

M25 junction 10/A3 Wisley interchange

TR010030

9.39 Statement of Common Ground with Wisley Property Investments Limited

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9.39 STATEMENT OF COMMON GROUND WITH WISLEY PROPERTY INVESTMENTS LIMITED

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STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) Wisley Property Investments Limited.


Signed..... ..

Jonathan Wade
Project Manager
on behalf of Highways England
Date: 30/04/2020


Signed.....
Ray Peacock
on behalf of Wisley Property Investments Limited
Date: 30/04/2020

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1. Introduction

1.1. Purpose of this document

- 1.1.1 This Statement of Common Ground ("SoCG") has been prepared in respect of the proposed M25 junction 10/A3 Wisley interchange improvement scheme ("the Scheme"). Highways England Company Limited ("Highways England") applied to the Secretary of State for Transport ("Secretary of State") for a Development Consent Order ("the Order") under section 37 of the Planning Act 2008 ("PA 2008"). This application is referred to as "the Application" in this statement.
- 1.1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available in the deposit locations and/or the national infrastructure planning website.
- 1.1.3 The SoCG has been produced to inform the Examining Authority where agreement has been reached between the parties to it, and where agreement has not (yet) been reached.
- 1.1.4 The SoCG covers the position as agreed with Wisley Property Investments Limited as at deadline 8 of the examination. It provides the final position between Highways England and Wisley Property Investments Limited (WPIL).

1.2. Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by (1) Highways England as the Applicant and (2) WPIL.
- 1.2.2 Highways England became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing Highways England made provision for all legal rights and obligations of the Highways Agency, including in respect of the Application, to be conferred upon or assumed by Highways England.

1.3. The role of Wisley Property Investments Limited and the DCO application.

- 1.3.1 WPIL has been identified as a person with an interest in the land the subject of the Application and therefore have been consulted as such. WPIL is the freehold owner of the former Wisley Airfield, the airfield being the largest part of a prospective residential-led development site of approximately 2,100 new homes (C3/C2) and allocated as such in the Guildford Local Plan (2015-34).
- 1.3.2 In March 2020 WPIL was purchased by Taylor Wimpey UK Limited.

1.4. Terminology

- 1.4.1 In the tables in the Issues chapter of this SoCG, “Not Agreed” indicates a final position. “Agreed” indicates where the issue has been resolved.
- 1.4.2 It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to WPIL and therefore have not been the subject of any discussions between the parties. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to WPIL.
- 1.4.3 The Wisley Lane and Wisley Airfield access, gas pipeline diversion and Stratford Brook maintenance are shown as “not agreed” at this point in time as they are subject to ongoing negotiations between the parties to be covered in the proposed side agreement. There is no fundamental disagreement between the parties on the Wisley Lane and Wisley Airfield access, gas pipeline diversion and Stratford Brook maintenance and these items are shown as “not agreed” as the parties are still discussing the detail provisions of how these matters are to be covered in the side agreement.

2. Issues

2.1. Design & Scheme Changes

Issue	Sub-section	Wisley Property Investments Limited Comment	Highways England Response	Status
Scheme changes	Wisley Lane – Public Rights of Way	Targeted consultation December 2018 - WPIL support the amendments to the DCO scheme and the potential for increased connectivity from Wisley Airfield with changes to the bridleway diversion that are not in conflict with its prospective development.	Noted.	Agreed.
	Wisley Lane and Wisley Airfield access	<p>In accordance with one of the DCO Scheme’s key objectives (“Support projected population and economic growth in the area”), and to avoid unnecessary and repeated upgrade works to the public highway, WPIL would like Highways England at the DCO Scheme’s detailed design stage, to provide for a suitable access for the development and subsequent occupation of 2,100 homes at Wisley Airfield from the Ockham roundabout in accordance with Policy A35 of the Guildford Borough Council adopted Local Plan.</p> <p>WPIL would like Highways England to enable access to its prospective development from the Wisley Lane diversion and to not impede the ability of WPIL and its contractors to start works as planned in 2021, assuming WPIL has a planning permission or other works permit that it can implement by then.</p>	<p>Highways England is prepared to work with WPIL to achieve this. The proposed Scheme’s objective to support economic growth in the area is achieved by the economic benefits being delivered as a result of the Scheme. Providing access for WPIL to construct their proposed development, where it is safe to do so, is not a scheme objective. Highways England is prepared to work with WPIL for the safe and efficient delivery of both proposed schemes.</p> <p>Highways England is discussing this with WPIL as a matter for the side agreement. Any access routes provided will need to be consented through WPIL’s planning application.</p>	Not agreed.

Issue	Sub-section	Wisley Property Investments Limited Comment	Highways England Response	Status
			<p>There is no fundamental disagreement on this matter. The parties are still discussing the detail provisions of how these matters are to be covered in the side agreement which has been drafted and is subject of ongoing negotiations.</p>	
	<p>Gas pipeline diversion (Wisley Lane – Ockham Park Junction)</p>	<p>WPIL request that details of the easement are provided in order to assess the impact of this proposal on the implemented IVC planning permission and on the prospective new settlement as allocated in Policy A35.</p>	<p>Powers have been provided for in the dDCO to facilitate this diversion either by way of powers to acquire land permanently or powers to acquire rights in land (article 25(2) and Schedule 5 of the dDCO) to facilitate the diversion (Work No. 63(a) in the dDCO).</p>	<p>Agreed.</p>
		<p>WPIL seeks a provision or legal requirement that ensures that the diverted gas main is located and protected in a way that takes into account and does not hinder the likely location and design for the Wisley Airfield development access. [REP1-048, 5.20ii]</p>	<p>The detailed design of the gas main diversion has not been started. However, Highways England will provide assurance that the gas main will be laid so that should consent be given for the airfield development, an access off the Wisley Lane diversion would not require subsequent diversions of it.</p> <p>WPIL need to provide Highways England with confirmation of where this access will be so that the Applicant is able to provide for it, including measures to protect utilities below ground in its detailed design.</p> <p>There is no fundamental disagreement on this matter. The parties are still discussing the detail provisions of how these matters are</p>	<p>Not agreed</p>

Issue	Sub-section	Wisley Property Investments Limited Comment	Highways England Response	Status
			to be covered in the side agreement which has been drafted and is subject of ongoing negotiations.	
Topsoil Storage	South of Wisley Lane diversion	WPIL seeks clarity on the intentions, land area and timing of the use of this land for topsoil storage and construction compound use.	Highways England confirm that its intention at this stage is to use this land temporarily for top soil storage and as a construction compound for the full duration of the construction phase. Please see Schedule 7 of the dDCO (REP5 -006) in relation to plots 2/1, 2/2, 2/3 and 2/4. Sheet 2 of the Temporary Works Plans (APP – 015). It may be possible to reduce the extent of land needed for construction purposes in this area as the DCO scheme progresses through construction.	<p>Not agreed.</p> <p>WPIL’s position is that full justification in terms of use of the land (area and timescales) is yet to be confirmed by Highways England. WPIL notes that as an applicant seeking compulsory acquisition powers, Highways England need to demonstrate proportionality in the land take and powers sought.</p> <p>Highways England are yet to demonstrate to the satisfaction of WPIL how they intend to use the land and confirm the proposed use of land and application of compulsory powers are proportional.</p> <p>Highways England will provide information about the use and duration of this compound area as the detailed is developed.</p> <p>This is demonstrated by the request for Change 9 submitted by Highways England at deadline 6.</p> <p>Highways England will continue to engage with WPIL about the compound use through ongoing engagement.</p>

Issue	Sub-section	Wisley Property Investments Limited Comment	Highways England Response	Status
				<p>WPIL has not had sufficient time to consider the information that has just been provided on this matter and will review the information that will be submitted at deadline 6. A meeting to discuss this has been arranged before deadline 7.</p> <p>Highway's England's position is that the timely and efficient delivery of the proposed scheme is dependent upon Highways England having suitable compounds and space to manage the required materials. Highways England is committed to reducing the compound area and duration it is used for as far as is practicable whilst not prejudicing the delivery of the scheme and is committed to this within the proposed side agreement with WPIL.</p>
		<p>WPIL request that the temporary compound and topsoil storage area is not used beyond 2022. [REP1-048, 4.3]</p>	<p>Highways England cannot guarantee that it will not continue to need this land on a temporary basis at that date.</p>	<p>Not Agreed –</p>
		<p>The preference is for this land to be removed from the DCO, or as a second preference it be made very clear that this land is to only be used temporarily (and not beyond the scheme being open for public use), and only extend to the current hardstanding to avoid impact on the SNCI designated species.</p>	<p>Highways England is in discussions with WPIL on the issue with a view to the proposed side agreement between the parties providing for Highways England to vacate this area by a date that is linked to the open for traffic date for the DCO scheme so as to provide re-</p>	

Issue	Sub-section	Wisley Property Investments Limited Comment	Highways England Response	Status
		<p>WPIL do not want this area to prejudice the use of the newly created SANG in this area that is likely to be required as part of the airfield redevelopment as this could delay the sale of the first dwelling, and hence the overall timeline for the delivery of its scheme. WPIL considers that there is no requirement for the topsoil storage area to be used beyond the date that the DCO scheme is open for public traffic, and that the entire area should be returned (including the construction compound) as soon as possible thereafter. As an overarching principle, no land occupied temporarily for longer than is absolutely necessary for the safe and efficient delivery of the Scheme.</p>	<p>assurance to WPIL that the land will not be in use by Highways England for longer than necessary for the purposes of the DCO scheme.</p> <p>If there is an opportunity to reduce the area of land required as construction of the DCO scheme progresses, then Highways England will work with WPIL accordingly to limit the impact of this temporary land use on WPIL's development and in particular a proposed SANG (Suitable Alternative Natural Greenspace) forming part of it that may be affected by the worksite.</p> <p>Highways England understand WPIL's position, however by minimising the land take for the DCO scheme, all of the land proposed to be acquired temporarily to facilitate the construction of the DCO scheme is required to ensure that it is delivered as efficiently and safely as possible.</p>	
Fence Line	Wisley Lane diversion	<p>WPIL request that the DCO red line (and permanent land take) is minimised in this area in order to avoid the loss of developable land within the allocation boundary of Allocation A35. This should include limits of adoption and fence-lines to be as close as possible to the built highway. The fence should be shown directly adjacent to the proposed highway land for adoption which should allow for an appropriate access to the Wisley Airfield site. Land should only be acquired permanently</p>	<p>This area of land required by Highways England has been minimised as far as practicable at this stage but is required to allow for the construction of the Wisley Lane diversion, associated drainage works and to accommodate a diverted gas pipeline, for which the asset owner requires a minimum 6.0m clear space</p>	Agreed.

Issue	Sub-section	Wisley Property Investments Limited Comment	Highways England Response	Status
		once it has been confirmed it is required, and otherwise only occupied temporarily pending confirmation the land should be vested in accordance with as-built plans, as is provided for in the DCO.	over the pipeline to allow for future maintenance. However, during the detailed design stage Highways England will seek to minimise the area of permanent land take across the whole DCO scheme, including the Wisley Lane diversion.	

2.2. Environment (including Replacement & Compensation Land)

Issue	Sub-section	Wisley Property Investments Limited Comment	Highways England Response	Status
Flood Compensation	Stratford Brook	Flood compensation area previously shown on Stratford Brook has been removed in discussion with and as agreed by the Environment Agency. WPIL support this amendment to the DCO scheme.	Noted.	Agreed.
Ecological Enhancement	Stratford Brook – Ecological appropriateness	The Stratford Brook compensation proposals are acceptable from an ecological point of view and do not conflict with the ecological enhancements that the WPIL scheme is likely to provide in this part of the proposed SANG associated with the delivery of allocation A35 of the Guildford Local Plan. WPIL note the requirement to agree the scope of works with the Environment Agency. [REP1-048, 5.33]	Noted.	Agreed.
	Stratford Brook – Maintenance	WPIL requires certainty with regard to the detailed scope and timing of the works and future management arrangements and funding to enable alignment between these and its SANG proposals as part of its forthcoming redevelopment proposals. WPIL would consider a transfer of Highways England's future maintenance obligations under the DCO to WPIL in order to provide certainty of alignment with WPIL's SANG future management proposals. [REP1-048, 5.34]	Highways England is willing to include in the prospective side agreement arrangements with WPIL for the long-term maintenance of these works by WPIL in relation to the redevelopment of the airfield. There is no fundamental disagreement on this matter. The parties are still discussing the detail provisions of how these matters are to be covered in the side agreement which has been drafted and is subject of ongoing negotiations.	Not agreed.

Issue	Sub-section	Wisley Property Investments Limited Comment	Highways England Response	Status
SPA Compensation Land	Reduction at Old Lane	WPIL support the reduction in SPA Compensation Land at Old Lane, as per the consultation material of December 2018.	Highways England can confirm that the rationale of the reduction in size of the SPA land adjacent to Elm Lane was to ensure that the buffer zone did not impinge on the WPIL/ Guildford Local Plan housing allocations.	Agreed.
Biodiversity Strategy	Reptiles and Amphibians - extent	Broadly, the results of the ecological surveys carried out on the WPIL land and its surroundings accord with WPIL's own findings and WPIL agree with the overall conclusions of ES Chapter 7 (APP-052) and its associated figures and appendices (APP-068 to APP-070). [REP1-048, 5.23]	Noted.	Agreed.
Biodiversity Strategy	Reptiles and Amphibians – mitigation measures at Wisley Lane diversion	Paragraph 7.10.43 of ES Chapter 7 (APP-052) – WPIL request that HE is required to consult/ liaise with WPIL at the detailed design stage, to ensure that the mitigation measures anticipated with both schemes operate in conjunction with each other. [REP1-048, 5.25 & 5.26]	Highways England will keep WPIL informed during detailed design of its mitigation measures with a view to WPIL's and Highways England's schemes being complementary so far as practicable.	Agreed.
	Precautionary Method of Working	WPIL request that the Precautionary Method of Working (PMW) is extended by Highways England to include all suitable habitat within the 'SE Quadrant' where the breeding ponds are located. [REP1-048, 5.24]	Highways England will assess a suitable area for a Precautionary Method of Working with Natural England as the consenting Statutory Environmental Body. Should Natural England consider a revised area is required as regards a PMW here, then Highways England will review the situation accordingly.	Agreed.

Issue	Sub-section	Wisley Property Investments Limited Comment	Highways England Response	Status
	Replacement planting - SNCI	<p>Replacement planting is proposed by WPIL for the temporary loss of habitat within the Wisley Field SNCI. As this falls within the WPIL SANG area, WPIL request that HE consult with WPIL on this at the detailed design stage to ensure that it aligns with the Airfield scheme proposals.</p> <p>[REP1-048, 5.27]</p>	<p>Highways England will keep WPIL informed during the detailed design stage of its proposed mitigation measures with a view to WPIL's and Highways England's proposals being complementary, should the Wisley Airfield development be granted consent.</p>	Agreed.
Trees, Landscape and Visual Effects	Tree loss	<p>WPIL would seek to ensure that any trees that are not directly affected by the Wisley Lane diversion are clearly identified in a comprehensive BS5837 tree survey by Highways England and given the same level of protection as other veteran and TPO trees during construction of the DCO scheme.</p> <p>[REP1-048, 5.49]</p>	<p>Highways England has reviewed the tree survey submitted by WPIL in its Written Representation (Appendix 13 of REP1-048). An onsite survey is required to verify the extent of the tree removal from the desk top study that has been done of the tree survey done by WPIL. The details of impacted trees will be provided through ongoing engagement as it becomes available.</p> <p>Highways England will reduce the number of trees removed within the land that it proposes to use on a temporary basis for construction purposes in this area, to the extent that this does not prejudice the safe and efficient delivery of the DCO Scheme.</p>	Not agreed.
		<p>Any higher quality trees that have to be removed for the purposes of the DCO scheme where impacts cannot be avoided should be replaced by semi-mature specimens planted at a ratio of two replacements for every one lost and be covered by a minimum of a 24-month warranty. As a result of chalara ash</p>	<p>Highways England will replace trees that are lost as a consequence of the DCO scheme. The quantity and type of replacement trees will be reviewed by Highways England during the detailed design stage.</p>	Not Agreed.

Issue	Sub-section	Wisley Property Investments Limited Comment	Highways England Response	Status
		dieback, any ash losses should be replaced by oak trees. [REP1-048, 5.53]	Tree planting across the DCO scheme will not be with semi-mature trees, it will be with an appropriate range of tree sizes in line with the Landscape Environmental Management Plan and usual practice (APP-106).	

2.3. Traffic & Local Road Network Impacts

Issue	Sub-section	Wisley Property Investments Limited Comment	Highways England Response	Status
Traffic & Local Road Network Impacts	Traffic modelling – Allocation A35	WPIL is satisfied that Highways England has taken full account of the allocation A35 for 2,100 dwellings at Wisley Airfield. [REP1-048, 5.13]	Noted	Agreed
	Effects on Ripley	At this stage it is not clear if HE and SCC will agree on mitigation measures in Ripley and as such it is not clear if the modelling of any such measures should be carried out to inform the ExA, either in the Strategic model or the Microsimulation model. WPIL reserves the right to comment on such modelling if carried out by either HE and SCC as part of the Examination.	Highways England is not intending to carry out any further modelling.	Noted
	Traffic Modelling – link road through Wisley Airfield	Highways England has not modelled the link road through the Wisley Airfield site proposed by WPIL. However, this is consistent with the results of modelling carried out by WPIL at the Planning Appeal held into its proposal in 2017.	Noted	Noted

Issue	Sub-section	Wisley Property Investments Limited Comment	Highways England Response	Status
		[REP1-048, 5.16]		
		<p>GBC and SCC agreed with WPIL during the appeal on planning application 15/P/00012, that up to 1,000 homes could be built on the site of the former Wisley Airfield prior to the provision of the Burnt Common Slips, to provide mitigation to the local road network at a point at which the impact would be broadly equivalent (with a level of headroom) to that then modelled in a future year without Wisley Airfield development and to enable mitigation works to be phased in a financially viable manner.</p>	<p>Noted, Highways England was not party to this agreement.</p>	<p>Noted</p>

2.4. Impacts on Land & Compensation

Issue	Sub-section	Wisley Property Investments Limited Comment	Highways England Response	Status
Land Compensation	Compulsory Acquisition	WPIL has requested discussions to commence regarding land compensation.	<p>Highways England can confirm that agents from VOA will undertake and manage these discussions.</p> <p>Dialogue has been ongoing however the parties are not yet agreed on what is a reasonable level of fees payable to WPIL's professional advisors for this work.</p>	Not agreed.
Legal Agreement	Compulsory Acquisition	<p>WPIL is seeking a legal agreement with HE to ensure the interface between the DCO works and the new airfield settlement is managed appropriately. Until such an agreement is entered into, WPIL will maintain a holding objection to the compulsory acquisition of its land.</p> <p>[APP1-048, 7.5]</p>	Highways England is currently in discussions with WPIL and is negotiating a side agreement to address a number of the issues as referred to in this statement of common ground.	Not agreed.

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