

**M25 junction 10/A3 Wisley interchange**

**TR010030**

**9.38 Statement of Common Ground with  
The Royal Horticultural Society**

Rule 8 (1) (e)

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

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## Infrastructure Planning

### Planning Act 2008

### Infrastructure Planning (Examination Procedure) Rules 2010

### M25 junction 10/A3 Wisley Interchange Improvement Scheme Development Consent Order 202X

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### 9.38 STATEMENT OF COMMON GROUND WITH THE ROYAL HORTICULTURAL SOCIETY

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<b>Regulation Number:</b>	Rule 8 (1) (e)
<b>Planning Inspectorate Scheme Reference</b>	TR010030
<b>Author:</b>	M25 junction 10/A3 Wisley interchange Project Team, Highways England

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Rev 1	3 March 2020	Deadline 5
Rev 0	28 January 2020	Deadline 3

**STATEMENT OF COMMON GROUND**

**This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) The Royal Horticultural Society.**

Signed  
Jonathan Wade  
Project Manager  
on behalf of Highways England  
Date:

Signed.....  
[ ]  
[Title]  
on behalf of [The Royal Horticultural Society]  
Date: [ ]

## Table of contents

Chapter		Pages
1.	Introduction	5
2.	Record of Engagement	Error! Bookmark not defined.
3.	Issues	6

## 1. Introduction

### 1.1 Purpose of this document

- 1.1.1 This Statement of Common Ground ("SoCG") has been prepared in respect of the M25 junction 10/A3 Wisley interchange improvement scheme application ("the Application") made by Highways England Company Limited ("Highways England") to the Secretary of State for Transport ("Secretary of State") for a Development Consent Order ("the Order") under section 37 of the Planning Act 2008.
- 1.1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available in the deposit locations and/or the Planning Inspectorate website and are referenced where appropriate.
- 1.1.3 The SoCG has been produced to explain to the Examining Authority where agreement has been reached between the parties to it, and where agreement has not (yet) been reached on a number of substantive issues as at Deadline 5 of the examination. There may be further iterations of this SoCG as the examination proceeds.

### 1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by (1) Highways England as the Applicant and (2) The Royal Horticultural Society.

## 2. Issues

### MATTERS NOT AGREED AND MATTERS AGREED

#### Matters Not Agreed

Matters NOT AGREED			
	Relevant issue	RHS Wisley Position	Highways England Position
NA1	Inclusion of ammonia in the calculations of nitrogen deposition.	There is evidence that ammonia from road traffic makes a substantial contribution to nitrogen deposition near to roads. <del>There is a duty to include ammonia under the Habitats Regulations (2017 as amended) and e</del> Current modelling elsewhere for plans and projects is including ammonia from road traffic. Thus, <del>the legal requirement, in line with</del> current practice and <u>applying</u> professional judgement <del>make it clear that it is clearly</del> critical to include ammonia from traffic in the calculations and without this the SiAA <del>is deemed not to be valid would not comply with the requirements of the habitats Regulations</del> (see REP1-041, para 3.12 REP3-050 page 5, REP1-042 Appendix 4, REP3-044 page 13, and the RHS response to question 2.3.2 in PD-010, for details).	Highways England does not agree that ammonia should have been included in the SIAA. There is no such duty in the Habitats Regulations. The Highways England guidance in LA105 does not include ammonia, in line with the Department for Transport's National Policy Statement for National Networks at paragraph 5.8. The IAQM guidance does not specify the inclusion of ammonia. In REP2-022 at 2.7.3 and 2.7.4, Highways England sets out that even if nitrogen deposition was doubled by including ammonia, this would not materially affect the conclusion of the SIAA.  REP1-041 (RHS' Air Quality Representation) Appendix A4 Figure 1 shows that ammonia concentrations decrease rapidly with distance from the road such that by 30 metres from the road centre, concentrations are at background levels. At the distance at which the qualifying features of the SPA are present, there would not be any traffic related contribution from ammonia to nitrogen deposition rates.

Matters NOT AGREED			
	Relevant issue	RHS Wisley Position	Highways England Position
NA2	Validity of the air quality data provided for the in-combination assessment of impacts on the SPA.	<p>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.</p> <p>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 (see REP1-041 para 3.14 and REP3-050 page 9 for details).</p>	<p>The traffic data for the do-something scenario already includes traffic from other plans and projects within the traffic model. Hence the assessment already takes into account the Scheme in combination with other plans and projects as regards nitrogen oxides concentrations and nitrogen deposition (see REP4-005 point 2.9 on page 56 for details). This is in accordance with advice from Natural England as recorded in 3.2.11 of the SoCG between Highways England and Natural England (as submitted at Deadline 5).</p>
NA3	Validity of the in-combination assessment of air quality impacts on the SPA.	<p>There has been no assessment of the in-combination impacts, as Highways England has only presented the impacts of the Scheme alone. <del>Highways England also</del> needs to present the in-combination impacts to allow an in-combination assessment (see REP3-050 page 9 for details) An in-combination assessment is required by the Habitats Regulations 2017 to avoid the accumulation of smaller impacts that may <u>cumulatively cause harm</u> and give rise to the need for mitigation to which the Scheme may need to contribute (see REP1-041 para 3.14 and REP3-047, section 3.6.1, page 44 for details).</p>	<p>There has been an assessment of in-combination effects.</p> <p>The traffic model used for the Scheme has been developed in accordance with the Department for Transport's webTAG guidance, which takes into account traffic growth using National Trip End Model (NTEM) factors. It additionally takes into account traffic from other plans and projects from an extensive area around junction 10. The traffic data for the do-something scenario therefore already takes account of the traffic for the Scheme in combination with the traffic from other plans and projects (see REP4-005 point 2.9 on page 56 for details).</p> <p>This approach is in accordance with advice from Natural England, and aligns with the approach taken in the A30 Chiverton to Carland Cross DCO as explained in the Technical Note in Appendix B of the SoCG between Highways England and Natural England (as submitted at Deadline 5).</p>

Matters NOT AGREED			
	Relevant issue	RHS Wisley Position	Highways England Position
NA4	The relevance of impacts within the SPA for locations close to the A3 and M25.	Highways England has not assessed the impacts of declining air quality across the whole of the SPA but rather has excluded coniferous plantation because it considers these areas do not to support the interest features of the SPA (nightjar, woodlark or Dartford warbler). RHS's view, is that this approach is incorrect. (see REP3-044, pages 8 to 10, and REP5-XXX for details).	<p>The SIAA considered air quality impacts to 200m from the A3 and M25, and determined that the spatial extent of air pollution impacts is confined to the established woodland that separates the heathland from the roads.</p> <p>The SIAA has focused on air quality impacts on the heathland habitats because this is the habitat that supports the qualifying features of the SPA (nightjar, woodlark and Dartford warbler). The established woodland that separates the heathland from the roads acts as a buffer and does not support the qualifying features of the SPA.</p> <p>This approach aligns with recent case law and Natural England advice, as explained in Point 11 of the table at Section 2 (Comments on RHS's overview letter) of REP4-005 (pages 8-20) and as recorded in item 3.2.6 on page 16 of the SoCG between Highways England and Natural England (as submitted at Deadline 5).</p>
NA5	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 require 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. (see REP3-044, page 8, for details)	<p>Adverse effects to the integrity of the SPA from changes in air quality have been ruled out, even after taking into account updated velocities and assuming that all of the RHS Wisley traffic visiting the gardens from the south follows the signposted route along the A3 both travelling to and from the garden. Therefore, there is no requirement to consider alternatives in respect of air quality.</p> <p>This position is explained in Point 11 of the table at Section 2 (Comments on RHS's overview letter) of REP4-005 (pages 8-20) and is recorded in item 3.2.13 on page 20 of the SoCG between Highways England and Natural England (as submitted at Deadline 5).</p>



Matters NOT AGREED			
	Relevant issue	RHS Wisley Position	Highways England Position
NA6	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 <a href="#">by Highways England</a> 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. The professional view of Prof. Laxen and Mr Baker is 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. (See REP3-044, pages 12 and 13, and REP5-XXX, for details).	Highways England did engage extensively with Natural England in the use of NECR210 in LA 105. This is explained in 2.1.3 of REP4-005 (pages 45, 46).  However, the SIAA did not use Table 21 of NECR210 to assess potential adverse effects on the SPA, but instead focused on increases of greater than 1% of nitrogen deposition critical loads.  The approach to undertaking the air quality assessment in the SIAA was agreed with Natural England as recorded in meeting minutes for 27 March 2018 in APP-041 and in items 3.2.12 and 3.2.13 on page 20 of the SoCG between Highways England and Natural England (as submitted at Deadline 5).
NA7	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 (see REP1-041 paras 5.5 and 5.6 and Appendix A11 of REP1-042). These descriptors are what local authorities would expect for a planning application that impacted on air quality in Ripley. This would help the ExA have a more balanced view of the impacts of the DCO Scheme. The application of the descriptors to the sites in Ripley is set out in <a href="#">(see RHS Response to Inspectors' question 2.3.7 in PD-010, <del>for details</del></a> ).	As this is a Highways England project, it is clearly appropriate to use the descriptors in the Highways England guidance. The descriptors have not changed in the recent update published in November 2019 (see REP4-005 point 4.4 on page 62).

Matters NOT AGREED			
	Relevant issue	RHS Wisley Position	Highways England Position
NA8	Interpretation of results for carbon dioxide for traffic following the signed route to RHS Wisley	With traffic following the signed route emissions of carbon dioxide would be 4,064 t/yr higher. The RHS Alternative Scheme, would reduce this overall increase in emissions with the Scheme by more than 16%. This is a significant reduction in the additional emissions (see REP3-050, page 10 for details).	A calculation of carbon dioxide emissions was made for comparative purposes between traffic using the signposted route and traffic travelling through Ripley. The traffic data used for the calculations were taken from the Traffic Assessment Supplementary Information Report (REP2-011) and the traffic forecasting report (REP1-010), representing a special event on a weekday, and thus not representative of a full year, unlike the data provided for the air quality assessment. The calculations should really only be used for comparative purposes between the two scenarios. The carbon dioxide emissions as regards the Scheme would be 639 t/yr higher if all traffic visiting the gardens from the south (and returning to the south) follows the signposted route to and from RHS Wisley (as opposed to routing via the B2215), representing 0.04% of total emissions with the Scheme, which is considered negligible (see REP2-022, para 3.1.1). The key driver to reducing CO2 emissions will be through national policy measures such as the move to zero emission vehicles.
NA9	Impacts of the RHS Alternative on the SPA	The RHS Alternative would reduce Scheme impacts on the SPA.	There would not be any difference to the conclusions of the SIAA as a result of the RHS Alternative Scheme, as discussed in REP2-022.
NA10	Impacts of the RHS Alternative on Ripley	The RHS Alternative would reduce Scheme impacts within Ripley.	There would not be any difference to the conclusions of the air quality assessment documented in APP-050, as discussed in REP2-022.

Matters NOT AGREED			
	Relevant issue	RHS Wisley Position	Highways England Position
NA11	Significance of nitrogen dioxide concentrations in Ripley	The impacts of the Scheme on nitrogen dioxide concentrations in Ripley are slight adverse, using the IAQM descriptors, at four of the six new receptors (see RHS response to question 2.3.7 in PD-010). It is accepted that the concentrations are likely to be below the objective, but there are still effects on health arising from exposure to nitrogen dioxide, even at concentrations below the objective (see REP5 xxx), and these would be increased with the Highways England Scheme. The RHS Alternative Scheme, on the other hand, will reduce these adverse effects.	The estimated annual mean nitrogen dioxide concentrations, using the more conservative DF2 traffic data have been provided in REP4-005 and show that concentrations at all receptors are below the national annual mean air quality objective, and that the largest change at a receptor is 1.7 µg/m <sup>3</sup> , classed as a small change. <u>In addition, the change with DF3 traffic data would be smaller still, as explained previously at 4.2.4 in REP2-022. As the concentrations would be below the air quality objective there would not be a significant adverse effect on health.</u>

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**Matters AGREED**

Matters AGREED			
	Relevant issue	RHS Wisley Position	Highways England Position
A1	Validity of the nitrogen oxides projections	RHS accepts that nitrogen oxides concentrations have been projected forwards using the LTTE6 methodology.	The NOx concentrations were projected forwards correctly using the LTTE6 approach, as documented in paragraph 5.5.23 of APP-050.
A2	Use of appropriate deposition velocities to calculate nitrogen deposition from nitrogen oxides emissions.	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 (see REP5 ??? – new document to be submitted by HE)	Highways England is aware that nitrogen deposition rates have been revised since the assessment for this project was undertaken. The nitrogen deposition rates have been revised in accordance with the revised deposition velocities in guidance document LA105.
A3	RHS traffic passing through Ripley	RHS accepts 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.	The traffic model assumes that all traffic travelling to and from RHS Wisley from the south will travel through Ripley. The air quality assessment as presented in the ES was based on this assumption.

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<b>Matters AGREED</b>			
	<b>Relevant issue</b>	<b>RHS Wisley Position</b>	<b>Highways England Position</b>
A4	Validity of receptors in Ripley	RHS accepts that Highways England has now identified worst-case receptors in Ripley.	Highways England has accepted that there are receptors in Ripley which are closer to the kerb than the receptor used in the air quality assessment in the ES, which was located close to the junction of the High Street and Newark Lane.
A5	Validity of results for Ripley	RHS accepts the results for annual mean nitrogen dioxide concentrations at the new receptors in Ripley, as set out in the Table on pages 59/60 of REP4-005.	Noted
A6	Concentrations of nitrogen dioxide in Ripley unlikely to exceed objective.	RHS accepts the results for the estimated annual mean nitrogen dioxide concentrations in Ripley, as set out in REP4-005, 4.2.2, page 60	Noted

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