



Elmbridge Borough Council

... bridging the communities ...

Civic Centre
High Street, Esher
Surrey KT10 9SD
01372 474474
contactus@elmbridge.gov.uk
elmbridge.gov.uk

National Infrastructure Planning
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol, BS1 6PN

Contact: Jamie Pourier-Benham
Telephone: 01372 474474
Email: jpourier-benham@elmbridge.gov.uk
Ref: 20023006
PINS Ref: TR010030

M25junction10@planninginspectorate.gov.uk

20 April 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 7 (D7) 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 Third Written Questions (ExQ3)**
Responses are provided as Annex A.

Elmbridge Borough Council continues to discuss with Highways England issues within the Statement of Common Ground (SoCG), including the changes accepted by the ExA. The final version of the SoCG will be submitted at Deadline 8 as set out in the Examination Timetable.

If you need anything additional, please let us know.

Yours faithfully,



Kim Tagliarini
Head of Planning Services

Annex A – EBC ExQ3

M25 Junction 10/A3 Wisley Interchange Improvement Project

Elmbridge Borough Council (EBC) Response to the Examining Authority's (ExA's) Third Written Questions (ExQ3)

1.	General		Elmbridge Borough Council (EBC) Response
3.1.3	All Interested Parties (IPs)	<p>With respect to the Applicant's Proposed Changes 2 to 6, the documentation for which was variously submitted at Deadlines 4 and 4a, which were accepted for Examination by the ExA on 27 February 2020 [PD-012], please provide any comments that you may have that specifically relate to Proposed Changes 2 to 6, which comprise the following:</p> <ul style="list-style-type: none"> • Change 2 - incorporation of two toad underpasses at Old Lane • Change 3 - removal of part of the proposed improvements to the A245 eastbound between the Seven Hills Road and Painshill junctions • Change 4 - amendments to Saturday construction working hours • Change 5 - diversion of a new gas main crossing of the M25 • Change 6 - amendments to the proposed speed limit at Elm Lane 	<p>EBC has included Change 3 and Change 4 as items 11.1.1 and 11.2.1 within our Statement of Common Ground (SoCG) with the Applicant and is supplying comments within the document.</p>
3.1.4	All IPs	<p>Included within the Applicant's request at Deadlines 4 and 4a to make Proposed Changes to the originally submitted application is Change 1 (extension of the proposed green element on Cockcrow Bridge). Proposed Change 1 to date has not been accepted for Examination by the ExA.</p>	<p>EBC refers to comments 4.4.12 made regarding the Green Bridge (proposed Change 1) in the Joint Council Local Impact Report (REP2-047) and defers to Surrey County Council's comments regarding maintenance.</p>

Annex A – EBC ExQ3

M25 Junction 10/A3 Wisley Interchange Improvement Project

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		There remains the potential for Change 1 to be accepted by the ExA for Examination prior to the close of the Examination and accordingly the ExA considers it appropriate that all IPs be provided with the opportunity to comment on Proposed Change 1 if they wish on a without prejudice basis.	
2.	Principle and nature of the development, including need and alternatives		Elmbridge Borough Council (EBC) Response
3.2.2	Applicant, Guildford Borough Council (GBC), Elmbridge Borough Council (EBC), Royal Horticultural Society (RHS) and any other Interested Parties (IPs)	For the purposes of the determination of the submitted application for the Proposed Development does the amended duty under The Climate Change Act 2008, namely achieving net zero greenhouse gas emissions by 2050 pursuant to The Climate Change Act 2008 (2050 Target Amendment) Order 2019, which took effect on 27 June 2019, have any implications for the assessment of the effect on climate change that has been undertaken (i.e. the conclusions contained within chapter 15 of the ES [APP-060]), particularly with regard to: the provisions of the National Policy Statement for National Networks (NPSNN); any other national policy relating to climate change (including any commitments as part of the Paris Climate Agreement of December 2015; and any in-principle type considerations raised in the recent Court of	EBC would defer to the Applicant to respond to this question regarding the policies included in their assessment and implications on the ES.

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		Appeal judgement concerning the Airports NPS?	
9.	Land use, recreation and non-motorised users		Elmbridge Borough Council (EBC) Response
3.9.2	SCC, EBC and GBC	Can you please advise on what input you have had in derivation of the ‘target ratios’ for the provision of replacement land in exchange for Special Category Land (SCL), i.e. Common Land and Open Space, namely: 2.5:1 for Common Land, 2:1 for Open Space and 1:1 for the permanent acquisition of rights over Common Land and Open Space, identified by the Applicant in [AS-005].	EBC has not specifically commented on the target ratios during the process but supports SCC assessment.
3.9.3	SCC, EBC and GBC	With respect to the proposed provision of replacement land in exchange for SCL and the range of possible options outlined in Table 1 of the ‘Note on Implications of Potential Reduction in Replacement Land’ [REP5a-012], please: a) identify the three SCL options in Table 1 that you most and least favour, ranked in order of most/least preferred; and b) explain the reasons for those choices. Without prejudice to any representations you have made at earlier deadlines for this Examination concerning the provision of	Based on the details in ‘Table 1: Summary of various possible options for reduction in the quantum of replacement land being provided’ EBC ranks the most favoured options (ranked in order) and reasons for selection as: Option 5 – limiting the impact on the ancient woodland and due to lack of connectivity to existing open space/common land/SCL and associated usage Option 6 - limiting the impact on the ancient woodland and due to lack of connectivity to existing open space/common land/SCL and associated usage Option 7 – small isolated area with low connectivity

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		<p>SCL replacement land, in answering this question each local authority is requested to disregard any ‘in-principle’ type objections they might have to a reduction in the target ratios stated by the Applicant in AS-005. Additionally, in answering this question each local authority is requested to take account of the following factors:</p> <ul style="list-style-type: none"> i. the underlying purposes for having the Common Land and Open Space; ii. any user benefits and/or disbenefits in terms of the proximity of any replacement SCL to what would be the retained SCL; iii. the patterns of use for the existing SCL; and iv. the future patterns of use for the existing and new SCL. 	<p>The least favoured options (ranked in order) and reasons for selection are:</p> <p>Option 3 – largest reduction in area and has good connectivity to existing common land/SCL and associated usage</p> <p>Option 2 – second largest reduction in area and has good connectivity to existing common land/SCL and associated usage</p> <p>Option 1 – large reduction in area and has good connectivity to open space/common land/SCL and associated usage</p>
15.	Content of the draft	Development Consent Order (dDCO)	Elmbridge Borough Council (EBC) Response
3.15.13	Applicant and LAs	<p>Is a 5 year period in relation to replacement tree and shrub planting, that is referred to in R6(5), of sufficient length to ensure that all the proposed soft landscaping becomes properly established?</p>	<p>EBC’s standard replacement planting condition requires that if any newly planted tree or shrub dies or is removed within 5 years from the completion of the project it must be replaced.</p> <p>The examiners have queried whether this time period is sufficiently long enough and have suggested this be extended to a 10 year period.</p> <p>Considering the size of the project, EBC are in support of the extended time period and if any newly planted tree or shrub dies or is removed</p>

Annex A – EBC ExQ3

M25 Junction 10/A3 Wisley Interchange Improvement Project

Elmbridge Borough Council (EBC) Response to the Examining Authority’s (ExA’s) Third Written Questions (ExQ3)

			within 10 years from the completion of the project it must be replaced.
16.	Compulsory Acquisition (CA)		Elmbridge Borough Council (EBC) Response
3.16.1	All CA and/or TP objectors who had registered a request to be heard at the Compulsory Acquisition Hearing originally scheduled for 24 March 2020 (CAH1)	Please provide in writing the oral case concerning the Applicant’s CA and/or TP proposals that you intended to make at the postponed CAH1, in effect the written post hearing submissions that you would otherwise have submitted at Deadline 6. Should these written submissions exceed 1,500 then also provide a standalone written summary of the main submissions. In submitting your written versions of the oral case that you would have otherwise made at CAH1, would you please ensure that as an Affected Person (AP) you identify each plot of land that you have an objection to the proposed CA and/or TP for. The identification of plots should be made by reference to the plot numbers given on the Land Plans [AS-002, as amended by any subsequent Land Plans submissions by the Applicant] and set out in the current version of the BoR [REP5a-005]. If your objection concerns multiple plots of land, but there are common themes spanning across the plots then it will be perfectly in order to	EBC had not registered a request to attend or be heard at the CA but supplied the following comments to the ExA: Elmbridge Borough Council owns land which is subject to Compulsory Acquisition. Some of this land is held under lease. Whilst we are not objectionable to this acquisition, we would seek that our rights and obligations as public body, landowner and landlord are protected. We will therefore be relying on the statutory process regarding compulsory acquisition to be adhered to. Furthermore, we expect the representatives of the acquiring authority to engage in reasonable conversations with ourselves and our tenants.

Annex A – EBC ExQ3

M25 Junction 10/A3 Wisley Interchange Improvement Project

Elmbridge Borough Council (EBC) Response to the Examining Authority's (ExA's) Third Written Questions (ExQ3)

		<p>identify any such groups of plots, by reference to the plot numbers shown on the Land Plans and used in the BoR and make common comments applicable to any such groupings.</p> <p>In the event that an AP's written submissions to be submitted in response to this question provides an answer to a question below which they are being requested to answer, then the ExA would prefer that the APs simply include a cross referring note explaining that the answer to any such question can be found in the response to question 3.16.1.</p>	
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