

**M25 JUNCTION 10/A3 WISLEY INTERCHANGE IMPROVEMENT SCHEME
PROPOSED M25 JUNCTION 10/A3 WISLEY INTERCHANGE DEVELOPMENT
CONSENT ORDER (“DCO”)**

**ROYAL HORTICULTURAL SOCIETY (“RHS”) – REGISTRATION NUMBER
20022900**

**COMMENTS ON ANY FURTHER INFORMATION REQUESTED BY THE ExA
RECEIVED BY DEADLINE 3**

These comments are submitted on behalf of the RHS. Richard Max & Co LLP are the duly appointed solicitors to the RHS and are authorised to submit these comments and other documents on its behalf.

OVERVIEW

1. These comments:
 - address matters arising on further information requested by the ExA received by Deadline 3;
 - summarise the position of the RHS following Deadline 3; and
 - enclose various additional documents.

2. The RHS’s case is fully set out in the evidence it has already submitted to the Examination and is not undermined by any of the information submitted by the Applicant at Deadline 3. These comments do not rehearse the RHS’s position or respond on a line by line basis to the Applicant’s Deadline 3 submissions. Rather, they are deliberately limited in scope to address a small number of points that do require a response at this stage.

3. The additional documentation comprises:
 - **Appendix 1 – DRAFT Highways section of SoCG sent by RHS to HE.**

- **Appendix 2 – DRAFT AQ and Biodiversity section of SoCG sent by RHS to HE.**

REP3-008 - 9.33 Applicant's comments on IP responses to Examining Authority's First Written Questions (Rev 0); and

REP3-009 - 9.34 Post-Hearing submissions including written summaries of oral case for Issue Specific Hearing 2 (ISH2)

Highways and traffic impacts

4. In section 1.13.11 of REP3-008, the Applicant states that; *'Traffic modelling has indicated that with the Scheme, all Wisley Lane/RHS Wisley Garden traffic to and from the A3 south routes through Ripley rather than following the signposted route via J10. This is because the route via Ripley will be shorter and quicker. The impact assessment of the Scheme is therefore based on all Wisley Lane/RHS Wisley Garden traffic to and from the A3 south routing through Ripley.'*
5. Aside from a disagreement with these conclusions, it is noted that HE seeks to sign the traffic (which its model suggests would route via the local villages) along the A3. The strategy of signing such traffic appears to confirm that HE considers, at very least, that it is undesirable for this traffic to route via the local villages. HE goes on to state that; *'some visitors may choose to follow the signposted route via J10, since the additional journey time is relatively small.'* There is no evidence before the ExA which sets out what HE believes will actually result as a consequence of the DCO Scheme; there is no quantification of how much traffic will route via Ripley and how much will route via the A3.

Habitats Regulations and Biodiversity

6. HE's case regarding the impacts of nitrogen deposition is that any significant deposition within the SPA is in an area that currently does not support the three species of birds (nightjar, woodlark and Dartford Warbler). The HE assessment is fundamentally wrong as the RHS evidence has shown that:

- The HE assessment of the nitrogen deposition is based on the assumption that the extent of heathland on Ockham Common will remain unchanged; and
 - HE has not taken into account Natural England’s management objectives for the restoration of Ockham Common.
7. HE refers to the coniferous woodland in this part of the SPA as a “buffer” to the heathland as if its only function is to protect the rest of the SPA. However, the coniferous woodland is being managed (in line with Natural England’s European Site Conservation Objectives Supplementary Advice on Conserving and Restoring Site Features) either to be restored to open heath to provide habitat for nightjar or to be clear-felled and restocked as conifer woodland to provide habitat for woodlark.
8. The distribution of the three species will change and they will be breeding and foraging in areas closer to A3 and the M25 areas. They will be affected by the increased nitrogen deposition generated by the DCO Scheme as their habitats will be damaged.
9. Any Habitats Regulations Assessment must take into account the change in distribution of the SPA birds. HE has failed to do this.

REP3-019 – 9.43 Ministerial statements regarding Ockham South facing slips (Rev 0)

10. The contents of the Ministerial Statement (“the MS”) are noted but plainly the MS does not (and could not) rule out the need to consider the DCO Scheme on its merits or the need to consider the RHS Alternative Scheme as a reasonable alternative pursuant to the Habitats Regulations.

REP3-019 - 9.44 Traffic volumes from Issue Specific Hearing 2 (ISH2) agenda item 3(i)

11. Table 2.1 of REP3-019 provides modelled traffic flows for the M25 J10 Interchange. This provides some scenarios but is missing 2015 Baseline and 2037 DoMin scenario flows. TTHC has added this information in as set out below and to assist there is a colour-coded comparison of issues which have been identified when the 2015 Baseline and 2037 DM flows are added to the Table.

| M25 J10 Interchange Traffic Flows (vehicles) | | | | | | | | |
|---|-----------|---------|------------|-------------|-------|-----------|------|-------|
| | | | A3 to M25 | | | M25 to A3 | | |
| Source | Scenario | Period | CW on-slip | ACW on-slip | Total | NB | SB | Total |
| Model Link Flows from Appendix A of HE document 9.16 (flows attached) | 2015 BASE | AM Peak | 2263 | 1217 | 3480 | 1356 | 1901 | 3257 |
| | | PM Peak | 2043 | 1349 | 3392 | 1541 | 2006 | 3547 |
| | 2022 DM | AM Peak | 1923 | 1203 | 3126 | 1291 | 1862 | 3153 |
| | | PM Peak | 1835 | 1264 | 3099 | 1531 | 1951 | 3482 |
| | 2022 DS | AM Peak | 2690 | 1382 | 4072 | 1353 | 2466 | 3819 |
| | | PM Peak | 2181 | 1410 | 3591 | 1550 | 2462 | 4012 |
| | 2037 DM | AM Peak | 1982 | 1222 | 3204 | 1236 | 1847 | 3083 |
| | | PM Peak | 2058 | 1412 | 3470 | 1491 | 2079 | 3570 |
| | 2037 DS | AM Peak | 3062 | 1493 | 4555 | 1357 | 2306 | 3663 |
| | | PM Peak | 2255 | 1578 | 3833 | 1461 | 2502 | 3963 |

Key

| | |
|-----|--|
| XXX | Scenarios excluded from Table 2.1 in HE document 9.44 |
| XXX | All 2015 Base flows higher than 2022 DM equivalents |
| XXX | 2015 Base higher than 2037 DM equivalents |
| XXX | 2037 flows lower than equivalent 2022 flows and 2015 Base flows |
| XXX | 2037 DM flows are higher than 2022 DM but compared to 2015 Base there is only a slight increase (PM peak: CW on-slip +15, ACW on-slip +63) |
| XXX | 2037 DS flows lower than 2022 DS flows |
| XXX | Rounding of numbers |

12. As shown, despite the addition of background traffic growth, all 2015 Baseline flows are higher than the 2022 DoMin equivalents and, in some cases, they are also higher than the 2037 DoMin equivalents. There are some 2037 flows which are lower than the equivalent 2022 and 2015 values. These changes in traffic flow are counter-intuitive and, where DoSom flows (with the DCO improvements) are lower than the equivalent DoMin flows (without the DCO improvements), it suggests

that the introduction of the Scheme will divert traffic away from J10. There is no evidence submitted to the DCO which explains these issues which undermine the credibility of HE's traffic modelling.

SUMMARY OF POSITION ON AGREEMENT OF SoCG

13. The attached draft highways (**Appendix 1**) and air quality/biodiversity (**Appendix 2**) sections are RHS's comments on the draft SoCG submitted by HE at Deadline 3.

14. In relation to air quality and biodiversity matters, Prof. Laxen submitted his draft to HE on 31 January 2020.

15. In relation to socio-economic matters, it is necessary to finalise the Highways SoCG, but at present the position of the RHS is that:

- The parties **DO NOT AGREE** on the extent to which visitors to RHS Wisley Garden will reduce the frequency of their visits as a result of disruption caused during the construction and operational phases of the DCO scheme;
- The parties **DO NOT AGREE** upon the level of disruption and delay caused by the DCO Scheme Construction Phase; and
- The parties **DO NOT AGREE** the scale of the economic impacts of the DCO Scheme on RHS Wisley Gardens, either during the construction of the Scheme or once the Scheme has been completed.

16. In relation to highways and transport matters, Mr Hibbert of TTHC met with Mr Bown of Atkins on 21 January 2020 to discuss SoCG matters and during that meeting pointed out some gaps in the modelling which were acknowledged by Mr Bown. Mr Bown provided flow plots for 2022 and 2037 DoMin & DoSom (total traffic and RHS only) (on 23 January 2020) and then followed up with the 2015 Base for RHS only (on 28 January 2020). 2015 Base total traffic plots have also since been provided (on 3 February 2020). The initial view of TTHC is that these also lead to unusual routing of traffic on local roads and some odd M25 movements.

A further meeting to try to agree the highways element of the SoCG is scheduled for 13 February 2020.

17. Aside from the model flow plot issues, as was made clear at the ISH, there is a fundamental difference between the parties in respect of the impacts on Ripley and the lack of validated modelling for the main junction in the village (and this is going to have to be one of the matters that is “not agreed” in the SoCG). If the RHS had proposed a road scheme which results in traffic routeing via a location such as Ripley but then suggested that the provision of validated models for this location wasn't possible, it would rightly be facing a highway objection from HE. This is because the forecasting conditions in the future would clearly not be a suitable basis upon which to be making decisions regarding its performance. This has a direct effect on the routeing of traffic via the village, which the current modelling is unable to do and leaves the ExA unable to make crucial judgements on how the DCO Scheme will affect the local network. This, in turn, feeds into the failure by HE to assess the RHS Alternative Scheme as an alternative to the DCO Scheme.
18. The RHS, a registered charity, has – at considerable expense – been seeking to verify Atkins work for some time now. As the highways modelling is central to the RHS positions on Air Quality, Habitats and Economic Impact, the SoCG for these topics cannot be completed until Atkins, with all their resources, are able to explain their modelling to TTHC. RHS cannot understand why Highways England's team are still unable to provide answers to TTHCs technical concerns.

UNRESOLVED DESIGN ISSUES LEADING TO ROOT IMPACTS ON RHS REDWOOD TREES

19. This issue has not been progressed since Deadline 3. The RHS's longstanding and fundamental concerns remain; the fate of these Redwood Trees has now become unclear and the DCO Scheme may have to be altered. The RHS does not believe the proposed realignment will, in fact, protect the trees. As yet, no formal proposals to deal with the likely impacts on the tree roots and the realignment of the A3 have been put forward by HE.

CONCLUSIONS

20.For the reasons set out above and more fully explained in the RHS's previous submissions, the RHS invites the ExA to require the Applicant to undertake a proper assessment of the RHS Alternative Scheme (or any other alternative) or to withdraw the DCO Scheme.

Richard Max & Co LLP for and on behalf of the RHS

11 February 2020