

APPENDIX B

Questions for Highways England

Objection on behalf of Park Barn Farm / Mr Ronald Alderson

28/01/2020

Kindly please provide information and/or your comments in respect of the following matters along with any application document references which may also be relevant:-

1. In relation to the land shown highlighted orange and yellow (Buxton Wood) on the attached plan:-
 - a) Please confirm that Surrey County Council is the current owner;
 - b) Please confirm its current status as either registered as Common Land or Open Space?
 - c) Is any of this land subject to the proposed land swap with Highways England which we understand is required to correct the historic commons register?
2. Does Highways England consider that the land at Park Barn Farm is required as replacement land for the M25 improvement, the A3 improvement, or for both those road schemes?
3. If your answer to 3 above is “both” then please provide the breakdown of the replacement land requirement which relates to each of those separate schemes.
4. Please provide the following data (in hectares) in respect of the special category land that would be affected:-
 - a) The total area of Common Land to be acquired;
 - b) The total area of Open Space to be acquired;
 - c) The total area of Common Land in respect of which permanent rights are to be acquired;
 - d) The total area of Open Space in respect of which permanent rights are to be acquired.
5. For the areas quoted in answer to 5 (c) and 5 (d) above, please state the total area of such land which Highways England considers will be disadvantaged by the acquisition of rights, and for which land it intends to provide replacement land at a 1:1 ratio.

6. HE has quoted different figures for the total area of Replacement Land to be provided:-

- Planning Statement para.3.6.1 (39.8 ha);
- SoR, appendix C para. 6.1.1. (41.39 ha).

Why is there a discrepancy between these figures? Which of the totals is correct, and how does this affect the “target ratios” which have been applied?

7. Please confirm the equivalent total for replacement land to be provided, split between Common Land and Open Space. The following data is taken from para. 6.1.1 of SoR, appendix C:-

- 25.17 ha of Common Land;
- 16.22 ha of Open Space.

8. Highways England refers to what it calls “target ratios” which it says it has derived from “precedents” (i.e. the 1970s and 1980’s road schemes for the A3 and M25) and “discussions” (See para 2.7.18, SoR appendix C):-

a) Why does it consider that such “target ratios” are appropriate?

b) Please clarify the nature of these “discussions” and explain how it has influenced the fixing of “target ratios”.

9. In respect of the “precedent” road schemes mentioned by Highways England was any exchange land given in respect of rights acquired over common land and/or open space as opposed to compensation for land that was acquired?

10. Highways England acknowledges that equality of advantage can be achieved by “providing some other public benefit, such as new linkages between areas of public access” (SoR, appendix C, para. 2.7.4):-

a) How does it account for this in the calculation of its Replacement Land requirement?

b) Why does it now claim that these substantial rights of way enhancements should be wholly discounted? (See Highways England’s answer given under point (ii) on page 75 of doc 9.19 “Applicant’s response to written representations).

11. Highways England has cited a number of factors as being relevant to the exchange land calculation for the A3 and M25 road schemes:-

- **Severance:** Commons units were severed;
- **Area of land take:** Land was acquired from central portion of commons;
- **Replacement land areas:** Exchange land was contiguous with existing common land and open space, and generally complementary in character;

- **Noise / tranquillity:** The 1979 M25 scheme affected some of the quieter parts of the common near Pond Farm and Telegraph Hill;
- **Barriers to access:** The new motorway provided no access to the severed edges of the Commons.
- **New PRow links:** For the A3 scheme there were **two** new links provided and a 1.65: 1 commons land exchange ratio was adopted. For the M25 scheme, there were **no** new links provided and a 2.99: 1 commons land exchange ratio was adopted.

How does Highways England explain that it has taken account of these factors in its calculation of Replacement Land requirement for the current scheme?

12. Highways England has stated that *“how the land could be used by the public”* (SoR, appendix C, para. 2.7.5) is a relevant consideration in respect of the land replacement ratio. Given that it has also stated the Replacement land will *“increase the extent of public access in the northwestern quadrant of Wisley Common, which is the direction from which many of the users come”* (SoR, appendix C, para. 6.1.1), how does it explain that it has taken account of this factor?
13. Has Highways England considered whether the Replacement Land that would be provided in respect of Common Land and Open Space to be acquired by the scheme might also be adequate to compensate for the disadvantages caused by the acquisition of rights over such areas? If not, why not?
14. Highways England states that s.131 and s.132 PA 2008 are not engaged where it is seeking temporary possession powers only (para. 2.7.12, SoR, appendix C), however please confirm specifically that Highways England has not sought to provide replacement land in respect of land over which these temporary possession powers are being sought.
15. What are Highways England’s proposals or future intentions for management and use of the land parcels at Park Barn Farm?
16. What are the environmental works planned for the land at Park Barn Farm which are intended to improve its public amenity value?
17. Highways England has stated that *“how the condition could be improved”* is a relevant consideration in respect of the land replacement ratio (SoR, appendix C, para. 2.7.5). How does it explain that it has taken account of this potential?
18. Please provide further information in respect of the option for Replacement Land at Pond Farm (this matter is subject to a separate freedom of information request), and in particular:-
 - a) Please provide a plan of the site, and also indicate which areas are physically used by SWT for grazing of its cattle in Winter;
 - b) Has HE considered whether public rights of access could be accommodated on this site at other times of year, other than in Winter? If not, why not?

19. In relation to the re-surfaced sections of track over which Highways England intends to acquire permanent rights for future inspection and maintenance:-
- a) How often does Highways England actually propose to use vehicles for these purposes – e.g. daily, weekly, monthly, annually?
 - b) Will the tracks make appropriate accommodation for vehicles and walkers / horse-riders so that it will be possible for vehicles to pass by users of the track at the same time? If not, why not?
20. On a plan please identify the area of any meadow land which is affected, give the total area of such land (in hectares), and state whether such land is to be acquired or burdened with rights?

Please name any other nationally significant infrastructure project (for which an application for a development consent order has been made) which has involved the widening or drainage of a highway but which has not also included other related elements, such as (i) junction improvements; (ii) new slip-roads; (iii) new roundabouts, overbridges and gantries?

Keystone Law
on behalf of Mr Ronald Alderson
