

## REP8-XXX - RHS Responses to REP7-004

Question No	Question to	Question	HE Response	RHS Comment
2.	<b>Principle and nature of the development, including need and alternatives</b>			
3.2.2	Applicant, GBC, EBC, RHS, any other relevant 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 (ie 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 Appeal judgement concerning the Airports NPS?	The assessment of the Scheme has been undertaken in accordance with Government guidance, including Highways England's Design Manual for Roads and Bridges (DMRB) and current Government policy, including that in the National Policy Statement for National Networks ('NPSNN'). Paragraph 5.17 ('Applicant's Assessment') of the NPSNN states that: "It is very unlikely that the impact of a road project will, in isolation, affect the ability of Government to meet its carbon reduction plan targets. However, for road projects applicants should provide evidence of the carbon impact of the project and an assessment against the Government's carbon budgets." (emphasis added) Section 1(1) of the Climate Change Act 2008 ('CCA2008') (as originally enacted) provides as follows: "It is the duty of the Secretary of State to ensure that the net UK carbon account for the year 2050 is at least 80% lower than the 1990 baseline." In June 2019 this percentage was amended to 100%. This is the UK's current carbon 'target' for 2050 and is often referred to as 'net zero'. In order to meet the 2050 'target' sections 4, 8 and 9 of the CCA2008 provide that the Secretary of State (for Business, Enterprise and Industrial Strategy) must set five-yearly carbon 'budgets' after taking into account the advice of the Committee on Climate Change ('CCC') and various other factors. The carbon 'budgets' provide the stepped reductions in the UK carbon account required to achieve the 2050 'target'. It is these carbon 'budgets' that are referred to in para 5.17 of the NPSNN (above). The UK has met both its first and second carbon budgets, covering the period between 2008 and 2017, and is on track to meet the third carbon budget (2018 to 2022). This would ensure emissions are 37% below 1990 levels. Carbon budgets are currently set up to 2032, with the remaining budgets beyond this yet to be agreed. It is for Government to set successive national carbon budgets in accordance with the CCA2008 in order to meet the 2050 'target'. The 'net zero' target in the CCA2008 does not prescribe the levels of the five-yearly 'budgets' necessary to reach either the original or the amended 2050 'target'; that is a matter for Government. In accordance with para 5.17 of the NPSNN, the Applicant undertook an assessment of the project to determine its contribution to the relevant carbon budgets, as	The RHS has reserved its position on this question in REP7-039 pending HE's response.

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			<p>required (Environmental Statement Chapter 15: Climate [APP-060]). It was found that during construction, and operation in the Opening Year and Design Year, the contribution of the Scheme would be minimal (&lt;0.004% of the 3rd carbon budget). That budget has not been amended by Government and remains the relevant comparator. The ES concluded that the Scheme is unlikely to have any material impact on the Government meeting its 'budgets'. The change to the Climate Change Act would therefore not alter the findings of the assessment on climate change as presented in chapter 15 of the ES [APP-060]. The Paris Agreement on climate change was ratified in 2016 and is an unincorporated international treaty; that is, a treaty that Parliament has not 'incorporated' into UK law. In the Court of Appeal's decision in R (FOE / Plan B Earth) v. Secretary of State for Transport and others [2020] EWCA Civ 214 the Court held, amongst other things, that the Government's commitment to the Paris Agreement was part of 'Government policy' and ought, therefore, have been taken into account when designating the Airports NPS ('ANPS') in June 2018. It is important to note that the Court of Appeal made clear that if this 'policy' had been taken into account that did not mean that there could be no expansion of Heathrow Airport. The error was failing to take the 'policy' into account. The NPSNN was designated in 2014 and so the Paris Agreement (2016) was not a material 'policy' to take into account at that time. Thus, the legal error that the Court of Appeal identified in relation to the designation of the ANPS does not apply to the designation of the NPSNN. The Applicant has assessed the climate change impacts of the proposed development and has compared these against the Government's 'carbon budgets' for the relevant period, as required by para 5.17 of the NPSNN. It is then a matter for the Secretary of State to determine whether those emissions would have a material impact on the Government's ability to meet its climate change obligations, in the context that it is the Applicant's case that they clearly would not.</p>	
<b>3.</b>	<b>Air Quality and Human Health</b>			
3.3.1	Applicant	In light of the ExA's requirement under question 3.13.2 for the hypothetical modelling of the availability of south facing slips at the Ockham Park junction to be	Although the inclusion of south facing slips has not been yet been fully modelled, the traffic flows on the B2215 and B367 (Newark Lane) in Ripley with the south facing slips at Ockham Park junction are expected to be similar or lower than those in the Do Minimum in the opening year. Although any increase in pollutant concentrations in Ripley with this alternative would be smaller than with the DCO Scheme, pollutant	RHS reserves its position until the results of the modelling of south facing slips is completed.

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		undertaken, the Applicant is requested to model the air quality effects for traffic flowing through Ripley using the traffic flow predictions generated through the modelling for the installation of south facing slips at the Ockham Park junction.	concentrations at receptors in Ripley would still not exceed the relevant air quality criteria, and the outcome would not be materially different from the conclusion of the air quality assessment presented in Environmental Statement Chapter 5: Air Quality [APP-050].	
<b>4.</b>	<b>Biodiversity &amp; Habitats Regulations Assessment</b>			
3.4.3	Applicant & NE	Do you have any further comments to make in regard to the issue of ammonia and nitrogen deposition having regard to the recent RHS submission 'Ammonia Emissions from roads for Assessing Impacts on Nitrogen-sensitive Habitats' [REP5-059]?	The document presented in Appendix D Ammonia from Roads for Habitats Assessments [REP5-049] shows the results of a study by Air Quality Consultants (AQC) on ammonia. The report, which to our knowledge has not been independently peer reviewed, provides a summary of monitoring data from the Ashdown Forest Special Area of Conservation (SAC), a discussion on emission factors for ammonia from road vehicles that could be used in the UK, and AQC's suggested approach for considering the contribution of ammonia from road vehicles to nitrogen deposition when assessing ecological receptors. Of relevance to the Habitats Regulations Assessment (HRA) to the M25 Junction 10 Scheme is the relative contribution of ammonia from road vehicles to nitrogen deposition. The introduction to REP5-049 explains that there is no guidance published by Highways England, Natural England, or the Institute of Air Quality Management (IAQM) which requires a consideration of the assessment of ammonia from road vehicles with regard to the effect of nitrogen deposition on ecological receptors. Section 3 of the report [REP5-049] includes a summary of the monitoring of ammonia that was undertaken in the Ashdown Forest SAC to support the HRA for the Wealden Local Plan. It notes in paragraph 3.5 that concentrations of ammonia were measured in Ashdown Forest including along two transects away from the A22, one on either side of the road. Measurements were made using ALPHA samplers, which although used in the Department for Environment, Food and Rural Affairs' (DEFRA) National Ammonia Monitoring Network (NAMN), are considered less reliable than some other monitors. Figure 2 in REP5-049 shows that the measured concentrations decrease with increasing distance from the road over a two year period. Although the actual values are not provided, the graph shows that concentrations decrease	The document (REP5-049) has been prepared by leading air quality experts in the UK. Prof. Laxen has been a member of Defra's Air Quality Expert Group (AQEG), has published over 70 papers, most in the peer reviewed literature, and is a Fellow of the Institute of Air Quality Management (IAQM). Dr Marner (the principal author) is currently an ad-hoc member of AQEG, having most recently been retained by Defra to advise on exhaust emissions, including ammonia, from road vehicles. Both are currently involved in a project on Nitrogen Futures, a study being led by the UK Centre for Ecology and Hydrology (UKCEH) on behalf of the Joint Nature Conservancy Committee. It is disingenuous to say the experts in the field should be ignored and over-ruled by out-of-date guidance. In any event, the main aspects of REP5-049 which HE has sought to rebut are those which are also reported in the Ashdown Forest study which HE cites. This work was independently peer reviewed by Prof. Mark Sutton (chair of the UNECE task force on reactive nitrogen) and Sim Tang (who has led

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		<p>rapidly from the edge of the road to approximately 30 metres from the road, on both sides of the road. A review of the Wealden Local Plan HRA notes that the actual distance was 22 metres from the road (paragraph 4.31 of AQC's Ashdown Forest SAC Air Quality Monitoring and Modelling report available at <a href="https://www.wealden.gov.uk/UploadedFiles/Ashdown-Forest-Air-Quality-Monitoring-and-Modelling-August-2018-Volume-1_Redacted.pdf">https://www.wealden.gov.uk/UploadedFiles/Ashdown-Forest-Air-Quality-Monitoring-and-Modelling-August-2018-Volume-1_Redacted.pdf</a>). The measured concentrations referred to below were also taken from this 2018 report. On the west side of the road concentrations decrease rapidly from 1.66 µg/m<sup>3</sup> at the road edge to 0.71 µg/m<sup>3</sup> at 22 metres from the road. There is a further monitoring point at 100 metres from the road which shows a measured value of 0.64 µg/m<sup>3</sup>, not dissimilar to the measurement at 22 metres. To the east of the road, which is located downwind of the road, concentrations are shown to decrease from 1.38 µg/m<sup>3</sup> to 0.73 µg/m<sup>3</sup> at a distance 22 metres from the road. The monitoring point at 100 metres from the road shows a slightly higher value of 0.75 µg/m<sup>3</sup> to that measured at 22 metres. Figure 2 of the report [REP5-049] also shows that the concentrations do not decrease exactly with distance, for example, there is a point on the western transect (blue diamonds) which gives a higher concentration at 10 metres than at 5 metres. Concentrations would also be expected to be higher downwind of the road, on the eastern transect, but at the kerbside are in fact lower than on the western side of the road. It is important to recognise that the ammonia data presented in the figure are associated with uncertainty and thus are deemed more indicative than absolute. Figure 3 of the report [REP5-049] shows the road proportion after subtracting the background concentration however, it is not clear what the background concentration actually is as data are not provided in the report, nor the location of the background site or sites. Investigation of AQC's Ashdown Forest SAC report mentioned above, however, shows that there were two additional monitoring sites at background locations (paragraph 8.8), although details of their locations are not provided, and that average concentrations measured 0.6 µg/m<sup>3</sup> at both of these sites. These concentrations are also measured using a different sampling method, a DELTA monitor, which is considered more reliable than the ALPHA monitor (paragraph 7.2, AQC's Ashdown Forest SAC report), which was used to measure concentrations at the transect points. No information can be found as to whether the ALPHA monitors were required to be adjusted, although AQC's Ashdown Forest SAC report</p>	<p>international research on measuring ambient ammonia). Neither the applicant's air quality assessment, nor the HE's out-of-date guidance has received such high-level academic scrutiny.</p> <p>HE tries to downplay the results by saying that they are based on ALPHA samplers. Defra's national monitoring relies on two types of sampler, the ALPHA and the DELTA. This monitoring underpins the Concentration Based Estimated Deposition (CBED) modelling published on APIS, on which the applicant has relied; although it should be stressed that measurements should always be considered more robust than models which are based on them. The Wealden monitoring used the same instruments, the same monitoring protocols, the same analytical laboratory, and the same approach to calibration as Defra's national network.</p> <p>The results in REP5-049 (Figure3), for both NO<sub>x</sub> and ammonia, show that both pollutants follow the same rate of decline on moving away from the road. There is nothing in these results to suggest NO<sub>x</sub> and ammonia behave differently as they disperse away from the road. Such dispersion and dilution is a fundamental of air quality modelling and assessment and should be understood by all air quality practitioners. Because both NO<sub>x</sub> and ammonia reduce at similar rates, Figure 7 of REP5-049 shows that ammonia continues to be more important to nitrogen deposition than NO<sub>x</sub> out to</p>
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			<p>notes that triplicate ALPHA samplers were co-located with an automatic monitor and a DELTA monitor, and at a separate site with a DELTA monitor (paragraph 4.30). It is therefore not clear if 0.6 µg/m<sup>3</sup> should be used as the background concentration at the transect locations, or whether the concentrations at the transect points at 100 metres can be considered indicative of background concentrations. Regardless of the uncertainty of the measured data, however, interpretation of the measured concentrations along the transects by themselves clearly shows that by 22 metres, ammonia concentrations have fallen such that they are in line with background concentrations. It is also clear that given that the habitats of the qualifying features of the Thames Basin Heaths Special Protection Area (SPA) are located well beyond 22 metres from the edge of the road, and that at the distance at which they occur (150 metres and beyond), ammonia concentrations would be at or close to background levels, and hence the contribution from the road vehicles would not be of material concern. The remainder of the document examines the most appropriate emissions factors for ammonia and assumptions on the future vehicle fleet and is not of particular relevance to the HRA for the Scheme.</p>	<p>200 m from the road. Thus, if account is taken of nitrogen deposition out to 200 m from a road due to NO<sub>x</sub> emissions, as set out in HE guidance LA105 (REP3-020), then this must equally apply to ammonia. There is no robust basis for stating that NO<sub>x</sub> should be assessed out to 200 m but that ammonia should not.</p> <p>The statement by HE was previously that “<i>ammonia concentrations decrease rapidly, ... such that at 30 m they are at background levels</i>” (Appendix B, Section B3.3 page 159 of REP5-003). This has now become “<i>ammonia concentrations have fallen such that they are in line with background concentrations</i>” (HE response to Q3.4.3 in this document) (emphasis added).</p> <p>None of the material set out here by HE says that ammonia from road traffic should not be included, but it is entirely wrong of HE to say that it should only be included within 30 m of a road. It should clearly be included in calculations of nitrogen deposition at all distances.</p> <p>Key though, is that HE has not presented any nitrogen deposition results that include ammonia for any distances from the roads. Without this information there is no sound basis for assessment of ecosystem impacts.</p>
13.	Traffic, Transport and Road Safety			
3.13.2	Applicant & SCC	While the ExA is aware that the Proposed Development does not and will not include	It has been agreed with SCC that the Applicant will undertake the traffic modelling of south-facing slips at Ockham Park junction. Full reporting of the results of this traffic modelling will be provided at Deadline 8, since	The RHS welcomes the ExA’s request for the south-facing slips (SFS) to be modelled. Model runs of the slips will

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		<p>south facing slips at the Ockham Park Junction, the ExA considers that in order for it to understand what the hypothetical effect the availability of south facing slips would have on the predicted distribution of traffic on the strategic and local road networks within the vicinity of Ripley, that the Applicant and/or SCC should extend the traffic modelling that has already been undertaken to date to include model runs that incorporate south facing slips at the Ockham Park junction. In this regard the ExA considers a collaborative approach is necessary and that it is for the Applicant and SCC to decide between themselves which organisation is best placed to undertake the modelling that the ExA is requiring to be undertaken. Should the Applicant and SCC be unable to agree which organisation should take the lead on which one undertakes this modelling then it will be for both the Applicant and SCC to undertake this modelling.</p>	<p>there is insufficient time to provide them by Deadline 7. Nonetheless, the following conclusions can be drawn from the completed strategic traffic modelling and the currently available outputs (see Appendix A to this document). These conclusions are consistent with the reassignment of traffic that would be anticipated as a result of south-facing slips being provided at Ockham Park junction.</p> <ol style="list-style-type: none"> <li>1. All Wisley Lane traffic, including RHS traffic, to and from the A3 south would use the south-facing slips instead of routing through Ripley on the B2215.</li> <li>2. All Wisley Airfield development generated traffic arriving from the A3 south in 2037 would use the south-facing off-slip (northbound) to access the proposed development via Ockham Park junction, rather than route through Ripley on the B2215.</li> <li>3. All Wisley Airfield development generated traffic heading for the A3 south in 2037 would use the south-facing on-slip (southbound) via Ockham Park junction when leaving the development site, rather than use Old Lane as indicated by the 2037 DCO Scheme Do-something traffic modelling.</li> <li>4. Traffic flows along the B2215 through Ripley with the DCO Scheme plus south-facing slips at Ockham Park junction would be broadly unchanged compared to the Do-minimum scenarios.</li> <li>5. With the DCO Scheme plus south-facing slips there is a significant reduction in the forecast increase in traffic on Old Lane between the Wisley Airfield site access and the A3 as a result of the rerouting of Wisley Airfield generated traffic heading for the A3 southbound via Old Lane to instead use the south-facing on-slip (southbound) via Ockham Park junction.</li> <li>6. The south-facing slips at Ockham Park junction result in some reassignment of other traffic on the local road network (typically less than 75 vehicles per hour) the most notable of which are; from the A246 between East Horsley and Guildford to the B2039 Ockham Road North and A3 southbound; from Old Lane northbound to the B2039 Ockham Road North; and to and from Woking from alternative routes to the B2215 Portsmouth Road and Newark Lane via Ripley and Ockham Park junction.</li> </ol>	<p>enable the overall effects and many of the benefits of this component of the RHS Alternative Scheme to be properly assessed.</p> <p>However, given the HE response to this question and that of SCC (REP7-025), RHS has concerns that HE are only intending to undertake a 'spreadsheet' exercise. A spreadsheet approach would not provide details of the full traffic assignment effects of the SFS and would not provide a suitable answer to the ExA question which sought extension to the traffic modelling already undertaken to include model runs that incorporate the SFS.</p> <p>The REP7-004 response to this question is based on a number of assumptions which are essentially the most basic 'all-or-nothing' considerations of certain components of traffic. The full effects of SFS would not be accounted for and there would be no dynamic assessment of such assumptions, whereby traffic (within a model) responds to route cost and adapts route choice accordingly.</p> <p>Having seemingly had advance notification of HE's intended approach to this question, SCC have made similar observations.</p> <p>RHS consider that the SFS should be modelled (rather than partially estimated based on spreadsheet assumptions) and will provide further comment once HE submissions have been made at Deadline 8.</p>
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			<p>7. With the DCO scheme and south-facing slips at Ockham Park interchange it is forecast that in 2022 up to approximately 1,345 vehicles per day would use the off-slip and 1,182 vehicles per day would use the on-slip road, with less than 120 vehicles per hour using each slip road in any hour. These forecast flows are based on an event day at RHS Wisley and would therefore be lower on a typical weekday.</p> <p>8. With the DCO scheme and south-facing slips at Ockham Park interchange it is forecast that in 2037 this increases to approximately 2,875 vehicles per day on the off-slip road and up to approximately 3,546 vehicles per day on the on-slip road, mostly due to traffic generated by the Wisley Airfield development. The highest hourly flows on the slip roads increase to 308 vehicles on the off-slip during the PM peak and 409 on the on-slip during the PM peak. Again, these forecast flows are based on an event day at RHS Wisley and would therefore be lower on a typical weekday. Based on the above, the forecast demand for south-facing slips at Ockham Park junction is therefore insufficient to justify them being provided, since they are unlikely to offer acceptable economic benefits compared to the cost of providing them.</p>	
3.13.3	Applicant & SCC	<p>Following on from question 3.13.2 the ExA requires that the Applicant and SCC work collaboratively to present at Deadline 7 for the base year of 2015 (or such other base year that the Applicant and SCC agree amongst themselves to be appropriate, having regard to the concern that SCC has about the 2015 base flows as recorded in paragraph 2.5.2 of REP5-009), and the years of 2022 and 2037 in respect of:</p> <ul style="list-style-type: none"> <li>• the B2215 between the Ockham Park junction and its southern extremity;</li> </ul>	<p>The traffic flows presented in Appendix A of the Transport Assessment Supplementary Information Report [REP2-011] covering different time periods for all the scenarios for the B2215 between the Ockham Park junction and its southern extremity, Newark Lane, Rose Lane, Old Lane, Ockham Lane, and Ockham Road North are agreed with SCC.</p>	<p>RHS has provided comment in respect of HE modelled flows in previous representations. However, it is noted that Surrey County Council's acceptance of the 2022 and 2037 traffic flow data [REP7-025] has been conceded only on the basis that the DCO process is running out of time and on the basis that a suitable mitigation scheme is secured for Ripley High Street.</p>

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	<ul style="list-style-type: none"><li>• Newark Lane;</li><li>• Rose Lane;</li><li>• Old Lane;</li><li>• Ockham Lane; and</li><li>• Ockham Road North</li></ul> <p>a) either a consolidated agreed set of predicted AM peak hour, interpeak and PM peak hour traffic flows; or</p> <p>b) if a consolidated set of predicted traffic flows are not agreed at this deadline, the presentation of the flows of traffic that are and are not agreed, together with an explanation as to why the traffic flows cannot be agreed.</p> <p>In answering this question, the ExA recognises that any disagreement that there might be about the effects of any additional predicted flows of traffic on the operation of the local highway network within Ripley and its immediate environs may be subject to a range anywhere between minor to significant. However, the ExA considers it very important for it to be able to report in an informed way to the SoS about any traffic implications that the</p>		
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		<p>Proposed Development might have for the operation of the local highway network within and immediately around Ripley, explicit and concise explanations of what the reasons for any disagreements are must be provided. That is, does any disagreement concern:</p> <ol style="list-style-type: none"> <li>1) the quality and representativeness of the input data that is being used, and if so why?</li> <li>2) the choice of model that is being used, and if so why?</li> <li>3) the way the model is being run, and if so why?</li> <li>4) the interpretation of the results arising from the modelling, and if so why; or</li> <li>5) any combination of the above listed factors, and if so why?</li> </ol> <p>The ExA wishes to stress that in replying to this question that simply stating that there is a disagreement about a matter or delaying giving an answer to this question to a later deadline, unless there is a very good explanation, will not be a satisfactory response.</p>		
3.13.4	Applicant	Following on from the answer	a) The traffic modelling undertaken by Highways England demonstrates	Although HE disputes the need, it has

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	<p>&amp; SCC</p>	<p>or answers to question 3.13.3, which should in effect set out your final positions with respect to the predicted traffic flow for: the B2215 between the Ockham Park junction and its southern extremity; Newark Lane; Rose Lane; Old Lane; Ockham Lane; and Ockham Road North, please comment on:</p> <p>a) the ability of the abovementioned roads to accommodate the traffic that would use those roads were the Proposed Development to receive consent and be implemented; and</p> <p>b) any need to mitigate the effects of any additional traffic using any of the abovementioned roads arising from the Proposed Development and the means for securing any necessary mitigation.</p>	<p>that the B2215 between the Ockham Park junction and its southern extremity, Newark Lane, Rose Lane, Old Lane, Ockham Lane, and Ockham Road North can all accommodate the traffic flows forecast to use them in 2022 and 2037 both with and without the Scheme (see Section 7 of the Transport Assessment Report [APP-136] and Section 8 of Transport Assessment Supplementary Information Report [REP2-011]).</p> <p>The maximum increases or minimum decreases in daily two-way traffic flows due to the Scheme on the B2215 between the Ockham Park junction and its southern extremity, Newark Lane, Rose Lane, Old Lane, Ockham Lane, and Ockham Road North are as follows (Derived from Appendix A Transport Assessment Supplementary Information Report [REP2-011]):</p> <ul style="list-style-type: none"> <li>• B2215 (Newark Lane to A3): +1,052 vehs (+5%) in 2022 and +1,432 vehs (+5%) in 2037</li> <li>• Newark Lane: -181 vehs (-2%) in 2022 and -680 vehs (-6.2%) in 2037</li> <li>• Rose Lane: +18 vehs (+2%) in 2022 and +193 vehs (+11%) in 2037</li> <li>• Old Lane: (A3 to Hatch Lane): +388 vehs (+13%) in 2022 and +4,720 vehs (+100%) in 2037</li> <li>• Ockham Lane: +213 vehs (+35%) in 2022 and -198 vehs (-18%) in 2037</li> <li>• Ockham Road North: -588 vehs (-8%) in 2022 and -567 (-7%) in 2037</li> </ul> <p>The Scheme is forecast to result in either decreases or negligible increases in daily traffic flows on Newark Lane, Rose Lane, Ockham Lane and Ockham Road North. Consequently, there can be no doubt that these roads can accommodate the forecast changes in traffic flows due to the scheme.</p> <p>The maximum hourly traffic flows in either direction on Old Lane with the Scheme are 253 vehicles in 2022 AM peak hour and 530 vehicles in 2037 AM peak hour (Appendix A of Transport Assessment Supplementary Information Report [REP2-011]). These flows are well below the generally accepted theoretical maximum capacity for a single carriageway road, which is approximately 1,200 to 1,300 vehicles per hour in each direction.</p>	<p>suggested wording for a requirement for mitigation works within Ripley. Whilst, based on the DCO Scheme, RHS would agree with SCC that such works would be necessary, it is noted that there is no modelled scenario of this before the ExA. It is known from the answers provided by SCC at ISH2 that the Local Highway Authority is seeking to limit daily traffic flows through Ripley to current day levels and so this would mean that a significant proportion of traffic would assign to the A3.</p>
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			<p>The maximum hourly traffic flows in either direction on the B2215 with the Scheme are 1,057 vehicles in the 2022 AM peak hour and 1,317 vehicles in the 2037 AM peak hour (Appendix A of Transport Assessment Supplementary Information Report [REP2-011]). The maximum hourly flow on the B2215 with the Scheme in 2022 is therefore below the theoretical maximum capacity for a single carriageway road. However, the maximum hourly eastbound flow on the B2215 with the Scheme during the AM peak hour in 2037 is therefore at about the theoretical maximum capacity for a single carriageway road. This indicates that the B2215 eastbound is forecast to be operating at about theoretical capacity during the AM peak hour with the Scheme but would operate within capacity at all other times.</p> <p>b) The forecast increases in traffic flows on B2215 and Old Lane (north of Ockham Lane) due to the Scheme are higher but do not require mitigation for the reasons set out in the Highways England's responses 1.13.18 [REP2- 013] and REP1-020-11 [REP2-014] regarding the B2215 and response REP1-020- 12 [REP2-014] regarding Old Lane.</p> <p>SCC has argued that the forecast flows on the B2215 in Ripley require interventions to reduce the effects of any increased flows. Highways England does not agree that interventions are needed on account of the increase in flows forecasted for the reasons set out in its previous responses (above). Nevertheless, in order to assist the ExA, should it wish to recommend the imposition of such measures, Highways England has discussed with SCC the concept of a draft 'requirement' that the Secretary of State could include in the DCO, if the Secretary of State thought appropriate. Highways England wishes to stress, however, that it does not accept that the imposition of such a 'requirement' is justified by the evidence and draws attention to paragraph 4.9 in the National Networks NPS that makes clear that:</p> <p><i>"The Examining Authority should only recommend, and the Secretary of State should only impose, requirements in relation to a development consent, that are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects. Guidance on the use of planning conditions or any successor to it, should be taken into account where requirements are</i></p>	
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			<p><i>proposed.</i>" (emphasis added)</p> <p>Without prejudice to its position and to be helpful, Highways England puts forward the following draft wording, Requirement [xx] – Works in the village of Ripley</p> <p>1. The authorised development must not open for traffic until a scheme for the management of traffic flows along the B2215 through the village of Ripley has been submitted to and approved in writing by the Secretary of State following consultation with the local highway authority and the local planning authority</p> <p>2. Unless proposed by the undertaker and agreed in writing by the local highway authority, the scheme to be submitted to the Secretary of State must</p> <p>(a) comprise two traffic gateway feature, two puffin crossings, speed cushions and speed tables, all to be provided along that approximately 1km stretch of the B2215 that lies between the existing village entrance signs.</p> <p>b) contain a cost estimate for the design and construction of the proposed works and specify arrangements by which either (i) the undertaker will provide funds to the local highway authority to cover the approved cost of the local highway authority designing and constructing the approved works, or (ii) the undertaker will undertake the design and construction of the approved works at its own expense up to the value of the approved cost.</p> <p>Highways England is not proposing to put this draft requirement into the draft DCO, but has provided it in a form that the Secretary of State could insert it into Schedule 2, if required.</p>	
3.13.7	Applicant & RHS	In response to the ExA's SWQ 2.13.14 you have provided conflicting answers as to whether the 'RHS Alternative' access arrangement would include an at grade or grade	Highways England is working towards settling a Statement of Common Ground with RHS by Deadline 8 and will ensure that these matters are included within it.	Statement of Common Ground discussions ongoing.

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	<p>separated junction between Wisley Lane and the A3. It appears to the ExA that unless fundamentally different design assumptions are being made about what form a 'left out' junction from Wisley Lane might take that such a junction could only be either at grade or grade separated.</p> <p>The Applicant and the RHS are therefore requested to:</p> <ul style="list-style-type: none"><li>a) agree between one another hypothetically what form of junction or junctions could physically be accommodated; and</li><li>b) then advise the ExA which of DMRB CD122 or CD123 would any such junction design or designs need to be assessed against. Should any junction design or designs require a relaxation from the relevant design standards to be applied, the Applicant and the RHS are requested to explain the nature of any relaxation that would be required.</li></ul> <p>The response to this question is one which the ExA expects the Applicant and the RHS should include in their SoCG, with clear explanations for matters that are or are not agreed.</p>		
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## REP8-XXX - RHS Responses to REP7-004

3.13.8	Applicant & RHS	<p>Having regard to the Applicant's response to ExA SWQ 2.13.9 [REP5-014]:</p> <p>a) For the Applicant - what safety mitigation measures would the Applicant have sought?</p> <p>b) For RHS – had you been requested to provide mitigation, what measures might you have suggested?</p>	<p>Please see Highways England's response to ExA Q 2.13.9 in REP5-014. It is for the applicant for planning permission (in this case RHS) to propose appropriate safety mitigation measures. It is not possible for Highways England now to specify what safety measures ought to have been proposed as this would have required a detailed investigation of the applicant's documentation at the time.</p>	<p>Nothing further to add to response already given in REP7-039.</p>
3.13.9	Applicant & RHS	<p>With respect to the consideration of the RHS alternative (WIS12 etc), is the ExA to treat the disagreement between the Applicant and the RHS as either:</p> <p>a) that the RHS alternative has not been considered; or</p> <p>b) that it has been considered but that the RHS does not agree with the Applicant's decision not to incorporate the RHS's preference into the design for the Proposed Development?</p>	<p>The answer is b. It has been considered but that the RHS does not agree with Highways England's decision not to incorporate the RHS's preference into the design for the DCO Scheme.</p>	<p>Nothing further to add to response already given in REP7-039.</p>