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Planning Inspectorate

**BY EMAIL ONLY**

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Dear Planning Inspectorate

**M25 Junction 10 / A3 Wisley Interchange Project – TR010030**

**The Secretary of State's request for comments regarding changes in replacement land provision issued on 4 November 2020**

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. In addition, Natural England seeks to promote and encourage access to the countryside and open spaces for outdoor recreation, enjoyment and understanding.

At the time of the consultation and inquiry Natural England made comments based on the land that was offered in replacement. The comments that we made at that point still stand. The proposed land parcels produce a contiguous and coherent space as replacement of the land both lost and fragmented by the works. We are of the view that the replacement land proposed and consulted on by the applicant formed a credible 'package' of new areas which would be both useful and valued by the local community and users of the site in terms of the access, biodiversity and landscape, and was proportionate to the loss of common land and open space.

We believe it is still desirable that this should be the case and we are keen to ensure that the replacement land provided through this scheme is at least of equal value as the common land and accessible open space lost and can fulfil the same purposes.

We are mindful that the applicant gave a comprehensive reasoning behind the amount of replacement land offered in *4.1 Statement of Reasons Appendix C: Common land and open space report*. This usefully referred to the legislation by which both common land and open spaces should be replaced. They summarised their understanding of the legislation at section 2.7.2 but recognised that those who have rights to the land should not be disadvantaged either in terms of the area of the land or their enjoyment and also that the public interest in biodiversity, landscape and access should be met.

The applicant also referred to the Defra Policy on Common Land and explained the Defra objectives and the expectations of the Secretary of State, namely:

*Her expectation is more likely to be realised where the replacement land is at least equal in area to the release land, and equally advantageous to the interests. So the Secretary of State will wish to evaluate the exchange in terms of both quality and quantity. An inadequate exchange will seldom be satisfactory, whatever the merits of the case for deregistration might otherwise be.*

Highways England also published in June 2015 *Our plan to protect and increase biodiversity* in which it stated that it would work with partner organisations to improve biodiversity. In our opinion the original proposals would help to meet these targets.

Having believed that the replacement land identified met the needs of the loss of land we are surprised that a substantially reduced provision of replacement land has now been proposed with no clear reason. We would not wish it to impact on the coherence of the scheme as a whole which would adversely affect public enjoyment of the area in terms of access provision, the biodiversity or landscape

It will be important to set out clearly the reasoning behind the reduction in provision, if there is a change, so that this does not set a precedent for similar cases in future.

Our comments on the detail of the proposed changes are as follows:

1. Removal of 26/4, 26/4a, 26/5, 26/5a, 26/6 would take away an opportunity to provide improved, safe access to Ockham Common from the direction of the hamlet of Hatchford and reduce the need for walkers and horseriders to use Old Lane for access. Old Lane can be dangerous for non-motorised users. Retention of this parcel would also provide improved opportunities for increased utilisation of the Hatchford Woods part of the site. Hatchford Woods is not part of Thames Basin Heaths SPA and increased public utilisation of this area could be beneficial in reducing the impact of recreational disturbance on ground-nesting birds in the core heathland area.



**Parcels 26/4, 26/4a, 26/5, 26/5a, 26/6**

2. Removal of 14/1, 14/1a and 14/3, together with the removal of 13/9, 139b, 13/12, 13/12a poses a risk of reducing the opportunity to convey a sense to the public that there is significantly increased public accessibility around the northern part of the site. Although heavily wooded with conifers at present there is the potential to create a much more attractive landscape here which compliments the adjacent areas, and to convey a much more welcoming atmosphere. These areas are integral to the wider concept of seeking to

increase the extent of land available to the public north of the M25 and to increase linkage between the common and the wider footpath/bridleway network. The inclusion of the areas at Park Barn Farm and these areas by Pointers Road provide more opportunities for access to parts of the area whilst avoiding potential conflicts with ground-nesting birds in those parts of the site designated as part of Thames Basin Heaths SPA.



**Parcels 14/1, 14/1a and 14/3**

The reduction in the area of replacement land provision in the Park Farm Barn area by reducing the provision to PBF1, PBF2 and a small section of the south end of PBF3 poses a particular risk of reducing the value and 'useability' of this area by the public. The initial proposal to provide a substantial area of open access land here created an exciting opportunity to provide a valued area of open space with a varied landscape character and good linkage to public rights of way and to existing open access areas. In particular, the availability of a relatively large area of open access land north of the M25 in the Park Farm Barn area has the potential to significantly reduce pressure on the land classified as SPA to the south, by acting as a focal point for visitors coming from the Byfleet area. The land at Park Farm Barn also provides good opportunities for biodiversity enhancement. There is existing biodiversity interest in the open grassland, which the applicant has undertaken to maintain, and there are further opportunities to enhance the ecological value of the areas of woodland here.

The removal of 13/9, 139b, 13/12, 13/12a has a particular effect on opportunities for biodiversity enhancement. The applicant has drawn up plans for habitat management works in this area which are quite exciting and focus on the restoration of a long-established pond and surrounding wetland habitat. Removal of this area would exclude this opportunity for biodiversity and landscape enhancement.

Natural England is of the view that the originally proposed replacement land options as proposed by the applicant provide a good balance in meeting the various objectives being sought, ie

- Provides opportunities for better linkage to the wider network of paths and rights of way;
- Provides access to attractive and enjoyable areas set back from the busy roads;
- Provides opportunities for biodiversity enhancement;
- Has the potential to help reduce recreational pressure on the SPA;
- Has good functional connectivity to other accessible parts of the site.

I hope that these comments are helpful.

Yours sincerely,



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