

M25 junction 10/A3 Wisley Interchange

TR010030

9.40 Statement of Commonality for Statements of Common Ground

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M25 junction 10/A3 Wisley Interchange improvement

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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 as at Deadline 5, 3 March 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 that the updated SoCGs are submitted in accordance with the deadlines set out in the rule 6 letter.

2 Structure of Statements of Common Ground

- 2.1.1 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 Issue Specific Hearing 2 on 15/16 January 2020, in order to provide assistance to the ExA.
- 2.1.2 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 that are referenced in the SoCG but do not form part of the application have been appended to the SoCG, to draw the ExA's attention to further relevant information.
- 2.1.3 Each SoCG includes the list of topics identified in Annex F of the rule 6 letter dated 15 October 2019, unless the relevant parties consider that there are no issues to address on a particular topic.

3 List of Statements of Common Ground

- 3.1.1 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.
- 3.1.2 SoCGs with five additional interested parties were also requested by the ExA through the rule 6 letter dated 15 October 2019.
- 3.1.3 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 5

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

4.1.1 This section provides the current position in respect of each SoCG. Where applicable, the final version of the SoCG (as at Deadline 5 on 3 March 2020) has been submitted alongside this Statement.

4.1.2 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 8, if not sooner where this may be of assistance to the ExA.

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	Agreed SoCG with matters outstanding	
TR0130030/ Volume 9.36	Guildford Borough Council	Agreed SoCG with matters outstanding	SoCG in draft with matters outstanding	
TR0130030/ Volume 9.35	Elmbridge Borough Council	Agreed SoCG with matters outstanding	Agreed SoCG with matters outstanding	
Prescribed Consultees				
TR0130030/ Volume 8.3 (1)	Environment Agency	Agreed SoCG with matters outstanding	Agreed SoCG with matters outstanding	
TR0130030/ Volume 8.2 (1)	Natural England	Agreed SoCG with no matters outstanding	Agreed SoCG with no matters outstanding	
TR0130030/ Volume 8.4 (1)	Historic England	Agreed SoCG with matters outstanding	Agreed SoCG with matters outstanding	
Interested Parties				
TR0130030/ Volume 9.38	The Royal Horticultural Society	SoCG in draft with matters outstanding	SoCG in draft with matters outstanding	
TR0130030/ Volume 9.39	Wisley Property Investments Limited	SoCG in draft with matters outstanding	<i>No updated SoCG submitted at Deadline 5</i>	

5 Commonality

- 5.1.1 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.
- 5.1.2 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 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.

- 5.1.3 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, where it is shown as blue.

Table 6.1 Table of Commonality at Deadline 5

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	Green	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	Green	Light Blue	Light Blue	Green	Green	Light Blue	Light Blue	Green	Green	Green	Light Blue	Green	Yellow	Green	Yellow
Environment Agency	Green	Green	Green	Green	Light Blue	Light Blue	Light Blue	Light Blue	Green	Light Blue	Light Blue	Light Blue	Light Blue	Green	Green	Light Blue
Natural England	Green	Green	Green	Green	Light Blue	Light Blue	Light Blue	Light Blue	Green	Light Blue	Light Blue	Light Blue	Light Blue	Green	Green	Light Blue
Historic England	Green	Green	Green	Green	Light Blue	Light Blue	Light Blue	Light Blue	Green	Light Blue	Light Blue	Light Blue	Light Blue	Yellow	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 5 (3 March 2020)

6.1.1 This section provides a summary of the position between Highways England and each interested party as at Deadline 5. The individual SoCGs should be referred to for further detail on specific matters.

6.2 Surrey County Council

6.2.1 Since Deadline 3, Highways England and Surrey County Council (SCC) have continued to work closely on addressing outstanding matters. A series of technical meetings have been held and good progress is being made. Additional issues have been added into the SoCG as requested by the Examining Authority in its Second Written Questions (see Section 2.8A of the updated SoCG) and Highways England and SCC are continuing to engage in discussions to establish whether it will be possible for an agreed position to be reached on those matters.

6.2.2 Notwithstanding those additional points, more matters have been agreed since Deadline 3 and there is disagreement on fewer issues. Overall, approximately 44% of all issues in the SoCG have now been agreed and 11% not agreed.

6.2.3 SCC has confirmed that it no longer wishes to make any comment on 3% of the issues in the SoCG. Approximately 42% of issues (including those added in section 2.8A of the SoCG) remain under discussion, however Highways England is optimistic that there will be scope for further agreement in the next version of the SoCG.

6.2.4 There is a good level of agreement on environmental and socio-economic matters, with the main areas of disagreement relating to traffic impacts, most notably at Ripley and during construction. Most of the other issues that are still under discussion centre on the arrangements for the maintenance of the highway works and associated side agreements, protective provisions and the wording in the draft DCO.

6.2.5 The version of the SoCG which is being submitted at Deadline 5 has been agreed with SCC officers and supersedes that submitted at Deadline 3.

6.3 Elmbridge Borough Council

6.3.1 The updated SoCG with Elmbridge Borough Council (EBC) has been agreed with officers of the Council. Most matters have now been agreed, leaving four points of difference at this stage. These relate to the closure of the access from the A3 to Painshill Park, whether there is a need for resurfacing work to be carried out on Seven Hills Road (south) between the entrance to the Hilton Hotel and the A245 Byfleet Road, the absence of photomontages from the assessment materials and the lack of resolution on a planning performance agreement.

6.3.2 Highways England is continuing to engage with EBC including on the changes to the DCO application and an updated position will be provided in the next version of the SoCG to be submitted at Deadline 8 in accordance with the Examining Authority's timetable.

6.4 Guildford Borough Council

- 6.4.1 The updated SoCG with Guildford Borough Council (GBC) includes further comments made by Highways England to clarify its position on certain matters, however these have not been agreed by GBC as at Deadline 5.
- 6.4.2 GBC has not been able to contribute to this updated version, despite Highways England's best endeavours to engage. The document is therefore provided in draft form as it has not been formally approved by GBC but is intended to assist the ExA in understanding the scope of issues which remain, respectively, agreed, under discussion or not agreed.
- 6.4.3 Highways England will continue to seek to engage with GBC to resolve outstanding matters. A final version of the SoCG will be provided at Deadline 8, if not sooner should the earlier provision of a final SoCG be of assistance to the ExA.

6.5 Natural England

- 6.5.1 The SoCG between Highways England and Natural England (NE) that was submitted at Deadline 3 has been updated to include additional points of agreement on the air quality assessment for the Scheme, the consideration of the woodland that separates the heathland from the roads as a buffer, the existing management proposals for the Ockham and Wisley Commons Site of Special Scientific Interest component of the Thames Basin Heaths Special Protection Area and the in-combination assessment. The update also includes a technical note on the air quality assessment (SoCG ref Appendix B).
- 6.5.2 The updated SoCG with NE has been agreed and signed. There are no matters currently outstanding.

6.6 Environment Agency

- 6.6.1 The SoCG with the Environment Agency (EA) has been updated, agreed and signed. Agreement has been reached on all matters relating to the Water Framework Directive (including mitigation proposals for Stratford Brook and Bolder Mere) and ground water and land contamination. The EA have also agreed that a Water Impoundment Licence will not be needed for Bolder Mere (SoCG ref 3.7.9) and that the land at Park Barn Farm can be used both as replacement common land for the Scheme and as floodplain compensation for the Flood Alleviation Scheme (SoCG ref 3.1.8).
- 6.6.2 Highways England will continue to engage with the EA in respect of the Flood Risk Assessment (SoCG ref 3.5.2), including appropriate allowances for climate change (SoCG ref 3.5.6) and any other matters as they may arise during the remainder of the examination and throughout detailed design. An update to the FRA will be included as an addendum to the final SoCG at Deadline 8, along with the appended records of engagement referred to in SoCG table of engagement (SoCG ref 2.1.1).

6.7 Historic England

- 6.7.1 The SoCG with Historic England (HE) has been updated and signed for Deadline 5, to reflect agreement that the Scheme will not result in any impacts on the Roman bath house at Chatley Farm and Redhill hengiform monument (SoCG ref 3.2.17). Whilst 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 have been agreed (as reflected in the SOCG submitted at Deadline 3), a number of items remain under discussion that pertain to HE's requirement to be consulted on the process for the identification and treatment of as yet unknown/undesigned archaeological assets of national importance (SoCG refs 3.1.5; 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 (SoCG refs 3.2.4; 3.2.14; 3.2.18). Highways England will continue to engage with HE on these matters and any other matters as they may arise during the remainder of the examination and throughout detailed design.

6.8 The Royal Horticultural Society

- 6.8.1 The SoCG with the Royal Horticultural Society (RHS) has been progressed with responses from Highways England provided and progress noted as a result of a number of meetings held between the parties to further the outstanding matters
- 6.8.2 The draft SoCG provides 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 5, 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 8, if not sooner, should the earlier provision of an agreed SoCG be of assistance to the ExA.

6.9 Wisley Investments Property Limited

- 6.9.1 The SoCG with Wisley Property Investments Limited (WPIL) is in draft with matters outstanding. Unfortunately it has not been possible to further progress the draft SoCG before Deadline 5, as per Highways England response to ExA question 2.16.6 in document TR030010/Volume 9.58, submitted alongside this document at Deadline 5.
- 6.9.2 Highways England anticipates that it will be possible to submit an agreed SoCG before the end of the examination. A further update will be provided at Deadline 6.

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