Wisley Airfield. [REP1-048, 5.13]	Noted
	Traffic Modelling – link road through Wisley Airfield	Highways England has not modelled the link road through the Wisley Airfield site proposed by WIPL. However, this is consistent with the results of modelling carried out by WPIL at the Planning Appeal held into its proposal in 2017. [REP1-048, 5.16]	Noted

2.4. Impacts on Land & Compensation

Issue	Sub-section	Wisley Property Investment Limited Comment	Highways England Response
Land Compensation	Compulsory Acquisition	<p>WPIL has requested discussions to commence regarding land compensation.</p>	<p>Highways England can confirm that agents from VOA will undertake and manage these discussions. Initial talks have taken place in October 2019. Reimbursement by Highways England of WPIL's consultant fees have not yet been agreed.</p>
Legal Agreement	Compulsory Acquisition	<p>WPIL is seeking a legal agreement with HE to ensure the interface between the DCO works and the new airfield settlement is managed appropriately. Until such an agreement is entered into, WPIL will maintain a holding objection to the compulsory acquisition of its land.</p> <p>[APP1-048, 7.5]</p>	<p>Highways England are currently in discussions with WPIL and are negotiating a side agreement to address a number of the issues within this Statement of Common Ground.</p>

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