

# M25 junction 10/A3 Wisley interchange

**TR010030**

## 9.79 Comments on Ronald Alderson's Deadline 5 submission

Rule 8(1)(c)(i)

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

Volume 9

April 2020

# Infrastructure Planning

## Planning Act 2008

### The Infrastructure Planning (Examination Procedure) Rules 2010

## M25 junction 10/A3 Wisley interchange

### Development Consent Order 202[x ]

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<b>Rule Number:</b>	Rule 8(1)(c)(i)
<b>Planning Inspectorate Scheme Reference</b>	TR010030
<b>Application Document Reference</b>	TR010030/9.79
<b>Author:</b>	M25 junction 10/A3 Wisley interchange project team, Highways England and Atkins

<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
Rev 0	3 April 2020	Deadline 6

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## 1. Introduction

- 1.1.1 This document contains Highways England's comments on the submission made at Deadline 5a by Keystone Law on behalf of Ronald Alderson of Park Barn Farm [REP5a-013].
- 1.1.2 Where issues raised within the submission have been dealt with previously by Highways England, for instance in response to a question posed by the examining authority in its first and second rounds of written questions [REP2-013] and [REP5-014] respectively, in Highways England's comments on written representations [REP2-014], in Highways England's most recent response to the submissions made by Keystone Law on behalf of Ronald Alderson [REP4-004] or within one of the application documents or another examination document, a cross reference to that response or document is provided to avoid unnecessary duplication. The information provided in this document should, therefore, be read in conjunction with the material to which cross references are provided.
- 1.1.3 In order to assist the examining authority, Highways England has not provided comments on every point made in the submissions including for example statements which are matters of fact and those which it is unnecessary for Highways England to respond to. However, and for the avoidance of doubt, where Highways England has chosen not to comment on matters contained in the response, this should not be taken to be an indication that Highways England agrees with the point or comment raised or opinion expressed.
- 1.1.4 The following abbreviations are used in Highways England's responses within this document:
- PBF = Park Barn Farm
  - CF = Chatley Farm
  - HE = Hatchford End
  - References in this document to PBF1, CF1, HE2 etc. are to the replacement land parcels as described in the Common Land and Open Space Report [AS-005]

## 2. Highways England’s comments on submissions made at Deadline 5 on behalf of Ronald Alderson of Park Barn Farm

Table 2.1 caption

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3	<p>The minutes of meetings between SCC, SWT, and HE (Appendix 1) certainly reflect this desire from an early stage of scheme planning: see minutes of meeting held on 20th December 2007 which quotes one of the parties (presumably HE) saying that the “project would be replacing land at a 1:3 ratio”, and that SWT saw it as “an opportunity to obtain as much environmental gain as possible”. SCC also confirmed this same ratio in its consultation response to HE in March 2018.</p>	<p>The 1:3 ratio was part of a scheme summary given by the project manager at the meeting and reflects a working assumption at an earlier stage of the design of the Scheme as to the ratio of replacement land which would be provided in exchange for SCL land to be acquired as part of the Scheme, The final ratios which have been applied are lower as set out in REP4-004.</p> <p>It is appropriate that Highways England should seek to provide, and SWT, therefore, to expect, ‘as much environmental gain as possible’ from the land acquired for the Scheme, in whatever location and for whatever purpose. This ambition has not, however, had any bearing on the quantity of replacement land being sought.</p>
3	<p>All this puts cart firmly before horse, however. It is built on the flawed pretext that the current road scheme provides a legitimate opportunity to right past wrongs, but in law these are different projects which must be assessed on their own terms. The desire to sort out the perceived impacts of past decisions would be an illegitimate purpose, unnecessary and disproportionate. Put bluntly, scheme “precedent” has no relevance to compliance with the statutory test.</p>	<p>The provision of replacement land in compensation for the special category land which is to be acquired compulsorily for the Scheme has not been developed in order to “right past wrongs”. Paragraph 2.7.11 of the Common Land and Open Space Report [AS-005] records that, as a matter of fact, that the need for capacity improvements at the M25/A3 interchange flows from the original construction of the interchange, which resulted in the loss and severance of significant areas of common land and open space. Any improvements to the interchange requiring land outside the highway boundary are likely to require the acquisition of additional parcels of common land and open space.</p>
4	<p>First and foremost one must consider that “<i>the design and associated land take is limited to the adjacent land</i>” [SoR, 5.5.2]. It comprises long linear stretches of roadside verge running parallel to the existing A3 dual carriageway and M25 motorway. At present,</p>	<p>Highways England disputes the characterisation of the special category land that will be subject to compulsory acquisition as part of the Scheme. None of the special category being acquired is ‘roadside verge’, although the area of common owned by Highways England north of Wisley Lane is contiguous with the A3 highway verge.</p>

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	<p>anyone attempting to walk or ride the linear route would encounter many obstacles in their way, with not all of it actually being usable. The overall experience for rights of way users would also be dominated by the sight and sound of vehicular traffic, and the sight of ugly road infrastructure. Those users will suffer air quality which is worse than at any other location within the common land and open space.</p>	<p>The areas of special category land to be acquired or affected by permanent rights include land adjacent to the highway and land extending further away, up to about 200m.</p>
5	<p>In so far as HE claims that CF3, CF4, HE1 and HE2 have only "limited connection" with the existing SCL this is not true (or else why have these areas even been identified as being suitable RL?). In fact, HE and HE2 connect directly to the open space of Ockham common. CF3 and CF4 are adjacent to RL areas CF1 and CF2. The bridleway at the eastern end of CF3 and CF4 also serves to link those parcels of RL to the SCL in the southwestern quadrant, and at the same time will benefit from improved access because the existing bridge over the M25 is also being replaced.</p>	<p>Highways England does not accept the arguments made in relation to the connectivity of the replacement land parcels.</p> <p>HE2 is separate from the existing special category land and is only connected via HE1. (see Figure B.1 in the Common Land and Open Space report [AS-005])</p> <p>CF3 and CF4 are near to CF1 and CF2 to but not adjacent – they are connected only by travelling about 200m along Pointers Road. In this respect, they are less suitable as replacement land than CF1 and CF2 or the land at Park Barn Farm.</p> <p>Hatchford Park bridge over the M25 by CF4 is not affected by the Scheme.</p>
7	<p>HE has incorrectly recorded the status of the land at PBF in the official scheme assessment. In particular, these plots have been classed as agricultural land (see, for example, Figure 13.1 People and Communities plan from the Environmental Statement), whereas in fact the land is a valuable private residential amenity resource which has been used and enjoyed regularly by the current owner and his extended family over a period of several years (fields "PBF2" and "PBF3" especially).</p>	<p>The Environmental Statement at para 13.8.67 [in Rep4-028] assessed the loss of approximately 15 hectares of grassland from the Park Barn Farm landholding. It was noted in the environmental statement that the grassland is currently ungrazed and managed by mowing but has the potential to be restocked with livestock. As the grassland still has the character of agricultural fields, it has been looked at as such in consideration of the land as a potential replacement land location.</p> <p>The removal of the principal areas of grassland and associated woodland that the interested party asserts are a valuable amenity resource for the private residence at Park Barn Farm has been considered as "option 4" in REP5a-012.</p>
8	<p>We note with some concern in this regard that instead of discussing the exchange land issue openly and</p>	<p>The 'offline' reference is from the minutes of the meeting of 20.12.2017, item 3.0 [in REP5a-013], which includes the note "The exchange land issue must be</p>

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	transparently the official minutes of meetings reveal that representatives of HE, SCC and SWT “agreed to discuss this offline”, whilst other documents which are directly relevant to the deliberation of these issues have not so far been disclosed: for example, the meeting note of 24/03/18 states that Atkins would be preparing a draft report on the common / exchange / compensation land issue that would be ready “in two weeks”.	resolved. XX agreed to discuss this offline” This point of discussion was in relation to the incomplete historic exchange land process for the original M25 scheme, and not the replacement land proposals for this DCO Scheme; this was discussed offline as it was not an issue that could be progressed at that meeting. In any event the historic common latter matter is well-known to the examining authority.  The second point relates to the meeting note of 24.03.2016 (not 2018) [in REP5a-013], which covered initial discussions about the constraints and opportunities related to various areas of land around the Scheme. The document referred to was a work in progress draft of a report that evolved into the Scheme Assessment Report Replacement Land Addendum (November 2017), which, whilst not currently before the examining authority, is a public document available on Highways England's website.
10	APPENDIX 3: FURTHER QUESTIONS FOR HIGHWAYS ENGLAND IN RELATION TO SITE AT POND FARM	In order to assist the interested party and the examining authority, Highways England has answered the questions below in relation to Pond Farm to the best of its available knowledge. Further information may need to be requested from Surrey Wildlife Trust and Surrey County Council
10	1. Please state the total area of the Pond Farm site.	Area is approximately 12.5 ha, including the buildings. This does not include Birchmere camp site field and Woolger's Wood.
10	2. How many head of cattle does SWT keep on that land?	This varies but can be up to 30 at one time. The farm is used for autumn grazing for the Wisley Common conservation herd about 25 cattle from September to December, as well as overwintering of 10-15 cattle from December through to Spring. SWT has 500 head of cattle. See also Q4 below.
10	3. On a plan, please indicate the areas used for grazing and explain how the grazing land is rotated in Winter.	The whole farm is used for grazing, except for the buildings and car park.
10	4. It is understood that no cattle are grazed on the Pond Farm site at other times of year because the cattle herd is moved for grazing on other parts of the SPA (and elsewhere in the County) – please confirm.	This is not the case. The farm is the main facility for the care and treatment of sick and injured SWT livestock at any time. Spring calving takes place from March to May in most years. Bulling of about 25 cows and heifers takes place

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		and there is a bull on the farm in June and July. Pond Farm is also used as the main handling, collection and loading point for sending animals to the abattoir.
10	5. The meeting note dated 31 August 31 August 2017 mentions a number of other uses taking place on the site: a firewood business, sheep, ponies and goats that operate for commercial activities. Please explain the nature of these activities and specify (on a plan) which parts of the land they occupy on the Pond Farm site.	<p>The sheep flock has recently been reduced. Ponies and goats have now been sold. The firewood business is in the farm yard indicated by the pushpin below.</p> 
10	6. It is understood that Pond Farm also includes the scout camp land. Has the possibility of using this land been considered? If it has been considered but rejected, please provide the reasons.	The camp site has been in place for over 40 years, is well-used and has good facilities. The site was not considered as suitable for inclusion in the replacement land proposals, as having open public access would not be compatible with maintaining safeguarding for the scouts.
10	7. Has HE considered the alternative of using only part of the Pond Farm Site? If so, how?	Yes, an area was identified for acquisition of approximately 5 ha of Pond Farm as replacement land in the 2018 public consultation scheme (see item 2.0 in

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		minutes of meeting on 16.03.2018 [in REP5a-013]). This was subsequently objected to by SCC and SWT and did not form part of the final dDCO Scheme (see item 2.0 in minutes of meeting on 26.06.2018 [in Rep5a-013]).
10	8. HE uses methods to keep users to guided routes in order to control the use on other parts of the common land, and intends to do the same with parts of the RL, so why is that possibility not also countenanced for Pond Farm?	A right of open access must be provided for land to be considered as suitable replacement for common land or open space, notwithstanding any scheme of advisory usage and movement that may be applied (by SCC/SWT) from time to time to assist with biodiversity management. Fencing on common land requires specific consent from the Secretary of State and would only be granted for the control of grazing if the grazing was a mechanism for management of that part of the common.
10	9.What specific provisions of the PA 2008 does HE say would be infringed by giving users of the commons only seasonal rights of access to Pond Farm?	This would not provide replacement land that is subject to like rights, trusts and incidents, etc.

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Highways England Company Limited registered in England and Wales number 09346363

