

**M25 JUNCTION 10/A3 WISLEY INTERCHANGE IMPROVEMENT SCHEME
PROPOSED M25 JUNCTION 10/A3 WISLEY INTERCHANGE DEVELOPMENT
CONSENT ORDER (“DCO”)**

**ROYAL HORTICULTURAL SOCIETY (“RHS”) – REGISTRATION NUMBER
20022900**

**COMMENTS ON ANY FURTHER INFORMATION REQUESTED BY THE ExA
RECEIVED BY DEADLINE 6**

These comments are submitted on behalf of the RHS. Richard Max & Co LLP are the duly appointed solicitors to the RHS and are authorised to submit these comments and other documents on its behalf.

OVERVIEW

1. These comments:
 - address matters arising on further information requested by the ExA received by Deadline 6;
 - summarise the position of the RHS following Deadline 6; and
 - enclose various additional documents.

2. The RHS’s case is fully set out in the evidence it has already submitted to the Examination and is not undermined by any of the information submitted by the Applicant at Deadline 6.

3. The additional documentation comprises:
 - ***REP7-xxx – Appendix 1 – RHS comments on HE REP6-010***
 - ***REP7-xxx – Appendix 2 – email from the RHS to NE dated 15 April 2020.***
 - ***REP7-xxx - Appendix 3 – M25 Junction 10 – A3 Ockham Alignment Options Assessment prepared by HE dated 27 January 2020.***

- **REP7-xxx - Appendix 4 – Letter from the Barrell Tree Consultancy dated 17 April 2020.**

Highways and traffic impacts

4. See attached **Appendix 1**.

Air Quality and Biodiversity

5. See attached **Appendix 1**.

Economic Impact

6. The RHS notes that HE maintains its position at Deadline 6 that:
- (i) the DCO Scheme will not have a detrimental impact upon RHS Wisley;
 - (ii) appropriate consideration has been given to the impacts upon RHS Wisley across both the construction and operational phases of the Scheme within its Environmental Statement; and
 - (iii) the economic impacts of the DCO Scheme ought not be considered as regards one business in isolation.
7. The RHS has submitted significant additional information at Deadline 6 that reinforces its position that the DCO Scheme will cause very significant economic harm to the Garden, with estimated impacts of between £60 million and £100 million. The RHS's analysis is comprehensive and constitutes the best evidence before the ExA. It significantly outweighs the incomplete assessment of impacts undertaken by HE within its Environmental Statement. One of the defined objectives of the DCO scheme is "improving access to RHS Wisley" and so the impact of the scheme upon trips to and from the Garden is clearly of importance of the economic analysis shows that this objective is not being met by the DCO Scheme.
8. Mitigation and monitoring of the projected economic impacts caused as a result of temporary and permanent works, infrastructure and management are expected to be addressed in the Land and Works Agreement (LWA).

REPORT ON THE IMPLICATIONS FOR EUROPEAN SITES (“RIES”)

9. The RHS has reviewed the RIES produced by the Planning Inspectorate dated 9 April 2020 [PINs Reference TR010030].
10. The RHS will, if necessary, be providing full comments on this document at Deadline 8. But it makes the following initial observations:
 - (i) The RIES does not cover any of the matters raised in the RHS’s Deadline 6 submissions;
 - (ii) It seems to be inferred in Para 1.2.7 that that the versions of the SoCG included as submitted at Deadline 3 [REP3-012] and Deadline 5 [REP5-010] are agreed. They are not;
 - (iii) Paras 4.4.3 – 4.4.4 contain an inaccurate summary of the RHS Representations up to Deadline 5.
 - (iv) the summary provided in the RIES as regards “Degradation of supporting habitat from air quality effects during construction and operation” (Paras 4.2.11 – 4.2.22) and in the Table and associated notes on page 30-33 reflects the fundamental error in HE and NE’s approach to appropriate assessment identified by RHS’s REP6-024.
11. The RHS has again written to NE seeking a response to its previous letters dated 1 and 3 April 2020 and indicating that it intends to comment fully on the RIES at Deadline 8. A copy of this email dated 15 April 2020 is attached as **Appendix 2**.

SUMMARY OF POSITION ON AGREEMENT OF SoCG

12. At the time of writing this Overview, there is no change from the position at Deadline 6 – comments are awaited from HE on the drafts sent to it at that juncture.
13. The RHS is considering whether any of the matters raised in ExQ3 need to be addressed in the SoCG.

CPO

14. The final position of the RHS as regards Plots to be CPO'd is set out in its response to ExQ 3.16.1.

IMPACTS DURING THE CONSTRUCTION PERIOD

15. Impacts during the Construction Period are a highly material consideration for the ExA to take into account when reaching its recommendations.

16. Appropriate detail is required in order to allow the ExA / the SS to reach a view as to the overall acceptability of the DCO Scheme.

17. At Deadline 6 the RHS submitted a revised Socio-Economic Impact report. This showed that the impacts both during the construction phase and operational phase of the DCO Scheme would be very significant.

18. The RHS objects to the lack of information supplied by HE on construction impacts and seeks:

- (i) further information to be given by HE at Deadline 8;
- (ii) such matters to be addressed in the DCO Requirements; and
- (iii) an effective dialogue between HE and the RHS to agree a LWA.

because of the national importance of the RHS Garden at Wisley and risk to the financial viability of the RHS's flagship Garden after a £65m investment programme.

LAND AND WORKS AGREEMENT (LWA) AND TEMPORARY WORKS

19. HE has agreed it will enter into a LWA and RHS has been in discussions with HE in relation to impacts of temporary works and construction. The RHS continues to reserve its position on such matters.

20. The temporary works plans [APP-015] show very little detail as does the outline CEMP [REP4a-003].

21. A meeting is being held with HE and its construction partner Balfour Beatty on 23 April 2020. The RHS expects that more details will be forthcoming but at present reserves its position.
22. The ExA is requested to note that the socio-economic and operational impacts on RHS Wisley will be directly influenced by the effectiveness of the temporary works arrangements and is asked to ensure that any DCO makes effective provision for these.

DCO REQUIREMENTS

23. The RHS is currently reviewing the Requirements contained in the emerging draft DCO and the Schedule of Changes published on 9 April 2020.

UNRESOLVED DESIGN ISSUES LEADING TO ROOT IMPACTS ON RHS REDWOOD TREES

24. The RHS continues to reserve its position in relation to these issues, pending receipt of further details from HE; particularly with regard to tree roots and the suggested realignment of the northbound carriageway of the A3 into the central reservation.
25. The RHS does not believe that the document “M25 Junction 10 – A3 Ockham Alignment Options Assessment” published by HE on 27 January 2020 has been supplied to the ExA. A copy is attached at **Appendix 3**.
26. The RHS does not agree from the material prepared by HE [Appendix 3 and REP5-021] that the DCO Scheme will not harm the Redwood trees.
27. The RHS notes the proposed Requirement 18 concerning the protection of tree roots and reserves its position to comment on the Requirements contained in the emerging draft DCO once the ExA has published its Schedule of Changes on 9 April 2020.

28. The letter from the Barrell Tree Consultancy at **Appendix 4** sets out the RHS objections to HE's proposals concerning tree root protection.

ExQ3

29. The RHS notes the questions raised by the ExA at Section 13 of ExQ3 for the Applicant and/or SCC to extend the traffic modelling which has already been undertaken to date to include model runs which incorporate south facing slips at Ockham.

30. The RHS has maintained from the outset of the Examination that the RHS Alternative Scheme should have been modelled by HE (including the Wisley Lane slip to A3 northbound) and that the ExA would not be able to conclude on the effects of the DCO Scheme on Ripley and the LRN without **a proper and full modelling exercise** having been conducted by HE. Assuming that HE complies with this request, then it should at this late stage of the Examination be possible to consider the effects of the south facing slips and enable the overwhelming benefits of the RHS Alternative Scheme to be properly shown and considered.

CONCLUSIONS

31. The RHS maintains its objections to the DCO Scheme.

Richard Max & Co LLP for and on behalf of the RHS

20 April 2020