

Application by Highways England

M25 Junction 10 / A3 Wisley Interchange Improvement project

The Examining Authority's fourth written questions and requests for information (ExQ4)

Issued on 21 May 2020

The following table sets out the Examining Authority's (ExA's) fourth written questions and requests for information – ExQ4.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annex B to the Rule 6 letter of 15 October 2019. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies. Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with a 4 (indicating that it is from ExQ4) and then has an issue number and a question number. For example, the first question on Biodiversity and Habitats Regulations Assessment is identified as Q4.4.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team, please contact:

M25junction10@planninginspectorate.gov.uk and include 'M25Junction/ExQ4' in the subject line of your email.

Responses are due by Deadline 10: 2 June 2020

Abbreviations Used

AEOI	Adverse Effects on Integrity
ALC	Agricultural Land Classification
Art	Article
BoR	Book of Reference
CA	Compulsory Acquisition
CEMP	Construction Environmental Management Plan
CPRE	Campaign to Protect Rural England
CRoW	Countryside and Rights of Way
dDCO	Draft Development Consent Order
DMRB	Design Manual for Roads and Bridges
EA	Environment Agency
EBC	Elmbridge Borough Council
EM	Explanatory Memorandum
ES	Environmental Statement
ExA	Examining Authority
GBC	Guildford Borough Council
HE	Highways England
HistE	Historic England
HRA	Habitats Regulations Assessment
IROPI	Imperative Reasons of Overriding Public Interest
LAs	Local Authorities in whose areas the Proposed Development is located, ie Elmbridge Borough Council, Guildford Borough Council and Surrey County Council
LEMP	Landscape and Ecology Management and Monitoring Plan
LIR(s)	Local Impact Report(s)
NE	Natural England
NFU	National Farmers Union
NMU	Non-Motorised Users
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
OTMP	Outline Traffic Management Plan

PA2008	Planning Act 2008
Proposed Development	The NSIPs comprising the M25 junction 10/A3 Wisley interchange Scheme (TR010030)
PRoW	Public Right of Way
R	Requirement
RHS	Royal Horticultural Society
RR(s)	Relevant Representation(s)
RSPB	Royal Society for the Protection of Birds
SAC	Special Area of Conservation
SCC	Surrey County Council
SoCG(s)	Statement(s) of Common Ground
SPA	Special Protection Area
SPA MMP	Special Protection Area Management and Monitoring Plan
TA	The Applicant's submitted Transport Assessment
TP	Temporary Possession
WPIL	Wisley Property Investments Limited

Additional guidance for the Applicant and all Interested Parties (IPs) and Affected Persons (APs)

The ExA would stress that when IPs and APs wish to make examination submissions at an examination deadline they must ensure that they submit those written submissions to the ExA, either by emailing them to M25junction10@planninginspectorate.gov.uk or by posting them to National Infrastructure Planning, Temple Quay House, 2 The Square Bristol, BS1 6PN. With respect to the use of any postal services please note that Temple Quay House remains essentially closed to the majority of the Inspectorate's staff, albeit some extremely limited processing of post is being undertaken, namely the scanning of some documents so that they can be made available in an electronic form to staff that are currently not permitted to work within Temple Quay House.

To ensure the speedy receipt of documentation by the case team and the ExA you are therefore **strongly urged** not to rely solely on the use postal services when submitting any documentation at Deadline 10 and to make electronic submissions instead.

It should be noted that the questions being asked and/or the points of clarification being sought by the ExA in this fourth round of written questions are intended to assist the ExA's understanding of parts of the Applicant's and IPs' and/or APs' cases that have been made up until Deadline 9.

For many of the Principal Issues (topic areas) outlined in Annex B of the ExA's Rule 6 letter of 15 October 2019 [PD-004a] the positions of the Applicant and IPs and/or APs at this point in the Examination are known to and therefore continue to be well understood by the ExA. Accordingly, the asking of a few or no questions in respect of some of the topic areas should not be taken by the Applicant, IPs and APs as an indication that these topic areas are being looked upon by the ExA as being unimportant. Rather the position with respect to those topic areas continues to be that the ExA considers that its understanding of the Applicant's, IPs' and APs' cases would not be enhanced through the asking of additional questions or inviting further comment.

The ExA also wishes to stress, as it did when it issued its third written questions on 3 April 2020 that neither the Applicant nor any IP or AP should take the ExA's selection of questions or points of clarification as any sort of indication that the ExA has already reached any decision about what recommendation it will ultimately be making in its report to the Secretary of State for Transport.

The ExA also requests that the Applicant, IPS and APs observe the 'Document Management' guidance that it has issued and which accompanied its third written questions [page 4 of PD-016].

Question to:		Question:
1.	General	
4.1.1	Applicant	Please provide an update on the progress being made in the vicinity of Heyswood Campsite to survey the woodland area affected by Proposed Change 7, as referred to in paragraph 3.4.8 of 'Optional alternative private means of access through Heyswood Campsite' [REP7-016].
4.1.2	Surrey County Council (SCC)	In your response to the ExA's third written question 3.9.1 you advised that the Council may have a map showing the extent of Ockham Common and Wisley Common predating the construction of the M25 and that this would be searched for and/or submitted once the movement restrictions relating to COVID-19 allow access to your offices [REP7-025]. You are reminded that if a map exists a copy of it should be submitted at the earliest opportunity prior to the close of the Examination on 12 July 2020.
4.1.3	Applicant	The ExA notes the comments that you have made in REP7-001 with respect to your intention not to submit any executed side agreements as Examination documents on the grounds of commercial sensitivity. To assist the ExA's understanding of the matters that may be covered within any such side agreements, the ExA considers the Applicant should submit a Schedule listing all of the side agreements it is expecting to enter into. The Schedule should include summaries of the heads of terms that are likely to be included in each of the agreements.
2.	Principle and nature of the development, including need and alternatives	
4.2.1	Royal Horticultural Society (RHS) and Applicant	The ExA notes that throughout the Examination the RHS has sought to argue, cumulatively through its air quality, ecological and socio-impact submissions, that without the inclusion of the full 'RHS Alternative Scheme'

Question to:	Question:
	<p>(south facing slips at the Ockham Park junction and a left out from Wisley Lane) the Proposed Development's air quality impact upon the integrity of the Thames Basin Heaths Special Protection Area (the SPA) would be higher than it might otherwise be, through the additional distance travelled by some visitors to RHS Wisley, while also contending that some visitors being faced with longer journey distances and/or times would be deterred from making visits to your gardens, resulting in a loss of income for the RHS. It appears that when the strands of the RHS's Examination case are taken together there are three scenarios that could flow from it:</p> <ol style="list-style-type: none"> 1) Scenario one - the operation of the Proposed Development would result in reduced visitor numbers and income for the RHS, with a consequent reduction in vehicular activity and emissions within the SPA attributable to RHS Wisley visitors and thus less of an effect on the integrity of the SPA due to air quality effects. 2) Scenario two - in spite of the Proposed Development involving greater journey distances and/or times in getting to and from the gardens that would not act as a significant deterrent to visitor numbers, with the result that the RHS would not experience loss of income at the levels projected by Hatch Regeneris in its reports [REP1-039, and appended to REP6-024], but that there would be additional vehicular movements and emissions within the SPA, which the RHS contends would be to the potential detriment of the SPA's integrity.

Question to:		Question:
		<p>3) Scenario three - there would be a combination of some loss of visitor numbers to the gardens and some income for the RHS, but some additional vehicular activity and emissions in the SPA, but that neither the loss of income for the RHS nor any potential effects on the integrity of the SPA would be as significant as has been argued.</p> <p>Of the three potential scenarios outlined above, please identify which one best fits the case the RHS is seeking to make, and comment on the implications of this.</p>
3.	Air quality and human health	
4.3.1	Applicant	<p>Please calculate the full range of vehicle emissions for:</p> <ul style="list-style-type: none"> a) typical family sized cars powered by both petrol and diesel engines that were originally manufactured to meet each of European Emissions Standards Euro 3, Euro 4, Euro 5 and Euro 6. b) articulated lorries capable of hauling a fully laden weight of 44 tonnes manufactured to meet each of European Emissions Standards Euro 3, Euro 4, Euro 5 and Euro 6. <p>Under each of the following scenarios:</p>

Question to:		Question:
		<ol style="list-style-type: none"> 1) the existing road layout and making a left turn from the M25 onto A3 or a left turn from the A3 onto the M25 encountering only a green traffic light phase. 2) the existing road layout and making a left turn from the M25 onto A3 or a left turn from the A3 onto the M25 encountering one red traffic light phase. 3) the existing road layout and making a left turn from the M25 onto A3 or a left turn from the A3 onto the M25 encountering three red traffic light phases. 4) the existing road layout and making a left turn from the M25 onto A3 or a left turn from the A3 onto the M25 encountering five red traffic light phases. 5) the proposed road layout and making use of the free flow left slip from the M25 onto A3 or the A3 onto the M25 and travelling at the full design speed for the slip road. 6) the proposed road layout and making use of the free flow left slip from the M25 onto A3 or the A3 onto the M25 and travelling at half the full design speed for the slip road.
4.3.2	Applicant, Natural England (NE), Elmbridge Borough Council (EBC),	You are all requested to provide your organisations' corporate views on the effect of the Government's evolving policy to reduce vehicle emissions might have for the consideration of the air quality impacts of the Proposed

Question to:		Question:
	Guildford Borough Council (GBC) and RHS	Development. In replying to this question, you should provide an indication of: 1) the individual emissions types that might change and the magnitude of change for those particular emissions; and 2) how any changes to emissions may arise over time, using 2015 as the base year, and plotting any changes on a graph of a form that you consider most appropriate to depict the information being provided.
4.3.3	Applicant	In Appendix B of REP5-003 (as amended by REP8-022) you provide in-combination predictions for the heathland part of the SPA but not for the area within 150m from the road i.e. the woodland buffer. Please provide modelling in regard to nitrogen deposition rates in combination with other plans or projects, including the ammonia contribution, for receptors in the SPA within 150 m of the road.
4.	Biodiversity and Habitats Regulations Assessment	
4.4.1	Applicant, NE and RHS	The ExA notes the answers made at Deadline 7 to its third written question 3.2.2 (any implications of the Court of Appeal's judgement concerning the Airports National Policy Statement) [PD-016]. With respect to ' <i>... any in-principle type considerations raised in the recent Court of Appeal judgement ...</i> ' do you have any comments to make with respect to the Court of Appeal's findings with respect to the consideration of 'reasonable alternatives' under the Habitats Directive?

Question to:		Question:
		Note: The Court of Appeal judgement (Plan B Earth v Secretary of State for Transport [2020] EWCA Civ 214 (27 February 2020)), while being widely accessible is currently not an Examination document. The ExA therefore requests the Applicant to submit this Court of Appeal judgement so that it can be added to the Examination Library and referred to by the ExA in its recommendation report to the Secretary of State should it consider it necessary to do so.
4.4.2	NE and Surrey Wildlife Trust (SWT)	<p>Please comment on:</p> <ul style="list-style-type: none"> a) how dependent the breeding populations of Dartford warbler, European nightjar and Woodlark (the SPA's qualifying features) are on the invertebrate assemblage present in the woodland adjacent to the M25 and A3 and which forms part of the SPA. Do these qualifying features require particular species as part of their diet? Are they specialist or generalist in their dietary requirements? b) whether there is any notable difference in the nature of the invertebrate assemblage found in the woodland and heathland areas of this part of the SPA, and if there is a notable difference what form does that take? c) what is the sensitivity of the invertebrate assemblage present in this part of the SPA to the level of Nitrogen deposition? d) having regard to the predicted air quality levels within the various proposed SPA Enhancement Areas and Compensation Land areas, how confident are you that they will be able to function so as to

Question to:		Question:
		offset any potential loss in carrying capacity and/or food resource as a result of the Proposed Development?
4.4.3	NE and SWT	Please submit a copy of the 2010-2020 Wisley and Ockham Management Plan, as referred to in paragraph 7.2.12 of the Applicant's 'Habitats Regulations Assessment: Stage 2: Statement to inform appropriate assessment' [REP4-018]. Only one copy of this document need be submitted and NE and SWT should decide between themselves as to which organisation is best placed to submit it.
4.4.4	NE and SWT	Are the management prescriptions for the Ockham and Wisley Commons SSSI component of the SPA the same as for the other parts of the SPA or are they component specific? If the management prescriptions are different for the Ockham and Wisley Commons SSSI component of the SPA, please give examples of how they differ from the management prescriptions for other parts of the SPA.
4.4.5	SWT	Please provide a plan or plans showing the locations where woodland clearance has already taken place since 2010 or is planned to be undertaken within the SPA, pursuant to the implementation of the 2010-2020 Wisley and Ockham Management Plan.
4.4.6	SWT	In your response [REP5-044] to the ExA's second written question 2.4.7 [PD-010] at your item f) you have commented ' <i>An increase in heathland area has been shown on this site to increase the SPA bird population</i> '. Can you please advise whether your comment refers to an increased number of the SPA's qualifying features of European nightjar, Woodlark and Dartford

Question to:		Question:
		warbler and, if so, provide any documentary evidence you have available substantiating that.
4.4.7	NE, Applicant and RHS	Has the Institute of Air Quality Management or any other UK professional body, such as the Chartered Institute of Ecology and Environmental Management, produced any guidance requiring the effects of ammonia on SPAs to be assessed? If any such guidance has been produced, then a copy of it should be submitted. Only one copy of any such guidance need be submitted and NE, the Applicant and the RHS should decide between themselves as to which organisation is best placed to submit it.
4.4.8	NE	At paragraph 68 of REP8-054 the RHS has stated that it recognises that the ' <i>... Emissions Factors Toolkit does not include ammonia ...</i> '. Please comment why you consider the Emissions Factors Toolkit does not refer to ammonia and set out what you consider to be the implications of this omission in regard to the Proposed Development.
4.4.9	NE	At paragraph 67 of REP8-054 the RHS has referred to ammonia from road traffic having been incorporated into the assessment in connection with the preparation of the Local Plans for Wealden District Council, Epping Forest District Council and Havant Borough Council. Please explain why you consider ammonia emissions from road traffic has been considered in connection with the preparation of the Local Plans for each of the previously mentioned local planning authorities.
4.4.10	RHS	Please advise whether the report prepared by Air Quality Consultants and entitled 'Ammonia Emissions from Roads for Assessing the Impacts on Nitrogen-sensitive Habitats' of February 2020 [REP5-049] has or has not

Question to:		Question:
		been subject to peer review. Any peer review documentation should be submitted in full.
4.4.11	NE	Having regard to the fact that the SPA has been designated to sustain the favourable conservation status of the populations of the three 'Interest' (Qualifying) Features, i.e. the Dartford Warbler, European nightjar and Woodlark, please explain the precise function and importance which the woodland that immediately adjoins the M25 and the A3 performs in the pursuance of the maintenance of the SPA's integrity.
4.4.12	NE	In REP8-054 the RHS has criticised the Applicant's reliance on overall invertebrate biomass considerations in reaching its conclusions. However, in REP9-003, page 10, the Applicant contends that the ' <i>established woodland buffer will continue to function in the same way as it currently does and provide the same invertebrate resource as it currently does</i> ' and has referred to both the assemblage and biomass of the invertebrate resource being unchanged. Please comment on this, having regard to the particular prey requirements of each of the qualifying features of the SPA and the potential impacts of emissions resulting from both the Proposed Development and the 'RHS Alternative Scheme' on these prey species of the SPA qualifying features. Also please comment on the impacts on invertebrates and the SPA qualifying features as a result of any changes to the woodland buffer, for example through habitat management in the proposed enhancement areas or the erection of the Cockcrow Bridge.
4.4.13	RHS, NE and Applicant	In REP8-054 the RHS cites evidence that demonstrates an effect due to Nitrogen deposition on moth species that are adapted to low Nitrogen

Question to:		Question:
		levels. How sensitive is the invertebrate assemblage in this part of the SPA to the effects of Nitrogen deposition?
4.4.14	NE	At paragraphs 40 to 42 of REP8-054 the RHS contends that the Applicant in REP7-008 has ' <i>selectively quoted</i> ' from and incorrectly interpreted the conservation objectives for the SPA. Having regard to what the Applicant has stated in REP7-008 and the RHS in REP8-054 in terms of whether there would or would not be an adverse effect on the integrity of the SPA, please comment on whether there has been any misrepresentation by the Applicant about the Proposed Development's relationship with the SPA's conservation objectives insofar as those relate to the Ockham and Wisley Commons SSSI component of the SPA.
4.4.15	NE	Please comment on the RHS's contention in REP9-014 that the conclusion you have drawn in your Statement of Common Ground [REP8-022] is incorrect in regard to the potential impact on air quality of the SPA woodland areas within 150m of the roads. Also, please comment as to whether or not air quality effects could hamper any future restoration of the woodland buffer, if so required.
4.4.16	Applicant and RHS	Please provide your respective precise calculations for any differences in Nitrogen disposition within the SPA, up to 200 metres from the outer edge of the carriageway of the widened M25 and A3, when the effects of the submitted Proposed Development are compared with the full 'RHS Alternative Scheme', ie the presence of south facing slip roads at the Ockham Park junction and a left turn from Wisley Lane. In responding to this question, the ExA is expecting to be provided with:

Question to:		Question:
		<ul style="list-style-type: none"> • confirmation of what data is being used to underpin the calculations; • a written summary of any assumptions made; • the step by step methodology for undertaking the calculations; and • the actual worked calculations.
4.4.17	NE	<p>In referring to land take within the SPA, paragraph 94 and footnote 2 of REP8-054, the RHS has cited the concept of 'site fabric' and the definition of that as used by you, without providing a reference for the source document within which that definition is found.</p> <ol style="list-style-type: none"> 1) Please provide a copy of the document which sets out the definition for site fabric. 2) With respect to the SPA land which the Applicant has identified as being either permanently or temporarily affected by the Proposed Development, please advise whether you consider any of that land falls into your definition of 'site fabric' of the SPA and should potentially be excluded from the Applicant's calculation identifying the amount of land required as SPA 'compensatory' and 'enhancement' land as part of the Proposed Development.
4.4.18	RHS	<p>Please provide into the Examination a copy of the paper by Alexander and Cresswell (1990) 'Foraging by Nightjars <i>Caprimulgus europaeus</i> away from their nesting areas' that is referred to in REP8-054.</p>
4.4.19	Applicant and RHS	<p>With respect to the consideration of Ammonia emissions there continues to be disagreement between you about the interpretation of the concentration data shown in Figures 2 and 3 contained in REP5-049, for example in REP7-008 and REP8-054.</p>

Question to:		Question:
		It appears to the ExA that Figure 2 shows consistently higher concentrations of Ammonia up to around 30 metres from the centre line of the road that was surveyed and that there is then a levelling off in the concentration of Ammonia at between 100 and 110 metres on both the eastern and western sides of the road. If there is not a levelling off the Ammonia concentration at between 100 to 110 metres to an annual mean background concentration of the order of 0.6 to 0.8 micrograms per cubic metre for two nearby transects, then what might else explain what is shown in Figure 2 with respect to the concentration of Ammonia in the surveyed location?
5.	Construction	
4.5.1	Applicant	Please explain why the main materials processing activities have been moved from the Nutberry Farm to the Wisley Airfield worksite, as reflected in Change 9 [REP7-016]. In providing your answer, please justify why these operations could not be continued at the Nutberry Farm worksite even if that entailed other elements of the site having to be re-located to the Wisley Airfield worksite.
4.5.2	Applicant	Please set out how the bund near to the eastern boundary of the Wisley Airfield worksite is to be constructed and maintained, and indicate whether there would be scope to provide acoustic fencing on top of this bund. In answering this question please provide a proposed cross-section diagram of this bund and also indicate how this is to be secured in the dDCO.

Question to:		Question:
4.5.3	Applicant	Please explain how the proposed operations at the Wisley Airfield worksite are to be monitored and how liaison with the local community in regard to notifying and rectifying any adverse impacts on living conditions, should they arise, would work in practice.
6.	Flood risk, drainage and water management	
		<i>The ExA has no questions regarding flood risk, drainage and water management at this stage.</i>
7.	Historic environment	
		<i>The ExA has no questions regarding historic environment at this stage.</i>
8.	Landscape and Visual Impact	
		<i>The ExA has no questions regarding landscape and visual impact at this stage.</i>
9.	Land use, recreation and non-motorised users	
4.9.1	SCC	In response to the ExA's third written question 3.9.3 (ranking of potential reduction of replacement land options contained in REP5a-012), you have listed your three least favoured options as 3, 2 and 3 in REP7-025. As option 3 has been listed twice there appears to have been an error in your response to question 3.9.3. Please submit a corrected answer to question 3.9.3.

Question to:		Question:
10.	Noise, Vibration, Dust and Lighting	
		<i>The ExA has no questions regarding noise, vibration, dust and lighting at this stage.</i>
11.	Pollution, Contaminated land, Geology and Ground conditions	
		<i>The ExA has no questions regarding pollution, contaminated land, geology and ground conditions at this stage.</i>
12.	Socio-Economic impacts	
4.12.1	RHS	For question 5 (visitor routes used by visitors to RHS Wisley) of both the operational and construction phase additional surveys [pages 54 and 56 of REP6-024] should the compass point reference to 'east of the Garden' in the fifth route option not be the west?
4.12.2	RHS and Applicant	At page 26 of REP8-054 the RHS states that in terms of its second attitudinal survey [REP6-024] 'Question 8 was designed to examine the impact of journey time impacts for trips travelling to and from the south on the A3'. a) If the RHS's intention was as stated in the above quotation, then to avoid the around two thirds of the respondents travelling to and from RHS Wisley with origins other than those to the south of the Gardens and who would not experience 'the largest increase in journey times' [Page 27 of REP8-054] answering Question 8, then

Question to:		Question:
		<p>should Question 8 not have included a filter requiring this question only to be answered by respondents who identified options 3 and 4 in Question 5 as the route that they followed?</p> <p>b) Is it reasonable for Hatch Regenris to have drawn the conclusions that it has from section 3 onwards in its Report [REP8-054], given that in answering Question 8 around two thirds of the survey respondents might have thought they would experience a delay that they would not be subject to and would not know the number of visitors who might be subject to the largest increases in journey times and/or distances? Please justify your response.</p>
4.12.3	RHS and Applicant	Please comment on whether the Questionnaire should have contained a question regarding real or perceived improvements in road safety as a result of the Proposed Development in order to assess attitudes of visitors towards any such improvements.
4.12.4	RHS and Applicant	In Q8 to Q10 of the Hatch Regeneris Survey 2 Construction Phase questionnaire [REP6-024] respondents are specifically asked about perceived construction impacts. However, the Hatch Regeneris report also acknowledges in REP1-039 that construction of the RHS Alternative Scheme would give rise to a similar level of disruption of the local highway networks to the Proposed Development. Does the RHS still consider that both schemes would have similar impacts during their construction phases? If so, what do the RHS and the Applicant consider to be the socio-economic impacts that can be drawn from this, having particular regard to the RHS Alternative Scheme?

Question to:		Question:
4.12.5	RHS and Applicant	The RHS has provided predictions of economic impact based on an estimated loss of visitors to Wisley as a result of the construction and operation of the Proposed development. How would such figures compare with the overall estimated benefits that may occur due to reductions in travel times for all users of this part of the A3/M25 as a result of the Proposed Development.
13.	Traffic, transport and road safety	
4.13.1	Applicant and RHS	<p>Please provide your respective precise calculations for any journey time savings for visitors to RHS Wisley when the full 'RHS Alternative', ie the presence of south facing slip roads at the Ockham Park junction and a left turn from Wisley Lane, is compared with the submitted Proposed Development for the AM and PM peaks and the Interpeak periods as defined in the Applicant's Transport Assessment Report [APP-136]. In responding to this question, the ExA is expecting to be provided with:</p> <ul style="list-style-type: none"> • confirmation of which data set or sets that have been used; • a written summary of any assumptions made; • the step by step methodology for undertaking the calculations; and • the actual worked calculations.
4.13.2	Applicant	With respect to application proposed change 3 (works to the A245) and in light of the representations made by SCC in REP7-025 (item 3.1.3.3.2)

Question to:		Question:
		please explain why the originally proposed A245-A3 northbound on-slip free flow lane does not forms part of the works encompassed by proposed change 3.
4.13.3	SCC	Do you have any observations to make in respect of the modelling that the Applicant has undertaken with respect to the hypothetical provision of south facing slips at the Ockham Park junction, as reported in REP8-040?
14.	Waste management	
	<i>The ExA has no questions regarding waste management at this stage.</i>	
15.	Content of the draft Development Consent Order (dDCO)	
4.15.1	EBC, GBC, SCC, Environment Agency (EA)	Please provide any comments you may wish to make on the aims and/or wording of the new Article 48 in the dDCO [REP8-013].
4.15.2	Applicant	Further to your answer to the ExA's Third Written Question 3.15.13, justify why you consider a 5 year maintenance period, as proposed in R6(5), to be sufficient? In answering this question please refer to the characteristics of the tree and shrub planting you propose, the local growing conditions and provide evidence of other cases in the locality where such a time period has allowed for a similar planting scheme to become successfully established.
4.15.3	Applicant	Please comment on Surrey County Council's request in [REP7-024] that in R11 of the dDCO [REP8-013] consultation with the County Council is

Question to:		Question:
		specifically added as the definition of ' <i>relevant planning authority</i> ' only includes EBC and GBC.
4.15.4	Applicant	<p>a) Please provide a copy of the plan identifying the parts of the Proposed Development that you expect would be for SCC to maintain, as referred to in section 1.4.1 of the version of the SoCG between yourself and SCC submitted at Deadline 8 [REP8-030]. If any descriptive text is available that is intended to accompany the previously mentioned plan, then please submit this text at Deadline 10 or provide a date by when it will be available to be submitted as an Examination document.</p> <p>b) Additionally, please identify the parts of the Proposed Development that you and SCC are discussing as potential candidates for being defined under the terms of the dDCO as 'Non-standard Highway Assets' for which maintenance commuted sums might be paid, as referred to in section 1.5.3 of REP8-030.</p>
16.	Compulsory Acquisition (CA)	
4.16.1	SCC	Please provide a copy of the 'outline scope of works' you have submitted to the Applicant with respect to the accommodation works that you consider would be required to the Ockham Bites car park that would fall outside the scope of the application for the Proposed Development, as referred to in section 9.3.1 of REP8-030.

Question to:		Question:
4.16.2	Applicant and SCC	In the event of a scheme of accommodation works, as referred to in the preceding question, being agreed between you and assuming that the delivery of such works would not be dependent upon a 'financial compensation settlement', please advise what mechanism or mechanisms might be used to delivered these works.
4.16.3	Applicant	<p>In response to the ExA's third written question 3.13.5 concerning forward visibility on the A245 both you, on page 39 of REP7-004, and SCC [page 20 of REP7-025] have stated that the A245 forms part of the Local Road Network and that SCC is therefore the highway authority, as per the details shown on sheets 8 and 9 of APP-008/REP8-005.</p> <p>However, SSC's and your answers to question 3.13.5 do not appear to be consistent with the content of the Book of Reference (BoR), most particularly what is stated in APP-025, REP5a-005 and REP8-016, for plot 8/36. Within the BoR in column 5 (Occupiers) for plot 8/36 Highways England is identified as being the 'highway authority' and there is no mention of SCC being a highway authority occupier of plot 8/36. That by contrast is inconsistent with how plot 1/5 is handled in the BoR, for which both you and SCC are identified as being owners and SCC is listed as the occupier.</p> <p>Please clarify whether there has been an error in the drafting of the BoR with respect to the identification of the highway authority occupier for plot 8/36. If there has been an error in the drafting of the BoR and/or any of the related submitted application plans, then that error would need to be</p>

Question to:		Question:
		<p>rectified. Please advise how you would address any error that may be present in the BoR and/or the affected application plans.</p> <p>The Applicant is requested to review the entire BoR and advise the ExA whether the BoR and any of the submitted application plans are or are not free from any drafting errors concerning the identification of the correct highway authority. Should any drafting errors be identified then the Applicant will need to rectify any such errors through the submission of an amended version of the BoR and/or any revised plans as necessary.</p>
4.16.4	Applicant and SCC	<p>The ExA notes the answers that the Applicant [REP7-004] and SCC [REP7-025] have respectively provided in response to third written question 3.16.6 [PD-016]. Question 3.16.6 concerning the progress being made to complete the exchange of the Special Category Land (SCL) associated with the original construction of the M25 (the historic exchange). In the light of the responses you have given to question 3.16.6, please comment on:</p> <p>a) Whether or not, for so long as the land affected by the historic exchange has not been acquired by the Applicant from SCC, the latest version of the BoR [REP8-016] accurately reflects the extant land ownership position for the historic exchange land, notwithstanding the fact that the Applicant is the highway authority for some of it. For example, with respect to plot 5/18a, a plot which the DCO, if made, would authorise various works being undertaken to the M25, the BoR records the Applicant as being the owner. That entry, however, is inconsistent with the Applicant stating in response to question 3.16.6 <i>...that whilst Highways England is the highway</i></p>

Question to:	Question:
	<p><i>authority for the M25, it does not own all of the land on which the motorway is situated, which remains in the ownership of Surrey County Council.'</i> Should it be considered that the BoR does not accurately record the ownership position in this regard then the Applicant is requested to advise how it would address this matter.</p> <p>b) Whether or not, there may be any other landowners other than SCC of the historic exchange land, given that SCC has advised that of the around 20 plots in question <i>'... many of which are unregistered.'</i> SCC is requested to advise when it expects the Title investigations it is undertaking will be completed.</p> <p>c) In the event the SoS is minded to make the DCO, whether or not, the SoS should treat the affected land as being subject to the Special Parliamentary Procedures under the provisions of the PA2008, for so long as the land affected by the historic exchange has not been acquired from SCC.</p>