M25 JUNCTION 10/A3 WISLEY INTERCHANGE DEVELOPMENT CONSENT ORDER

STATEMENT OF COMMON GROUND BETWEEN HIGHWAYS ENGLAND AND ROYAL HORTICULTURAL SOCIETY

MATTERS NOT AGREED AND MATERS AGREED

Matters Not Agreed

Matters NOT AGREED			
	Relevant issue	**Highways England Position**	**RHS Wisley Position**
NA1	Inclusion of ammonia in the calculations of nitrogen deposition.	*HE does not accept that ammonia should be included. The HE guidance in LA105 does not include ammonia. The IAQM guidance does not specify the inclusion of ammonia. In REP2-022 at 2.7.3 and 2.7.4 HE sets out that even if nitrogen deposition was doubled by including ammonia, this would not materially affect the conclusion of the SiAA.*	There is evidence that ammonia from road traffic makes a substantial contribution to nitrogen deposition near to roads. There is a legal dirty to include ammonia under the Habitats Regulations (2017 as amended). Current modelling elsewhere for plans and projects is including ammonia from road traffic. Thus, current practice and professional judgement make it clear that it is critical to include ammonia from traffic in the calculations and without this the SiAA is deemed not to be valid.

Matters NOT AGREED			
	Relevant issue	**Highways England Position**	**RHS Wisley Position**
NA2	Validity of the data provided for the in-combination assessment of impacts on the SPA.		There has been no calculation of in-combination impacts for nitrogen oxides concentrations or nitrogen deposition, therefore there is no basis for the assessment of the in-combination effects on the SPA. The in-combination impacts are the concentrations and depositions arising from emissions due to traffic from other plans and projects together with the Scheme traffic, set against concentrations and depositions without all this traffic.
NA3	Validity of the in-combination assessment of impacts on the SPA.		Highways England has only presented the impacts of the Scheme alone. It needs to present and consider the in-combination impacts to allow an in-combination assessment. An in-combination assessment is required by the Habitats Regulations 2017 to avoid the accumulation of smaller impacts that may give rise to the need for mitigation to which the Scheme may need to contribute.
NA4	Validity of the assessment of impacts in Ripley		Highways England has now modelled concentrations at six new receptors in Ripley. However, the model has not been verified and calibrated against local monitoring data. The new results presented in REP2-022 are therefore not valid.

Matters NOT AGREED			
	Relevant issue	**Highways England Position**	**RHS Wisley Position**
NA5	The relevance of impacts within the SPA for locations close to the A3 and M25.		HE has not correctly assessed the impacts of declining air quality on the so called 'buffer' which is currently coniferous woodland. HE has taken no account of the potential for this area to support SPA birds in the future once it is restored to heathland.
NA6	The need for an assessment of the RHS Alternative in relation to impacts on the SPA		There is considerable uncertainty over the impact of air quality, The Habitats Regulations requires that, where there is uncertainty, a negative assessment must be concluded. It is therefore a legal requirement to then considered Alternatives to the schemes which are less damaging to the SPA.

NA7	Validity of loss of single species as a significance criterion		The data cited by HE from Table 21 of the Natural England Commissioned Report NECR210, have been used illogically to define the significance of impacts in the SIAA. Prof. Laxen has spoken to the author of the report NECR210, Dr Simon Caporn, who said that this table was not designed to be used as a basis for defining significance. It is unclear whether Highways England obtained the sign-off of Natural England before including this approach in LA 105. Use of Table 21 is illogical for at least two reasons. Firstly, using the example of a deposition rate of 10 KgN/ha/yr, the table shows that the addition of 0.8 KgN/ha/yr would be associated with the loss of 1 species, whereas, at 20 KgN/ha/yr the loss of 1 species would arise from the addition of 1.7 KgN/ha/yr. Highways England has thus implied that the more polluted the site is above the critical load, the more additional pollution can be added without it being a significant increase. This is not consistent with the need to reduce nitrogen input to a habitat to restore conditions where the critical load is being exceeded, which would be made that much harder the more polluted he site is. Secondly, this approach does not recognise whether or not the site in on the tipping point whereby a very small increase in nitrogen deposition might cause the loss of a species. It is, therefore, the professional view of Prof. Laxen and Mr Baker that the criterion of loss of one species cannot be used as a significance criterion and its use in this way in the SIAA is not valid.

Matters NOT AGREED			
	Relevant issue	**Highways England Position**	**RHS Wisley Position**
NA8	Use of IAQM descriptors		It is appropriate to include the IAQM descriptors, as well as those of Highway England, to help understand the impacts within Ripley. This is recognised in the Inspector's report for the M4 Smart motorway (see Appendix A11 of REP1-041). These descriptors are what local authorities would expect for a planning application that impacted on air quality in Ripley. It is expected that there will be more impacts described as slight or moderate with the IAQM guidance, than is the case with the HE guidance. This would help the ExA have a more balanced view of the impacts of the DCO Scheme.
NA9	Results for carbon dioxide for traffic following the signed route to RHS Wisley	*The carbon dioxide emissions would be 639 t/yr higher if traffic follows the signposted route to and from RHS Wisley, representing 0.04% of total emissions with the Scheme, which is considered negligible (see REP2-022, para 3.1.1)*	With traffic following the signed route emissions of carbon dioxide would be 4,064 t/yr higher. The RHS Alternative, which would reduce this overall increase in emissions with the Scheme by more than 16%. This is a significant reduction in the additional emissions.

Matters AGREED

Matters AGREED			
	Relevant issue	**Highways England Position**	**RHS Wisley Position**
A1	Validity of the nitrogen oxides projections		RHS accepts that nitrogen oxides concentrations have been projected forwards using the LTTE6 methodology.
A2	Use of appropriate deposition velocities to calculate nitrogen deposition from nitrogen oxides emissions.	*Highways England has issued new deposition velocities to use in nitrogen deposition calculations in guidance document LA105. The corrected deposition rates for the transects are presented in REP2-022.*	Highways England has accepted the advice from Prof. Laxen and the nitrogen deposition rates due to nitrogen oxides emission from vehicles are now substantially higher.
A3	RHS traffic passing through Ripley		It is accepted that the modelling of impacts on air quality in Ripley has been carried out assuming all the RHS traffic from the south will pass through Ripley. This traffic would not pass through Ripley with the RHS Alternative.
A4	Validity of receptors in Ripley		It is accepted that Highways England has now identified worst-case receptors in Ripley.
A5	RHS Alternative		The RHS Alternative would reduce Scheme impacts on the SPA and impacts within Ripley.

Matters AGREED			
	Relevant issue	**Highways England Position**	**RHS Wisley Position**
A6	Concentrations of nitrogen dioxide in Ripley unlikely to exceed objective.		It is possible that the objective will not be exceeded in Ripley (once the modelling is corrected – see NA4 above), but there are still effects on health arising from exposure to nitrogen dioxide below the objective and these would be increased with the HE Scheme. The RHS Alternative Scheme, on the other hand, will reduce these adverse effects.