REP5-XXX Response to REP4-005

RHS Letter Ref	Issue	HE Response	RHS Response
1.	This Overview summarises the position of the RHS following ISH2 and encloses various additional documents in accordance with the requirements of the ExA.	**N/A**	
2.	The additional documentation comprises: • Appendix 1–Summary of RHS Oral Case at ISH2; • Appendix 2-Submissionsand written responses to REP2- 014including Appendices X and Y; Managing Natura 2000 Provisions; TTHC Drawings: M16114-A-051 'Ockham Roundabout: South Facing Slips (including Ripley Services) – Option 1' and M16114-A-052 'Ockham Roundabout: Comparison between RHS Alternative and DCO Scheme'. • Appendix3–Written responses to REP2-022. • Appendix4–Letter from BDB Pitmans to Richard Max & Co dated 24 December 2019. • Appendix 5–"Counterculture" Report dated November 2017. • Appendix 6–Plans showing recent consented development at RHS Wisley. • Appendix 7–Travel Plans and Section 106 Agreement associated with RHS Wisley consented development. • Appendix 8–Plans showing RHS Redwood Trees still at risk of harm by the DCO Scheme and Alignment Options Assessment	**N/A**	
POST-HEARING SUBMISSIONS – Highways and traffic impacts			
3.	The RHS maintains its position that the DCO Scheme would result in the significant worsening of access to and from the RHS Garden. Each visitor would have to drive further (round trip) when visiting the RHS Garden and the new route, whether via the signposted A3 or via local villages, would be significantly less attractive.	Highways England do not agree that DCO Scheme would result in the significant worsening of access to and from the RHS Garden Wisley. Whilst the overall distances for RHS Garden Wisley visitors increase due to the Scheme (although the distance is shorter for motorists leaving the gardens and heading south), the	With the exception of the RHS Alternative Scheme values (which HE is unwilling to consider), the table of distances in **Appendix A** sets out the agreed position between the parties.

	Cumulatively, the DCO Scheme would add approximately 3.0 million additional miles to the road network each year via the signposted route.	difference in journey times between the do-minimum and do-something scenarios is relatively small compared to likely overall average journey times for visitors, given the highly dispersed places of residence of RHS Garden Wisley visitors across the South East of England. Access will also be safer with the Scheme. Highways England also disagree that the DCO Scheme would add approximately 3 million miles to the use of the road network each year. Highways England has calculated that the Scheme will add between 213,700 and 1.165 million miles per year depending on whether visitors choose to travel via Ripley or follow the signposted route via J10 (See Highways England's response to ExA written question 1.13.13 [REP2-013]). The Highways England estimate of added additional miles assumes a level of visitor numbers and vehicle occupancy consistent with RHS's predictions for visitors following completion of new facilities at the gardens [Appendix M of REP1-044].	As shown, the only material changes in distance as a consequence of the DCO Scheme are <u>increased</u> journeys, up to 5.9km per direction (from south to RHS via the DCO signed route). The only reason the non-signed route to the south is shorter (the example stated by HE) is because traffic which is currently travelling on the Strategic Road Network (SRN) is modelled to transfer off the A4 and onto the Local Road Network (LRN) through Ripley and Send. **Appendix B** sets out an analysis of data contained in REP2-011 which shows, by reference to HE's modelling, that at present over 70% of all RHS traffic routes via the SRN. However, within the DoSomething scenarios this is reduced to just over 40% with the majority of traffic assigning to the Local Road Network (LRN) once the DCO Scheme is implemented. This 30% switch of traffic from the SRN to the LRN is mostly as a result of re-routeing onto the local roads through Ripley and Send but also appears to be due in part to a much less commodious diversion via Wisley Lane North through Wisley Village and West Byfleet (from M25 Junction 11). HE's strategy is for RHS traffic to continue using the SRN, which is why they have sought to sign it to follow the A3 and M25. However, even at this late

			stage in the process, they are unable to advise how effective their signing strategy would be – the most HE is able to commit to is that 'some' traffic will used the signed route. As a consequence, there remains significant uncertainty with the HE's modelling. The peculiar routeing and trip assignment effects of the DCO Scheme as modelled by HE represent a significant worsening of access to RHS Wisley. The RHS team know of no other HE improvement scheme which is so deficient that it has resulted in traffic diverting off the SRN in favour of routeing via the LRN. As demonstrated by HE's modelling results set out in Table 2.9 of REP2-011, all modelled journey times to and from RHS during the inter-peak will worsen (by up to 5.6 minutes by direction). However, owing to the HE model reliance on routeing some traffic through Ripley, where congested conditions have not been validated and against the backdrop of SCC's intentions for Ripley, modelled journey times reported by HE will be understated and so cannot be relied upon as there is no modelling which has been presented to the DCO process which correctly simulates the existing congestion which occurs within Ripley and hence the consequent transfer of traffic. Aside from this, and as explained during ISH2, it is known that SCC are intending to restrict traffic through Ripley to current day volumes. However, by reference to Table 4.1 of

			REP2-011, it is known that HE's modelling suggests the daily 2015 Base flow will increase from 17,410 to 30,360 vehicles by 2037 with the DCO Scheme in place. HE's claims that the DCO Scheme will provide safer access for RHS is entirely unsubstantiated because no assessment of the wider re-routeing implications of the DCO Scheme has been undertaken (ie longer journeys, routeing through villages; where there is greater interaction with pedestrians, u-turning traffic at junctions and a confusing access strategy). In this regard, the RHS Alternative seeks to provide the shortest possible routeing via the simplest, most direct, junction arrangements. See also response to ExQ2 2.13.20. Based on the latest agreed distances and accounting for all routes to and from the Garden, RHS calculates that (as signposted via the SRN) the DCO Scheme would result in an additional 1.3 million miles per annum. Even if all traffic to and from the south routed via the LRN (Ripley and Send), the DCO Scheme would still add 0.3 million miles per annum. This increase as a consequence of the DCO Scheme can be compared against the RHS Alternative Scheme which would reduce overall annual mileage by 0.3 million miles per annum, meaning that compared to the DCO Scheme, the RHS

			Alternative performance would result in 1.6 million miles per annum less travel.
4.	In comparison with the DCO Scheme, the RHS Alternative Scheme would result in much improved access arrangements; reduced journey times and less vehicular mileage (and therefore less pollution).	Highways England has responded to this issue previously in document REP2-014. This is further discussed in Section 3 below.	The RHS response to REP2-014 was provided in REP3-044. That response remains relevant, however, additional comments below relate to matters which have been updated since. HE supplied RHS with the additional, later, accident data which they referred to in the BDB Pitmans letter of the 24/12/19 which suggested that, despite earlier references to much lower numbers, HE was now stating that accidents specifically related to weaving from the Wisley Lane connection with the A3 amounted to some 20 accidents for the five-year period 1/12/13 to 30/11/18. RHS has now reviewed this data and a summary of the accidents is provided in **Appendix C** to this response. The first point to note is that HE has assumed that all 20 accidents on the northbound carriageway of the A3 between Wisley Lane and J10 off-slip are weaving accidents specifically related to the Wisley Lane junction. That assumption is misconceived. 12 of the 20 accidents were Shunt-type incidents, which are typical of congested conditions whereby approach traffic collides with the rear of slower moving or stationary traffic. 5 of the accidents were a result of a mainline lane change, some of which again could be indicative of traffic switching lanes as they approach slowing traffic. Only 2 of the

			20 accidents in the five year period referred to by HE were marked as being specifically related to weaving movements from Wisley Lane, and one of these is indicated as this being a 'possibility'. Neither of these 2 weaving accidents resulted in a Serious or Fatal casualty. Despite the deficiencies of the current Wisley Lane connection with the A3 northbound, 2 Slight accidents over a period of 5 years does not suggest, as claimed by HE, that there is a significant safety issue as a consequence of this existing connection to the A3.
5.	5. HE's modelling shows that all RHS traffic from the south would not use the A3 Ripley Bypass route (strategic Road Network) but instead travel via the local villages of Send and Ripley. This is a less commodious route than the existing A3 route and results in significant inconvenience for RHS **Visitors.**	Highways England has responded to this issue previously in document REP2-014.	See RHS response to Item 3 above.
6.	HE's modelling has not modelled the DCO Scheme taking accurate account of the RHS or Wisley Airfield. Without this modelling the ExA cannot properly assess the impact the DCO Scheme would have.	The 2037 traffic modelling for the DCO Scheme includes the traffic forecast to be generated by the RHS and Wisley Airfield developments. The traffic model assumes a level of traffic demand equivalent to a very busy day (i.e. an event day) at RHS Wisley, which is in excess of levels of an average day, even taking into account the approved developments at the gardens. The traffic model reflects the Wisley Airfield development sufficiently accurate to enable the traffic impacts of the Scheme in combination with the Wisley Airfield development to be fully and thoroughly assessed. The traffic modelling does not, however, include the Burnt Common north-facing slips that are a prerequisite for the Wisley Airfield development and would remove traffic along the B2215 Portsmouth	HE provided RHS with flow plots in January 2020. HE asserts that these show daily 'Total Traffic Flow' and 'Wisley Zone Traffic Flow' (which includes RHS demand) (AADT). Comparison between the plots suggest that there is a lack of consistency in the model as some Wisley Zone only flows are higher than the daily totals, which should include other traffic demand not related to the Wisley Zone. These differences are not consistent across the various plots (2015 Base, 2022 and 2037 DoMin and DoSome scenarios) or by direction of travel. Similar issues

		Road through Ripley. Therefore, the traffic modelling for the DCO Scheme will be overstating the likely volume of traffic through Ripley in 2037.	exist across all modelled time periods (AM, IP and PM). The RHS has sought to clarify why these differences exist and have raised queries with HE in connection with SoCG discussions. As part of the SoCG exchanges, HE has referred to flows contained in Table 3.10 of the Traffic Forecasting Report (REP1-010) which show the 2022 and 2037 demands which they have suggested have been used within the model. However, output flows from the model supplied to RHS suggest that RHS traffic demand is lower than quoted in Table 3.10 and that this traffic reduces between the DoMin (without the DCO Scheme) and DoSome scenarios (with the DCO Scheme). In combination with the response given to item 3 above, there remains significant uncertainty with the HE's modelling.
7.	Further and in any event, HE's modelling cannot be relied upon because by its own admission (see letter from BDB Pitmans to Richard Max & Co dated 24 December 2019–Appendix 4) HE has not been able to validate the congested conditions within Ripley. As a consequence, the HE Baseline modelling is deficient which subsequently affects the reliability of the future modelled scenarios (with the DCO Scheme). Despite these deficiencies, HE now relies on the route through the villages in the future to accommodate traffic currently on the Strategic Route Network(A3).	The BDB Pitmans letter to Richard Max of 24th December 2019 [REP3-051] explains why there is no deficiency. In short, the strategic model, which includes not only the Strategic Road Network, but also the local road network and which has formed the basis of the assessment of the Scheme, has been validated, including, therefore within Ripley.	The Strategic Model does not reflect the extent of the congestion which currently exists with Ripley and there has been no other modelling which HE has evidenced which has been able to simulate these conditions. This is in part why, despite the constraints which exist, the HE's modelling is predicting the daily 2015 Base flow of 17,410 will increase to 30,360 vehicles by 2037 with the DCO Scheme in place.

REP5-XXX Response to REP4-005

Air Quality			
8.	HE's air quality analysis relies on the flawed traffic modelling referred to above. Further and in any event, the air quality material before the ExA has a number of flaws that undermine the credibility of the assessments of both ecosystem and health impacts. The key flaws with regard to the ecosystem assessment are: • The assessment does not take into account the in-combination impact of the DCO Scheme with other plans and projects, as required by the Habitats Regulations. • the calculations of nitrogen deposition (Ndep) have not included ammonia emissions from road vehicles and are therefore underestimated; and • the exceedances of the critical level for NOx have not been considered either alone or in-combination. As a consequence, the ExA cannot rely on the findings as presented.	The air quality assessment is a robust and conservative assessment, which has been undertaken in accordance with Highways England's DMRB method and uses a precautionary approach when considering future estimates. As a worst case the assessment uses the higher traffic flows at an earlier design stage. The traffic modelling used to assess the impacts of the Scheme is not flawed. It has been developed, calibrated and validated in accordance with DfT best practice guidance (WebTAG) and a good level of model validation has been achieved that exceeds the minimum required to demonstrate its robustness. The approach for the air quality assessment was agreed with Natural England and further endorsed at a recent meeting in January 2020. The outcomes of the meeting will be documented in a revised SOCG with Natural England. Responses to the points raised by RHS Wisley are provided in the responses below in section 5.	This para does not address the technical flaws in the air quality assessment raised by RHS, merely referring the reader to section 5. RHS stands by the issues it has raised.
9.	With regard to health impacts, the model underestimates the concentrations of nitrogen dioxide in Ripley. This is because the model has not been verified and adjusted against the monitoring data for Ripley. Again, this means that the ExA cannot rely on the conclusions that HE presents in this regard.	Verification of the modelled results was undertaken using 58 monitoring points within the study area for the 2015 base year. Once adjusted following standard practice, 57 out of 58 monitoring points were within 25% of the modelled results indicating good model performance (para 5.5.21 of APP-050 and table 5.4.4 of APP-080) in the study area overall. The verification did not take into consideration of the 2016 monitoring data in Ripley. As discussed in section 5, point 4.2.2 below, a local verification factor has now been derived for Ripley, and the results for the receptors updated.	An appropriate verification has now been carried out. The results are presented in REP4-005 in section 4.2.2.
10.	The RHS Alternative Scheme would lessen the air quality impacts as traffic flows and associated emissions through Ripley and on the A3 past the SPA would be significantly reduced.	There would not be any difference to the conclusions of the air quality assessment documented in APP-050 nor to the conclusions of the SIAA as a result of the RHS Alternative Scheme, as discussed in Section 5 below.	Highways England does not disagree with the RHS point that the RHS Alternative Scheme would be beneficial.
Habitats Regulations and Biodiversity			

11.	The HE SIAA is in turn based on the flawed air quality data referred to above. Further and in any event, the SIAA does not comply with published guidance or established case law and cannot be relied upon.	The approach taken by Highways England in the SIAA [REP -043] is correct, legally compliant and can be relied on. In setting out the justification for the approach, the following paragraphs also cover the points raised by RHS in their response to Highways England's comments at deadline 2 in REP2-014 [REP3-044] and REP2-022 [REP3-050]. As pointed out by RHS in their response to REP1-038-5, with regards Article 6(3) of the Habitats Directive (92/43/EEC), the Waddenzee Case (Case C127/02 Landelijke Vereniging tot Behoud van de Waddenzee and Nederlandse Vereniging tot Bescherming van Vogels v Staatssecretaris van Landbouw, Natuurbeheer en Visserij) considers that, 'the plan or project in question may only be granted authorisation on the condition that the competent national authorities are convinced that it will not adversely affect the integrity of the site concerned' (paragraph 56). 'Where doubt remains as to the absence of adverse effects on the integrity of the site linked to the plan or project being considered, the competent authority will have to refuse authorisation' (paragraph 57). In accordance with Article 6(3) of the Habitats Directive (92/43/EEC), once a risk of adverse effect to site integrity has been identified, Article 6(4) must be applied (i.e. consideration of alternative solutions, imperative reasons of overriding public interest and compensatory measures). The SIAA has aligned with this approach, and it is important to note that Highways England have identified an adverse effect to the integrity of the SPA as a result of the Scheme, and in accordance with Article 6(4) of the Habitats Directive, have undertaken a consideration of alternative solutions, assessed imperative reasons of overriding public interest and designed a suite of compensatory measures in consultation with Natural England, Forestry Commission, RSPB, Surrey County Council and Surrey Wildlife Trust [APP-044].	RHS has already highlighted the error of the argument (e.g. RHS response to REP2-014 Deadline 2 Submission - 9.19 Applicant's Comments on Written Representations 8 para REP1-038-4,). The coniferous woodland is not a buffer but simply an area of the site which has yet to restored. The HE assessment is therefore incorrect because it has not considered the ability for the area to support the interested features of the site in the future.

		The reference to the Waddenzee test is therefore misleading as it has already been accepted by Highways England that it is not possible to conclude no adverse effect to site integrity. The adverse effect to site integrity follows a precautionary approach and is based on land take from the SPA and the potential for the woodland being lost to provide an invertebrate resource, even though it does not physically support the qualifying species. The SIAA did however rule out adverse effects on the integrity of the SPA as a result of air quality impacts. This is because the SIAA determined that the spatial extent of the air pollution impact is confined to the established woodland that separates the heathland from the roads and acts as a protective buffer. The contribution made by this buffer to the ability of the site to support the qualifying features for which is had been classified will not be undermined or compromised by the changes in air quality which are predicted to occur. At the distance that the heathland occurs (i.e. the key supporting habitat for the SPA qualifying species which is potentially sensitive to deterioration in air quality, and for which the critical loads and levels are derived) there is no significant difference in nitrogen deposition rates between the with Scheme and without Scheme calculations. This is explored further below, after comments on the individual SPA species. Whilst this woodland buffer may also provide an invertebrate source for the wider SPA, it does not itself support any of the qualifying species as a foraging or nesting habitat. It is important to recognise that, in the case of a classified SPA, the ecological interest is the bird species which occur within the site. The classification of the site as an SPA recognises the importance of the habitats within the site, but only so far as they support the populations of SPA species for which the site has been classified. The habitats are not protected in their own right as would be the case for a designated SAC.	HE's interpretation of the Waddernzee decision here is entirely incorrect. Paragraph 47 of the judgement refers to consideration of like significant effects at the screening stage of the HRA process. HE has already clearly concluded in its screening assessment (TR010030/APP/5.3) that air quality impacts will have a likely significant effect and progressed this impact pathway to the full appropriate assessment stage in the SIAA (TR010030/APP/5.3). The correct legal test at the AA stage is whether there will be an adverse effect upon the integrity of the site. The integrity of the site is defined as '*coherent sum of the site's ecological structure, function and ecological processes, across its whole area, which enables it to sustain the habitats, complex of habitats and/or populations of species for which the site is*

		In this regard, it is also necessary to recognise that, according to the Waddenzee decision, an effect is only considered 'likely' if it undermines the conservation objectives (refer to paragraph 47 of Case C-127/02). The spatial application of the conservation objectives across a site is therefore of primary importance. Natural England guidance has clearly recognised a site's conservation objectives are unlikely to apply equally to all parts of a site (Refer to paragraph 4.18 of Natural England (2018) Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations (NEA001) [REP3-021]). The NE guidance continues, with particular reference to road schemes, at para 4.19: "Where the applicant has provided reliable and precise information that models the likely deposition of road based pollutants in relation to the distribution of a site's features and any sensitive features are not present within the area to be affected by emissions (and Natural England's advice is that there is no conservation objective to restore the features to that area), it will be relatively straightforward to ascertain that the project poses no credible air quality risk to it." I	*designated'* (*RHS emphasis*) (see RHS AB1 Ecology para 29). This phrase is emphasized because it makes very clear that it is not acceptable for this test to be applied to some parts of the SPA and not others. The reference here is incorrect and we presume that HE is referring to para 3.6.4.(the date of the report is also incorrect and should be 2018 not 2019). Again, HE has taken been selective and consequently misleading in its reading of the European Commission (2018) Managing Natura 2000 guidance. The undermining of the Conservation Objectives is only one factor that must be taken into account when considering whether the integrity of the site is compromised (see above and the rest of para 3.6.4 of the Guidance). Furthermore, the conservation objectives of the SPA **will** be undermined by the HE Scheme (see REP1-043 paragraph 15 etc).
		In addition, following an appropriate assessment, EC guidance (European Commission (2019) Managing Natura 2000 sites: The provisions of article 6 of the	This argument ignores the fact that the coniferous plantation has the potential to support the interest features of the SPA

		Habitats Directive 92/43/EEC) has clarified the concept of the 'integrity of the site' at section 4.6.4 which states that "It is clear from the context and from the purpose of the Directive that the 'integrity of a site' relates to the sites conservation objectives… In other words, if none of the habitat types or species for which the site has been designated is significantly affected then the site's integrity cannot be considered to be adversely affected." It therefore follows that, where a site is classified as an SPA the integrity test cannot be answered one way or another by simply considering whether a critical load or level is exceeded. Instead it is necessary to consider how any predicted change in air quality might undermine the achievement of the site's conservation objectives. The critical question to be addressed by an appropriate assessment is explained by Advocate General Sharpston in paragraph 50 of her opinion in the case of Sweetman (Peter Sweetman and Others v An Bord Pleanála Case C-258/11) and is to ask 'what will happen to this site if this plan or project goes ahead; and is that consistent with maintaining or restoring the 'Favourable Conservation Status' of the habitats or species concerned'. Whilst the concept of favourable conservation status does not apply to an SPA, the question can be rephrased accordingly to refer instead to 'achieving the aims of the Wild Birds Directive'. A brief summary of the justification for the conclusions in respect of air quality, with reference to the qualifying species for which the SPA has been classified, is listed here: Dartford warbler The bullet points below explain why Highways England has concluded with confidence that Dartford warblers only associate with heathland habitats, and do not use the woodland buffer that separates the heathland from the A3 and M25: • As described in paragraphs 4.7.7 and 4.7.8 of the HRA Stage 2 [APP043], Dartford warblers are exclusively found within heathland habitats,	as detailed in the inspector's decision on Wallisdown Road, Poole, Dorset (Talbot Village Trust) APP/Q1255/V/10/2138124 (27 February 2012). This point has been clear set previously at RHS response to REP2-014 Deadline 2 Submission - 9.19 Applicant's Comments on Written Representations 8 para REP1-038-4, set out in REP3 xxx, page 10)

		favouring areas with tall dense gorse and tall mature heather for nesting. This text references a study by van den Berg at al. (2001) that identifies a negative association with woodland habitats; • The Thames Basin Heaths SPA conservation objectives supplementary advice (http://publications.naturalengland.org.uk/publication/4952859267301376) states that Dartford warblers have a close association with stands of gorse, and describes the optimal vegetation for Dartford warbler as containing a greater than 50% cover of heather and/or gorse, with less than 25 trees per ha (of 0.5-3 m in height); • As described in Table B.4 of Appendix B of the HRA Stage 2 [APP043], surveys for Dartford warbler have been undertaken in 2016, 2017 and 2018. During these surveys, Dartford warblers have been observed, and breeding territories have been established. All Dartford warbler activity and all breeding territories were within the open heathland areas. The Ockham and Wisley Commons SSSI component of the Thames Basin Heaths SPA was also surveyed in 2019 to ensure that the latest baseline was recorded. Again, all Dartford warbler activity and all breeding territories were within the open heathland areas; • As described in Table B.3 of Appendix B of the HRA Stage 2 [APP043], breeding bird data has been provided annually for the Ockham and Wisley Commons SSSI component of the Thames Basin Heaths SPA by volunteer group 2J's. The data between 2013 and 2018 recorded Dartford warblers from 2015 onwards, and recorded all breeding territories within the open heathland areas; • The APIS website (http://www.apis.ac.uk/srcl/select-afeature?site=UK9012141&SiteType=SPA&submit=Next) shows that Dartford warblers are not	

		sensitive to nitrogen impacts on coniferous woodland. This is because they do not use this habitat type within the Thames Basin Heaths SPA. **Nightjar** The bullet points below explain why Highways England has concluded with confidence that nightjars do not use the established woodland that separates the heathland from the A3 and M25: • Several studies have been undertaken on the habitat requirements of nightjar. As described in paragraph 4.7.12 of the HRA Stage 2 [APP-043], these studies have identified that nightjars actively avoid established woodland for foraging, instead selecting open habitats, woodland edge and young woodland (less than ten years old); • The Thames Basin Heaths SPA conservation objectives supplementary advice states that nightjars prefer bare patches or areas of very short vegetation with widely scattered trees. It also describes the optimal nesting conditions for nightjars as consisting of vegetation mostly of 20-60 cm, with frequent bare patches of greater than 2m2, 10-20% bare ground and less than 50% tree/scrub cover, with trees being less than 2m in height. These habitat preferences fit well with the heathland habitats within the Ockham and Wisley Commons SSSI component of the Thames Basin Heaths SPA, and do not relate to the established woodland buffer that separates the heathland from the A3 and M25; • As described in Table B.4 of Appendix B of the HRA Stage 2 [APP043], surveys for nightjar have been undertaken in 2016, 2017 and 2018. During these surveys, nightjars have been observed, and breeding territories have been established. All nightjar activity and all breeding territories were within the open heathland areas. The Ockham and Wisley Commons SSSI component of the Thames Basin Heaths SPA was	

		also surveyed in 2019 to ensure that the latest baseline was recorded. Again, all nightjar activity and all breeding territories were within the open heathland areas; • As described in Table B.3 of Appendix B of the HRA Stage 2 [APP043], breeding bird data has been provided annually for the Ockham and Wisley Commons SSSI component of the Thames Basin Heaths SPA by volunteer group 2J's. The data between 2013 and 2018 recorded all nightjar territories within the open heathland areas; • The APIS website shows that nightjar are not sensitive to nitrogen impacts on coniferous woodland. This is because they do not use this habitat type within the Thames Basin Heaths SPA. **Woodlark** The bullet points below explain why Highways England has concluded with confidence that woodlarks do not use the established woodland that separates the heathland from the A3 and M25: • The APIS website shows that woodlarks are sensitive to nitrogen impacts on coniferous woodland. As explained below, this association with coniferous woodland purely refers to the utilisation of recently felled woodland areas by woodlark and not established woodland; • Several studies have been undertaken on the habitat requirements of woodlark. As described in paragraph 4.7.15 of the HRA Stage 2 [APP- 043], these studies have identified that woodlarks require open areas with bare ground and short, sparse vegetation for foraging. Woodlarks would not use established woodland for foraging or nesting; • The Thames Basin Heaths SPA conservation objectives supplementary advice states that woodlarks favour large areas of open terrain, largely free of obstructions, in and around their	

		nesting, roosting and feeding areas. They show a preference for areas with an unobstructed line of sight in nesting, feeding or roosting habitat. They require areas with vegetation which is predominantly short (less than 5 cm tall) or medium in height (10-20 cm tall), with frequent patches of bare or sparsely-vegetated ground and scattered clumps of shrubs and trees. These preferences can be linked to the open heathland habitats within the Ockham and Wisley Commons SSSI component of the Thames Basin Heaths SPA, and do not relate to the established woodland buffer that separates the heathland from the A3 and M25; • As described in Table B.4 of Appendix B of the HRA Stage 2 [APP043], surveys for woodlark have been undertaken in 2016, 2017 and 2018. During these surveys, woodlarks were recorded in 2017 only and two breeding territories were established. All woodlark activity and both breeding territories were within the open heathland areas. The Ockham and Wisley Commons SSSI component of the Thames Basin Heaths SPA was also surveyed in 2019 to ensure that the latest baseline was recorded. No woodlarks were present on site in 2019; • As described in Table B.3 of Appendix B of the HRA Stage 2 [APP043], breeding bird data has been provided annually for the Ockham and Wisley Commons SSSI component of the Thames Basin Heaths SPA by volunteer group 2J's. The data between 2013 and 2018 recorded woodlark up to and including 2017 and recorded all breeding territories within the open heathland areas; • As explained by the Surrey Wildlife Trust during the issue specific hearing on the 16th January 2020, the woodlarks colonised the site as a result of the clearance of areas of established woodland. Their recent declines within the site are thought to be linked to the maturation of the ground vegetation	HE does not know how far from the roads the impacts of air pollution will extend because HE has not correctly calculated the effects of the project (see above). The outcome of the argument presented here by HE is that large areas extending up to 150m into the SPA are not protected by the law in the same way that other parts of the SPA. The circular logic of the approach is that the buffer (coniferous plantation) is there because the SPA is polluted by the road therefore increased levels of pollution can be deposited within the buffer area. Not only is there no basis in law to support this argument but it also goes against the requirements of Article 3 of the Birds Directive (RHS response to REP2-014 Deadline 2 Submission - 9.19 Applicant's Comments on Written Representations REP1-038-4, set out in REP3 xxx, pages 10).

		within previously cleared areas reducing their suitability for woodlarks. This approach to the SIAA considering the woodland to act as a buffer for the heathland habitats has been agreed with Natural England and this will be clarified in the next update of the SoCG to assist the ExA with their assessment. In addition, this approach fully aligns with the recent high court ruling on the 4th December 2019 in the Judicial Review case of Compton Parish Council v Guildford Borough Council (CO/2173,2174,2175/2019 'the Compton Case'), where the court ruled that a decision in respect of adverse effects to site integrity cannot be answered, one way or another, by simply considering whether there are exceedances of critical loads or levels. Instead the assessment was correct to consider air quality exceedances in light of an understanding of how significant the affected areas were for foraging and nesting by SPA birds. The Compton Case referred to the Ockham and Wisley Commons SSSI component of the Thames Basin Heaths SPA, and agreed with the findings of the SIAA undertaken by Guildford Borough Council, which determined that the area that would be most subject to elevated nitrogen deposition is the woodland buffer that lines the A3 and M25, and that this is the least likely area within the SPA to be used by the SPA qualifying birds. The combination of the Compton Case high court ruling, the studies on habitat preferences and the SoCG with Natural England should give confidence to the ExA that the approach to determining air quality impacts in the SIAA was correct to focus on the more sensitive habitats within the SPA, which provide the primary nesting and foraging habitats upon which the qualifying populations rely and to treat the woodland that separates the heathland from the A3 and M25 as a protective buffer. As recorded in response to REP1-038-5 in the Applicant's comments on written	

		representations [REP2-014] for each of the transects within the SPA, the heathland habitats occur at a distance of 150 m or greater, and therefore, any points closer than 150 m fall within the woodland buffer. Refer to Figure 7.2 of the Biodiversity figures [AS-013] for a plan of the woodland within the SPA. As has been recorded in Habitats Regulations Assessment Annex B [APP041], in Item 4.0 of the meeting held on the 16th March 2018, the Surrey Wildlife Trust has confirmed that the intention of the current management plan for the Ockham and Wisley Commons SSSI component of the SPA is to maintain existing areas of heathland, rather than creating new areas of heathland by removing additional areas of the coniferous woodland buffer. Natural England confirmed this again by email on the 31st January 2020 - 'The current management plan for Ockham and Wisley Commons SSSI produced by Surrey Wildlife Trust, which Natural England has endorsed, is primarily focussed on the maintenance of the current areas of open heathland, and in particular the enhancement of the quality of the habitat so that it meets the basic objectives set by Natural England, so that the feature can be described as being in a 'favourable' condition. The current Countryside Stewardship agreement between Natural England and Surrey Wildlife Trust, which runs for 10 years, is also focussed on the management of the existing open heathland resource. It does not seek to extend the open heathland area through the felling of mature trees. Therefore, Highways England can confirm with a high degree of confidence that the removal of conifer trees to extend the open heathland is not part of the current management of the site or required to achieve Favourable Conservation Status. The suite of compensatory measures will include the removal of mature conifer trees within the site and the restoration of heathland, and as confirmed in 3.2.1.6 of Natural England's written representation [RR-020], this is additional to the existing management plans. The SPA	The assertion that there will be no adverse effect on the SPA is predicated on the argument that land within 150 m of the A3 can be ignored. This is rejected by RHS as set out above.

		management and monitoring plan [AS-015] includes 15 years of management and monitoring for the heathland restoration habitats, and this will enable the monitoring party and the steering group to respond accordingly should the areas in close proximity to the roads require additional management measures. The SPA management and monitoring plan [AS-015] has been reviewed and agreed with Natural England. It is appropriate to recognise that a small part of the woodland bufferwill be included within the compensatory area, but only in connection with enhancing ecological linkage across the planned green bridge at Cockcrow. The air quality calculations have been re-run taking into account updated velocities, RHS Wisley traffic and a precautionary approach to account for ammonia (as discussed in Section 2.7 of the response to RHS comments on air quality [REP2-022]). Highways England is clear that the ammonia assessment is not required and this view is supported by Natural England and this will be recorded in the SoCG. Taking into account these updated calculations, the changes in nitrogen deposition rates are below 1% of the lower range of the critical load for heathland at the distance that the heathland occurs, and therefore significant increases are confined within the woodland buffer that aligns the A3 and M25. Therefore, even when taking into account updated velocities, RHS Wisley traffic along the A3 and ammonia, the Scheme (in combination with all other plans and projects) will not lead to an adverse effect on the SPA as a result of air quality impacts. In addition, it must be noted that for every point of all of the transects within the SPA including both the open heathland and the established woodland buffer, the predicted operational nitrogen deposition levels (even when taking into account updated velocities, RHS Wisley traffic along the A3 and ammonia) fall below the	When assessing the effects of the impacts of the scheme it is not the current base line which is important as we know that that site already exceeds the critical loads of N dep. The key issue is that the HE proposal will delay achieving the stated conservation objective of achieving Ndep/ NOx levels that are at or below the critical loads and levels for the SPA. It is like saying '*we in the process of cleaning up this river so it is fine if we add a bit more pollution*.' The RHS is **not** suggesting that the site is approach a tipping point for SPA species. The evidence relates to the misapplication by the HE of the report NECR210, the lead author of which Dr Simon Caporn confirmed that HE has used his report incorrectly.

		current baseline. This is due to predicted reductions in future emissions. It is correct to take future reductions in emissions into account, as has recently (20th December 2019) been concluded in the Wealden District Council Local Plan examination. In this examination, the Inspector determined (when taking the Dutch Nitrogen case C-293/17 and C-294/17 into account) that Council were incorrect to use an air quality model that did not include predicted emissions improvements. This should give confidence to the ExA that the established woodland buffer (and indeed also the heathland) will receive lower levels of nitrogen deposition once the Scheme is operational than it currently does. Therefore, the established woodland will receive lower levels of nitrogen deposition than it currently does and will continue to provide the same buffer function as it currently does. In RHS's comment on REP1-038-5 in the RHS response to REP2-014 [REP3-044] it is suggested that the heathland habitat within the Ockham and Wisley Commons SSSI component of the SPA may be close to tipping point with regards to nitrogen deposition levels, and that this would cause one of the qualifying species to disappear. Highways England can demonstrate with certainty that this is not the case. The Thames Basin Heaths SPA was designated for its Dartford warbler, nightjar and woodlark populations in 2005, and this included the Ockham and Wisley Commons SSSI component. Therefore, the Ockham and Wisley Commons SSSI supported sufficient numbers of Dartford warbler, nightjar and/or woodlark in 2005 to qualify for designation as part of the Thames Basin Heaths SPA. As can be seen from the APIS website (http://www.apis.ac.uk/srcl/select-afeature?site=UK9012141&SiteType=SPA&submit=Next , the nitrogen deposition trend shows a clear reduction in nitrogen deposition levels within the	

		Thames Basin Heaths SPA over time since it was designated in 2005. Therefore, since the nitrogen deposition levels were considerably higher when the site was designated as an SPA than the current levels, then the heathland habitats within the Ockham and Wisley Commons SSSI component of the SPA cannot possibly be close to tipping point at their current levels of nitrogen deposition. In addition, the future reductions from the current baseline, when assessing the operational Scheme in combination with other plans and projects, will ensure that the heathland continues to support the SPA qualifying species. When taking into account all of the points above, it should be clear to ExA that no reasonable scientific doubt remains as to the absence of adverse effects to the integrity of the SPA in the SIAA, and that Highways England are certain that the changes in air quality as a result of the Scheme (alone or in combination with other plans and projects) will lead to no adverse effects on the Thames Basin Heaths SPA as a result of changes in air quality. Therefore, the SIAA fully aligns with Article 6(3) of the Habitats Directive (92/43/EEC) and with paragraph 57 of the Waddenzee case (C-127/02) with regards to the air quality assessment, concluding with no reasonable scientific doubt that there will not be an adverse effect on the Thames Basin Heaths SPA as a result of changes in air quality. The findings of the SIAA, including the in-combination assessment, and in the light of the updated calculations, have been discussed and agreed with Natural England and this will be recorded in the next update of the SoCG between Highways England and Natural England.	
12.	The air quality assessment is fundamentally flawed and therefore does not meet the required test of demonstrating beyond reasonable *scientific doubt* that there is no adverse effect from air quality upon the SPA	As explained in point 11 above, when taking into account all of the points described, it should be clear to ExA that no reasonable scientific doubt remains that the changes in air quality as a result of the Scheme (alone or in combination with other plans and projects)	This statement is not correct. HE's assessment remains flawed for the reasons set out above. There remains significant doubt about the levels of air pollution that will be generated by the

		will lead to no adverse effects on the Thames Basin Heaths SPA as a result of changes in air quality.	project AND HE has not correctly assessed whether the integrity of the SPA will be affected.
13.	The ExA must conclude that adverse impacts upon the integrity of the site and surrounding areas from changes in air quality cannot be ruled out and that the RHS Alternative Scheme must be considered as an alternative. HE has not assessed the RHS Alternative (or any variation on it, e.g. just the south-facing slips). It would therefore be unlawful for the DCO Scheme to be approved.	As explained in point 11 above, when taking into account all of the points described, it should be clear to ExA that no reasonable scientific doubt remains as to the absence of adverse effects to the integrity of the SPA in the SIAA, and that Highways England are certain that the changes in air quality as a result of the Scheme (alone or in combination with other plans and projects) will lead to no adverse effects on the Thames Basin Heaths SPA as a result of changes in air quality. Therefore, adverse effects to the integrity of the SPA from changes in air quality can be ruled out in this case and so there is no requirement to consider alternatives in respect of air quality.	HE's case on the effects of air quality upon the SPA is: (i) Significant impacts are restricted to the woodland (ii) The woodland is currently not important to the conservation status of the SPA; (iii) The existing management plans do not propose any works to the woodland, so the restoration of the woodland cannot be important to conservation status of the SPA; (iv) It can therefore properly be concluded that the DCO Scheme will not have an adverse impact on the SPA. This argument is flawed: (i) HE does not know whether or not impacts from air quality are confined to the coniferous plantation because HE has not carried out the assessment correctly. (See the evidence of Mike Hibbert and Prof. Laxen) on predicted traffic levels, in combination assessment and ammonia.

			(ii) The coniferous woodland does have some ecological function for the SPA birds currently as feeding habitat and in the future that function will increase once the management of this areas is changed. (iii) While the existing management plan does not include restoration of the coniferous plantation this does not mean that such restoration will never be carried out. (iv) As a consequence, HE cannot rule out adverse effects upon the integrity of the SPA from further decline in air quality.
Socio-economic matters			
14.	The RHS maintains its position that the adverse highways and traffic impacts caused by the DCO Scheme will result in significant direct and indirect economic loss in relation to the operations of RHS Wisley Garden.	Highways England has responded to this issue previously in document REP2-014.	The RHS maintains that the role and operation of the flagship RHS Wisley Garden is unique and that the DCO Scheme will result in significant determinantal impact at a time of critical importance to the evolution of the Garden. At no stage has this been adequately taken into account by HE in developing the DCO Scheme.
15.	The evidence base provided by the RHS forecasting the potential reduction in visitor trips to the RHS Wisley Garden is robust and no credible counter-evidence is produced by HE.	Highways England has responded to this issue previously in document REP2-014.	The RHS has, in good faith, sought to present the extent to which the DCO Scheme will impact upon the operation of the RHS Wisley Garden. At no point has HE sought to directly assess the scale of potential negative impacts of the scheme.

REP5-XXX Response to REP4-005

SUMMARY OF POSITION ON AGREEMENT OF SOCG			
16.	A draft SoCG has been circulated following ISH2 by HE including a number of propositions which are under discussion between the parties.	Confirmed	
FURTHER INFORMATION REQUESTED FROM THE RHS BY THE EXA			
17.	Copy of the "Counterculture" Report referred to by Mr Bunney in [REP1- 039] and during the course of the ISH is attached as Appendix 5.	N/A	
18.	Plans to illustrate how the Gardens were prior to the implementation of the RHS's investment programme and how they will be at the conclusion of that programme in terms of built development are attached as Appendix 6	N/A	
19.	Travel Plans associated with built development at the RHS Gardens are attached as Appendix 7.	N/A	
UNRESOLVED DESIGN ISSUES LEADING TO POSSIBLE TREE ROOT IMPACTS			
20.	The RHS remains extremely concerned that the trees which were meant to be protected along the RHS Garden boundary of the A3 by the introduction of the overbridge from Wisley Lane remain at risk.	See response below (PINS APP reference 22)	The RHS has requested, and HE have offered by emails on 13 and 28 February more technical detail. It was also confirmed to the RHS by HE at a meeting on 24 February that this detail is underway. Without detail of the tree root survey, design assumptions, and the impacting civil engineering, no proper assessment can be made by the RHS arboricultural consultant in waiting.
21.	The trees in question are shown on the Atkins survey carried out for the HE, pdf is attached as Appendix 8.		See 20
22.	On 27th January the RHS received an Alignment Options Assessment (also forming part of Appendix 8) which RHS arboriculturalists are now considering. The RHS has asked HE for the survey and technical information that would support this high-level design change but this has not yet been supplied.	The Alignment Options Assessment [REP3-058] was produced by Highways England. Its purpose is to illustrate how the alignment of the A3 northbound mainline carriageway is proposed to be amended in order to ensure that a number of trees along the RHS Wisley boundary are not damaged.	See 20
23.	If what is proposed in the Alignment Options Assessment is to be incorporated in the DCO Scheme,	The proposed limits of deviation are such that it is possible to deliver the proposed alignment, as	See 20

	this will require further changes to the DCO Scheme. The RHS requests the ExA to direct HE that all available technical evidence and procedural time and process is afforded through a Targeted Consultation on detailed and deliverable design. The RHS reserves its position in this regard.	explained within the Alignment Options Assessment [REP3-058], without proposing any changes to them. As such, it is not necessary to undertake a targeted consultation.	
LEGAL SUBMISSIONS			
24.	For the reasons set out in the RHS's evidence and its submissions at ISH2, the ExA cannot conclude with certainty (this being the relevant legal threshold) that the DCO Scheme would not harm the integrity of the SPA.	As explained above in the response at point 11 above, Highways England is not inviting the ExA or the Secretary of State to conclude that the Scheme would not harm the integrity of the SPA.	The RHS maintains its position that, for the reasons it has already set out, the RHS Alternative Scheme must be assessed as a potential alterative to the DCO Scheme pursuant to the Habitats Regulations.
25.	It follows that the DCO Scheme should only be consented if (amongst other things) it could be shown that there was no reasonable alternative that would cause less harm to the SPA–see regulation 64 of the Conservation of Species & Habitats Regulations 2017.	Highways England's position is that the requirements of regulation 64 are met in this case and that the Competent Authority may agree to the Scheme proceeding. This is dealt with at length in the SIAA	Not agreed
26.	HE has not assessed the RHS Alternative Scheme as an alternative to the DCO Scheme. It plainly should have done. In particular, the provision of south facing slips at the Ockham roundabout would take several million vehicle miles off the road each year, thereby reducing the impact of vehicle pollutants on the SPA.	As regards the proposed "left out" junction in the RHS Alternative Scheme Highways England responded to this point in its response to RHS' written representations, see REP2-014, page 83. In short, this arrangement is not compliant with relevant standards and is unsafe and so it is not a feasible alternative. As regards south facing slips at the Ockham Roundabout, see point 11 above which explains that their provision would make no difference as regards air quality impacts on the SPA and point 27 below which explains why they are not being provided.	The failure to assess the RHS Alternative is so significant an omission that the DCO cannot be approved.
27.	The HE has belatedly tried to argue that there are practical issues with delivering the south facing slips, but its arguments are far too light touch to justify the conclusion that the south facing slips could not have been included in the DCO Scheme. Most obviously, HE's observation that the south facing slips would require the acquisition of third party land is a point that applies equally to land that was included in the DCO scheme. HE has provided no engineering analysis to	The reason that the south facing slips are not included in the Scheme has been explained at length by Highways England – see for example REP2-014. There are practical difficulties in providing them, but Highways England is not arguing that the difficulties are insurmountable and that the slips could not be delivered. Highways England's position is that there is no justification for them being provided as part of the Scheme. Nor would the Scheme prevent their	HE is seeking to explain its failure to include them after the event. The DCO Scheme is fatally flawed.

	support its other contentions as to the delivery of the south facing slips. It simply cannot be concluded that the south facing slips would not be deliverable.	provision in the future were there to be a justification in planning terms and if funding were available.	
28.	HE has additionally sought to argue that the RHS Alternative Scheme would not be less harmful to the SPA than the DCO Scheme. Again, however, it has provided no substantive analysis to support its position.	The RHS Alternative Scheme is not a feasible alternative for the reasons explained above, and in Section 3 below	Not agreed.
29.	Finally, HE confirmed at ISH2 that the extent of the DCO scheme was influenced by the availability of funding. That is no answer to the legal requirement for a proper assessment of reasonable alternatives.	There has been a proper assessment of alternatives as explained at length above.	Not agreed.
30.	In conclusion, it is absolutely plain that the inclusion of south facing slips (either on their own, or as part of the RHS Alternative) should be considered to be a reasonable alternative to the DCO Scheme. There has been no substantive assessment of the RHS Alternative Scheme and therefore it cannot be concluded that there is no reasonable alternative to the DCO Scheme. It would therefore be unlawful for the DCO Scheme to be confirmed.	See the responses above.	The RHS Position remains as set out at Deadline 4.
CONCLUSIONS			
31.	For the reasons set out above, the ExA is asked to require HE either to undertake a proper assessment of the RHS Alternative Scheme in accordance with the requirements of the Habitats Regulations or to withdraw the DCO Scheme. The ExA is asked to consider and action this issue now, to avoid further wasted costs.	There is no need to carry out an assessment of the RHS Alternative Scheme in order to meet the requirements of the Habitats Regulations for the reasons explained above, nor is there any prospect of accommodating the RHS Alternative Scheme at this stage, even if it were appropriate, which it is not. The south western section of the M25, which includes M25 J10, is the busiest in terms annual average daily traffic flow on the entire SRN. Presently, a total of 270,000 pass through or turn at M25 J10 daily on average. The implications of these high volumes of traffic include congestion and delay on the arms of the A3 and M25 approaching M25 J10 which is well in excess of the regional average. Furthermore, the congestion at the junction and on its approaches also cause this junction	The RHS does not object to the principle of the proposed improvements at M25 J10. However, RHS is greatly concerned with the impacts of the DCO Scheme on access to and from the Site. From the outset, RHS has sought to work with HE and has committed considerable resource to finding an appropriate solution. The only material changes in distance as a consequence of the DCO Scheme are <u>increased</u> journeys, up to 5.9km per

		to have one of the highest reported accident rates on the entire M25, at 27 accidents per year within 1km of the junction. These problems are forecast to get worse as the growth aspirations in the neighbouring boroughs of Guildford and Elmbridge would result in more traffic using this junction; average vehicle delay is forecast to double from 4m:39s in 2015 to 9m:18s in 2037 if the Scheme is not built. Solving these problems is the focus of this Scheme. To put the issues raised by the RHS in context, the traffic associated with RHS Garden Wisley in one year is approximately the same as the traffic associated with M25 J10 in just four days. The importance of reducing congestion and improving safety at this junction has been made and the Scheme is demonstrably good value for money. The package of mitigation and compensation measures has been endorsed by statutory environmental bodies and will result in a much-enhanced natural environment. Furthermore, this Scheme is key to unlocking growth proposed in Guildford's Local Plan, not least over 2500 new homes along this part of the A3 corridor.	direction (from south to RHS via the DCO signed route). The only reason the non-signed route to the south is shorter is because traffic which is currently travelling on the Strategic Road Network (SRN) is modelled to transfer off the A4 and onto the Local Road Network (LRN) through Ripley and Send. Based on the latest agreed distances and accounting for all routes to and from the Garden, RHS calculates that (as signposted via the SRN) the DCO Scheme would result in an additional 1.3 million miles per annum. Even if all traffic to and from the south routed via the LRN (Ripley and Send), the DCO Scheme would still add 0.3 million miles per annum. Based on HE's modelling results, all modelled journey times to and from RHS during the inter-peak will worsen (by up to 5.6 minutes by direction). However, owing to the HE model reliance on routeing some traffic through Ripley, where congested conditions have not been validated and against the backdrop of SCC's intentions for Ripley, modelled journey times reported by HE will be understated and so cannot be relied upon. There is no modelling which has been presented to the DCO process which correctly simulates the existing congestion which occurs within Ripley and hence the consequent transfer of traffic.

			Again, reference to HE's modelling suggest that at present over 70% of all RHS traffic routes via the SRN. However, within the DCO Scheme, HE modelling predicts this will reduce to just over 40%, with the majority of traffic assigning to the LRN once the DCO Scheme is implemented. This 30% switch of traffic from the SRN to the LRN is mostly as a result of re-routeing onto the local roads through Ripley and Send. Whilst HE's strategy is for RHS traffic to continue using the signed SRN, at this late stage in the process, they are unable to advise how effective their signing strategy would be. HE's claims that the DCO Scheme will provide safer access for RHS is entirely unsubstantiated because no assessment of the wider re-routeing implications of the DCO Scheme has been undertaken (ie longer journeys, routeing through villages; where there is greater interaction with pedestrians, u-turning traffic at junctions and a confusing access strategy). The DCO Scheme would result in a significant worsening of access to/from RHS Wisley. The DCO Scheme will result in traffic diverting away from the SRN (Ripley Bypass) in favour of routeing via the LRN, including through Ripley and Send.

			The RHS team know of no other HE improvement scheme which is so deficient that it has resulted in traffic diverting off the SRN in favour of routeing via the LRN. The provision of South Facing Slips would directly address the most significant deficiencies with the DCO Scheme. The RHS Alternative Scheme seeks to provide the shortest possible routeing via the simplest, most direct, junction arrangements which would avoid the unnecessary impacts the DCO Scheme would create. Whilst HE seeks to downplay the importance of the RHS within the context of the objectives of the Scheme, it should be remembered that one of the originally identified key benefits was supposedly 'improved access to RHS Wisley'. The DCO Scheme manifestly fails to achieve this.