

**M25 junction 10/A3 Wisley interchange
TR010030**

**9.137 Applicant's note for Action point
1 (Session 2 Part 6 Former Wisley
Airfield)**

Rule 8(1)(k)

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

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The Infrastructure Planning (Examination Procedure) Rules 2010

M25 junction 10/A3 Wisley interchange Development Consent Order 202 [x]

**9.137 Applicant's note for Action point 1 (Session 2 Part 6 Former
Wisley Airfield)**

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1. Introduction

- 1.1.1 This document sets out Highways England's response to the Examining Authority's request on 18 June 2020 at the Compulsory Acquisition Hearing 1, Session 2 Part 6, for a confirmation as to whether Highways England and Wisley Property Investment Limited (WPIL) have completed an agreement and if such agreement has not been reached then a note from both parties on their final positions regarding the matters to be covered within the proposed Land and Works Agreement ("the Agreement").
- 1.1.2 Despite the efforts of both parties to complete the Agreement, it could not be completed before the end of examination. The negotiations are still ongoing and Highways England believes that agreement can be reached shortly. However, in line with the ExA's request, this note covers Highways England's position as at the date of this statement regarding the matters to be covered in the Agreement.

2. Highways England's final position on the matters to be covered in the Land and Works agreement

- 2.1.1 As stated above, Highways England and WPIL are continuing to negotiate the terms of the Agreement to put in place a binding mechanism in respect of the interaction between the construction and operation of the DCO Scheme and WPIL's redevelopment proposals for the airfield (the "Airfield Redevelopment").
- 2.1.2 The overarching principle which is intended to underpin the agreement is that HE wishes to work collaboratively with WPIL with a view to the DCO Scheme and the Airfield Redevelopment both being delivered in a timely and co-operative manner.
- 2.1.3 In summary the main elements of the proposed Agreement are as follows:
- **Construction Access Arrangements** - Provisions to allow WPIL to use, subject to conditions, an access way (i.e. the construction access to be created by Highways England to build the Wisley Lane diversion and the new road itself before it is open to traffic) for the purposes of constructing the Airfield Redevelopment.
 - **Permanent Access to the Airfield Redevelopment** - Provisions for Highways England to seek to agree with WPIL arrangements for a future permanent vehicular access (to a prescribed standard) from the Wisley Lane diversion to the Airfield Redevelopment. In essence this involves Highways England constructing the Wisley Lane diversion with a view of incorporating futureproofing for such an access by, for example, locating utilities such that WPIL will not incur substantial costs in relocating them for the purposes of its new access.
 - **Wisley Lane Worksite licence arrangements** to enable Highways England to use this worksite, including obligations upon Highways England to vacate it as soon as it is in a position to do so, also as to its use bearing in mind the likely proximity of a Suitable Alternative Natural Greenspace (SANG) related to the Airfield Redevelopment.

- **Methods of Working Provisions** for the parties to seek agreement on various methods of working to be adopted during construction.
- **Species Provisions** for the detailed design of the Wisley Lane diversion to accommodate appropriate features to avoid habitat severance.
- **Trees and Other Habitat Provisions** - under which Highways England will retain trees and other valuable habitat in so far as practicable.
- **Stratford Brook Provisions** - for the parties to agree arrangements whereby WPIL will undertake maintenance responsibilities on Highways England's behalf and cost in accordance with an agreed specification and in conformity with requirement 12 of the DCO. Highways England will retain appropriate step-in rights in respect of such responsibilities.
- **Access for Surveys Provision** for Highways England to enter upon WPIL's land, subject to certain conditions, for the purposes of carrying out non-intrusive ecological and other surveys.
- **Land Provisions** in relation to temporary / permanent land acquisition, use, rights and compensation.

2.1.4 The Scheme is designed to reduce traffic congestion and delay through the provision of increased capacity at the M25/A3 Junction and responds to the need for development identified in the NPS NN. The Scheme is not dependent on any scheme for the redevelopment of Wisley Airfield.

2.1.5 However, even in the absence of the completion of the Agreement, the Scheme will not preclude the future implementation of the Airfield Redevelopment along the lines of that previously put forward by WPIL or generally. Nor does the Scheme compromise access arrangements for such a redevelopment scheme, necessary to meet the requirements of Policy A35 of the adopted Guildford Local Plan 2019.

2.1.6 Furthermore, in the unlikely event of no formal agreement being reached with WPIL, Highways England, as a public body with responsibility to manage its liability and to lessen their compensation liability would still continue to liaise with WPIL, a key stakeholder, in relation to the interaction between the two schemes overall and more specifically:

- Highways England would still wish to ensure that the utility diversions are done in a way not to impede the proposed Airfield Redevelopment or add substantial costs for WPIL, in order to avoid increase in Highways England's liability for compensation;
- Permeability of the Wisley lane realignment for environmental purposes, would in any event be secured through the commitments made in the Environmental Statement [APP-052] which are in turn secured through Requirement 3 of the dDCO [REP8-013];
- The maintenance of Stratford Brook is secured through requirement 12 of the dDCO and is subject to the approval of the Secretary of State in consultation with the Environment Agency; and
- Highways England, as a responsible promoter, would still work with WPIL to deliver their respective scheme ensuring that the impact on the public is minimised as far as possible.

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