

**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**

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**COMMENTS ON ANY FURTHER INFORMATION REQUESTED BY THE ExA  
RECEIVED BY DEADLINE 7**

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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 7;
  - summarise the position of the RHS following Deadline 7;
  - enclose various additional documents; and
  - address various additional matters.
  
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 7.
  
3. The additional documentation comprises:
  - ***REP8-xxx – RHS Response to HE’s REP7-004***
  - ***REP8-xxx – RHS Response to HE’s REP7-008***
  - ***REP8-xxx – RHS Response to the Planning Inspectorate’s Report on the Implications for European Sites dated 9 April 2020 (“RIES”)***

*Highways and traffic impacts*

4. See attached representations on REP7-004 and REP7-008.
5. The RHS notes that HE has not yet responded in full to the requests for modelling work and assessment of the south-facing slips at the Ockham Roundabout and reserves its position to comment on such material when submitted to the ExA.

*Air Quality and Biodiversity*

6. See attached representations on REP7-004 and REP7-008.

*Economic Impact*

7. See attached representations on REP7-008.
8. The RHS notes that:
  - HE has provided no evidence of its own to substantiate its view that there will be “no impact” on the RHS caused by the DCO Scheme; and that
  - such a conclusion is plainly wrong.

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

9. See attached RHS response to RIES.

**SUMMARY OF POSITION ON AGREEMENT OF SoCG**

10. The final signed SoCG will be submitted by HE.

**COMMENTS ON THE DRAFT STATEMENT OF COMMONALITY**

11. The RHS notes that the Final Statement of Commonality is to be submitted by HE at Deadline 8.
12. Having reviewed the current draft of the Statement of Commonality as at Deadline 5 [REP5-011], and given the finalisation of the SoCG, the RHS

13. observes that the “traffic light” table requires some amendment in respect of the RHS’s position:

- Draft DCO - remains subject to further discussions (**orange**);
- Requirements - remain subject to further discussions (**orange**);
- Protective Provisions - remain subject to further discussions (**orange**);
- Consents licences, LONI - remain subject to further discussions (**orange**);
- Scheme Design and Option Selection – there is general disagreement between the parties (**change to red**);
- In principle support for the Scheme – whilst the RHS has been supportive of the principle of improvement of Junction 10, its objections remain in respect of the proposals and their adverse effects on RHS Wisley. The RHS Alternative Scheme has not been properly considered or included and so there is general disagreement between the parties (**change to red**);
- Road Safety – as the parties disagree on road safety issues for the Wisley lane “left out” and the overall benefits the RHS Alternative Scheme would afford through the removal of unnecessary travel and movements through junctions, there is general disagreement between the parties (**change to red**);
- Traffic Modelling – there is general disagreement between the parties (**change to red**);
- Robustness of Environmental Statement - there is general disagreement between the parties (**change to red**);
- Air Quality - there is general disagreement between the parties (**change to red**);
- Noise – remains subject to further discussions (**orange**);
- Traffic and Transport effects, inc local road network - there is general disagreement between the parties (**change to red**);
- Socio-economic impacts - there is general disagreement between the parties (**change to red**);
- Construction impacts and CEMP; there is general disagreement between the parties (**change to red**);

- Adequacy of environmental mitigation, compensation and replacement land; there is general disagreement between the parties (**change to red**);
- Support for supposed scheme changes - remains subject to further discussions (**orange**);
- There are no columns for HRA/Biodiversity issues nor for the adequacy of the SIAA – both of which would be **red** on the part of the RHS, if they were to be included.

14. The summary set out at para 6.8.3 of the Statement remains the case, namely “a number of material issues remain in dispute between the parties including the effect of the Scheme on access to RHS Wisley and the wider socio-economic effects of the Scheme on the gardens.” The areas of agreement and disagreement are set out in the SoCG and have been made clear in the submissions submitted by the RHS to the ExA.

#### **CPO**

15. The RHS has set out its final position on the Plots to be CPO'd in its response to ExQ 3.16.1.

#### **IMPACTS DURING THE CONSTRUCTION PERIOD**

16. HE has still not supplied sufficient detail for the RHS to consider and comment upon.

17. Whilst these impacts cannot yet be fully quantified, it is clear that they will cause severe socio-economic impacts on the RHS.

#### **LAND AND WORKS AGREEMENT (LWA) AND TEMPORARY WORKS**

18. A meeting was held with HE and its construction partner Balfour Beatty on 23 April 2020.

19. The RHS tabled Heads of Terms at that meeting which are currently being reviewed by HE.

20. A further meeting has been arranged for 6 May 2020.

21. The RHS wishes to ensure that the Heads of Terms are agreed with HE and submitted to the ExA before the close of the Examination. One of the main reasons for entering into a LWA is the paucity of information concerning the construction process in the DCO and therefore possible serious economic impacts on the operation of RHS Wisley. At present the RHS reserves its position in respect of any Requirements dealing with construction related matters.

### **DCO REQUIREMENTS**

22. The RHS will review the final draft DCO to be submitted by HE at Deadline 8 and will comment as necessary.

### **UNRESOLVED DESIGN ISSUES LEADING TO ROOT IMPACTS ON RHS REDWOOD TREES**

23. A response is awaited from HE to the Barrell Tree Consultancy letter submitted at Deadline 7 [REP7-042].

24. The RHS intends to carry out non-intrusive surveys of the capillary root spread of the Redwood Trees as it is not convinced by the results of HE's root survey.

25. The RHS continues to reserve its position in relation to these issues.

### **CONCLUSIONS**

26. In light of all the evidence submitted to date and the new material contained in these Deadline 8 submissions, the RHS reiterates its view that the ExA cannot recommend to the Secretary of State that the DCO Scheme is approved.

27. The RHS maintains its objections to the DCO Scheme and will make any final submissions at the appropriate time.

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

**1 May 2020**