

M25 junction 10/A3 Wisley interchange

TR010030

9.74 Note to Examining Authority on the implications of potential reductions in the provision of replacement land as part of the Scheme

Rule 8(1)(c)(i)

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

Volume 9

March 2020

Infrastructure Planning

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

M25 junction 10/A3 Wisley interchange

Development Consent Order 202[x]

9.74 Note to Examining Authority on the implications of potential reductions in the provision of replacement land as part of the Scheme

Rule Number:	Rule 8(1)(k)
Planning Inspectorate Scheme Reference	TR010030
Application Document Reference	TR010030/9.74
Author:	M25 junction 10/A3 Wisley interchange project team, Highways England and Atkins

Version	Date	Status of Version
Rev 0	3 March 2020	Deadline 5a

Table of contents

Chapter		Pages
1.	Note to Examining Authority on the implications of potential reductions in the provision of replacement land as part of the Scheme	4
1.1	Introduction and approach to provision of replacement land	4
1.2	Options for potential reductions in the provision of replacement land	4
1.3	Commentary and analysis of Table 1	9
1.4	Implications of any reduction in replacement land on Book of Reference and Land Plans	10

1. Note to Examining Authority on the implications of potential reductions in the provision of replacement land as part of the Scheme

1.1 Introduction and approach to provision of replacement land

1.1.1 As explained in the Statement of Reasons [APP-022] and in the associated Appendix C: Common land and open space report [AS-005], the provision of replacement land as part of the Scheme (in exchange for the special category land which is to be subject to compulsory powers) has been informed by the use of 'target ratios' for different types of compulsory acquisition and in relation to different categories of special category land.

1.1.2 Paragraph 2.7.18 of AS-005 identifies the following target ratios for replacement land:

- 2.5:1 in the case of permanent acquisition of common land.
- 2:1 in the case of permanent acquisition of land forming part of an open space.
- 1:1 in the case of the permanent acquisition of rights over common land / open space where the acquisition of such rights will impose a burden the land.
- No replacement land has been provided for the permanent acquisition of rights over common land/open space where the acquisition of such rights will not impose a burden the land.

1.1.3 The justification for this approach is set out in section 2.7 of AS-005, and in Highways England's responses to the representations made by Mr Ronald Alderson of Park Barn Farm [REP2-014] and [REP4-004].

1.1.4 Highways England maintains its position that the use of the target ratios to inform the calculation of the quantity of replacement land to be provided is an appropriate response to the requirements of sections 131 and 132 of the Planning Act 2008 in respect of the compulsory acquisition of special category land or of permanent rights over such land.

1.2 Options for potential reductions in the provision of replacement land

1.2.1 Highways England recognises that the use of target ratios is not a statutory requirement of the Planning Act 2008 or a requirement of relevant planning policy. Accordingly, the choice of which target ratio to adopt for a given scheme is, to a greater or lesser extent, a matter of professional judgement requiring consideration of the relative merits of special category land affected by a scheme in terms of its location, character, connectivity, current condition, among other factors.

1.2.2 Highways England acknowledges that the representations made on behalf of Mr Ronald Alderson of Park Barn Farm set out a different position as to the appropriate target ratios, which, it is claimed, ought to have been applied in the case of the Scheme.

1.2.3 Nevertheless, this document has been prepared to assist the Examining Authority and, ultimately, the Secretary of State, in understanding the implications of omitting one or more of the replacement land parcels from the scope of compulsory acquisition powers, should the Secretary of State consider that appropriate. Highways England has presented below a range of options for omitting or reducing the size of various parcels of the proposed replacement land, as means of reducing the resultant ratios of provision. Those options are set out in Table 1 below and are analysed further in the supporting commentary. The options are described in relation to the replacement land area notation used in AS-005, the locations of which are indicated on the summary plan in Figure 1.

Table 1: Summary of various possible options for reduction in the quantum of replacement land being provided.

Option	Extent of reduction (related land plots)	Associated adjustments	Resultant ratios			Implications for reducing or omitting parcels of replacement land on the quality of overall resultant replacement land provision
			Common	Open space	Rights	
1	Omit PBF1 5.1 ha (Plots 11/17a, 27/1 and part of 11/17)	Open space included in CF2. RHS parcel of RL (11/17a) reduced to approx 1.2 ha and moved to west side of PBF2.	2.1:1	1.8:1	0.9:1	Omission of damp agricultural grassland and some woodland, with good connectivity to existing and proposed SCL. Reduced scope for woodland planting. Impact may be limited as PBF1 is potentially to be also affected by Sanway FAS proposals, which will reduce public benefit provided by this area, during wet and flood conditions [see REP3-027].
2	Omit PBF2 and PBF3 16.75 ha (Plots 11/16 and a large proportion of 11/17)	PBF1 becomes all common land; rest of CL350 RL moved to CF1 and CF2. CL447 RL moved to CF4. AW receptor site moved to east end of CF3 and/or HE1. RHS parcel of RL (11/17a) reduced to approx 0.8 ha.	1.4:1	1.3:1	0.5:1	Omission of dry and damp grassland spaces, a pond and largely broadleaved woodland, including some ancient woodland management, with good connectivity to existing and proposed SCL and to AW. Omission of a large proportion of the areas of RL that can be made available for public access at the outset, without substantial additional work. Omission of receptor site for AW translocation and alternatives appear less suitable. Omission of improved connectivity between existing SCL areas and between existing woodland habitats, including AW. Reduced scope for woodland planting. Omission of new bridleway link.
3	Omit PBF1, PBF2 and PBF3 21.85 ha (Plots 11/16, 11/17, 11/17a and 27/1)	RHS parcel of RL reduced to approx 0.7 ha and will be remote from rest of RHS landholding. CL350 and CL447 RL moved to CF1 and CF2. AW receptor site moved to east end of CF3 and/or HE1.	1.2:1	1.1:1	0.3:1	As for all of options 1 and 2. Largest reduction in area and includes substantial areas to which public access can be provided initially and with good connectivity to existing SCL. Limited scope for public access to remaining RL plots initially, due to scope of works required.
4	Reduce PBF2 and PBF3 6.7ha approx (see Figure 2) (Part of plot 11/17)	Open space part of PBF1 changed to common land (CL350). CF2 also includes some CL350 common land. RHS	2.0:1	1.8:1	0.8:1	Reduction from northern part of plot, mostly in PBF3, where the land falls to the north away from the rest of the RL. Omission of dry and damp grassland, open woodland and woodland, including some AW management and a pond, with good connectivity to proposed SCL and to

Option	Extent of reduction (related land plots)	Associated adjustments	Resultant ratios			Implications for reducing or omitting parcels of replacement land on the quality of overall resultant replacement land provision
			Common	Open space	Rights	
		parcel of RL (11/17a) reduced to approx 1.15 ha.				existing AW. New bridleway link in remainder of plot 11/17 realigned slightly.
5	Omit CF3 4.23 ha (Plot 14/3)	Open space proportion increased in PBF1 and open space included CF2. RHS parcel of RL reduced to approx 1.25 ha.	2.2:1	1.8:1	0.9:1	Omission of damp mature broadleaved woodland, approx 3.5 ha of which is AW needing management and enhancement, close to but not contiguous with existing and proposed SCL. Small reduction in scope for woodland planting.
6	Omit CF3 and CF4 6.12 ha (Plots 14/1 and 14/3)	PBF1 becomes open all space; some open space included in CF2. RHS parcel of RL (11/17a) reduced to approx 1.2 ha.	2.1:1	1.8:1	0.8:1	As option 5 plus omission of mixed woodland alongside M25 with limited connectivity to existing and proposed SCL and some scope for enhancement and planting.
7	Omit HE1 and HE2 1.73 ha (Plots 26/4, 26/4a, 26/5, 26/5a and 26/6)	Open space included in east part of CF2 and proportion increased in PBF1. RHS parcel of RL (11/17a) reduced slightly.	2.4:1	1.9:1	1:1	Omission of small area of grassland, scrub and woodland alongside Old Lane with one-sided connectivity to existing SCL. Reduced scope for woodland planting. Loss of new footpath link.
8	Omit CF3, HE1 and HE2 5.96 ha (Plots 14/3, 26/4, 26/4a, 26/5, 26/5a and 26/6)	PBF1 becomes open all space; some open space included in CF2. RHS parcel of RL (11/17a) reduced to approx 1.2 ha.	2.1:1	1.8:1	0.8:1	As for all of options 5 and 7.
9	Omit CF3, CF4, HE1 and HE2 7.85 ha (Plots 14/1, 14/3, 26/4, 26/4a, 26/5, 26/5a and 26/6)	PBF1 becomes open all space as does part of PBF2; some open space in CF2. RHS parcel of RL (11/17a) reduced to approx 1.1 ha.	2.0:1	1.7:1	0.8:1	As for all of options 6 and 7.
10	Omit PBF1, HE1 and HE2. 6.83 ha	PBF1 becomes open all space; some open space included in CF2. RHS parcel of RL reduced	2.0:1	1.8:1	0.8:1	As for all of Options 1 and 7.

Option	Extent of reduction (related land plots)	Associated adjustments	Resultant ratios			Implications for reducing or omitting parcels of replacement land on the quality of overall resultant replacement land provision
			Common	Open space	Rights	
	(Plots 11/17a, part of 11/17, 26/4, 26/4a, 26/5, 26/5a, 26/6 and 27/1)	to approx 1.15 ha and moved to west side of PBF2.				

CL = Common Land

AW = Ancient Woodland

SCL = Special Category Land

RL = Replacement Land

FAS = Flood Alleviation Scheme

RHS = Royal Horticultural Society

PBF = Park Barn Farm

CF = Chatley Farm

HE = Hatchford End

All ratios and land measurements referred to in Table 1 are approximate.

1.3 Commentary and analysis of Table 1

1.3.1 In the event that the Examining Authority is minded to recommend to the Secretary of State that, in its opinion, the target ratios which have been used by Highways England to calculate the amount of replacement land which has been provided are excessive (a point not accepted by Highways England), the following analysis describes the relative merits of omitting any one or more of the replacement land parcels. The options fall into three broad groups, as discussed below.

Options that would not materially reduce the quantity or quality of the overall replacement land package to be provided as part of the Scheme

1.3.2 Option 7 omits a relatively small area at one end of Ockham Common that does not lead on to any other areas of special category land.

1.3.3 Option 5 omits a woodland area that has some of the character of the special category land to be acquired and has potential to be attractive and interesting, after considerable remedial work, but is separate from the existing and proposed extent of special category land.

Options that would have a moderate impact on the overall quality and quantity of the replacement land package to be provided as part of the Scheme

1.3.4 Option 1 omits an area that embodies some of the character of the special category land to be acquired and is well connected to existing special category land, but has the advantage it conveys somewhat limited by being partially within the river floodplain and may potentially (as a result of the Sanway FAS) become increasingly within the floodplain.

1.3.5 Option 4 aims to address the landowner's objection by omitting a part of the replacement land that includes a summerhouse and provides winter views westwards back down towards the house and northwards up into the woodland within the farm. The remainder of plot 11/17 that would remain within the Scheme boundary can be integrated into the extent and character of the adjoining special category land with little influence on the visual character and quality of the setting of Park Barn Farm, due to the intervening terrain. This also means that the omission of the area suggested in Figure 2, although attractive in its own right, will not adversely influence the visual character or quality of the rest of the replacement land in plot 11/17 nor the advantage it conveys.

1.3.6 Option 6 omits a pair of plots that have much of the character of the special category land to be acquired and the potential to be attractive and interesting, after considerable remedial work, but with no direct connection to the main extents of the existing or proposed special category land.

1.3.7 Options 8, 9 and 10 are combinations of some of the smaller options above that are of a broadly similar size to option 4; they would have an accumulation of the relevant effects as described.

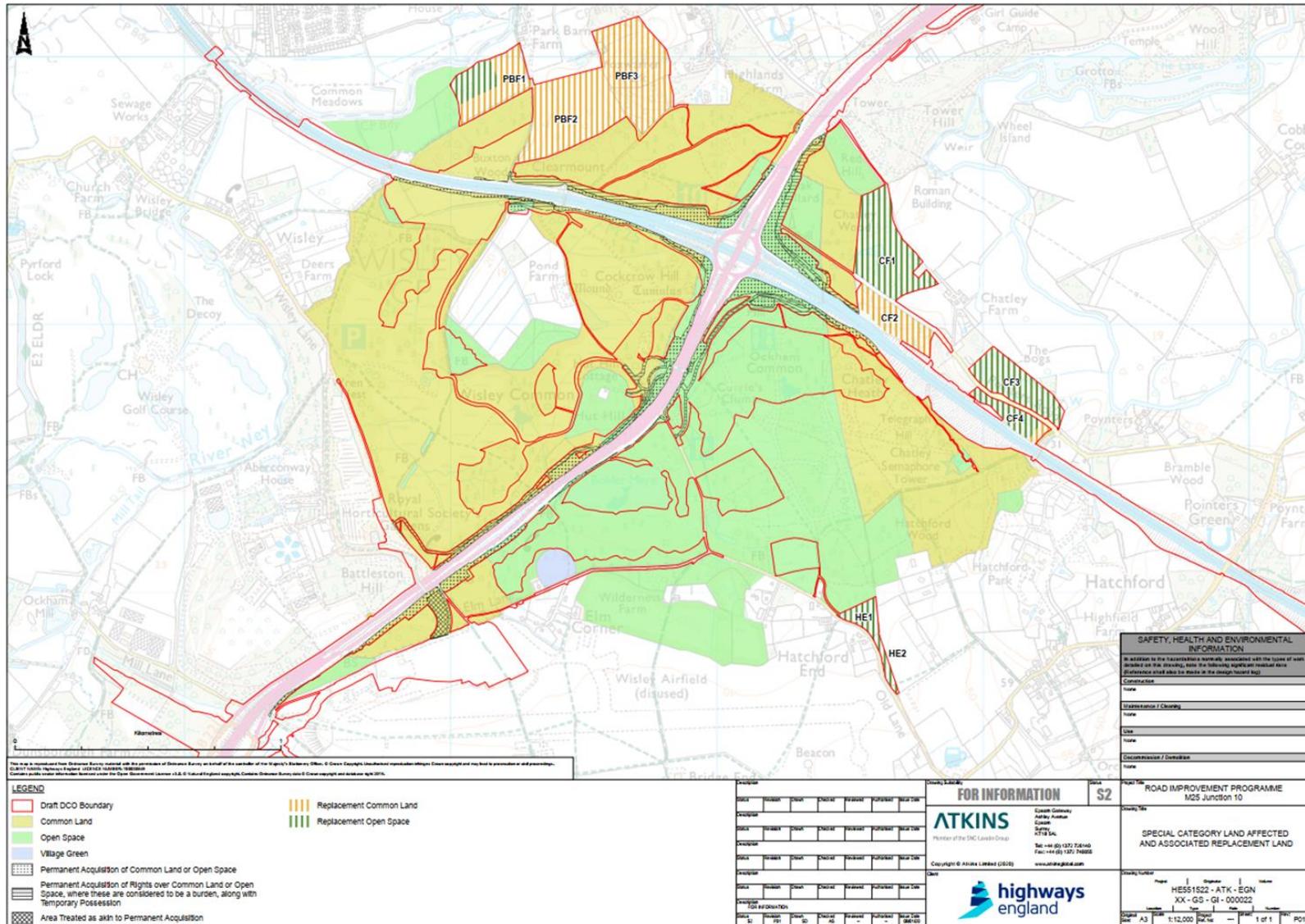
Options that would have a significant detrimental impact on the quantity and quality of the overall replacement land package to be provided as part of the Scheme

- 1.3.8 Options 2 and 3 would entail the omission of a substantial block of replacement land that is well-matched to the character and quality of the special category land to be acquired and will provide a substantial proportion of the replacement land with immediate public access. This area has extensive shared boundary with the existing special category land and its location will enhance connections between the all but separate parts of Wisley Common at Buxton Wood and Clearmount and, in due course, between the broadleaved woodland habitats that they contain.
- 1.3.9 The remaining areas of replacement land would require substantial remedial work to bring them into suitable condition and character for public access, but several areas would have limited or no direct connectivity to existing areas of special category land.

1.4 Implications of any reduction in replacement land on Book of Reference and Land Plans

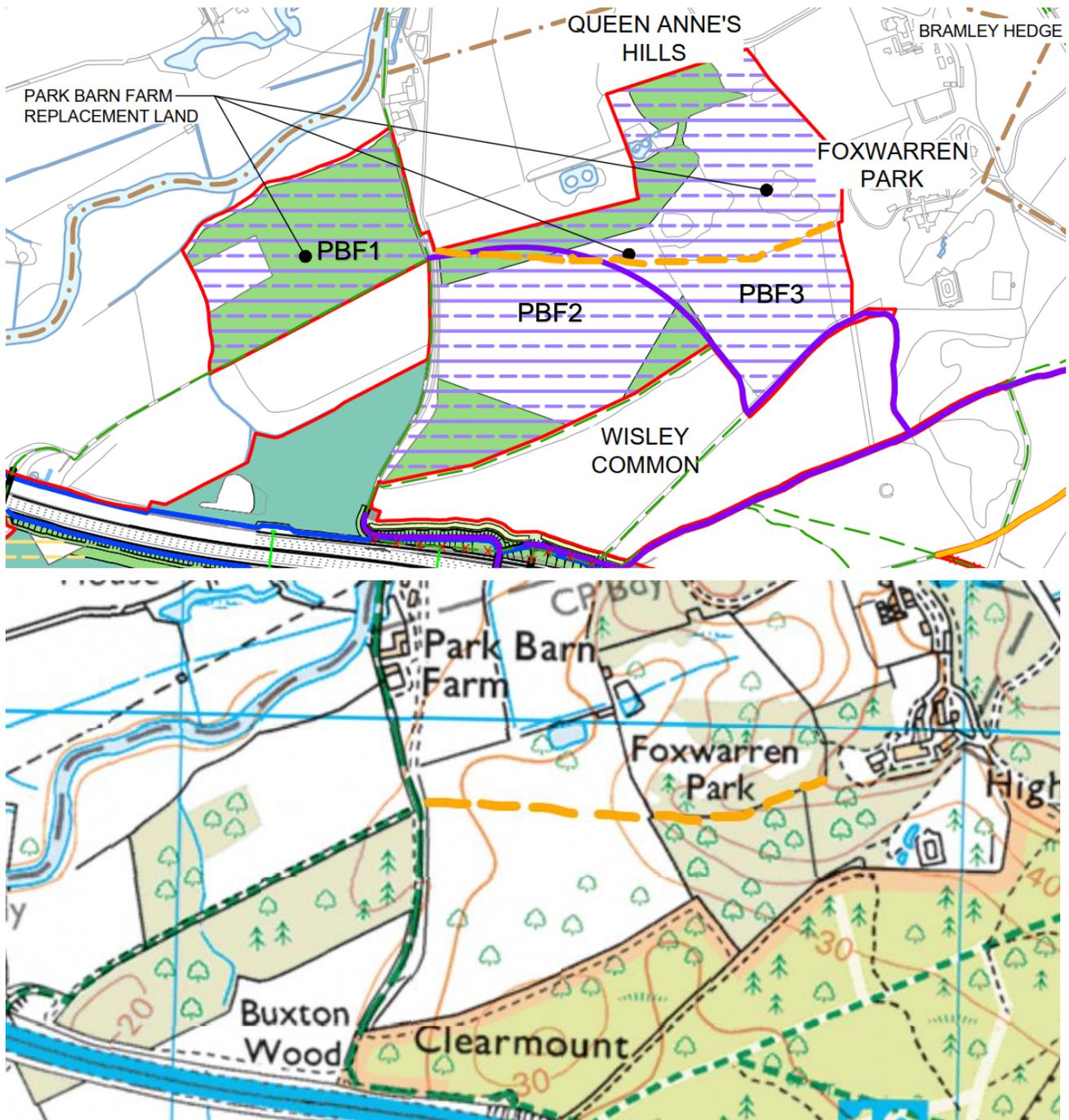
- 1.4.1 Most of the options summarised above entail the omission of the relevant plots from the Book of Reference; however, options 1, 2 and 4 would entail the reduction in size of plot 11/17.
- 1.4.2 Should the Examining Authority consider it helpful Highways England could provide amended land plans showing the resultant reductions or omissions of replacement land plots identified in this note.

Figure 1: Replacement Land locations and existing special category land



The first image is based on an extract from the composite scheme layout plan [REP1-007]. The amendments to the DCO boundary that would be necessitated if the land described in Option 4 was removed from the Scheme is indicated by a dashed orange line. This follows an old boundary (visible on the OS map base) across area PBF3 and then follows a straight line across area PBF2 to the corner of the current DCO boundary adjacent to the access track. This proposed boundary runs just to the south of a local ridge line that extends westwards down from Foxwarren Park, as indicated by the contours on the second image, which is based on the OS 1:25,000 map. This means that the land suggested to be omitted in this option is, visually, more closely related to the land to the north rather than to the south.

Figure 2: Sketch drawing of Option 4 as referred to in Table 1



© Crown copyright (2020).

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence:

visit www.nationalarchives.gov.uk/doc/open-government-licence/

write to the Information Policy Team, **The National Archives, Kew, London TW9 4DU**,

or email psi@nationalarchives.gsi.gov.uk.

Printed on paper from well-managed forests and other controlled sources.

Registered office Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ

Highways England Company Limited registered in England and Wales number 09346363

