

M25 junction 10/A3 Wisley interchange TR010030

9.109 Applicant's comments to ExA's fourth written questions and requests for information (ExQ4)

Rule 8(1)(b)

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

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Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

M25 junction 10/A3 Wisley interchange

Development Consent Order 202[x]

9.109 Applicant's comments to ExA's fourth written questions and requests for information (ExQ4)

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Author:	M25 junction 10/A3 Wisley interchange project team, Highways England and Atkins

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1. Applicant's response to Examining Authority's fourth written questions and requests for information (ExQ4)

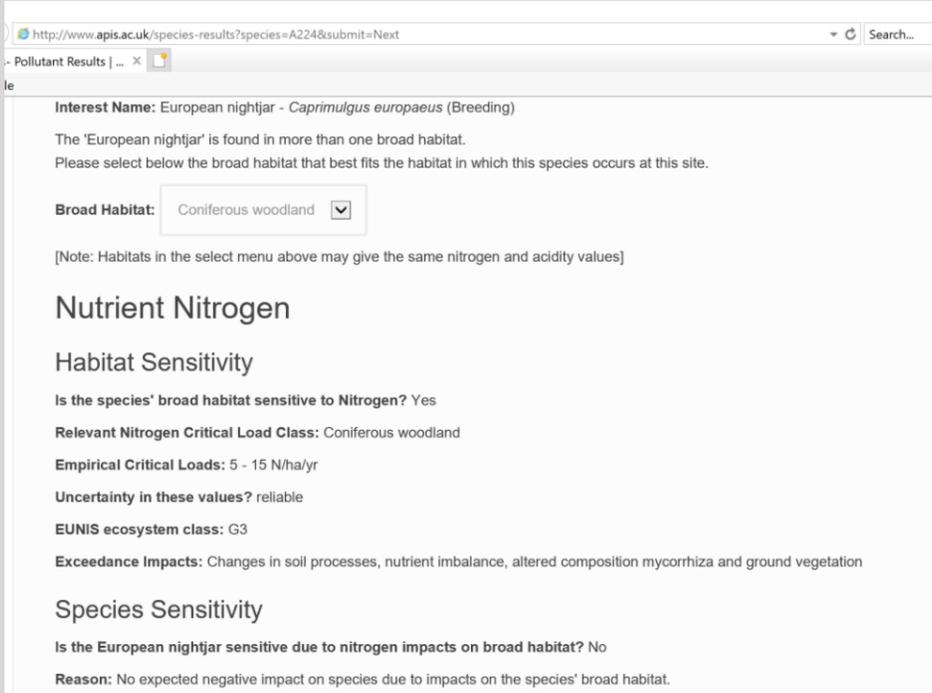
No.	Question to:	Question:	Highways England response
1. General			
4.1.1	Applicant	Please provide an update on the progress being made in the vicinity of Heyswood Campsite to survey the woodland area affected by Proposed Change 7, as referred to in paragraph 3.4.8 of Optional alternative private means of access through Heyswood Campsite' [REP7-016].	At the time of writing this response, Highways England is aiming to visit the Heyswood Campsite on the 1st June 2020 as part of carrying out the National Vegetation Classification assessment and to also record additional trees. This will take place only if health and safety allows due to the current COVID-19 crisis.
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.	This information is provided in a schedule to this document (TR010030/ Volume 9.113), which is submitted at Deadline 10.
2. Principle and nature of the development, including need and alternatives			
4.2.1	RHS and Applicant	<p>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'(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> <p>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.</p> <p>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.</p> <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</p>	Although the question is addressed to Highways England and the RHS, only RHS can answer which of three scenarios best fits the case RHS is seeking to make.

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		<p>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> <p>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.</p> <p>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> <p>Under each of the following scenarios:</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>The air quality assessment for the Scheme uses traffic data outputs for various time periods from a regional model (SATURN), which represents average conditions for the particular hour modelled (AM peak/PM peak etc) (5.5.18 of APP-050). Whilst micro simulation traffic models are used in scheme assessments to test the operational aspects of schemes (such as junctions), they are not utilised at that level of detail in the air quality assessment.</p> <p>Changes in emissions due to signal timings for example, would require an emissions model that generates second by second emissions with inputs relating to vehicle dynamics. This level of detail would not be proportionate to undertaking an air quality assessment in accordance with DMRB guidance which ensures compliance with the NN NPS.</p> <p>Where traffic lights are located at junctions, traffic will need to stop and start, thus leading to higher emissions at this type of location, than a junction without traffic lights. The more times a vehicle needs to stop and start, as a result of encountering more traffic light phases due to congestion, the higher the emissions from that vehicle are likely to be over a specific distance or period of time. The effect, however, would be very localised to the junction.</p>
4.3.2	Applicant, Natural England (NE), EBC,	<p>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 Development. In replying to this question, you should provide an indication of:</p> <p>1) the individual emissions types that might change and the magnitude of change for those particular emissions; and</p> <p>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.</p>	<p>As a Government owned company, Highways England's corporate policy is to follow the air quality advice and tools published by Government.</p> <p>Paragraph 5.8 of the National Policy Statement for National Networks sets out that air quality assessment for projects should be undertaken using the Government's published Emission Factor Toolkit (EFT). EFT describes emissions for a range of different vehicle classes e.g. cars, vans, HGVs, buses, fuel type and emission standard e.g. Euro 4 / IV, 5 / V and 6 VI for speeds between 5 and 130kph. Emissions are available for NO_x, particulate matter and carbon dioxide (CO₂).</p> <p>The Design Manual for Roads and Bridges (DMRB) air quality chapter (LA 105), and prior to this interim advice note (IAN) 185/15) provides advice on the use of speed-banded emission rates, which are derived from EFT, for use in assessment of projects. LA 105 (and prior to this IAN 170/12v3) also provides advice on making allowances for long term anticipated trends in NO_x and NO₂.</p> <p>EFT sets out the Government's understanding of current vehicle emissions through to 2030 to be used by developers, this incorporated the individual emissions of the various types of fleet and the projections of the fleet in the future. If the ExA requires further detail relating to the assumptions in</p>

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			EFT they would need to contact the Department for Environment, Food and Rural Affairs (Defra) and the Department for Transport (DfT) for advice on any future changes to the national fleet and individual vehicle emissions.
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.	<p>The calculations provided in Appendix B of REP5-003 are not a requirement of the DMRB methodology. They are highly precautionary based on an approach which is not standard practice for Highways England schemes.</p> <p>Calculations are provided for four scenarios which are explained further below:</p> <ul style="list-style-type: none"> • Base year (2015) • Do Nothing (DN) (2022) • Do-Minimum (DM) (2022) • Do-Something (DS) (2022) <p>The traffic model used for this Scheme is a regional strategic model which was developed in accordance with the Department for Transport's best practice guidance (webTAG). It takes account of traffic growth using national trip end model (NTEM) factors and therefore includes traffic from plans and projects across an extensive study area. The traffic model provides data outputs which are used in the air quality assessment for a base year, a do-minimum and a do-something scenario for the opening year.</p> <p>The "do nothing" scenario is based on the traffic data for the base year, and assumes that there is no growth in traffic from the base year (2015). Given that there will be traffic growth between the base year (2015) and the opening year (2022), the traffic flows for the "do nothing" are an underestimate.</p> <p>Hence any change with the Scheme will be smaller as the difference between the "do nothing" and the Scheme will show the change in nitrogen deposition from the Scheme, committed developments and traffic growth.. The change between the Do Minimum and the Do Something will provide the difference in nitrogen deposition rates as a result of the Scheme.</p> <p>As noted at REP8-045, 4.4.3 the calculations for the "do nothing" were made as a sensitivity test, to demonstrate that there would be no discernible change in nitrogen deposition rates at the supporting habitats of the qualifying features in the SPA (i.e. those beyond 150 m of the road edge).</p> <p>In terms of examining the effect of ammonia, as a precautionary approach, the calculated road component to the nitrogen deposition rate from the NOx concentration was doubled to account for the indicative contribution from ammonia. As the contribution of ammonia from road vehicles is noted to be indistinguishable from background at distances of over 30 metres from the road, receptor points beyond this distance were not adjusted for ammonia.</p> <p>The calculations show the nitrogen deposition rates with and without the indicative contribution from ammonia for the four scenarios noted above. The data shows that as would be expected there is an increase at the majority of receptor points between the Do Nothing and the Do Something scenarios. The only exception is at the transect east of the A3, near junction 10, where there is a decrease between the Do Nothing and the Do Something scenarios.</p> <p>It is worth noting that the calculations show that there is a decrease in nitrogen deposition rates between the Do Minimum and the Do Something scenarios at the two transects on the A3, further south of the junction, as a result of a reduction in congestion on the A3 with the Scheme.</p> <p>In all cases the nitrogen deposition rates with the Scheme are below those calculated for the 2015 base year, showing an improvement in future years with or without the Scheme, regardless of scenario.</p>

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			The calculations are provided separately in application document TR010030/9.112 at Deadline 10 submission.
4. Biodiversity and Habitats Regulations Assessment			
4.4.1	Applicant, NR and RHS	<p>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 '... any in principle type considerations raised in the recent Court of Appeal judgement ...' 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?</p> <p>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.</p>	<p>As requested, Highways England has appended a copy of the Plan B judgment to this document (document reference TR010030/ 9.114).</p> <p>In relation to the Court of Appeal's judgment in Plan B so far as relevant to the consideration of 'reasonable alternatives' under the Habitats Directive, Highways England's position is that the Habitats Regulations Assessment [REP4-014] correctly applied the legal principles in concluding that there are no feasible alternative solutions to the Scheme. Indeed, the Court of Appeal's judgment supports the approach taken by Highways England in this case.</p> <p>The Court of Appeal's judgment upheld the conclusions of the Divisional Court in relation to scope of the 'reasonable alternatives' test under the Habitats Directive. In particular, the Divisional Court found that (although in the context of a National Policy Statement) 'the correct approach to "alternative solution" in article 6(4) of the Habitats Directive is tolerably clear. In respect of an NPS, a proposed option is not an "alternative solution" unless it meets the core policy objectives of the statement.' (paragraph 341 of the Divisional Court's judgment cited at paragraphs 92 and 116 of the Court of Appeal's judgment).</p> <p>The RHS alternative was properly considered by Highways England in developing its proposals for the Scheme. As reported at paragraphs 2.2.5 and 3.1 and of the Scheme Assessment Report: Side Roads Addendum (November 2017) [REP3-017 at pages 11-12 and 18-19), the retention of a left-out at the junction of Wisley Lane and the A3 northbound was discounted on safety grounds. The nature of the replacement access to be provided to Wisley Lane following the closure of the current left-in arrangement was also considered in detail in the Side Roads Addendum [REP3-017 at section 5.3] which highlights that proper consideration was given to avoiding so far as possible encroachment within the boundary of the SPA/SSSI. In terms of the impact on the SPA "WIS12" (a "left-out" arrangement involving a direct access slip road from Wisley Lane to A3 northbound) would be greater than "WIS11" (a southern link road option which forms part of the Scheme). The conclusion reached was that "WIS-11" was preferable in both safety and in environmental terms to other options including "WIS12". See also Highways England response to question 2.13.10 in REP5-014.</p> <p>Accordingly, the so-called RHS alternative is not a feasible alternative to the Scheme for the purposes of the Habitats Directive. It is not an alternative which would meet the objectives of the Scheme (as defined by the Client Scheme Requirements – i.e. the requirements for the Scheme as set by the Department for Transport) whilst giving rise to lesser impacts on a European site. The Client Scheme Requirements include a requirement in respect of safety that the Scheme should 'Reduce annual collision frequency and severity ratio on the main line A3, slip roads and M25 junction 10 gyratory' (see REP4-014 at page 6).</p> <p>As set out extensively in Highways England's previous submissions, the RHS alternative would not be acceptable on highway safety grounds and, in any event would not alter the conclusions of the HRA in relation to air quality (See also REP2-022, section 2 and Appendix A). Section 4 of REP4-005 (in row "REP1-38-2" of the table), shows that the northbound merge of Wisley Lane with the A3 has a significantly higher accident rate than average. The reason why the south-facing slip roads at the Ockham Park junction do not form part of the Scheme has been explained by Highways England in response to question 1.13.6 [REP2-013].</p>

No.	Question to:	Question:	Highways England response
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.	<p>Regulatory bodies (Environment Agency, Natural Resources Wales) have published guidance on the assessment of impacts of ammonia from livestock farming/agriculture on designated sites but not road schemes. For example https://cdn.naturalresources.wales/media/684017/guidance-note-20-assessing-the-impact-of-ammonia-and-nitrogen-on-designated-sites-from-new-and-expanding-intensive-livestock-units.pdf</p> <p>Neither the Institute of Air Quality Management (IAQM) nor the Chartered Institute of Ecology and Environmental Management (CIEEM) have produced guidance which requires the assessment of ammonia on a SPA when assessing a road scheme. The IAQM's 2019 guidance focuses on air quality assessments in support of Habitats Regulations Assessments while the CIEEM is expected to produce guidance later this year (2020).</p> <p>The IAQM's guidance is not prescriptive, but it does refer to the DMRB methodology and the assessment of NOx emissions in relation to road traffic (section 5.3.6 and 5.5.4). Footnote 40 states "The DMRB methodology must be used for Highways England road schemes".</p> <p>It is understood that RHS will be submitting a copy of the IAQM guidance document.</p>
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 levels. How sensitive is the invertebrate assemblage in this part of the SPA to the effects of Nitrogen deposition?	<p>As explained in paragraphs 7.2.10-7.2.15 of the SiAA [REP4-018], the potential contribution of an invertebrate resource from the established woodland buffer to the SPA qualifying species' diets is restricted to nightjars. As set out in paragraphs 4.7.11 and 4.7.12, this is because nightjars are aerial predators, using habitats such as open heathland and woodland edges to hunt flying insects, such as moths and beetles. Some of these mobile invertebrates may pass from the established woodland buffer into the adjacent heathland habitats and woodland edge and therefore potentially contribute to the nightjars' diets.</p> <p>As explained within the Pollutant impacts by species section of the APIS website (see below), exceedance of nitrogen above the critical load within coniferous woodland can lead to "changes in soil processes, nutrient imbalance, altered composition mycorrhiza and ground vegetation".</p> <p>The Pollutant impacts by species section of the APIS website states that nightjars are not sensitive to nitrogen impacts on coniferous woodland (see below), indicating that nitrogen changes within this habitat type would not have an effect on nightjars.</p> <p>This gives a clear indication that the invertebrate assemblage of relevance to the SPA qualifying species within the established woodland buffer is not sensitive to the effects of Nitrogen deposition.</p> <p>Due to the Scheme's operational nitrogen rates being lower than the current baseline (even with a precautionary measure of doubling changes in nitrogen deposition rates to account for ammonia, as set out in bullets 5-9 on page 9 of Highways England's comments on RHS's deadline 8 submission [REP9-003] and again in response to ExQ4 question 4.3.3), Highways England can be certain that the vegetation quality and structure within the established woodland buffer and the associated invertebrate assemblage will continue to exist as it currently does.</p> <p>RHS provided evidence in its response to Highways England's deadline 7 submission [REP8-054] in order to demonstrate that changes in nitrogen deposition rates could lead to changes in invertebrate assemblages. The article from Leiden University referenced by RHS in paragraph 34 of their deadline 8 submission [REP8-054], to which ExQ4 question 4.4.13 refers, was used by RHS to demonstrate how increased nitrogen deposition causes fundamental changes in moth populations with species that are adapted to low nitrogen levels declining. It should be noted that the paper describes how large butterflies and moths that feed on plants that profit from higher fertility are becoming more common as a result of increased nitrogen deposition. In addition, the research paper by Kurze <i>et al.</i> (2018) referenced in paragraph 3 of Baker Consultants' <i>Further evidence relating to the effects of nitrogen on invertebrates</i> in RHS's deadline 8 submission [REP8-054] is a study that assessed the effects of intensive agricultural</p>

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			<p>fertiliser applications and presents evidence that the current fertilisation quantities in agriculture exceed the physiological tolerance of common lepidoptera species.</p> <p>Highways England has set out its position with regards to air quality impacts on the SPA in Chapter 4 of the Applicant's comments on RHS's deadline 8 submission [REP9-003]. It is clear that the operational nitrogen deposition rates will be lower than the current nitrogen deposition rates. Therefore, the evidence provided by RHS is not relevant to this Scheme, as operational nitrogen deposition rates will not be increasing above the current baseline rates.</p> 
4.4.16	Applicant and RHS	<p>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:</p> <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. 	<p>Nitrogen deposition rates have been calculated for the Applicant's Scheme and the full "RHS Alternative Scheme" for the four transects leading away from the A3 into the SPA which would be affected by traffic changes. The method for the air quality assessment is provided in section 5.5 of the ES chapter [APP-050].</p> <p>Data Used</p> <p>The ADMS dispersion model uses emissions data from Highways England speed band emission factors (based on EFT v8) calculated from the traffic data for each modelled road link, including flow, % HGV and speed for each hour [para 5.5.17, APP-050]. In addition, the model uses input data on road alignment, road width and local meteorological data.</p> <p>It should be noted that the calculations provided here are based on the DF3 traffic modelled outputs, rather than DF2 which was provided in the ES (as discussed in para 5.5.12 of APP-050). In addition, the calculations will be overestimated as the traffic data on which they are based represent a special event on a weekday (as documented in REP2-011 and REP1-010) and are not representative of a full year.</p>

No.	Question to:	Question:	Highways England response
			<p>Assumptions</p> <p>Assumptions are provided in section 5.6 of the ES Chapter 5 [APP-050]. In addition to the uncertainties associated with the modelling, and the traffic data as noted above, it is assumed that transect points adjacent to the M25 would not be affected by the changes in traffic which would largely affect traffic travelling between RHS Wisley and the A3 to the south. Therefore this response provides results for the A3 transects only.</p> <p>Step by step methodology</p> <p>The approach described in Highways England DMRB guidance HA207/07 has been followed.</p> <ol style="list-style-type: none"> 1) Take the modelled NOx concentration from the modelled output for each receptor point. This is the 'road' NOx concentration. 2) Adjust the 'road' NOx concentration, following the standard verification process (para 5.5.21, APP-050). 3) Convert the 'road' NOx concentration to the 'total' NO2 concentration using Defra's NOx to NO2 calculator (para 5.5.20, APP-050). 4) Adjust the total NO2 concentration with a "gap factor" to account for future uncertainty in emissions (paras 5.5.23-24, APP-050). 5) Convert the total NO2 concentration to the nitrogen deposition (N dep) rate at each receptor using a factor of 0.29 (1 µg/m³ NO₂ = 0.29 kgN/ha/yr) (the updated factor for woodland habitat, taken from LA105). 6) Take the average background N dep rate for the base year from the Air Pollution Information System (APIS) website for the 5 km grid square in which the SPA is located. 7) Reduce the background N dep rate for the future opening year. 8) Take the NO2 background concentrations from Defra's 1 km background maps for the same 5 km grid square used for the background N dep rate from the APIS website. 9) Average the NO2 background concentration over the twenty-five 1 km grid squares. 10) Convert the average background NO2 concentration to the N dep rate using a factor of 0.29 (the same factor as used at step 5), to give the average background N dep rate. 11) Subtract the average background N dep rate from the total N dep rate at each receptor point (calculated at step 5) to give the "road" component of the N dep rate at each receptor point. 12) Add the "road" N dep rate to the average background N dep rate (calculated at step 10) to give the total N dep rate at each receptor. <p>Calculations</p> <p>The calculations are provided in the table below. The difference in nitrogen deposition rates between the two proposals is shown in the last column, and shows that the RHS Alternative Scheme would give lower N dep rates, with the largest change being 0.2 kg N/ha/yr at the receptor point closest to the road (5 m). This is smaller than the change between the Do Minimum and the Do Something scenarios (as documented in REP5-024). At the location of the supporting habitats for the qualifying features, over 150 metres from the road, the difference between the two proposals reduces to 0.03 kg N/ha/yr or less.</p> <p>As set out in bullets 11-16 on pages 9 and 10 of the Applicant's comments on RHS's deadline 8 submission [REP9-003, section 4], the SiAA ruled out an adverse effect on the SPA as a result of air quality changes. The SiAA could not rule out an adverse effect on the SPA as a result of land take.</p>

No.	Question to:	Question:	Highways England response																																																																																				
			<p>The RHS Alternative Scheme requires more land take from the SPA than the Applicant's Scheme and therefore is not a better alternative to the Scheme with regards to an adverse effect on the integrity of the SPA. Moreover it does not meet the relevant design standards (REP9-003, 4.1.3, point 16).</p> <p>In addition, as can be seen in the table below, the difference in nitrogen deposition rates when comparing the Applicant's Scheme and the RHS Alternative is small and can be considered de minimis at the receptor points representing the supporting habitats for the qualifying features.</p> <table border="1"> <thead> <tr> <th data-bbox="1507 569 1685 814">Transect</th> <th data-bbox="1685 569 1923 814">Distance from road (m)</th> <th data-bbox="1923 569 2169 814">2022 DS (Applicant's Scheme with traffic following signposted route) N dep rate (kg N/ha/yr)</th> <th data-bbox="2169 569 2383 814">2022 (full RHS Alternative Scheme) N dep rate (kgN/ha/yr)</th> <th data-bbox="2383 569 2644 814">Difference (kgN/ha/yr)</th> </tr> </thead> <tbody> <tr> <td data-bbox="1507 814 1685 1283" rowspan="8">Transect 3: running west from A3 at the A3 northbound off-slip (at M25 J10)</td> <td data-bbox="1685 814 1923 873">7</td> <td data-bbox="1923 814 2169 873">20.90</td> <td data-bbox="2169 814 2383 873">20.78</td> <td data-bbox="2383 814 2644 873">-0.12</td> </tr> <tr> <td data-bbox="1685 873 1923 932">10</td> <td data-bbox="1923 873 2169 932">19.71</td> <td data-bbox="2169 873 2383 932">19.59</td> <td data-bbox="2383 873 2644 932">-0.12</td> </tr> <tr> <td data-bbox="1685 932 1923 991">25</td> <td data-bbox="1923 932 2169 991">17.22</td> <td data-bbox="2169 932 2383 991">17.16</td> <td data-bbox="2383 932 2644 991">-0.06</td> </tr> <tr> <td data-bbox="1685 991 1923 1050">50</td> <td data-bbox="1923 991 2169 1050">15.80</td> <td data-bbox="2169 991 2383 1050">15.77</td> <td data-bbox="2383 991 2644 1050">-0.03</td> </tr> <tr> <td data-bbox="1685 1050 1923 1108">75</td> <td data-bbox="1923 1050 2169 1108">15.16</td> <td data-bbox="2169 1050 2383 1108">15.16</td> <td data-bbox="2383 1050 2644 1108"><0.01</td> </tr> <tr> <td data-bbox="1685 1108 1923 1167">100</td> <td data-bbox="1923 1108 2169 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			J10 (adjacent to Bolder Mere, to west of A3)	50 75 100 150 200	15.51 14.69 14.23 13.77 13.50	15.48 14.66 14.23 13.74 13.50	-0.03 -0.03 <0.01 -0.03 <0.01
			Transect 6: The A3 southbound, to the south of J10 (adjacent to Bolder Mere to east of A3)	10 25 50 75 100 150 200	22.93 18.93 16.52 15.45 14.84 14.17 13.77	22.76 18.81 16.46 15.42 14.81 14.14 13.77	-0.17 -0.12 -0.06 -0.03 -0.03 -0.03 <0.01
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> <p>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?</p>	<p>As noted in REP 9-003 (paragraph 2.1.4 and 2.1.5) and REP7-008 (paragraph 2.2.4), Highways England have observed that the measured concentrations of ammonia at 22 metres are similar to those at 100 metres.</p>				
5. Construction							
4.5.1	Applicant	<p>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.</p>	<p>The main materials processing activities have been moved from the Nutberry Farm to the Wisley Airfield worksite for two main reasons:</p> <ol style="list-style-type: none"> 1. Safety – Under principles of prevention for safety risks there is a need to separate people from plant movements wherever possible. Having a material processing area at Nutberry Farm would put general workforce and office staff under increased exposure to heavy plant. At Wisley Airfield vehicles can be segregated from people far more easily. 2. Security – to accommodate material processing at Nutberry Farm storage of other materials and, potentially, site plant would be required at the former Wisley Airfield as there would be insufficient space at Nutberry Farm. Given the high value of materials that would be stored increased security would be required at the former Wisley Airfield including lighting. 				

No.	Question to:	Question:	Highways England response
			<p>The former Wisley Airfield would also be a highly trafficked area for a more extensive period of time as the material processing is ad hoc whereas access to general materials will be required 24/7, including overnight.</p>
4.5.2	Applicant	<p>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.</p>	<p>As set out in Highways England's Response to Interested Parties Comments on the Examining Authority's Third Written Questions [REP8-047] in response to points made by Mr and Mrs P Young, Mrs A Barkham and Ms B Kendrick (question 3.5.1, page 42), unfortunately, it is not technically feasible to erect an acoustic fence on top of the bund. It would be subject to substantial wind loading which would require the fence to need substantial footings and these would have to be removed and the fence re-erected every time there was a need to add or remove topsoil. Additionally, 3m in height is best practice as higher bunds can negatively affect the quality of topsoil at the bottom.</p> <p>The bund at the former Wisley Airfield will be constructed in accordance with best practice set out in Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, DEFRA, 2009 (submitted as TR010030/Volume 9.111 at Deadline 10). Diagrams, including cross sections, indicating the storage and management of soil in bunds for both dry and wet soil are set out in section 5.4 on pages 28 and 29, along with a description of these two methods and general methods of construction and maintenance in paragraphs 1 to 13 of section 5.4.</p>
4.5.3	Applicant	<p>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.</p>	<p>The mitigation commitments for the project, including those related to air quality, noise and vibration, are set out in the register of environmental actions and commitments (Tracked) - Rev 4 [REP8-020]. Table 1.1 includes a Schedule of environmental mitigation commitments, Table 1.2 sets out the project Environmental Action Plan – Actions required before start of construction (i.e. during detailed design stage or before construction), whilst Table 1.3 sets out the project Environmental Action Plan – Actions required during construction and includes commitments related to monitoring.</p> <p>As set out in paragraph 2.3.5 of the Applicants Comments on Elm Corner Resident Group Deadline 6 submission [REP7-010] and previously set out in the Applicant's Deadline 2 Submission - 9.19 Applicant's Comments on Written Representations [REP2- 014], under Requirement 3 of the dDCO [REP6-003] a Construction Environmental Management Plan (CEMP) is to be approved by the Secretary of State, following consultation with the relevant planning authority before the authorised development, or the relevant part of it, may commence. Measures included in the CEMP will include measures to control noise, air and dust, and light pollution. The documents setting out these measures will be placed in the public domain via the project website and will be shared with the Elm Corner Residents Group when they are available.</p> <p>As set out in Applicant's Response to Interested Parties Comments on the Examining Authority's Third Written Questions [REP8-047], with regards to continuing engagement with Elm Corner residents, Highways England draws the attention of the Examining Authority to section 3.15.5 of Elm Corner Residents Group's (ECRG) Response to Examining Authority's Third Written Questions and request for information [REP7-031]. ECRG note in 3.15.5 that Highways England has confirmed in its Comments on Interested Party Responses to ExQ2 [REP6-013], section 2.4.4, that Highways England will engage with ECRG.</p>
12. Socio-Economic impacts			
4.12.2	RHS and Applicant	<p>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'.</p> <p>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 should Question 8 not have included a filter</p>	<p>a) Yes, as stated in REP07-008 para 2.3.8 and REP09-003 para 5.1.1.</p> <p>b) No, as stated in REP07-008 para 2.3.8.</p>

No.	Question to:	Question:	Highways England response
		<p>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.	Highways England's view is that the survey should have contained a question regarding real or perceived improvements in road safety as a result of the Proposed Development. It is evident from the current high accident rate on this section of the A3 that the existing exit is dangerous and that by removing this exit, accidents will reduce.
4.12.4	RHS and Applicant	<p>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?</p> <p>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?</p>	Highways England does not accept that there would be any adverse socio-economics impacts to RHS arising from the construction of the DCO Scheme or the RHS Alternative.
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.	<p>Highways England has estimated the total Present Value of Benefits (PVB) of the DCO Scheme for all users to be £388,540,000 at Level 1* and £439,885,000 at Level 2* (in 2010 prices and discounted) as reported in Table 4.1 of the Planning Statement and Schedule of Accordance with National Policy Statement [APP-133]. The difference between Level 1 and Level 2 benefits is related to reliability and outputs change in imperfectly competitive markets**. The majority of the scheme benefits are accrued at Level 1 and are associated with the transport user benefits and reduction in accidents. Comparing the scheme benefits with the cost, the scheme presents a Benefit Cost Ratio (BCR) of 2.22 (Table 4.5 of APP-133) and provides a High Value for Money investment based on DfT Value for Money (VfM) categories.</p> <p>Based on an estimated loss of visitors to RHS Wisley, RHS has predicted an economic impact (of the proposed development) of up to -£99.2m in 2020 discounted prices (roughly equating to -£59m in 2010 discounted prices; which is the price based used in Highways England's documentation). This includes a wider economic impact of -£70.4m (around -£42m in 2010 prices, discounted) and a transport user impact of -£28.8m (around -£17.2m in 2010 prices, discounted). Highways England continues to disagree with these estimates provided by RHS. In Highways England's opinion, the economic impact methodology, assumptions, surveys and the way RHS has applied these to assess the Economic Impacts of the DCO scheme is inappropriate. The multiple flaws with the RHS survey including the biased questionnaire and lack of alternative trade-off scenarios raise inconsistency in the analysis and overestimate any stated reduction in anticipated frequency of future visits driving the adverse economic impacts claimed. Furthermore, there is no evidence to suggests that any forecast reduction in visitors to RHS Wisley, which Highways England does not accept will occur, will lead to net loss at the national level in terms of consumer spending in the economy and the knock-on impacts (tier 2 and tier 3 impacts as termed in both aforementioned RHS reports) on their suppliers and suppliers' employees.</p>

No.	Question to:	Question:	Highways England response
			<p>The disputed wider economic impact estimated by RHS Wisley (around -£42m in 2010 prices, discounted) is not directly comparable with the additional Level 2 benefits estimated by Highways England, in line with TAG Unit A2.2 (May 2018), where only the benefits associated with increased output in imperfectly competitive markets was considered. Should Highways England have considered other benefits such as relating to Gross Value Added (GVA) and wider impact benefits for other developments that the DCO scheme would unlocked, then not only would the Scheme's benefits be considerably higher, but they could also compare with those generated for RHS.</p> <p>Based on an estimated loss of visitors to RHS Wisley, RHS has predicted a transport user impact of -£2.9m (roughly equating to -£1.7m in 2010 discounted prices) and £-25.9m (roughly equating to -£15.4m in 2010 discounted prices) during the construction and operational phase respectively. Highways England continues to disagree with RHS' estimates and argues that the methodology and analysis undertaken by RHS overestimates any impact of the DCO scheme on visitors to RHS Wisley. The economic appraisal carried out by Highways England in line with TAG represents a net benefit (PVB) across all users and already includes any disbenefits to transport users during the construction and operational phase of the DCO scheme. The transport user benefits, which form a significant proportion of the Level 1 benefits, are £322,903,000 (2010 prices, discounted), as reported in Table 4.1 of the Planning Statement and Schedule of Accordance with National Policy Statement [APP-133]. The transport user benefits considers impact during construction and maintenance of the DCO scheme for all users and thus, any construction impact on visitors to RHS Wisley will be captured within this as well as some of the operational impacts too and it would not be appropriate to simply subtract the RHS figure from the much larger Highways England figure.</p> <p>It is worth noting that the RHS garden is expected to generate approximately 626,650 trips annually [REP2-011: Section 2.2.1], which accounts for approximately 0.5% of the 111m trips [REP2-011 Table A1] expected to be impacted by the scheme and M25 j10. The analysis presented by RHS is based on an evaluation of impact on transport user to/from the RHS Wisley Garden only and not on the overall changes in traffic volume, journey time and speed observed across the network as presented by Highways England.</p> <p>* Level 1 benefits include impacts associated with the transport network such journey time savings, delays during construction and future maintenance, reduction in accidents benefits and environmental impact.</p> <p>Level 2 considers all Level 1 benefits as well as incident delay impacts and output change in imperfectly competitive markets.</p> <p>** Imperfectly competitive markets is defined in TAG Unit A2.1 as "in most likely if businesses benefiting from the transport improvement have large shares of their markets".</p>
13. Traffic, transport and road safety			
4.13.1	Applicant and RHS	Please provide your respective precise calculations for any journey time savings for visitors to RHS Wisley when the full 'RHS Alternative', i.e. 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>A comparison of journey times to and from RHS Wisley for the Do-minimum, Do-something and the RHS Alternative scenarios is presented in the table below. The journey times have been taken from the respective strategic traffic models.</p> <p>For the RHS Alternative, the journey times have been taken from the strategic model run for the Scheme with south-facing slips at Ockham Park junction, with a manual adjustment made for journeys to the A3 north and M25 to account for the left turn from Wisley Lane on to the A3 included in the RHS Alternative arrangement. This has been calculated by subtracting the journey times covering the Wisley</p>

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		<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. 	<p>Lane diversion/extension from A3 to Ockham roundabout, the Ockham roundabout clockwise from Wisley Lane junction to A3 northbound on-slip, the A3 northbound on-slip from Ockham roundabout and the A3 northbound from Ockham on-slip to Wisley Lane from the RHS journey times to the A3 north and M25 for the DS scenario.</p> <p>The journey times subtracted from the DS journey times for RHS Wisley to the A3 North of J10, to the M25 ACW and M25 CW are 3.9, 3.5 and 3.5 minutes for the AM, Inter-peak and PM peak periods respectively. All these journey times have also been taken from the strategic modal run for the Scheme with south-facing slips at Ockham Park junction.</p> <table border="1"> <thead> <tr> <th rowspan="2">Direction</th> <th rowspan="2">Period</th> <th rowspan="2">Journey times (mins)</th> <th colspan="6">Change in journey times (mins)</th> </tr> <tr> <th>DM</th> <th>DS</th> <th>RHS Altn.</th> <th>DS vs DM</th> <th>RHS Altn. vs DM</th> <th>RHS Altn. vs DS</th> </tr> </thead> <tbody> <tr> <td rowspan="15">To RHS</td> <td rowspan="3">A3 N of J10</td> <td>2022 AM</td> <td>4.0</td> <td>3.7</td> <td>3.7</td> <td>-0.3</td> <td>-0.3</td> <td>0.0</td> </tr> <tr> <td>2022 IP</td> <td>3.6</td> <td>3.4</td> <td>3.4</td> <td>-0.2</td> <td>-0.2</td> <td>0.0</td> </tr> <tr> <td>2022 PM</td> <td>4.2</td> <td>3.8</td> <td>3.8</td> <td>-0.4</td> <td>-0.4</td> <td>0.0</td> </tr> <tr> <td rowspan="3">M25 CW</td> <td>2022 AM</td> <td>8.3</td> <td>4.5</td> <td>4.5</td> <td>-3.8</td> <td>-3.8</td> <td>0.0</td> </tr> <tr> <td>2022 IP</td> <td>5.3</td> <td>4.3</td> <td>4.3</td> <td>-1.0</td> <td>-1.0</td> <td>0.0</td> </tr> <tr> <td>2022 PM</td> <td>7.3</td> <td>4.0</td> <td>4.0</td> <td>-3.3</td> <td>-3.3</td> <td>0.0</td> </tr> <tr> <td rowspan="3">M25 ACW</td> <td>2022 AM</td> <td>6.9</td> <td>5.2</td> <td>5.2</td> <td>-1.7</td> <td>-1.7</td> <td>0.0</td> </tr> <tr> <td>2022 IP</td> <td>5.3</td> <td>4.7</td> <td>4.7</td> <td>-0.6</td> <td>-0.6</td> <td>0.0</td> </tr> <tr> <td>2022 PM</td> <td>6.4</td> <td>5.3</td> <td>5.3</td> <td>-1.1</td> <td>-1.1</td> <td>0.0</td> </tr> <tr> <td rowspan="3">A3 South (not via Ripley)¹</td> <td>2022 AM</td> <td>5.4</td> <td>11.7</td> <td>8.0</td> <td>6.3</td> <td>2.6</td> <td>-3.7</td> </tr> <tr> <td>2022 IP</td> <td>5.1</td> <td>10.7</td> <td>7.5</td> <td>5.6</td> <td>2.4</td> <td>-3.2</td> </tr> <tr> <td>2022 PM</td> <td>5.4</td> <td>11.5</td> <td>7.7</td> <td>6.1</td> <td>2.3</td> <td>-3.8</td> </tr> <tr> <td rowspan="3">A3 South (via Ripley)²</td> <td>2022 AM</td> <td>9.3</td> <td>11.5</td> <td>N/A</td> <td>2.2</td> <td>N/A</td> <td>N/A</td> </tr> <tr> <td>2022 IP</td> <td>8.4</td> <td>9.9</td> <td>N/A</td> <td>1.5</td> <td>N/A</td> <td>N/A</td> </tr> <tr> <td>2022 PM</td> <td>8.7</td> <td>10.0</td> <td>N/A</td> <td>1.3</td> <td>N/A</td> <td>N/A</td> </tr> <tr> <td rowspan="3">A3 South³</td> <td>2022 AM</td> <td>5.4</td> <td>11.5</td> <td>8.0</td> <td>6.1</td> <td>2.6</td> <td>-3.5</td> </tr> <tr> <td>2022 IP</td> <td>5.1</td> <td>9.9</td> <td>7.5</td> <td>4.8</td> <td>2.4</td> <td>-2.4</td> </tr> <tr> <td>2022 PM</td> <td>5.4</td> <td>10.0</td> <td>7.0</td> <td>4.6</td> <td>1.6</td> <td>-3.0</td> </tr> <tr> <td rowspan="12">From RHS</td> <td rowspan="3">A3 north of M25 J10</td> <td>2022 AM</td> <td>3.0</td> <td>4.7</td> <td>0.8</td> <td>1.7</td> <td>-2.2</td> <td>-3.9</td> </tr> <tr> <td>2022 IP</td> <td>1.8</td> <td>4.3</td> <td>0.8</td> <td>2.5</td> <td>-1.0</td> <td>-3.5</td> </tr> <tr> <td>2022 PM</td> <td>1.9</td> <td>4.7</td> <td>1.2</td> <td>2.8</td> <td>-0.7</td> <td>-3.5</td> </tr> <tr> <td rowspan="3">M25 CW</td> <td>2022 AM</td> <td>3.4</td> <td>4.2</td> <td>0.3</td> <td>0.8</td> <td>-3.1</td> <td>-3.9</td> </tr> <tr> <td>2022 IP</td> <td>2.2</td> <td>3.9</td> <td>0.4</td> <td>1.7</td> <td>-1.8</td> <td>-3.5</td> </tr> <tr> <td>2022 PM</td> <td>2.8</td> <td>4.9</td> <td>1.4</td> <td>2.1</td> <td>-1.4</td> <td>-3.5</td> </tr> <tr> <td rowspan="3">M25 ACW</td> <td>2022 AM</td> <td>4.0</td> <td>6.0</td> <td>2.1</td> <td>2.0</td> <td>-1.9</td> <td>-3.9</td> </tr> <tr> <td>2022 IP</td> <td>3.1</td> <td>5.4</td> <td>1.9</td> <td>2.3</td> <td>-1.2</td> <td>-3.5</td> </tr> <tr> <td>2022 PM</td> <td>3.1</td> <td>5.9</td> <td>2.4</td> <td>2.8</td> <td>-0.7</td> <td>-3.5</td> </tr> <tr> <td rowspan="3">A3 South (not via Ripley)¹</td> <td>2022 AM</td> <td>12.2</td> <td>12.6</td> <td>6.6</td> <td>0.4</td> <td>-5.6</td> <td>-6.0</td> </tr> <tr> <td>2022 IP</td> <td>9.8</td> <td>11.4</td> <td>6.4</td> <td>1.6</td> <td>-3.4</td> <td>-5.0</td> </tr> <tr> <td>2022 PM</td> <td>10.8</td> <td>12.4</td> <td>6.6</td> <td>1.6</td> <td>-4.2</td> <td>-5.8</td> </tr> </tbody> </table>	Direction	Period	Journey times (mins)	Change in journey times (mins)						DM	DS	RHS Altn.	DS vs DM	RHS Altn. vs DM	RHS Altn. vs DS	To RHS	A3 N of J10	2022 AM	4.0	3.7	3.7	-0.3	-0.3	0.0	2022 IP	3.6	3.4	3.4	-0.2	-0.2	0.0	2022 PM	4.2	3.8	3.8	-0.4	-0.4	0.0	M25 CW	2022 AM	8.3	4.5	4.5	-3.8	-3.8	0.0	2022 IP	5.3	4.3	4.3	-1.0	-1.0	0.0	2022 PM	7.3	4.0	4.0	-3.3	-3.3	0.0	M25 ACW	2022 AM	6.9	5.2	5.2	-1.7	-1.7	0.0	2022 IP	5.3	4.7	4.7	-0.6	-0.6	0.0	2022 PM	6.4	5.3	5.3	-1.1	-1.1	0.0	A3 South (not via Ripley) ¹	2022 AM	5.4	11.7	8.0	6.3	2.6	-3.7	2022 IP	5.1	10.7	7.5	5.6	2.4	-3.2	2022 PM	5.4	11.5	7.7	6.1	2.3	-3.8	A3 South (via Ripley) ²	2022 AM	9.3	11.5	N/A	2.2	N/A	N/A	2022 IP	8.4	9.9	N/A	1.5	N/A	N/A	2022 PM	8.7	10.0	N/A	1.3	N/A	N/A	A3 South ³	2022 AM	5.4	11.5	8.0	6.1	2.6	-3.5	2022 IP	5.1	9.9	7.5	4.8	2.4	-2.4	2022 PM	5.4	10.0	7.0	4.6	1.6	-3.0	From RHS	A3 north of M25 J10	2022 AM	3.0	4.7	0.8	1.7	-2.2	-3.9	2022 IP	1.8	4.3	0.8	2.5	-1.0	-3.5	2022 PM	1.9	4.7	1.2	2.8	-0.7	-3.5	M25 CW	2022 AM	3.4	4.2	0.3	0.8	-3.1	-3.9	2022 IP	2.2	3.9	0.4	1.7	-1.8	-3.5	2022 PM	2.8	4.9	1.4	2.1	-1.4	-3.5	M25 ACW	2022 AM	4.0	6.0	2.1	2.0	-1.9	-3.9	2022 IP	3.1	5.4	1.9	2.3	-1.2	-3.5	2022 PM	3.1	5.9	2.4	2.8	-0.7	-3.5	A3 South (not via Ripley) ¹	2022 AM	12.2	12.6	6.6	0.4	-5.6	-6.0	2022 IP	9.8	11.4	6.4	1.6	-3.4	-5.0	2022 PM	10.8	12.4	6.6	1.6	-4.2	-5.8
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All RHS traffic to and from A3 south routing via Ripley in both DM and DS scenarios. 2. All RHS traffic to and from the A3 south routing via A3 in DM, via J10 in DS and via Ockham south-facing slip for RHS Altn. 3. Comparison of DM and RHS Altn. to DS scenario with all RHS traffic to and from A3 south routing via Ripley as indicated by the traffic modelling. </p>	Return to & from RHS		A3 South (via Ripley) ²	2022 AM	16.8	11.0	N/A	-5.8	N/A	N/A	2022 IP	13.7	10.1	N/A	-3.6	N/A	N/A	2022 PM	15.1	10.6	N/A	-4.5	N/A	N/A	A3 South ³		2022 AM	12.2	11.0	6.6	-1.2	-5.6	-4.4	2022 IP	9.8	10.1	6.4	0.3	-3.4	-3.7	2022 PM	10.8	10.6	6.6	-0.2	-4.2	-4.0	A3 north of M25 J10		2022 AM	7.0	8.4	4.5	1.4	-2.5	-3.9	2022 IP	5.4	7.7	4.2	2.3	-1.2	-3.5	2022 PM	6.1	8.5	5.0	2.4	-1.1	-3.5	M25 CW		2022 AM	11.7	8.7	4.8	-3	-6.9	-3.9	2022 IP	7.5	8.2	4.7	0.7	-2.8	-3.5	2022 PM	10.1	8.9	5.4	-1.2	-4.7	-3.5	M25 ACW		2022 AM	10.9	11.2	7.3	0.3	-3.6	-3.9	2022 IP	8.4	10.1	6.6	1.7	-1.8	-3.5	2022 PM	9.5	11.2	7.7	1.7	-1.8	-3.5	A3 South (not via Ripley) ¹		2022 AM	17.6	24.3	14.6	6.7	-3.0	-9.7	2022 IP	14.9	22.1	13.9	7.2	-1.0	-8.2	2022 PM	16.2	23.9	14.3	7.7	-1.9	-9.6	A3 South (via Ripley) ²		2022 AM	26.1	22.5	N/A	-3.6	N/A	N/A	2022 IP	22.1	20.0	N/A	-2.1	N/A	N/A	2022 PM	23.8	20.6	N/A	-3.2	N/A	N/A	A3 South ³		2022 AM	17.6	22.5	14.6	4.9	-3.0	-7.9	2022 IP	14.9	20.0	13.9	5.1	-1.0	-6.1	2022 PM	16.2	20.6	13.6	4.4	-2.6	-7.0
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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) 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	<p data-bbox="1498 1516 2801 1554">Highways England addressed this in response 3.1.3 of REP08-047. The text is summarised below:</p> <p data-bbox="1498 1556 2801 1764">A detailed evaluation of the free-flow left turn lane from the A245 eastbound to the A3 northbound on-slip at the Painshill junction indicated that it would deliver insufficient benefits, in terms of journey time savings and operational performance of the junction. Removing the free-flowing (jet) lane will have a minimal impact on journey times and the operational performance of the road network compared to the DCO Scheme as originally applied for. It is on this basis that the amendment to the DCO Scheme has been made to remove it.</p>																																																																																																																																																																																									

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15. Content of the draft Development Consent Order (dDCO)			
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.	<p>The planting proposed as part of the scheme will predominantly consist of native tree species of the type that are already established and common in this area. A range of typical species is set out in para 9.9.8 of Chapter 9 of the Environmental Statement [APP-054]. As well as established locally occurring species, we know that they are robust and well suited to existing conditions.</p> <p>A 5 year maintenance period for new planting is a typical industry standard duration for the establishment of new woodland planting.</p> <p>All the planting schemes on the M25 have had maintenance periods of 5 years or less in some cases.</p> <p>The Scheme includes a comprehensive package of management operations funded by Highways England that will take place after the initial 5-year maintenance period to ensure the continued successful establishment of planting [APP-105 and APP-106]. Such a management package is in excess of normal practice on highways schemes and has been developed to give confidence to stakeholders that there is a long-term commitment to the mitigation measures proposed.</p>
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 specifically added as the definition of 'relevant planning authority' only includes EBC and GBC	Highways England has considered Surrey County Council's request to be added as a named consultee in relation to requirement 11 (Buxton Wood Environmental Mitigation Area). As set out at 1.2.1 of the statement of common ground as submitted at deadline 8 [REP8-030], Highways England does not consider that it is necessary for SCC to be a named consultee in respect of this requirement as SCC is neither the land owner nor the planning authority for the proposed Buxton Wood Mitigation Area. Highways England does not have a firm view on the matter and would be happy to reconsider the position should Surrey County Council explain in more detail why it considers that it would be an appropriate consultee in respect of this requirement.
4.15.4		<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>	<p>Please see enclosed copy of drawing HE551522-ATK-GEB-XX-SK-ZH-000001_C01 (document reference TR010030/9.110 submitted at Deadline 10), which shows those areas of the scheme that it is expected Surrey County Council (SCC) will maintain. It should be noted that some of the areas shown are already maintained by SCC. This drawing is at high level and more detailed drawings are in the course of production, which will be available by Deadline 11.</p> <p>The expression 'Non-standard Highways assets' was taken from the A303 Sparkford to Ilchester Dualling dDCO Schedule 8 ,Part 4 Paragraphs 30 and 46 (Their reference REP8-004).</p> <p>Under paragraph 30 "Non-standard Highway Assets" are defined as "highway assets which the local highway authority become responsible for maintaining and which incur maintenance costs beyond the normal costs of maintaining the public highway having regard to the lists of standard and non-standard assets set out in paragraph 45(2) of this Part of this Schedule"</p> <p>Paragraph 46(2) contains a list of Standard highway assets and Non-standard highway assets. (The reference to paragraph 45 in paragraph 30 of the dDCO is incorrect). Paragraph 46(2)(b) lists the following as Non-standard Highway assets: (i) Any culvert, bridge, retaining wall or other structure (ii) Special features such as noise fencing, vehicle restraint barriers, pedestrian guard railing, knee rails and fences, gates (iii) Landscaping features such as planting, trees, hedging (iv) Sustainable Drainage Systems ("SuDS") or non-standard highway drainage features such as: (aa) Flow control devices and attenuation storage (bb) SuDS including maintenance of any landscaping (cc) Oil or petrol interceptors including the disposal of contaminated waste (dd) Pumping stations and their energy charges (ee) Watercourses and swales.</p>

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			Discussions are on-going between Highways England and SCC as regards the appropriate extent of any commuted sums to be paid by Highways England to SCC, with this definition acting as a point of reference.
16. Compulsory Acquisition (CA)			
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.	<p>The current draft of the side agreement between Highways England and Surrey County Council provides that the parties will use reasonable endeavours to enter into an agreement to reconfigure the Ockham Bites car park area.</p> <p>There are no powers available to Highways England in the dDCO to achieve this and so agreement will turn upon Highways England having the necessary land rights to enter upon the land to undertake the work, there being agreement upon precisely the works to be done, the financial arrangement and any relevant consents being obtained. The financial arrangement would take into account the compensation entitlement that arises from Highways England acquiring or using land within the relevant site area, including any injurious affection of land not taken. It would also take into account that Highways England's contractor will have a workforce and equipment available in the area in connection with the main works.</p>
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 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>	Following further review, Highways England confirms that Highways England is correctly identified in the Book of Reference as owner of plot 8/36. SCC should be shown in column 3 (Owners or reputed owners) in the Book of Reference Table 1 as highway authority. Highways England has undertaken a plot by plot check of all other plots in that area and locations where similar issues may arise. This change will be included in the Book of Reference scheduled to be delivered at Deadline 11.
4.16.4	Applicant and SCC	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:	a) Highways England takes the opportunity to clarify the statement made in response to question 3.16.6. Whilst it is correct that some of the land is currently within the ownership of Surrey County Council, not all of the historic common/open space land remains in the ownership of Surrey County Council as may be implied from the response to question 3.16.6. The position is correctly set out at paragraphs 7.2.14 to 7.2.20 of the Statement of Reasons [APP-022]. The Book of Reference correctly records that plot 5/18a is vested in Highways England and is therefore correct in that regard. Whilst ownership of plot 5/18a has vested in Highways England, its deregistration as common land has not yet

No.	Question to:	Question:	Highways England response
		<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 '...that whilst Highways England is the highway 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.' 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 '... many of which are unregistered.' 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>	<p>been completed on the basis that the exchange land which should have been given in exchange for its acquisition has not yet been vested in Surrey County Council. Accordingly, Highways England has not sought powers of compulsory acquisition over plot 5/18a in order to avoid the risk of engaging special parliamentary procedure under section 131 Planning Act 2008. Further information about the vesting process in relation to the exchange land is set out in b) below.</p> <p>b) This is a matter for SCC to confirm, but HE's understanding is that SCC is the owner of the remaining historic common / open space land which should be in Highways England's ownership as it now forms part of the strategic highway network. Highways England is negotiating with SCC for the transfer of that land to Highways England, with a consequential transfer from Highways England to SCC of the exchange land that should have been given in exchange for the acquisition of the historic special category land pursuant to the 1979 and 1982 CPOs. The completion of these transfers will enable SCC as commons registration authority to amend the commons register to reflect the position as it should be had the 1979 and 1982 CPOs been implemented fully as regards special category land and exchange land.</p> <p>c) As Highways England has not sought powers of compulsory acquisition over the historic common land (which is shown coloured orange on the land plans), sections 131 and 132 Planning Act 2008 are not engaged and therefore there is no need for the Secretary of State to treat the acquisition of the land as being subject to special parliamentary procedure in the absence of one of the exceptions provided for in those provisions. The ExA's attention is referred to paragraphs 7.2.16 to 7.2.20 of the Statement of Reasons which explains the position in this regard.</p>

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