



# Elmbridge Borough Council

... bridging the communities ...

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28 February 2020

Dear Sirs,

**Planning Act 2008  
Application by Highways England for an Order Granting Development Consent for the  
M25 Junction 10/A3 Wisley interchange improvement project**

**Deadline 5 (D5) Submission**

This submission is in response to the Examining Authority (ExA) Rule 8 letter dated 20 November 2019, the amended Rule 8(3) letter dated 5 December 2019 and the amended Rule 8(3) letter dated 20 February 2020, and it comprises the relevant information requested from Elmbridge Borough Council.

The submission includes the following:

- 1. Elmbridge Borough Council response to ExA's Second Written Questions (ExQ2)**  
Responses are provided as Annex A.
- 2. Updated Statement of Common Ground (SoCG)**  
Elmbridge Borough Council has been in discussions with Highways England to update issues within the initial SoCG submitted on the 28 January 2020 to the ExA. The items within the revised SoCG have been discussed and reviewed by Officers, and the updated SoCG will be included in the D5 submission by Highways England.

If you need anything additional, please let us know.

Yours faithfully,



Kim Tagliarini  
Head of Planning Services

## Annex A – EBC ExQ2

### M25 Junction 10/A3 Wisley Interchange Improvement Project

#### Elmbridge Borough Council (EBC) Response to the Examining Authority's (ExA's) Second Written Questions (ExQ2)

3.	Air quality and human health		Elmbridge Borough Council (EBC) Response
2.3.6	Applicant and Local Authorities	<p>Have the air quality implications of the Proposed Development for Ripley been robustly assessed within the ES, having particular regard to the number and suitability of receptor properties that have been used [paragraphs 5.3 and 5.4 of REP1/041] and the extent to which the Applicant's modelling has been verified and modified against the monitoring data that is available for Ripley?</p> <p>With regard to the statement in REP2-022 that the largest change was assessed to occur at Receptor 6 but was classed as 'small', please explain the significance of this change in EIA terms and whether it affects the conclusions of the ES.</p>	EBC defers to Guildford Borough Council (GBC) regarding this matter as Ripley is within their administrative boundary.
2.3.9	Elmbridge BC (EBC) and Applicant	At ISH2, Elmbridge BC offered to share further information derived from air quality modelling for its Local Plan with the Applicant. Please provide an update on any progress on this point.	The CERC air quality modelling results are still awaiting ratification, so they are not yet available. Once these details are available, EBC will share them with the ExA.

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2.3.10	EBC	<p>Please provide more detail on your concerns about the potential effect on air quality:</p> <p>a) around the Painshill roundabout and at Cobham; and</p> <p>b) the Cobham, Esher High Street and Painshill Air Quality Management Areas.</p> <p>What evidence do you have to support your concerns, given the results of the air quality assessment in the Applicant's environmental statement?</p>	<p>As identified in 7.2.1 and 7.2.2 of the updated Statement of Common Ground (SoCG), which will be submitted at Deadline 5 (D5):</p> <p>EBC accepts the assessment carried out at that time.</p> <p>Since the original assessment for the DCO an additional 6 NOx diffusion tubes have been installed in the Painshill Roundabout (Portsmouth Road and Between Streets area) to monitor and assess the NOx levels and depending of the results, this could potentially be declared an AQMA. The annual results will not be available until January 2021 as the measurements are averaged over time and have a local bias correction factor adjustment.</p> <p>EBC also has concerns that any additional increase in traffic will have a significant adverse impact on the air quality in the Cobham, Esher High Street and Painshill Air Quality Management Areas (AQMA).</p>
<b>4.</b>	<b>Biodiversity and Habitats Regulations Assessment</b>		
2.4.3	LAs, NE and Royal Society for the Protection of Birds (RSPB)	<p>Are you content with the Species Monitoring Programme that is set out in Table 7.11.1 of the SPA Management and Monitoring Plan [AS-015]?</p>	<p>EBC supports the comments made by SCC regarding the monitoring programme.</p>
<b>7.</b>	<b>Historic environment</b>		

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2.7.4	LAs and Historic England (HistE)	In Table 11.5 of Chapter 11 of the ES [APP-056] the Applicant finds that there would be a 'Slight Adverse' residual effect for seven designated heritage assets. At ISH2 the Applicant confirmed that in terms of paragraphs 5.131 to 5.134 of the National Policy Statement on National Networks 'Slight Adverse' would equate to these residual effects as giving rise to 'substantial' or 'less than substantial harm'. Please comment on this?	The sections within the National Policy Statement on National Networks are taken directly from the NPPF, notably paragraphs 195 (Substantial harm) and 196 (less than substantial harm). The works being assessed as 'slight adverse' are unlikely to be 'substantial harm', which is generally reserved for total demolition and could therefore not be 'slight'. The works are likely to cause 'less than substantial harm', which will require the harm caused to be weighed against the public benefits.
2.7.5	LAs, HistE and Painshill Park Trust	At ISH2 [EV-005a to EV-005d] the Applicant stated that the proposed access road for the gas compound, Heyswood camp site and Court Close Farm that runs through part of Painshill Park would not be in an area that contributes to the significance of the Park and therefore the proposed route would not affect its significance. Please comment on this.	The proposed access road is located within the boundary of the registered Park and Garden and whilst it is positioned towards the A3 the Council finds it hard to believe that there would be no impact on its significance, although the area in question does form the rural landscape setting of the park.  Whilst not Painshill Park, the significance of The Round House and Painshill House, located close to the proposed access is also made up by its setting, which these works will affect.
<b>8.</b>	<b>Landscape and Visual Impact</b>		
2.8.1	Applicant and LAs	In RHS Wisley's RR [RR-024] and in [REP4-049] reference is made to the possible loss of redwood trees close to the boundary due to tree root impact	EBC defers to GBC regarding this matter as RHS Wisley is within their administrative boundary.

**Annex A – EBC ExQ2**

**M25 Junction 10/A3 Wisley Interchange Improvement Project**

**Elmbridge Borough Council (EBC) Response to the Examining Authority’s (ExA’s) Second Written Questions (ExQ2)**

		and this issue not yet being resolved. Please comment on the current situation in regard to your assessment of this as in [REP2-014, page 85] you refer to tree root surveys “ <i>still being analysed</i> ”.	
2.8.3	LAs	Please comment on the response made in the ‘Applicant’s comments on Joint Local Impact Report’ [REP3-007] in regard to concerns you had raised about the absence from the methodology of a Zone of Theoretical Visibility, and also and absence of photomontages of the Proposed Development.	EBC supports the comments made by SCC regarding concerns about the absence of the Zone of Theoretical Visibility and photomontages.
<b>12.</b>	<b>Socio-Economic impacts</b>		
2.12.1	Painshill Park Trust and LAs	Please comment on Painshill Park’s expansion plans in terms of hosting events and increasing visitor numbers, and in particular, any concerns that the lack of a western access may jeopardise these plans, having regard to the comments made by Surrey Fire and Rescue Service that are cited in [REP3-063]. What is the likelihood of licences for certain large-scale events being refused due to concerns over the lack of adequate access alternatives in the event of an emergency?	EBC is supportive of Painshill Park Trust and their work to ensure the viability of the organisation for the benefit of the community.  Any future licence applications will be subject to any reasonable concerns made by responsible authorities, like the Surrey Fire and Rescue Service, concerning access to and egress from the site.

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2.12.9	Applicant, Monte Blackburn/Euro Garages, EBC and SCC	Having regard to the proposed access for the San Domenico site, what forms of development would be suitable for this site in the event of the Proposed Development being consented, implemented and then being returned by the Applicant to the owner for re-use?	<p>EBC considered an application for the redevelopment of the site incorporating a petrol filling station (Sui Generis) with ancillary convenience store and food-to-go outlet and other associated works (application ref 2017/0524). Whilst the permission was refused, the only reason for a refusal relates to the highway safety of the proposed access off the A3 (currently at appeal – ref. APP/K3605/W/19/3235260). The development was considered by the EBC to be appropriate development in the Green Belt and the principle of redevelopment for this use acceptable.</p> <p>The appeal procedure for the application has been changed to a hearing, with a potential date of the 15 April 2020. Therefore, the appeal decision will take longer than originally anticipated, and as per point 2 of the Issue Specific Hearing (ISH2) action points, EBC will submit the San Domenico planning appeal decision at the first deadline after it is publicly available.</p>
<b>15.</b>	<b>Content of the draft Development Consent Order (dDCO)</b>		
2.15.5	LAs, NE, RSPB, SWT, EA	Further to the Applicant's response to the ExA's first written question 1.15.1 [REP2-013], the revised dDCO [REP2-002] has removed some activities from those not encompassed within the definition of commence. Nevertheless, a number of activities such as site	EBC expects any activities that fall outside of the approved CEMP (site clearance, deliveries, hours of works, use of noisy machinery and so forth) that involve noisy works and would likely give rise to complaint, should be controlled through Sec 61 agreements.

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		<p>clearance and the receipt and erection of construction plant and equipment remain outside the definition of commence. As such, these activities could take place outside the controls of the approved CEMP and the various management plans and method statements required by the CEMP. Please comment on this and indicate which, if any, activities that are currently excluded from the definition of 'commence' you consider should be included.</p>	
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