

**M25 JUNCTION 10/A3 WISLEY INTERCHANGE IMPROVEMENT SCHEME
PROPOSED M25 JUNCTION 10/A3 WISLEY INTERCHANGE DEVELOPMENT
CONSENT ORDER (“DCO”)**

**ROYAL HORTICULTURAL SOCIETY (“RHS”) – REGISTRATION NUMBER
20022900**

DEADLINE 10 SUBMISSIONS

These comments are submitted on behalf of the RHS. Richard Max & Co LLP are the duly appointed solicitors to the RHS and are authorised to submit these comments and other documents on its behalf.

OVERVIEW

1. These comments address some matters arising at Deadline 9 and following the extension of the Examination by the ExA.
2. The RHS’s case is fully set out in the evidence it has already submitted to the Examination and is not undermined by any of the information submitted by the Applicant at Deadline 9.
3. Additional documentation comprises:
 - ***REP10-xxx – Appendix 1 - HE email chain with TTHC 28 May 2020 – 1 June 2020.***
 - ***REP10-xxx – Appendix 2 – RHS responses socio-economic matters arising out of HE’s D9 submissions [REP9-003].***
 - ***REP10-xxx – Appendix 3 – RHS responses to ExQ4.***
 - ***REP10-xxx – Appendix A to Appendix 2 - Extracts from HRAs for Epping Forest DC and Havant BC [ExQ4.4.9] plus documents referred to:***
 - ***APIS Ammonia [ExQ4.4.7].***
 - ***APIS Starters Guide [ExQ4.4.7].***

- *NE Internal Guidance – Approach to advising Competent Authorities on Road Traffic Emissions and HRAs (v.1.4 June 2018) [ExQ4.4.7].*
- *IAQM Guidance – AQ impacts on nature sites 2020 [ExQ4.4.7].*
- *Alexander and Cresswell [ExQ4.4.18].*
- *REP10-xxx – Appendix B to Appendix 2– Table of average speeds and journey times [ExQ4.13.1].*
- *REP10-xxx – Appendix 4 – RHS responses to HE’s response [Section 3 and Appendix 3 of REP8-045] to RHS submission [REP7-042].*
- *REP10-xxx – Appendix 5 – Report prepared by Barrell Tree Consultancy “Tree value and root investigations for trees adjacent to the A3” – 2 June 2020.*

Highways and traffic impacts

4. The RHS has no comments on Highways or Traffic matters arising out of HE’s D9 submissions [REP9-003].
5. Appendix 1 to the D9 Overview [REP9-012] sets out some minor additional information requested by the RHS from HE to assist in the understanding of REP8-040. This information was received by email on 28 May 2020 and 1 June 2020 and a copy of the email chain is attached as **Appendix 1**. The RHS will review and comment on this and all other material relating to the modelling of the south facing slips.

Air quality and biodiversity

6. The RHS has no comments on Air Quality or Biodiversity matters arising out of HE’s D9 submissions [REP9-003] other than to say that HE’s points are not agreed.
7. The RHS has, outside the Examination, sought a meeting with Natural England in an attempt to resolve the matters of disagreement between RHS and the Habitats Regulations Assessment advice provided by Natural England as statutory consultee. Natural England suggested a

three-way meeting between Natural England, RHS and HE. Later Natural England explained that HE was not willing to meet.

8. RHS has subsequently been in direct communication with HE to request a three-way meeting but to date has had no positive response. Natural England sees no value in meeting RHS alone, without the presence of HE.
9. The RHS considers that in view, in particular, of the answers (and additional data) which will be provided shortly by HE and Natural England to ExQ4, a meeting would be beneficial to seek common ground on the current matters of disagreement in relation to air quality impacts on the SPA and requests the Examining Authority to direct that such a meeting should take place.

Socio-economic impacts

10. The RHS's responses in relation to socio-economic matters arising out of HE's D9 submissions [REP9-003] are attached as **Appendix 2**.

Heritage Impacts

11. The RHS is very concerned about the impact the DCO scheme will have on the RHS Gardens at Wisley which are a Grade II* listed heritage asset. It has commissioned a specialist heritage expert and his report will be made available to the ExA as soon as it is ready.

ExQ4

12. Attached as **Appendix 3 with Appendices A and B** are the RHS responses to ExQ4.

CPO

13. The RHS maintains its objections in respect of Plots 2/27; 2/27(a) and 2/30. The RHS is concerned that in both cases the Applicant has stated that the designs and plans for each site respectively are still very much in preparation, so the RHS is not able to form a conclusive view as to the impacts on RHS land and its operations.

CAH

14. The RHS will be appearing at the CAH.

IMPACTS OF TEMPORARY WORKS

15. The RHS is concerned that the Temporary Works will contribute to the economic harm and losses that will be suffered. Again, because the temporary works are not designed nor plans concluded, the RHS is unable to form a view as to the impacts on RHS land and operations.

LAND AND WORKS AGREEMENT (LWA) AND CONSTRUCTION IMPACTS

16. A further meeting of the working group was held with HE and its construction partner Balfour Beatty on 20 May 2020.

17. Draft Heads of Terms are currently being discussed by HE and the RHS. It is hoped that completed Heads of Terms will be submitted at D12.

18. At present the RHS continues to reserve its position in respect of any Requirements dealing with construction related matters.

DCO

19. The RHS intends to review the final draft DCO submitted by HE at Deadline 8 and will comment as necessary.

20. The RHS is increasingly concerned as the now extended DCO progresses, that the temporary and permanent works have not been fully designed and we are being advised by HE details will be resolved after the DCO has closed. Examples are:

- A3 boundary tree root protection and carriageway construction details;
- Wisley Lane Overbridge design;
- Wisley Village Replacement land improvement and management arrangements; and

- Temporary Works arrangements.

21. The RHS is not able to comment or commit meaningfully on these and is not content to rely on the Land and Works agreement for matters of substance.

UNRESOLVED DESIGN ISSUES LEADING TO ROOT IMPACTS ON RHS REDWOOD TREES

22. The RHS responses to HE's response to RHS document Appendix 3 [REP8-045] - Letter from Barrell Tree Consultancy to Royal Horticulture Society [REP7-042] are attached as **Appendix 4**.

23. The RHS carried out non-intrusive surveys of the capillary root spread of the Redwood Trees on 26 May 2020.

24. The RHS has commissioned specialist evidence that shows that HE's analysis as to the likely extent of the root systems of the Redwood trees alongside the A3 is seriously flawed. It is clear from this evidence that the DCO scheme would be likely cause significant harm to these trees. See **Appendix 5**.

25. Further, it appears that there are many other trees with the potential to be adversely affected by the DCO Scheme. All the trees within the footprint of the overbridge land and all adjacent trees to this and along the A3 boundary where works are proposed adjacent to the fence, whose root protection areas (RPAs) extend into this land, could be adversely affected to some extent. The RHS has asked its expert to review the likely impacts on these trees as well

26. The RHS continues to reserve its position in relation to these issues and will respond fully in due course.

CONCLUSIONS

27. In light of all the evidence submitted to date and the new material contained in these Deadline 10 submissions, the RHS reiterates its view that the ExA cannot recommend to the Secretary of State that the DCO Scheme is approved.

28. The RHS maintains its objections to the DCO Scheme and will make any final submissions at the appropriate time.

Richard Max & Co LLP for and on behalf of the RHS

02 June 2020