

M25 junction 10/A3 Wisley Interchange

TR010030

9.40 Statement of Commonality for Statements of Common Ground

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M25 junction 10/A3 Wisley Interchange improvement

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9.40 STATEMENT OF COMMONALITY FOR STATEMENTS OF COMMON GROUND

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1 Introduction

1.1 Purpose of this Document

- 1.1.1 This Statement of Commonality for Statements of Common Ground (this “Statement”) relates to an application made by Highways England to the Planning Inspectorate under Section 37 of the Planning Act 2008 for a development consent order (a “DCO”). If made, the DCO would grant consent for Highways England to construct the M25 junction 10/A3 Wisley Interchange improvement (the “Scheme”). A detailed description of the Scheme can be found in 1.2 Introduction to the Application and Scheme Description [APP-002].
- 1.1.2 This Statement was originally prepared to provide the examining authority (ExA) with a summary of the position as at Deadline 8, 1 May 2020, as regards the Statements of Common Ground (SoCG) which have been requested in the Examining Authority’s rule 6 letter dated 15 October 2019 to be submitted jointly by Highways England and eight interested parties identified in Annex F of the rule 6 letter and identified in chapter 3 below.
- 1.1.3 This Statement of Commonality has been updated for Deadline 12, 10th July, and sets out the final positions agreed with stakeholders. The changes between Deadline 8 and 12 can be summarised as:
- The amber colouring in the key to Table 5.1 has been changed to reflect that no further discussion will be undertaken
 - Table 5.1 updated to reflect progress made with Surrey County Council between Deadline 8 and Deadline 12
 - Table 5.1 updated to reflect RHS comments in submission REP8-052
 - Section 6.2 updated to reflect progress made with Surrey County Council between deadline 8 and deadline 12

2 Structure of Statements of Common Ground

2.1.1 The SoCGs have been structured in a generally consistent form and set out the matters which are agreed, the matters subject to further discussion and those matters which are not agreed. Each SoCG has been tailored according to the approach agreed with the interested party concerned and in the light of the comments made by the ExA during Issue Specific Hearing 2 on 15/16 January 2020, in order to provide assistance to the ExA.

2.1.2 Each SoCG has the following structure:

- Section 1: provides an introduction to the SoCG and a description of its purpose.
- Section 2: outlines the engagement that has taken place with the interested party.
- Section 3: sets out any issues that have arisen, reporting on the status of each issue, i.e. whether it is agreed, still under discussion or not agreed, and any remaining actions.
- Where relevant, documents that are referenced in the SoCG but do not form part of the application have been appended to the SoCG, to draw the ExA's attention to further relevant information.

2.1.3 Each SoCG includes the list of topics identified in Annex F of the rule 6 letter dated 15 October 2019, unless the relevant parties consider that there are no issues to address on a particular topic.

3 List of Statements of Common Ground

- 3.1.1 Highways England submitted SoCGs with three statutory environmental bodies (Natural England, Environment Agency and Historic England) as part of the DCO application documents. This was done to provide reassurance to the ExA that there was broad agreement among the key environmental bodies as to the likely significant environmental effects of the Scheme and general support for the proposed compensatory and mitigation measures which form part of the Scheme.
- 3.1.2 SoCGs with five additional interested parties were also requested by the ExA through the rule 6 letter dated 15 October 2019.
- 3.1.3 The other parties which Highways England has prepared a SoCG with are listed in table 3.1 below. Further detail about the current position of each SoCG can be found at Chapter 5, Table 5.1 of this Statement.

Table 3.1 - List of SoCGs at Deadline 8

Stakeholder
Local Authorities
Surrey County Council
Guildford Borough Council
Elmbridge Borough Council
Prescribed Consultees
Environment Agency
Natural England
Historic England
Interested Parties who are not local authorities or prescribed consultees
The Royal Horticultural Society
Wisley Property Investments Limited

4 Summary of Final Position

4.1.1 This section provides the final position in respect of each SoCG. The final versions of the SoCG (as at Deadline 8 on 1 May 2020) have been submitted alongside this Statement.

4.1.2 Table 4.1 provides a high level position and where necessary includes further detail to aid the ExA's understanding. The high-level positions used in the table are:

- **Agreed SoCG with no outstanding matters** – The final SoCG has been agreed by both parties and either all matters are agreed, or some matters are agreed but there are matters which are not agreed and which will not be resolved during the examination. Where matters are not agreed, the SoCG provides reasons for the disagreement between the parties.
- **Agreed SoCG with matters outstanding** – The final SoCG has been prepared collaboratively by both parties, but there remain matters outstanding that Highways England and the interested party will seek to resolve during the remainder of the examination. Where matters are outstanding, the SoCG indicates the steps which Highways England (and, where appropriate, the interested party) will take in order to seek to resolve them.

Table 4.1 – SoCG high level position

Document Reference	Party	Position at Deadline 3 28 January 2020	Position at Deadline 5 3 March 2020	Position at Deadline 8 1 May 2020
Local Authorities				
TR0130030 /Volume 9.37	Surrey County Council	Agreed SoCG with matters outstanding	Agreed SoCG with matters outstanding	Agreed SoCG with matters outstanding
TR0130030 /Volume 9.36	Guildford Borough Council	Agreed SoCG with matters outstanding	SoCG in draft with matters outstanding	Agreed SoCG with no matters outstanding
TR0130030 /Volume 9.35	Elmbridge Borough Council	Agreed SoCG with matters outstanding	Agreed SoCG with matters outstanding	Agreed SoCG with no matters outstanding
Prescribed Consultees				
TR0130030 /Volume 8.3 (1)	Environment Agency	Agreed SoCG with matters outstanding	Agreed SoCG with matters outstanding	Agreed SoCG with no matters outstanding
TR0130030 /Volume 8.2 (1)	Natural England	Agreed SoCG with no matters outstanding	Agreed SoCG with no matters outstanding	Agreed SoCG with no matters outstanding
TR0130030 /Volume 8.4 (1)	Historic England	Agreed SoCG with matters outstanding	Agreed SoCG with matters outstanding	Agreed SoCG with no matters outstanding
Interested Parties				
TR0130030 /Volume 9.38	The Royal Horticultural Society	SoCG in draft with matters outstanding	SoCG in draft with matters outstanding	Agreed SoCG with matters outstanding
TR0130030 /Volume 9.39	Wisley Property Investments Limited	SoCG in draft with matters outstanding	<i>No updated SoCG submitted at Deadline 5</i> Agreed SoCG with matters outstanding was submitted at Deadline 6	Agreed SoCG with no matters outstanding

5 Commonality

5.1.1 This section of the Statement provides a summary of principal issues covered in the SoCG and demonstrates where there is commonality in the topics or matters.

5.1.2 The table is presented in such a way to show topics covered within the various SoCGs, how these relate to each other interested party and a colour categorisation for each topic. The colour categories seek to provide a high level summary of matters, and do not necessarily indicate that all matters within the topic are either agreed or not agreed:

	There is broad agreement on specific matters within this general topic area.
	Some matters not fully resolved or some differences of views remain within this general topic
	There is general disagreement between the parties within this general topic area.

5.1.3 Where topics are shaded orange to indicate that matters within this topic area are subject to further discussion; these will be resolved outside of the examination.

5.1.4 Where a matter is not relevant to an interested party, it is not included within the SoCG and therefore not covered in Table 6.1, where it is shown as light blue.

Table 5.1 Table of Commonality at Deadline 8

TOPIC																
PARTY	Draft DCO	Requirements	Protective provisions	Consents, licences, LONI	Scheme design and option selection	In principle support for the Scheme	Road safety	Traffic modelling	Robustness of environmental statement	Air Quality	Noise	Traffic and transport effects, inc Local Road Network	Socio-economic impacts	Construction impacts and CEMP	Adequacy of environmental mitigation, compensation and replacement land	Support for proposed scheme changes
Surrey County Council	Green	Green	Green	Light Blue	Yellow	Green	Green	Green	Green	Light Blue	Light Blue	Red	Green	Green	Green	Green
Guildford Borough Council	Green	Green	Light Blue	Light Blue	Green	Green	Light Blue	Green	Green	Green	Green	Red	Green	Green	Green	Green
Elmbridge Borough Council	Green	Green	Light Blue	Light Blue	Green	Green	Light Blue	Green	Green	Green	Green	Light Blue	Green	Green	Green	Yellow
Environment Agency	Green	Green	Green	Green	Light Blue	Light Blue	Light Blue	Green	Green	Light Blue	Light Blue	Light Blue	Light Blue	Green	Green	Light Blue
Natural England	Green	Green	Green	Green	Light Blue	Light Blue	Light Blue	Green	Green	Light Blue	Light Blue	Light Blue	Light Blue	Green	Green	Green
Historic England	Green	Green	Green	Green	Light Blue	Light Blue	Light Blue	Green	Green	Light Blue	Light Blue	Light Blue	Light Blue	Green	Green	Light Blue
The Royal Horticultural Society	Yellow	Yellow	Yellow	Yellow	Red	Red	Red	Red	Red	Red	Yellow	Red	Red	Red	Red	Yellow
Wisley Property Investments Limited	Light Blue	Light Blue	Light Blue	Green	Yellow	Green	Light Blue	Green	Light Blue	Light Blue	Light Blue	Green	Light Blue	Yellow	Light Blue	Light Blue

6 Position as at Deadline 8 (1 May 2020)

6.1.1 This section provides a summary of the position between Highways England and each interested party as at Deadline 8. The individual SoCGs should be referred to for further detail on specific matters.

6.2 Surrey County Council

6.2.1 Since Deadline 5, Highways England and Surrey County Council (SCC) have continued to work closely on addressing outstanding matters. A series of further technical meetings have been held and good progress has been made.

6.2.2 Overall, of the 156 issues addressed in the SoCG between Highways England and Surrey County Council, agreement has now been reached on 76% of issues. Approximately 12% of matters have not been agreed, these relate primarily to the following:

- the financial implications for SCC in maintaining certain highway works in the future,
- detailed design matters at Seven Hills Road and its junction with the A245 Byfleet Road,
- road safety;
- effects on SCC's estate near the Ockham Bites Car Park;
- effects on bus services; and
- effects on Ripley.

6.2.3 Highways England has put forward wording for a possible requirement which could be imposed in the DCO relating to a scheme for the management of traffic flows in Ripley. SCC has agreed that this requirement if imposed would address its concerns about Ripley.

6.2.4 Discussions between Highways England and SCC are continuing with a view to resolving further matters prior to the close of examination, including concluding two side agreements, negotiations on matters relating to maintenance costs and reaching agreement on proposed Scheme changes relating to the A245 Byfleet Road. Highways England is continuing to share information with SCC to enable a number of outstanding detailed design matters to be resolved. A statement as to the position on these on-going discussions will be provided prior to the close of the examination.

6.3 Elmbridge Borough Council

Of the 46 issues addressed in the SoCG between Highways England and Elmbridge Borough Council, agreement has been reached on 39 (85%). Five matters are not agreed (11%). These relate to the proposed surface treatment for a short section of Seven Hills Road (south), access to Painshill Park, the change in working hours (change No. 4) and two points of detail unrelated to the principle of the Scheme. .

6.4 Guildford Borough Council

- 6.4.1 Agreement has been reached on approximately 80% of the 58 issues addressed in the SoCG between Highways England and Guildford Borough Council. 12% of matters (seven issues in total) could not be agreed upon. Of these seven issues, three relate to the effects of the Scheme on Ripley village. Highways England has put forward for the Examination Authority's consideration wording for a possible requirement for a scheme to management the flow of traffic at Ripley which is detailed at item 4.3.4A of the Deadline 8 SoCG. Guildford Borough Council has confirmed that this requirement if imposed on the DCO would satisfactorily address its concerns about Ripley.
- 6.4.2 Two of GBC's concerns relate to the delivery of an off-site cycle route between Ockham Lane and Effingham Junction which is required as mitigation in the Guildford Borough Local Plan for the development of the former Wisley Airfield site. Highways England's view is that the Scheme would not adversely affect the potential to achieve that measure although the detail of such mitigation is primarily a matter to be addressed by any planning application that comes forward in respect of the former Wisley Airfield site development. The remaining 'not agreed' matters concern points of detail unrelated to the principle of the Scheme itself.

8% of issues in the SoCG were either partially agreed or concern matters that GBC has no further comment on or defers to Surrey County Council as local highway authority. .

6.5 Natural England

- 6.5.1 The SoCG between Highways England and Natural England that was submitted at Deadline 5 has been updated and finalised. This has included additional points on the woodland buffer and the green bridge, in order to provide clarity on Natural England's position with regards to points raised in recent deadline submissions.
- 6.5.2 The final SoCG with Natural England has been agreed and signed. There are no outstanding matters and both parties are in agreement on all points.

6.6 Environment Agency

- 6.6.1 The SoCG between Highways England and the Environment Agency that was submitted at Deadline 5 has been updated, finalised and signed. The Environment Agency has agreed that all flood risk matters under their remit have now been resolved, subject to their review of the agreed updates to the submitted Flood Risk Assessment (FRA). The updated FRA has been sent to the Environment Agency for their review and is appended to the final SoCG.

6.7 Historic England

- 6.7.1 The final SoCG with Historic England has been agreed and signed. There are no matters outstanding and both parties are in agreement on all points. Engagement with Historic England since Deadline 5 and consultation on the Archaeological Management and Mitigation Strategy and draft DCO requirement 14, has resolved the outstanding issues.

6.8 The Royal Horticultural Society

6.8.1 The SoCG with the Royal Horticultural Society (RHS) has been finalised and signed with responses from Highways England provided. The final SoCG provides reasons in respect of the matters which are not agreed where it may be appropriate or helpful to the ExA to do so.

6.9 Wisley Investments Property Limited

6.9.1 All matters are agreed between Highways England and Wisley Investments Property Limited apart from the Wisley Lane and Wisley Airfield access, gas pipeline diversion and Stratford Brook maintenance are “not agreed” at this point in time as they are subject to ongoing negotiations between the parties to be covered in the proposed side agreement. There is no fundamental disagreement between the parties on the Wisley Lane and Wisley Airfield access, gas pipeline diversion and Stratford Brook maintenance and these items are “not agreed” as the parties are still discussing the detail provisions of how these matters are to be covered in the proposed agreement.

7 Position as at Deadline 12 (10 July 2020)

7.1.1 This section provides a updated summary of the position between Highways England and Surrey County Council since Deadline 8. The individual SoCG should be referred to for further detail on specific matters.

7.2 Surrey County Council

7.2.1 Since Deadline 8, Highways England and Surrey County Council (SCC) have continued to work closely on addressing outstanding matters. A series of further technical meetings have been held and significant progress has been made. All of the matters that were under discussion at Deadline 8 have now been agreed and a further four matters that were previously recorded as ‘not agreed’ at deadline 8 have also been agreed.

7.2.2 Overall, agreement has now been reached on 85% of the 156 issues addressed in the SoCG between Highways England and Surrey County Council. Approximately 10% of the issues remain ‘not agreed’ at the end of the examination, these relate primarily to the following:

- The effects of the scheme on the village of Ripley, in terms of the increase in traffic on the B2215/Ripley High Street, the capacity of the links and junctions to accommodate additional traffic and the need for mitigation to be provided under the DCO. Highways England’s traffic modelling, which is not disputed by SCC, indicates that the increases in traffic would be limited, less than 5% in terms of daily traffic flows and less than 2% in the morning peak periods. Whilst Highways England does not consider that there is a need to provide mitigation in Ripley on account of the scheme, to assist the Examining Authority, it has put forward wording for a possible requirement that the Secretary of State could include within the made DCO if thought appropriate. SCC has agreed that this requirement would address its concerns about Ripley, if included within the DCO as made.
- Minor design matters in relation to the Seven Hills Road junction and Seven Hills Road south, whereby SCC is requesting that the Scheme includes additional features to improve the existing local road network. Highways

England's position is that the addition of these features is not necessary for the purposes of the Scheme. Highways England has nonetheless offered to support SCC should it wish to bid for designated funds to deliver such local network improvements, including additional pedestrian crossings and variable message signs. There are no other points of difference as regards the overall design of the Scheme.

- The need for the Scheme to upgrade bus stop facilities and subsidise services affected by the relocation of bus stops from the A3 to Wisley Lane. Highways England's position is that the Scheme makes provision for replacement bus stop facilities to enable services to continue and to a standard at least comparable with existing provision.
- Whether there is sufficient clarity in article 49 of the dDCO as regards the costs of arbitration. Highways England has responded that the award of costs is a matter that would need to be settled as part of any arbitration and that the article is well precedented.
- Financial matters pertaining to SCC's costs. Highways England has in good faith committed to continuing discussions with SCC on these matters, whilst recognising that SCC's participation in the DCO process is one of its statutory duties as a local authority.

7.2.3 The remaining 5% of matters in the SoCG are recorded as either 'partially agreed' or relate to matters on which SCC has no further concerns.

7.2.4 Highways England is committed to continuing a good dialogue with SCC as work progresses to the detailed design stage. A number of commitments have been made as regards certain aspects of the design and providing for SCC's involvement in determining the most appropriate solutions. These are identified in the final column of the SoCG for clarity and assurance.

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