

M25 junction 10/A3 Wisley Interchange improvement

TR10030

9.40 Statement of Commonality for Statements of Common Ground

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M25 junction 10/A3 Wisley Interchange improvement

Development Consent Order 202x

9.40 STATEMENT OF COMMONALITY FOR STATEMENTS OF COMMON GROUND

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1 INTRODUCTION

1.1 Purpose of this Document

- 1.1.1 This Statement of Commonality for Statements of Common Ground (this “Statement”) relates to an application made by Highways England to the Planning Inspectorate under Section 37 of the Planning Act 2008 for a development consent order (a “DCO”). If made the DCO would grant consent for Highways England to construct the M25 junction 10/A3 Wisley Interchange improvement (the “Scheme”). A detailed description of the Scheme can be found in 1.2 Introduction to the Application and Scheme Description (APP-002).
- 1.1.2 This Statement has been prepared to provide the examining authority (ExA) with a summary of the current position as at Deadline 3, 28 January 2020, as regards the Statements of Common Ground (SoCG) which have been requested in the Examining Authority’s rule 6 letter dated 15 October 2019 to be submitted jointly by Highways England and eight interested parties identified in Annex F of the rule 6 letter and identified in chapter 3 below.
- 1.1.3 The Statement will be revised and submitted to the ExA on each occasion when the updated SoCGs are submitted in accordance with the deadlines set out in the rule 6 letter.

2 STRUCTURE OF STATEMENTS OF COMMON GROUND

2.1 The SoCGs have been structured in a generally consistent form and set out the matters which are agreed, the matters subject to further discussion and those matters which are not agreed. Each SoCG has been tailored according to the approach agreed with the interested party concerned and in the light of the comments made by the ExA during the issue specific hearing 2 on 15/16 January 2020 in order to provide assistance to the ExA.

2.2 Each SoCG has the following structure:

- Section 1: provides an introduction to the SoCG and a description of its purpose.
- Section 2: outlines the engagement that has taken place with the interested party.
- Section 3: sets out any issues that have arisen, reporting on the status of each issue, i.e. whether it is agreed, still under discussion or not agreed, and any remaining actions.
- Where relevant, documents not forming part of the application that are referenced in the SoCG and which it is helpful to draw to the ExA's attention have been appended to the SoCG.

2.3 Each SoCG includes the list of topics identified in Annex F of the rule 6 letter dated 15 October 2019.

3 LIST OF STATEMENTS OF COMMON GROUND

- 3.1 Highways England submitted SoCGs with three statutory environmental bodies (Natural England, Environment Agency and Historic England) as part of the DCO application documents. This was done to provide reassurance to the ExA that there was broad agreement among the key environmental bodies as to the likely significant environmental effects of the Scheme and general support for the proposed compensatory and mitigation measures which form part of the Scheme.
- 3.2 SoCGs with five additional interested parties were also requested by the ExA through the rule 6 letter dated 15 October 2019.
- 3.3 The other parties which Highways England has prepared a SoCG with are listed in table 3.1 below. Further detail about the current position of each SoCG can be found at Chapter 5, Table 5.1 of this Statement.

Table 3.1 - List of SoCGs at Deadline 3

Stakeholder
Local Authorities
Surrey County Council
Guildford Borough Council
Elmbridge Borough Council
Prescribed Consultees
Environment Agency
Natural England
Historic England
Interested Parties who are not local authorities or prescribed consultees
The Royal Horticultural Society
Wisley Property Investments Limited

4 SUMMARY OF CURRENT POSITION

4.1 This section provides the current position in respect of each SoCG. Where applicable, the final version of the SoCG (as at Deadline 3 on 28 January 2020) has been submitted alongside this Statement.

4.2 Table 4.1 provides a high level position and where necessary includes further detail to aid the ExA's understanding. The high-level positions used in the table are:

- **Agreed SoCG with no outstanding matters** – The final SoCG has been agreed by both parties and either all matters are agreed, or some matters are agreed but there are matters which are not agreed and which will not be resolved during the examination. Where matters are not agreed, the SoCG provides reasons for the disagreement between the parties.
- **Agreed SoCG with matters outstanding** – An interim SoCG has been agreed by both parties, but there remain matters outstanding that Highways England and the interested party will seek to resolve during the remainder of the examination. Where matters are outstanding, the SoCG indicates the steps which Highways England (and, where appropriate, the interested party) will take in order to seek to resolve them.
- **SoCG in draft with matters outstanding** – An SoCG has been drafted by Highways England, has been shared with the interested party and some comments have been provided in response although the draft is not yet in agreed form. Highways England anticipates being in a position to provide agreed form SoCGs with these parties by Deadline 5.

Table 4.1 – SoCG high level position

Document Reference	Party	Position at Deadline 3 28 January 2020	Position at Deadline 5 3 March 2020	Position at Deadline 8 1 May 2020
Local Authorities				
TR0130030/ Volume 9.37	Surrey County Council	Agreed SoCG with matters outstanding		
TR0130030/ Volume 9.36	Guildford Borough Council	Agreed SoCG with matters outstanding		
TR0130030/ Volume 9.35	Elmbridge Borough Council	Agreed SoCG with matters outstanding		
Prescribed Consultees				
TR0130030/ Volume 8.3 (1)	Environment Agency	Agreed SoCG with matters outstanding		
TR0130030/ Volume 8.2 (1)	Natural England	Agreed SoCG with no matters outstanding		
TR0130030/ Volume 8.4 (1)	Historic England	Agreed SoCG with matters outstanding		
Interested Parties				
TR0130030/ Volume 9.38	The Royal Horticultural Society	SoCG in draft with matters outstanding		
TR0130030/ Volume 9.39	Wisley Property Investments Limited	SoCG in draft with matters outstanding		

5 COMMONALITY

5.1 This section of the Statement provides a summary of principal issues covered in the SoCG and demonstrates where there is commonality in the topics or matters.

5.2 The table is presented in such a way to show topics covered within the various SoCGs, how these relate to each other interested party and a colour categorisation for each topic. The high level colour categories seek to provide a high level summary of matters, and do not necessarily indicate that all matters within the topic are either agreed or not agreed:

	There is broad agreement on specific matters within this general topic area.
	Matters within this topic area are subject to further discussion
	There is general disagreement between the parties within this general topic area.

5.3 Where a matter is not relevant to an interested party, it is not included within the SoCG and therefore not covered in Table 6.1 and shown as grey.

Table 6.1 Table of Commonality at Deadline 3

PARTY	TOPIC															
	Draft DCO	Requirements	Protective provisions	Consents, licences, LONI	Scheme design and option selection	In principle support for the Scheme	Road safety	Traffic modelling	Robustness of environmental statement	Air Quality	Noise	Traffic and transport effects, inc Local Road Network	Socio-economic impacts	Construction impacts and CEMP	Adequacy of environmental mitigation, compensation and replacement land	Support for proposed scheme changes
Surrey County Council	Yellow	Yellow	Yellow	Yellow	Yellow	Green	Yellow	Yellow	Yellow	Green	Yellow	Red	Green	Yellow	Green	Yellow
Guildford Borough Council	Yellow	Yellow	Light Blue	Light Blue	Green	Green	Light Blue	Yellow	Green	Yellow	Yellow	Yellow	Green	Yellow	Green	Green
Elmbridge Borough Council	Green	Yellow	Light Blue	Light Blue	Yellow	Green	Light Blue	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Green	Yellow
Environment Agency	Green	Green	Green	Yellow	Light Blue	NA	Light Blue	Yellow	Green	Light Blue	Light Blue	Light Blue	Light Blue	Green	Green	Light Blue
Natural England	Green	Green	Green	Green	Light Blue	NA	Light Blue	Yellow	Green	Light Blue	Light Blue	Light Blue	Light Blue	Green	Green	Light Blue
Historic England	Green	Green	Green	Green	Light Blue	NA	Light Blue	Yellow	Green	Light Blue	Light Blue	Light Blue	Yellow	Green	Green	Light Blue
The Royal Horticultural Society	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow
Wisley Property Investments Limited	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow

6 POSITION AS AT DEADLINE 3 (28 January 2020)

6.1 This section provides a summary of the position between Highways England and each interested party as at Deadline 3. This section will be updated at each deadline when revised SoCGs will be submitted, to explain what has changed since the previous iteration. The individual SoCGs should be referred to for further detail on specific matters.

6.2 Surrey County Council

6.2.1 The SoCG has been agreed by officers of Surrey County Council (SCC). SCC is supportive of the Scheme in principle and its objectives. In particular there is a broad measure of support for the environmental package to be provided as part of the Scheme.

6.2.2 There are currently two principal areas of disagreement between the parties. Firstly, the parties do not currently agree on the effects of the Scheme on the village of Ripley and whether there is a need to provide mitigation measures in Ripley in consequence.

6.2.3 Additionally, the parties do not currently agree on the payment of commuted sums by Highways England in respect of the maintenance of works to the local road network to be carried out as part of the Scheme, including the provision of new and enhanced non-motorised user routes.

6.2.4 These issues together with others identified in the SoCG as being 'under discussion' will continue to be discussed with SCC throughout the remainder of the examination and Highways England is confident that a number of the issues currently identified as 'under discussion' will become 'agreed' matters before the end of the examination.

6.3 Elmbridge Borough Council

6.3.1 The SoCG with Elmbridge Borough Council has been agreed with officers of the Council. A good measure of agreement has been reached between the parties, with almost two-thirds of the issues having been agreed. Accordingly, there remains just under one-third of issues under discussion at Deadline 3 and there are only a small number of issues where agreement has not been reached.

6.3.2 The four areas of disagreement as at Deadline 3 relate to the wording of the tailpiece to requirement 5 (Detailed design) of the dDCO (REP2-023), the linking of traffic signals at Painshill, the absence of photomontages from the assessment materials and the lack of resolution on a planning performance agreement.

6.3.3 The principal areas which are under discussion as at Deadline 3 relate to the closure of the direct access to Painshill Park from the A3, traffic impacts on the local road network and the impact of the Scheme on ancient woodland near to the Heyswood Campsite.

6.3.4 In relation to matters which are either not currently agreed or under discussion, Highways England is continuing to engage with the Council to seek where possible to reach agreement with the Council on them prior to Deadline 5.

6.4 Guildford Borough Council

6.4.1 The SoCG has been agreed with officers of the Council

6.4.2 The Council is generally supportive of the principle of the Scheme and its objectives.

6.4.3 The principal areas under discussion relate to the timing of provision of north-facing slip roads at Burnt Common as part of policy A35 of the adopted Guildford Borough Local Plan and the impact of the Scheme on Ripley.

6.4.4 Highways England continues to engage with the Council in order to resolve the matters currently under discussion and anticipates that an updated SoCG will be submitted at Deadline 5.

6.5 Natural England

6.5.1 The SoCG with Natural England has been agreed and signed. There are no matters currently outstanding. Agreement has been reached on all matters relating to the Habitats Regulation Assessment, including the suite of compensatory measures for enhancement and replacement land, ecological mitigation and habitat creation and matters relating to the Water Framework Directive in respect of Ockham and Wisley Commons SSSI. Highways England will continue to engage with Natural England during the remainder of the examination and update the SoCG with any additional matters as may be helpful to the examining authority.

6.6 Environment Agency

6.6.1 The SoCG with the Environment Agency has been agreed with the majority of issues relating to the Flood Risk Assessment, Water Framework Directive (including mitigation proposals for Stratford Brook and Bolder Mere) and groundwater and land contamination having been agreed. The following matters are still under discussion:

- Impact of the Scheme on Bolder Mere Lake (SoCG ref 3.3.8): The EA require reassurance that the Scheme design will not adversely affect ground water flows into Bolder Mere.
- Pollution and Waste (SoCG ref 3.4.8): Further discussion is needed with the EA regarding their requirement for advance site of any CL:AIRE Definition of Waste: Code of Practice (DoWCoP) application.
- Discussions are on-going with the EA to determine the circumstances in which culvert extensions proposed by the Scheme would need a water impoundment licence (SoCG ref 3.7.9).

6.7 Historic England

6.7.1 The SoCG with Historic England has been signed with the majority of matters relating to the assessment of and mitigation for impacts to scheduled monuments and archaeological assets as a result of the Scheme having been agreed.

6.7.2 A number of items remain under discussion that pertain to Historic England's requirement to be consulted on the process for the identification and treatment of as yet unknown/un-designated archaeological assets of national importance (3.1.5; 3.2.17; 3.2.19) and in respect of their requirement to agree a mechanism through which they will be consulted during detailed on elements of the scheme,

in so far as they may impact on or enhance scheduled monuments and/or archaeological assets (3.2.4; 3.2.14; 3.2.17;3.2.18).

6.8 The Royal Horticultural Society

6.8.1 A draft SoCG has been shared with RHS and Highways England awaits RHS' comments thereto. A number of technical meetings have been held between the parties in order to agree as many of the factual matters including distances and journey times as may be possible and reduce the areas of disagreement accordingly.

6.8.2 The draft SoCG includes propositions with which RHS has been invited either to agree or disagree, providing reasons in respect of any matters which are not agreed where it may be appropriate or helpful to the ExA to do so.

6.8.3 As at Deadline 3, a number of material issues remain in dispute between the parties including the effect of the Scheme on access to RHS Wisley and the wider socio-economic effects of the Scheme on the gardens.

6.8.4 Highways England continues to engage with the RHS in order to resolve these matters and anticipates that an agreed SoCG will be submitted at Deadline 5.

6.9 Wisley Investments Property Limited

6.9.1 The SoCG with Wisley Property Investments Limited (WPIL) is in draft with matters outstanding. The draft SoCG has been shared with WPIL which has provided comments on the draft. Unfortunately it has not been possible for WPIL to approve the draft SoCG prior to Deadline 3.

6.9.2 Highways England anticipates that a number of issues raised by WPIL could be dealt with in a side agreement between the parties, including access to the former Wisley Airfield in construction and the detailed design of the Wisley Lane diversion. Discussions on an appropriate side agreement are ongoing. Until an agreement is finalised matters will remain 'under discussion' although it is anticipated that this will be finalised before the end of examination.

6.9.3 A further update will be provided at Deadline 5, when Highways England anticipates that it will be possible to submit an agreed SoCG.

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