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6 May 2020

Dear Oliver,

M25 junction 10/A3 Wisley interchange
My client: Ronald Alderson - Park Barn Farm, [REDACTED]

I note para 1.1.6 of your response at Deadline 8 (Rep 08-044: 9.99 Applicant's Response to Ronald Alderson's Deadline 7 Submissions) concedes that options 4, 4A and 4B do not have "... a significant detrimental impact on the quantity and quality of the overall replacement land package to be provided as part of the Scheme."

In this context I understand that HE considers these options would have a 'moderate' impact on the existing RL package but, unless I have missed something, it has still not explained why that approach should substitute for the relevant statutory test?

More importantly in my view, options 4, 4A and 4B all produce ratios well in excess of the 1:1 statutory minimum.

SCC's reply to ExQ3 also indicates that it made its selections based on the 'usage and management' of the existing SCL areas and the 'relative values' of different land parcels becoming part of the RL, but if so, then where can this crucial assessment be found within Appendix C of the common land and open space report? Can you please point me to something specific in that document which makes that case?

The official meeting notes which would have been relevant to such discussions do not disclose any consideration of this kind. All this then looks very much like 'post-hoc' justification.

I also note that the statutory bodies have cited a number of factors which fundamentally support Mr Alderson's case by illustrating the relative advantage provided by good connectivity / usage, and contiguity of the PBF land – all being reasons which emphasise our central criticism that the overall RL package is too large. The common denominator in their responses is that the

statutory bodies would prefer options which lead to a smaller reduction in RL area. This is hardly surprising, but it is also not relevant, and was something the ExA asked to be discounted from consideration. Added to which SCC have cited an issue which is of doubtful relevance to the statutory test (i.e. the role of 'biodiversity'), but if it is relevant, then where is the relative assessment?

In my view the main flaw in HE's case now is that it may wish to address the ExA with an argument which is not properly set out in evidence. But if you think differently, or there is something which I have missed, then please tell me.

Yours sincerely,

Ben Garbett
Consultant Solicitor
Keystone Law



OBJECTOR REFERENCE: TR010030 / M25J10-AP034

PARK BARN FARM (“PBF”) – ALDERSON

(LATE) SUBMISSIONS FOR DEADLINE 8

RESPONSE TO:

REP7-005

REP7-020 (ExQ 3.9.3)

REP7-022 (ExQ 3.9.3)

REP7-025 (ExQ 3.9.3)

REP8-044

We attach a letter which we have sent to the legal representatives for Highways England (BDP Pitmans LLP) having today received its comments for Deadline 8 (REP8-044).

Further, in relation to the Pond Farm alternative site, we raised questions within REP7-034 about the potential suitability of that site which are simply not answered by HE’s response at Deadline 7 (para. 1.1.9 of REP7-005) or Deadline 8 (REP8-044). In our view insufficient reasons have been provided for discounting this site option entirely from consideration.

We would invite the Examining Authority (ExA) to accept these comments as late representations for Deadline 8 on the understanding that no further comments may be allowed at Deadline 9, or prior to the dates which have now been proposed for the compulsory acquisition hearings in June. In any event, it would be our intention to address the ExA on these matters at those future hearings.

KEYSTONE LAW

On behalf of Mr Ronald Alderson

06/05/2020