
OBJECTOR REFERENCE: TR010030 / M25J10-AP034

PARK BARN FARM (“PBF”) – ALDERSON

**RESPONSE TO SECRETARY OF STATE’S FURTHER
CONSULTATION LETTER - 27 NOVEMBER 2020**

Abbreviations used below:

<i>Highways England</i>	<i>‘HE’</i>
<i>Park Barn Farm</i>	<i>‘PBF’</i>
<i>Replacement land</i>	<i>‘RL’</i>
<i>Replacement ratio</i>	<i>‘RR’</i>
<i>Ronald Alderson</i>	<i>‘the Objector’</i>
<i>Secretary of State</i>	<i>‘SoS’</i>
<i>Special Category Land</i>	<i>‘SCL’</i>
<i>Surrey County Council</i>	<i>‘SCC’</i>
<i>Surrey Wildlife Trust</i>	<i>‘SWT’</i>

PRELIMINARY

1. In his first round of post-Examination consultation¹ the SoS presented a total RL package of 16.4 ha made up entirely from PBF, comprising PBF1 and PBF2, with a reduced amount taken from PBF3.
2. Point 1 of his follow-up consultation concerns the same package together with the Applicant’s suggestion of re-instating the land omitted from CF1 & CF2. At point 6 the SoS invites comments on the representations received in response to the last deadline. The Objector responds to these points below. The Objector has no other comments to make in respect of points 2-5.

POINT 1: COMMENTS ON THE APPLICANT’S PROPOSALS FOR REDUCED RL

3. We support HE’s reasons for including parcels CF1 & CF2 in the NE quadrant without supporting the resulting total. We consider that an aggregate RL provision of 26.5 ha has not been adequately justified. The resulting ratios² are well above the level which is

¹ SoS letter dated 4/11/2010.

² 1.74:1 for acquisition of SCL; (b) 0.31:1 for acquisition of SCL (rights) land.

required to achieve equivalence in terms of the overall quantity and quality of replacement public access land.

4. If CF1 & CF2 are to be included then, logically, this must be at the expense of an equivalent area of RL (10.1 ha) being removed from the scheme at PBF. Any pro-rata adjustment should come from PBF2 (8.35ha) and PBF3 (8.40ha) only.
5. However, as previously stated, the Objector resists the acquisition of *any* part of the land within PBF2 & PBF3 on the grounds of its valuable contribution to private residential amenity.

The Objector's alternative proposal for RL

6. It may be convenient at this juncture to re-affirm the Objector's alternative proposal.
7. The starting point is a total 13.77ha of RL. This does not include an extra 2.63ha for rights to be acquired over SCL given the high quality of public access that would be offered at all the potential RL options. The Objector contends that according to the specific circumstances of this case there is no statutory legal requirement to off-set the loss for rights to be acquired over SCL, even where parts of the SCL may effectively become unusable as public access land. These are matters of ordinary planning judgement as explained in detail in our earlier reps [For example, REP11-031]³.
8. The Objector is prepared to relinquish 5.10 ha of land at PBF1. The excision of PBF1 would not cause a serious loss of private residential amenity, unlike severance of PBF2 & PBF3. It would also be possible to link PBF1 conveniently to the wider rights of way network without the inclusion of any part of PBF2 & PBF3.
9. Some parties consider that PBF1 is inferior to PBF2 & PBF3, however it would still be vastly more useful to the members of the public who would likely use it than the SCL that would be lost. In addition, the Objector has supplied substantial reasons in evidence for avoiding PBF2 & PBF3 altogether.
10. It must also be emphasised that the statutory scheme does not compel the SoS to seek out the *optimum* package of RL proposals. Nor is there any statutory requirement for providing 'matching' RL parcels, or land which is 'contiguous' to the existing SCL⁴. Equivalence in terms of *overall* public advantage will do. So, whilst it might be a laudable aim for the Applicant to provide RL which resembles as closely as possible the SCL that would be lost, this is essentially impossible, and ultimately a time-wasting exercise particularly where certain respondents (and indeed the Applicant itself) wish to

³ See note on the *Greenwich / Oxley Wood* case: *Greenwich LBC v Secretary of State for the Environment*, [1993] Env. L.R. 344 (1993)

⁴ *ibid*

achieve a 'holistic' solution for the whole connected area in the vicinity of the road scheme.⁵

11. The Objector proposes that the balance of the RL requirement would need to come from outside the PBF site. It must be stressed that the Objector does not specifically object to an additional 2.63ha of provision for rights over SCL provided this provision is made up in other locations.
12. The other RL options presented by the Applicant are as follows:
 - HE1 (1.18 ha)
 - HE2 (0.55 ha)
 - CF1 (6.98 ha)
 - CF2 (3.12 ha)
 - CF3 (4.23 ha)
 - CF4 (1.89 ha)
13. These options may have different qualities however individually and collectively they all make excellent alternatives for the loss of SCL. This is borne out in the comments made by several of the respondents who advocate for their inclusion. The above list is not the full range of available choices, however.
14. Pond Farm is a prime site in the SW quadrant which was previously discussed as being ideally located for serving the needs of both RL and HRA mitigation: see Atkins meeting notes dated 16/03/2018 where it was stated that the Pond Farm area was ideally placed as replacement SPA and common land as it sat within areas covered by both designations. In a previous meeting note⁶ it was also noted that:

“Land at Pond Farm (former Foxwarren Deerpark)
c.100 acres of mown land on a sandy soil, unlikely to have been fertilised. This was considered to be a strong option for replacement land as it would enhance common land access across the M25 and provide a link to land further to the north. It was also suggested that the land could be returned back to heath within a number of years, and so could be classified as SSSI and/or SPA in future years.”
15. Using part of the land at Pond Farm is a realistic and reasonable option which ought to be considered afresh.
16. Another option is the site highlighted in the recent representations of Elm Corner Residents Group⁷. It is understood that there are parts of Elm Lane that will no longer be required for access to Elm Corner (from Orchard Cottage to A3) that, in their words,

⁵ See RSB response to SoS (4th Nov 2020), and also, Natural England's letter dated 18/11/2020.

⁶ Meeting note dated 31.08.2017

⁷ Response dated 18/11/2020 to DoT letter of 4/11/2020.

“could and should be used to increase RL”. The merits of this parcel are that it is contiguous and would address residents’ concerns about anti-social behaviour. It would also increase biodiversity and could therefore become a formal component of habitat mitigation too.

17. Both these sites are reasonable options which should not be discounted without full and proper consideration. As a collective group the full range of alternatives (other than PBF) have the perceived advantage of providing RL directly where it would be lost in the NE, SE & SW quadrants of the scheme.
18. The Objector has specified why those other locations should be acquired in preference to the land at PBF in earlier representations, including REP: 11-031.

POINT 6: COMMENTS IN REPLY TO CONSULTATION RESPONSES RECEIVED IN RELATION TO SOS CONSULTATION DATED 4/11/2020

HIGHWAYS ENGLAND (9.150: APPLICANT’S RESPONSE)

19. Some of HE’s comments are picked up in our answers to point 1 above. Other passages are covered by our previous submitted representations together with additional brief comments below:
20. **Para. 3.1.5:** HE persists with a discredited argument based on ‘precedent’ to cover for a total absence of evidential justification for the claimed RL ratio.
21. **Para. 3.1.10:** Even if this were true, which is disputed, there is no requirement for “optimum benefit”.
22. **Paras. 3.1.12 & 3.1.14-17:** We agree with the broad reasons why it is appropriate to provide RL parcels in the other quadrants mentioned.
23. **Para. 3.1.13:** This benefit can be achieved through the acquisition of PBF1 alone.
24. **Para. 3.1.18:** There are considerable areas of attractive woodland in the vicinity of PBF which already benefit from public rights of way, whilst additional planting is proposed at PBF1.
25. **Paras. 4.1.1-4.1.3:** The Objector is not able to express a detailed view, but whilst the language used is now “primary purpose” it was never suggested before that PBF should be acquired for any other purpose than its suitability as replacement public access land. We also make the general observation that other parties have challenged the Applicant’s conclusion that there would be no significant change to the residual adverse impacts on the nature conservation resources resulting from the RL being reduced.

26. **Paras. 4.2.2:** Logic might suggest the opposite is true because users drawn to the general area would add to recreational pressure on the SPA, which could be avoided by removing that access land and the new NMU routes. In any event, these benefits can be achieved through the acquisition of PBF1 alone (including circular routes).
27. **Para. 4.10 (Summary):** It is stated that PBF would provide the greatest biodiversity and mitigation benefits, and that it is appropriate to prioritise PBF as RL for that reason. This is disputed. The claim sits at direct odds with the Applicant's case to the Examination that PBF was evaluated on its own merits purely as RL. It is also procedurally unfair for the Objector to have to face such an argument being raised so late in the process.
28. **Para. 7.6.3 (and subsequent paras):** The Objector made a series of detailed points at deadline 12 to which the Applicant has provided no response at any stage.

OTHER RESPONDENTS: PROPOSED REDUCTION OF RL

29. The proposed reduction of RL has drawn adverse comment from several quarters. These criticisms generally relate both to the diminution of the overall size of the RL package as well as the competing merits of alternative RL parcels.
30. The underlying assumption seems to be that it would be possible to increase RL in one area without an equivalent reduction from elsewhere in the scheme. It remains unclear what mix these respondents would ultimately choose if the maximum total RL package was confirmed at either 13.77ha or 16.4ha.
31. However, none of the respondents provided any indication that they regard the existing common land and open space (i.e., SCL that would be lost) as a valuable public recreation resource. The Objector has previously submitted various representations indicating why the existing SCL does not provide a significant public utility in terms of access.⁸ This evidence remains unchallenged and no other reasons have been offered now as to why the *overall* RL area should be increased above the broad 1:1 ratio.

(i) Precedent

32. Some parties (e.g. RSPB) concur with the Applicant's method of following 'precedent' ratios from past projects. The Objector has already shown this to be an unreliable and unlawful basis for calculating the appropriate level of RL provision for the current scheme.
33. In planning law what has been typically decided in respect of other 'similar' schemes is generally irrelevant to decision-making unless the duty of consistency may be said to arise. This is an especially limited public law doctrine which only requires 'like decisions'

⁸ See, for example, the submissions lodged at deadline 12 (REP12-058 to REP-063)

to be decided in a 'like manner'⁹, however there are myriad differences between past and present road schemes concerning this section of the M25 and A3 which invalidates such an approach being used.

34. Further, the Applicant has still not offered any specific reasons why other 'precedent' schemes such as Hindhead Tunnel should be followed in a like manner. Relevant evidence was not provided in respect of the quantity of exchange land that was ordered for that scheme.
35. The Applicant's criticism of the Objector's citation of the *Greenwich / Oxley wood* case is also misplaced, as we have explained previously: REP12-060¹⁰. This decision was not cited as a precedent which must inevitably be followed. What it does serve to illustrate, however, is the sheer breadth of the SoS discretion to accept RL land which is not exactly matching or contiguous with the access land that it would replace.
36. Finally, in relation to RSPB's specific comment that the guiding scheme ratios were "agreed" between the Applicant, SWT and the RSPB, no evidence was placed before the Examination which demonstrates that this consensus was ever reached having regard to the applicable statutory test.

(ii) Merits of including other competing RL parcels

37. A common thread running through the body of the responses is that there are substantial merits for including other RL areas (other than PBF).
38. By way of example, Ockham Parish Council has commented that HE1 and HE2 are important zones for members of the community in that Parish. HE has itself provided a range of reasons why it considers RL should be provided from the locations in the NE and SE quadrants too.
39. The comments of SCC make a particularly strong case for choosing from the other land parcels listed at para. 12 above:

"The replacement land proposals submitted to the examination were based on a complex set of interrelationships and any revisions to replacement land in turn impact on a number of issues. For example, public access will be diminished as the removal of parcels CF1-4 and HE1-2 from the replacement land to be provided as part of the Scheme will reduce the benefits of the Scheme to non-motorised users.

Specifically, were the Chatley Farm replacement land parcels to be removed, the proposed bridleway link from Red Hill bridleway bridge to Pointers Road, via plot 13/12, would not be provided. Additionally, were the Hatchford End replacement

⁹ See LJ Mann @ para 145 in *North Wiltshire v Secretary of State for the Environment* [1993] 65 P&CR 137

¹⁰ See paras. 51-57 thereof. See also the note provided with REP11-031.

land parcels to be removed, the proposed footpath link from Footpath 71 to Bridleway 18, east of Old Lane, via plots 26/4, 26/5, 26/5a and 26/6, would not be provided. This footpath would also have specific safety benefits as it allows walkers to avoid having to use Old Lane, which is narrow at this point and has no footway.

The proposed removal of parcels of replacement land would also mean that the scheme would not include any replacement land in the north-eastern and south-eastern quadrants around the M25 junction 10 interchange. The north east quadrant near Pointers Road is the smallest of the four areas and most fragmented by the M25 & A3. The Chatley Farm replacement land and the proposed new bridleway running from Redhill to Pointers Lane near Chatley Wood would make significant improvements to the area that is currently least accessible.”

40. Conceptually, these matters go back a long way. In the Atkins meeting note dated 16/03/2018 of the meeting between Natural England, the Forestry Commission, RSPB, SWT, and HE, the following comments are noted in relation to Chatley Wood and Hatchford End (words underlined for added emphasis):

- Chatley Wood – “.... *This area could provide good opportunities for public recreation, helping to take the pressure off the SPA.”*
- Hatchford End – “*There was concern that this parcel would provide little ecological value for the SPA and SSSI due to its size and location, separated from the heathland” but would be of significant value as access land “.... [redacted] pointed out the benefits in providing rights of way linkages enabling better access to the other areas of public access, particularly bearing the draft Wisley Airfield draft housing allocation in mind. It also has benefits in linking areas of woodland and providing safer NMU access than along Old Lane”*

41. The Wisley Airfield re-development is an important factor because as SWT has previously recognised “*it will be important to anticipate the potential large new population using the commons that would arise from the proposed Former Wisley Airfield development”* (See Appendix: SWT letter dated 26th March 2018).

42. We recognise that these may be difficult matters to resolve in a fair and lawful manner given the way the Applicant prepared its original case for the Examination. Equally, however, the Objector should not have to suffer any consequences himself, through unlawful deprivation of his private property interests (which are protected by the ECHR¹¹), simply because the expectation of other parties was set unreasonably high from the beginning.

¹¹ Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights.

OTHER RESPONDENTS: COMMENTS IN RELATION TO IMPACTS ON BIODIVERSITY DUE TO PROPOSED REDUCTION OF RL

43. Another common theme running through the responses is that the proposed reduction of RL will have adverse consequences from an environmental and ecological perspective. Various parties have expressed their concerns in this regard:
44. RSPB have indicated that the effectiveness of the RL package to alleviate pressure on the SPA Heathland is an inevitable consequence of the reduction of the RL. RHS Wisley adopt a very similar view but also take things even further. They consider that the RL cannot be reduced without making it unlawful to confirm the draft order because it was relied upon as mitigation for the purposes of the Applicant's Habitat Regulations Assessment and Environmental Statement (ES).
45. The Objector notes the seriousness of these remarks and takes the view that if the concerns of RHS Wisley are well-founded then it would be unlawful for the SoS to confirm the draft Order in any guise.
46. Any possible suggestion that the level of RL provision might need to be set according to ecology and biodiversity considerations should be utterly rejected because throughout the Examination it is not how the Applicant has sought to justify the compulsory acquisition of land at PBF. The Objector is completely unprepared to defend his position on those grounds so late after closure of the Examination, and within such a short deadline, not to mention the financial disadvantages which have already been suffered due to need to respond to repeated consultations. The Objector considers that it would be an abuse of the public process for such considerations to be revisited, or finally determined, without holding a new Examination.
47. We merely observe that, in the eyes of some parties at least, it appears that certain aims and aspirations may have become conflated at various stages during the planning and promotion of this scheme. Natural England describes the original RL provision as "*a credible package of new areas*" offering a "*good balance in meeting the various objectives being sought*". Meanwhile, SCC is supportive of "*all that the scheme is seeking to deliver in terms of mitigation, public access and biodiversity enhancements.*"
48. More specifically NE has also commented in relation to PBF that:
- "In particular, the availability of a relatively large area of open access land north of the M25 in the PBF 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 PBF also provides good opportunities for biodiversity enhancement."*

49. The comments of SCC are particularly illuminating in relation to the full extent to which these issues may now have become irredeemably entwined vis a vis the consequential impacts of a reduction in RL:

“SCC has agreed and supported the rationale that all the replacement land parcels, (i.e. PBF1-3, CF1-4 and HE1-2) were necessary to provide the habitat enhancement measures and provide the greatest benefit for biodiversity. The habitat compensation and mitigation measures form a complex package to address the loss of habitats by the scheme but also to address the fragmentation of a site effectively cut into quarters by the M25 and A3. The loss of replacement land CF1 and CF2 is especially important in the north east quadrant where the new access will help reduce visitor pressure on the SPA.

SCC wishes to ensure that the biodiversity loss is adequately mitigated and compensated and that these measures should be as close to the original site as possible and provide like for like compensation so that a wetland habitat is compensated by a similar feature. This influences the area of land needed as particular habitats such as wetland can only be located in specific areas.

While not part of the notified features of the SPA and SSSI, the main loss of Habitats of Principal Importance is of woodland and wood pasture. The removal of replacement land CF1 and CF3 would lead to a loss of woodland enhancement in CF1 and a missed opportunity to enhance ancient woodland in CF3. The loss of CF1 would also mean that the pond would not be enhanced to make up for the loss of wetland habitats along ditch lines. This still results in a loss of locally important biodiversity.”

50. However, the Applicant’s publicly stated position, both now and before, is that it planned for these requirements separately. In a minute dated 28/6/2018¹² of a meeting between HE, RSPB, SWT and SCC to consider SPA Compensation and Enhancement it was stated, in relation to PBF, that:

“It was noted that PBF would be managed to provide areas of heathland or acid grassland habitat which may in due course support SPA qualifying species, but is no part of the SPA compensation package and will not be designated as SPA as part of this Scheme.”

51. It even appears this was broadly accepted by other parties who would now wish to complain. On 10/7/2020 SWT stated:

“The view of SWT is that the replacement ratios proposed by the Applicant are appropriate for the scheme. These are independent of the habitat mitigation and compensation ratios described elsewhere.”

¹² See Appendix.

52. It appears that SWT may have now shifted its position somewhat because on 16/11/2020 it said:

“The replacement land areas will significantly increase biodiversity around an internationally protected wildlife site.....

The replacement land will help draw or deflect visitors from the core Special Protection Area site thereby reducing the pressure on the protected species that inhabit the heath.”

53. And similarly, Natural England has stated that the land at Park Barn Farm “... 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 PBF also provides good opportunities for biodiversity enhancement.”¹³

54. The Objector is certainly right to feel aggrieved at the sense his land may have been unfairly targeted by others for reasons which are entirely unrelated to the needs of RL, and which are divorced from the putative reasons put forward by the Applicant and other parties at the Examination.¹⁴

KEYSTONE LAW
on behalf of Mr Ronald Alderson

07.12.2020

¹³ Letter dated 18/11/2020.

¹⁴ The desire to acquire PBF for environmental gain may have been a long term aspirations See Appendix: Meeting minute 20/12/07 where SWT are quoted as stating that “..... the SPA should never have been fragmented but that this scheme provided an opportunity to obtain as much environmental gain as possible and that SWT are keen to work with Highways England to achieve the best result for the wildlife.”

APPENDIX

- 1. Meeting note dated 31/08/2017**
- 2. Meeting note dated 20/12/2017**
- 3. Meeting note dated 16/03/2018**
- 4. SW letter dated 26/03/2018**
- 5. Meeting note dated 28/06/2018**

Meeting notes

Project:	M25 j10/A3 Wisley Interchange Scheme		
Subject:	Meeting with Surrey Wildlife Trust, Surrey County Council, Elbridge Borough Council		
Date and time:	31 Aug 2017 - 11:24	Meeting no:	1
Meeting place:	Pond Farm, Wisley Common	Minutes by:	██████████
Present:	██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████	Representing:	Surrey Wildlife Trust Surrey Wildlife Trust Surrey County Council Elmbridge Borough Council Elmbridge Borough Council Atkins Atkins Atkins Atkins

1. Health & safety

██████████ highlighted the benefits of using the 'Dutch' method of opening car doors, meaning you have to turn your body and use your left hand when opening a car door. This means that you can look behind you when opening the door.

2. Replacement land

Pond Farm background – there has been an agreement between Surrey WT and Surrey CC about operation of the farm since 2006 when Surrey WT occupied the farm. It is a critical part of the farming operation across SCC and MOD, and supports grazing animals, handling, calving, a firewood business, sheep, ponies and goats that operate from here for commercial activities. The physical boundary of the farm is very important, as some animals (e.g. cows with calves) are not risk assessed to be interacting with the public.

The Scout camp within the boundary of the farm is part of the wider land holding and so Surrey WT in effect act as the landlord for them.

Surrey WT confirmed that they would have considerable concerns about the farm being registered as common land as it would compromise their operations and potentially put the public at risk.

Other replacement land options were tabled. The group provided the follow views:

Land at Pond Farm (former Foxwarren Deerpark)

c.100 acres of mown land on a sandy soil, unlikely to have been fertilised. This was considered to be a strong option for replacement land as it would enhance common land access across the M25 and provide a link to land further to the north. It was also suggested that the land could be returned back to heath within a number of years, and so could be classified as SSSI and/or SPA in future years.

Land near Pointers Lane

Next meeting:

Distribution:

Date issued:

File ref:

NOTE TO RECIPIENTS:

These meeting notes record Atkins understanding of the meeting and intended actions arising therefrom. Your agreement that the notes form a true record of the discussion will be assumed unless adverse comments are received in writing within five days of receipt.

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~~Meeting notes - Surrey WT Surrey CC Elmbridge BC 31.08.17 - Final Document~~

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The wooded areas of this land holding may be able to provide good future habitat and would provide additional common land, however the adjacent open grass land towards the flood plan, wouldn't be suitable for heathland restoration. However, there would be other value here, as during times of flood there is a supportive habitat for certain bird species. The amenity value here may be more limited however.

Land adjacent to common land – Ockham Road North

Surrey WT confirmed that this land is partially in the ownership of Surrey CC and stewardship of Surrey WT. These fields are already publicly accessible so not suitable for common land. Grazing occurs in this field.

Existing common land

Atkins confirmed that as part of the replacement land process for this scheme, all outstanding replacement land issues relating to the M25 would be completed. There was some discussion about whether this may affect any existing enclosures on land managed by Surrey WT and this would require further investigation.

3. Access arrangements

Atkins presented a green bridge option to provide access to Pond Farm over the A3. The meeting was supportive of this option, bearing in mind that the bridge would need to a) be restricted to authorised vehicle access only and b) would be a fully HGV bearing bridge allowing vehicles up to 40 tonne to access the site. The bridge would need to still allow unimpeded pedestrian and cycle access, whilst also preventing livestock movements. A sympathetically designed green bridge at this location could really enhance the cross A3 movement of local wildlife.

ITEM	DESCRIPTION & ACTION	DEADLINE	RESPONSIBLE
	<p>during the consultation is the best time to have meaningful discussions about the project but that technical engagement is ongoing. It was advised that this is now a statutory process and that as such all meeting materials are part of the formal process and could be called upon as evidence at examination.</p> <p>■ explained the scheme elements that would affect SWT:</p> <ul style="list-style-type: none"> • Slip road and access • Cockrow bridge • Green bridge • SWT site will still be closed and gated • A3 access via Old Lane, near Ockham Bites – slip road will be made safer <p>He added that the red line boundary has been established to protect the scheme.</p> <p>■ went on to explain that the DCO process is front loaded to ensure any issues are dealt with upfront and to smooth the planning process. He also explained that Statements of Common Ground would be worked on up to representation and would be work in progress until this point</p> <p>■ explained that the project would be replacing land at a 1:3 ratio and that it would be adjacent to existing land, but not necessarily like for like.</p> <p>■ explained that SWT recognised that the junction needed improvement. He believes that the SPA should never have been fragmented but that this scheme provided an opportunity to obtain as much environmental gain as possible and that SWT are keen to work with Highways England to achieve the best result for the wildlife.</p> <p>He stated:</p> <ul style="list-style-type: none"> • The green bridge must be a proper green bridge – a genuine ecological link. ■ explained the financial pressures versus funding opportunities but was clear in order to manage expectations • The value in connecting the heathland • There are land purchase challenges: SCC as landlord and SWT as tenant • SWT's desire to see appropriate links throughout the woodland and heathland • Bolder Mere's value for hosting rare species • SWT's concerns about opening-up public access and public rights of way and its effect on the ground nesting birds • SWT's desire to reconsider their parking facilities in light of the proposed scheme 		

ITEM	DESCRIPTION & ACTION	DEADLINE	RESPONSIBLE
	<ul style="list-style-type: none"> • SWT's long term concern about the Wisley Airfield proposals and how visitors may use the heathland. • The road surface materials are currently very noisy. ■■■ explained Highways England's 'gate-to-gate' policy. But that given the widening of the A3 there was a possibility of addressing noise there, but this will not do much for M25 noise which is in part due to the concrete surface. Higher and better acoustic fencing was discussed. • SWT's desire for minimal light into the reserve and for this to be considered when lighting is decided upon. ■■■ explained that the junction must be safe but that the project doesn't want to put lighting where it is not needed • SWT's concerns about the BOAT at Elm Lane – mainly hydrology concerns, vehicle pressure and the draw of criminal activity to the area. SCC/SWT will be speaking with these residents about their concerns • Terence Higgins Trust must be a consultee as they represent the communities who use the car parks at night and who face displacement • The exchange land issue must be resolved. ■■■ agreed to discuss this offline • SWT would like to see the plans for the pieces of land Highways England purchases • SWT's desire to collaborate with Highways England, Surrey County Council, Natural England and RSPB 	ASAP	■■■
		ASAP	■■■
4.0	<p>Survey access – ■■■ explained that a survey to investigate the ground conditions needed to take place. She provided a plan of the borehole locations, an explanation of the process and how the works would be undertaken.</p> <p>■■■ explained that from 1 March onwards no works would be possible due to ground nesting birds. ■■■ confirmed these timings and stated that ideally the vegetation would be cleared before that date. He added that an ecologist will be provided to check vegetation clearance and/or watching brief during GI works where appropriate – typically for locations that could support nesting birds, great crested newts and/or reptiles. This will be covered in the Precautionary Method of Working (PMW) that is being produced.</p> <p>■■■ advised that all the survey works would be taking place in the woods and not on the heathland. He relayed advice from Natural England on the production of a method statement.</p>		

ITEM	DESCRIPTION & ACTION	DEADLINE	RESPONSIBLE
	<p>█ explained that the data collected from the surveys would be published on the British Geological Survey website, but it was agreed to protect all schedule 1 species (hobby, Dartford warbler, woodlark) plus nightjar, by not showing specific territory locations on the maps for public consumption. Same for badger setts.</p> <p>█ highlighted the need for signage and warning notices about the survey works.</p> <p>█ advised on the security of equipment and that in his opinion the safety of equipment left in car parks overnight was questionable.</p> <p>█ and █ advised on the tree climbing surveys and possible need for surveys for badgers, great crested newts, reptiles in 2018.</p> <p>█ agreed with █ that there was no dormouse activity in the area.</p> <p>█ offered further discussion in the New Year to go over the locations in person.</p> <p>█ advised that permission may be required from PINS to put up temporary fencing within common land. █ to investigate.</p>	<p>TBC</p> <p>TBC</p>	<p>█</p> <p>█</p>
<p>POST-MEETING NOTE</p>	<p>On 31 January 2018 Surrey Wildlife Trust put forward their position on the red line boundary and the fields at Pond Farm. They have stated that they do not accept them being included in the red line boundary as the fields are vital to a larger conservation grazing operation across the Surrey section of the SPA.</p>		

Meeting notes

Project:	M25 J10/A3 Wisley Interchange		
Subject:	Environmental Mitigation/Compensation and HRA		
Date and time:	16 Mar 2018 - 09:00	Meeting no:	1
Meeting place:	Pond Farm	Minutes by:	[REDACTED]

Present:	Representing:
[REDACTED]	Natural England (NE)
	Forestry Commission (FC)
	Forestry Commission
	RSPB
	RSPB
	Surrey Wildlife Trust (SWT)
	Surrey Wildlife Trust
	Surrey County Council (SCC)
	Surrey County Council
	Highways England
	Atkins
	Atkins
	Atkins
	Atkins
	DTA Ecology
	Atkins

ITEM	DESCRIPTION & ACTION	DEADLINE	RESPONSIBLE
1.0	Health & safety [REDACTED] highlighted the risk from ticks and noted that this was likely to increase with warmer weather coming	N/A	All
2.0	Overview and site walkover [REDACTED] outlined the main features of the current scheme. [REDACTED] noted SWT's objection to inclusion of 5ha of Pond Farm as a replacement land parcel, although he understood the reasons why this area was included. All attendees then undertook a site walkover looking at the site scheme area located with SCC land, with particular interest in the replacement land areas at Pond Farm, Park Barn Farm and Chatley Heath Wood. After the walkover, attendees were invited to express their views on the proposals.	N/A	All
3.0	Pond Farm [REDACTED] set out the SWT view that this parcel was unsuitable as compensation for SPA as he felt it was too wet to create sustainable heathland habitat and would be damaging to SWT's operations and hence their ability to	N/A	All

Next meeting:	TBA
Distribution:	All attendees and [REDACTED]
Date issued:	File ref:

NOTE TO RECIPIENTS:
 These meeting notes record Atkins understanding of the meeting and intended actions arising therefrom. Your agreement that the notes form a true record of the discussion will be assumed unless adverse comments are received in writing within five days of receipt.

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ITEM	DESCRIPTION & ACTION	DEADLINE	RESPONSIBLE
	<p>manage the rest of the SPA. Although he felt it would have some habitat value, the change to open public access would be incompatible with SWT's need to use the land as winter grazing for their herd and a location for cattle with calves and stock needing to be quarantined. The ability to maintain the stock levels and herd management at Pond Farm is vital to the management of the entire SPA, not just the Wisley part of it. He felt it would be unattractive to users due to the wet ground conditions for much of the year and that there was no evidence of public pressure to access the farm fields. [REDACTED] was also of the same view. The RSPB also stated that Pond Farm was not suitable as SPA replacement as it would not be possible to provide appropriate habitat in this location.</p> <p>[REDACTED] noted that, with management, it could be suitable for certain aspects of the SPA, providing habitat that would contribute to supporting the qualifying species. He noted that the SPA land to be lost was of low value being closest to the M25 and A3. [REDACTED] noted that specific areas identified as compensation for lost SPA would by preference be south of the M25 to avoid extending the planning restrictions arising from the SPA in local authority areas. It was noted that the Pond Farm area was ideally placed as replacement SPA and common land as it sat within areas covered by both designations. This led onto discussions about alternative means of compensating for lost SPA land.</p>		
4.0	<p>SPA compensation</p> <p>[REDACTED] noted that it might be possible to provide compensation for the impacts resulting from the loss of SPA land by enhancing the habitat value of land within the currently designated boundary (i.e. by clearing woodland to allow areas of heathland to regenerate). However, it was noted that there would be an expectation to avoid physical loss of SPA total land area, thus requiring Pond Farm (or additional land associated with the wider Thames Basin Heaths SPA) to form part of the compensation package.</p> <p>It was noted that clearance of woodland/tree cover to achieve this would require agreement from Forestry Commission.</p> <p>[REDACTED] noted that Forestry Commission could support this approach subject to agreed areas/proportions of canopy cover being maintained and new areas of planting within the replacement land being provided. [REDACTED] referring to the EC guidance (<i>Guidance Document on Article 6(4) of the 'Habitats Directive' 92/43/EEC 2012</i>) on this noted at 1.4.1 that to be allowable the SPA enhancement must not be something that would have been done as 'normal practice' under the Habitats and Birds Directives or obligations laid down in EC law. SWT confirmed that their obligations were to 'maintain' the SPA and SSSI and hence additional enhancement did not form part of 'normal practice'. [REDACTED] confirmed that enhancement must not be what was going to happen anyway and understood that restoration of further areas of heathland was an aspiration. It was noted that enhancement of the SPA could include NMU provision and dog control orders that would encourage public use of the replacement land areas and reduce pressure on the main heathland areas of the SPA which were most used by the qualifying species. The effectiveness of dog control orders was</p>	N/A	All

ITEM	DESCRIPTION & ACTION	DEADLINE	RESPONSIBLE
	questioned by the RSPB, these require significant resource to enforce and the TBH strategy has opted for responsible behaviour through positive messaging to date rather than enforcement so far. [REDACTED] noted that any enhancement that formed part of a compensation package would need to be identified with and funded by the project and [REDACTED] agreed to investigate the mechanism for doing this with HE legal team.		
5.0	Park Bam Farm All agreed that Park Bam Farm appeared to provide excellent opportunities as replacement common land/public open space and has scope for habitat creation to support heathland species. New planting and some tree clearance/diversification of single species plantations would be proposed along with heathland/dry acid grassland habitat creation which [REDACTED] was supportive of. [REDACTED] noted that identification as common land rather than public open space imposed more difficulties on the use of grazing as a management tool, as specific consent is needed for any fencing, which is a legally complex process. This may have an influence on the arrangement of the two types of replacement land relative to the types of habitats intended. RSPB thought there was some potential but required more information on the current state and the proposals to enable proper evaluation of the merits of these areas.	N/A	All
6.0	Chatley Wood It was noted that this area could provide good opportunities for public recreation, helping to take the pressure off the SPA. This would need encouragement through provision of signposting, appropriate path surfacing and tree clearance to open up routes to it from NMU routes and the Ockham Bites car park. The proposed NMU bridge would be of benefit for this, creating a new direct access between the north-east and south-east quadrants, which currently does not exist. In addition, the possibility of providing a new car park off Pointers Road was raised. The existing grass areas could be managed to provide a mixture of open and scrub habitats mixed with native wood pasture and/or orchard habitats, both of which were noted as being in decline nationally. The current SWT work to manage the SSSI woodland at Redhill Bottom and Chatley Wood was observed.	N/A	All
7.0	Hatchford End There was concern that this parcel would provide little ecological value for the SPA and SSSI due to its size and location, separated from the heathland. [REDACTED] pointed out the benefits in providing rights of way linkages enabling better access to the other areas of public access, particularly bearing the Wisley Airfield draft housing allocation in mind. It also has benefits in linking areas of woodland and providing safer NMU access than along Old Lane.	N/A	All
8.0	Land adjacent to M25/A3 [REDACTED] explained that the land within the red line boundary but outside the permanent highway boundary would	N/A	All

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[Plan Design Enable](#)

ITEM	DESCRIPTION & ACTION	DEADLINE	RESPONSIBLE
	<p>be used to construct the scheme and is likely to be cleared of vegetation during the works. The intention is to return this land to the landowner (mainly SCC) in a condition where it can provide environmental benefit. There was agreement that this should have a varied vegetation profile with scrub (excluding gorse) and some larger trees to benefit the SPA and should have a scalloped edge to create diverse edge habitat. The available land within the highway boundary (such as embankment slopes) would be treated similarly but also provide screening for views of the M25/A3 where appropriate. Environmental barriers would be provided to mitigate noise effects and which could serve to enhance the SPA by reducing noise levels for the qualifying species and encourage their spread. SWT also favoured lighting proposals that reduced the light spill from the M25/A3 where possible.</p> <p>The potential provision of one or more green bridges (as enhanced provision at bridges that would be replaced anyway, particularly Cockcrow and Clearmount bridges) was discussed and all agreed that this would be of significant benefit to the scheme and should be explored through the Highways England designated funds. SWT confirmed willingness to input advice to the design process for such features and to look at ideas for work they might potentially undertake to add value to such bridges. ██████████ noted that careful consideration would be needed to ensure such bridges did not encourage recreational pressure in sensitive areas. RSPB agreed with the need to consider the potential for change in recreational pressure as a result of these bridges and also this is something that the wider scheme needs to consider holistically as the improvement of NMU provisions through the junction has the potential to change access to the SPA and therefore recreational disturbance.</p>		
9.0	<p>HRA Discussion</p> <p>██████████ set out the current situation regarding the HRA work noting that the Screening document confirmed that a likely significant effect had been identified with regard to the Thames Basin Heaths SPA. The draft had been circulated for comment to NE, RSPB and SWT. NE and SWT confirmed that they had no comments (apart from an email comment from Natural England ahead of a meeting booked for 27 March regarding specifically to consideration of air quality). ██████████ confirmed that the RSPB have already provided their comments. Some aspects were discussed in the meeting and it was agreed that a response to all comments would be provided with an updated version of the screening report. ██████████ noted that the Screening should clearly set out which aspects of the scheme could have likely significant effects as only these should be addressed in the Appropriate Assessment. It was agreed that these would be limited to peripheral habitat loss in areas that are not currently heathland, habitat degradation (by changes in air quality and/or hydrology), and disturbance (visual, light, noise and changes in recreational usage patterns). RSPB highlighted the need for clarity regarding what is being proposed as avoidance, mitigation, compensation and enhancement measures.</p>	N/A	All
	<p>Contains sensitive information 160318_j10_minutes_final</p>		Plan Design Enable

ITEM	DESCRIPTION & ACTION	DEADLINE	RESPONSIBLE
	<p>Atkins stated that it is anticipated that the Appropriate Assessment will record that it is not possible to ascertain no adverse effects on the integrity of the SPA. In this situation, it will be necessary to demonstrate an absence of alternative solutions and imperative Reason of Overriding Public Interest why the project should, nevertheless, proceed. Compensatory measures to ensure that the overall coherence of Natura 2000 is protected will then need to be secured. It was noted that an 'in combination' assessment would not be needed as the project will be having an adverse impact on the integrity of the SPA 'alone'. Should the project go ahead under the derogation provisions, sufficient compensatory measures would be secured to address all associated adverse impacts so there would be no residual effects to act in combination with other plans or projects.</p> <p>Note: RSPB commented in these minutes stating that <i>The RSPB consider it essential that an in-combination assessment is undertaken. Its key role is to identify and assess interactions with other proposals (particularly applicable to issues arising from recreational disturbance and housing development in the vicinity). This is important as it is difficult to be sure that mitigation measures will not leave even the smallest residual effects – on their own they do not amount to an adverse effect, but have the potential when combined to cause an adverse effect. This "sense check" provides confidence that no effects have been overlooked by the assessment process.</i></p> <p>Noise impacts on the SPA were noted as likely to be significant during construction but not in operation.</p>		

10	<p>Other matters</p> <p>NE/SWT/RSPB/FC would like to be involved in the programming of clearance works, with woodland areas left till last if possible.</p> <p>Visitor numbers were expected to drop during construction. It was noted that the Wisley Airfield ES may have included a visitor survey that could contain useful baseline data. It was suggested that employing access consultants/behavioural psychologists might provide benefits in planning NMU provision.</p>	N/A	All
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[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



Our ref: -
Your ref: RIP/SE/M25J10/S42/S43/S44

26 March 2018

By email: info@highwaysengland.co.uk

Dear Sir/Madam,

**M25 JUNCTION 10/A3 WISLEY INTERCHANGE IMPROVEMENT SCHEME –
Statutory pre-application consultation: 12 February-26 March 2018. Planning Act 2008
Sections 42, 43,& 44: Duty to consult about a proposed development consent order
application.**

Thank you for your letter of 21st February 2018, inviting us to comment on the above consultation. Please find below the comments of the Surrey Wildlife Trust, which are confined to issues concerning the protection of the natural environment, including the conservation of Surrey’s biodiversity. We responded to your previous public consultation on this matter by email on 3rd February 2017. We have also been involved in several consultative meetings in the interim with your consultants, Atkins plc.

For this consultation we have referred to the following documents;

- Regional Investment Programme M25 Junction 10/A3 Wisley Interchange Preliminary Environmental Information Non-technical Summary, 08/02/18
- Regional Investment Programme M25 Junction 10/A3 Wisley Interchange Preliminary Environmental Information Report (PEIR) Volume 1- Main Text; & Volume 3 - Figures, 08/02/18.
- National Policy Statement for National Networks (December 2014).

Any further references are indicated as footnotes.

Comments on PEIR Non-technical summary:

In the introduction to the Non-technical Summary we note that “..the scheme design is currently being developed and environmental information is still being assembled and impacts are being identified. The information contained within the PEIR should be regarded as a preliminary account of the principal environmental issues. It details a number of uncertainties and assumptions, and may be subject to change as the EIA work progresses.” We also note (para. 1.3.3) from the purpose of the PEIR consultation, that “..Highways England will take account of all comments and suggestions received... and integrate them into the scheme design and EIA work as required and finalise the Environmental Statement (ES) which will form part of the application for the Development Consent Order.”

The Trust understands and accepts the justification for the Scheme (Non-tech. Summary section 1.4-6) and welcomes the choice of the preferred option (as Option 14).

[REDACTED]
[REDACTED]
[REDACTED]



We note in para. 1.8.1 that “..EIA is a process for identifying the likely environmental effects (positive and negative) of proposed developments, and their significance, before development consent is granted”; and in 1.8.2 that “..through this process, the development should include measures to prevent, reduce or offset any significant, adverse environmental effects of the proposals, and enhance the positive impacts. The findings of the assessment are presented in an ES. The PEIR is an early version of the ES..”.

We note the following salient conclusions from the PEIR’s Non-tech. Summary:

Under **Air Quality**, para. 2.1.3; “..However, the risk of a potentially significant adverse effect on sites designated for their ecological value in the local area has not yet been ruled out.”

Under **Noise & Vibration**, para. 3.1.3; “..There would generally be small increases and small decreases in noise across the local area when the Scheme is built but in the longer-term noise effects would be lower than if the Scheme were not built”, presumably because (para. 3.1.4) “..The widened sections of road would be surfaced in a ‘low noise surface’ which would help reduce noise levels and the environmental barriers on the M25 would be replaced” - to a superior specification (in respect of the barriers) that offer improved performance in terms of traffic noise attenuation. If so, this is welcomed by the Trust. We note there is no similar commitment here to noise barriers for the widened A3 however, and we hope that this will also be included.

Under **Biodiversity**, para. 4.1.2; “..it has been established that the Scheme has the potential to have a significant adverse effect on the Thames Basin Heaths SPA, the Ockham and Wisley Commons SSSI and three ancient woodlands. In addition, the Scheme is likely to have slight effects on populations of some notable and protected species”, and that (para. 4.1.3) “..At this stage, details of the mitigation and compensation measures that would combine to form the necessary mitigation have not yet been finalised.”. Thus the Trust has already and will continue to suggest measures to prevent, reduce or offset these adverse effects, and to make the very best of the positive opportunities arising from the scheme. These appear below as comments on the relevant section(s) of the PEIR Main Text. In consequence, we welcome para. 4.1.4; “..Consultation with stakeholders will continue, and will guide the final mitigation and compensation strategy for the Scheme.”

Under **Water environment**, para. 5.1.2; “..As part of the Scheme and if required new pollution prevention measures will be built to make sure that pollutants are prevented from reaching local rivers and groundwater. There will also be new balancing ponds that will hold back surges in water from the roads discharging too quickly into watercourses. New flood storage capacity will be created at Stratford Brook to compensate for the floodplain lost through construction of the new Wisley Lane access.” This is welcomed by the Trust.

Comments on detail of the PEIR Main Text:

Under the Scheme’s stated objectives (section 2.2 **Project objectives**), we welcome those included for the environment (para. 2.2.3), especially;

- Avoid, mitigate and compensate for adverse effects on the integrity of the Thames Basin Heaths Special Protection Area (SPA) and other statutory designated nature conservation sites and promote opportunities;
- Ensure through good design, that an appropriate balance is achieved between functionality and the Scheme’s contribution to the quality of the surrounding environment, addressing existing problems wherever



[REDACTED]

feasible, avoiding, mitigating or compensating for significant adverse impacts and promoting opportunities to deliver positive environmental outcomes.

Where you describe the Scheme (under section 2.3 **Project description**); as already made clear above we welcome the preferred option for Junction 10 (at para. 2.3.2). With respect to the chosen options to re-configure the existing Side Roads and Local Access (para. 2.3.5), the Trust has reservations concerning the intention to upgrade the BOAT connecting Old Lane to Elm Lane. We fear this will be mis-used and exacerbate site management and security problems at the Boldermere car-park. We would prefer this public right-of-way to be down-graded to the status of bridleway, but should this option be taken forward we recommend that vehicular access is made controllable by Elm Corner residents via a security coded gate or similar.

In particular we note and welcome that; “...A new two-way access road connecting Birchmere Scout Campsite, Hut Hill Cottage and Pond Farm to Old Lane at the Ockham Bites site via a rebuilt Cockrow overbridge would be provided. The bridge could be constructed as a ‘multi-use bridge’ to provide habitat connectivity between ecologically valuable land on either side of the A3.” And in Bridges (para. 2.3.6); “Reinstatement of Clearmount Bridge across the amended M25 as an accommodation/bridleway bridge.. could have a wider bridge deck to provide multi-functional features, including potentially providing some planted vegetation to allow habitat connectivity across the bridge.” We would of course urge that Clearmount Bridge is indeed reinstated with this retrofitted ‘green bridge’ element as suggested.

At para. 2.3.8, **Replacement Land**, we welcome the implied principle where you state; “..A greater area of replacement land is provided than is taken by the Scheme in recognition that it is not immediately of a similar quality [as] that taken.” However, in regards to one of the four areas of replacement land next listed, we have serious reservations (as stated repeatedly at previous consultative opportunities). This concerns Pond Farm where, contrary to para. 2.3.9, we have always indicated that this land is essentially unavailable for this purpose. Not only are the fields comprising this area entirely unsuited for replacing lost heathland, they are also used presently for the delivery of one of the key management operations directly involved in securing the favourable status of the wider Thames Basin Heaths SPA (via the Trust’s conservation grazing programme). Any change in the current status of this land, including its public accessibility, would significantly compromise this delivery and no compensatory solution has yet been proposed. Later in para. 2.3.9 you state that sufficient replacement land has been selected to “..accommodate the areas lost at the appropriate replacement ratios”, which has elsewhere been indicated as aiming to achieve a multiplier ratio of 3:1. It would be helpful to have further clarity around how this sufficiency has been calculated, as at para. 2.3.13 the Scheme’s permanent land take is estimated at 26 ha. Therefore there appears to be a significant shortfall in the desirable quantum of replacement land, of potentially over 50%, and even with the inclusion of Pond Farm (to which we would of course object). Although we would not condone any diminution of the SPA/SSSI and clearly support its replacement in principle, the Pond Farm fields are, for us, non-negotiable.

In para. 2.3.14 you discuss options for the restoration of land taken temporarily for the duration of the construction phase. The option of returning the land to a different condition “..which could lead to enhancements in the long term in agreement with the original landowner”, would seem to us an ideal

[REDACTED]

opportunity to address some of the shortfall in replacement land to support the optimum desirable Priority habitats for this situation (discussed at greater length below).

Concerning Public Rights of Way (para. 2.3.11), the Trust would urge caution over any changes to the existing situation as regards NMU access, whereby visitor access would be increased on particularly sensitive areas of Ockham and Wisley Commons. Here it will be important to anticipate the potential large new population using the commons that would arise from the proposed Former Wisley Airfield development, currently awaiting a critical planning decision (see; Interaction with other developments, para. 15.3.9).

Under section 2.4 **Site and surroundings**, where you delineate the DCO boundary (para. 2.4.1 Order limits), we would ask a simple question; must the DCO boundary encompass the entire scope of all works associated with the Scheme? If this is the case, can we anticipate some further necessary adjustment of the boundary in response to your ongoing consultation with key stakeholders in finalising the Scheme's mitigation and compensation strategy?

In Environmental overview (para. 2.4.3), we would remind you that the M25/A3 Junction 10 has only become “..set within a predominantly wooded area” (as described) within relatively recent history. This may seem a pedantic point but it is important to bear in mind when framing the ideal vision for achieving a genuine net biodiversity gain¹ from the Scheme, and is discussed further below.

In section 3.3 **Alternative development options**, we have made clear our support for your selected option (para. 3.3.5) already.

In para. 3.3.20 **Legal and Policy Tests**, the correct relative legislation is the *Conservation of Habitats and Species Regulations 2017*.

Under paras. 3.3.26-27 **Side road options**; as indicated above the Trust has reservations over the proposed connection of the properties on Elm Lane to Old Lane via upgrades to the existing BOAT. We are aware that other key stakeholders are concerned with the proposed number of slip roads at the Ockham roundabout, and have recommended more. We will be interested to see how their requests can be integrated with your scheme design.

Concerning section 4.5 **Design and mitigation process**; we note especially your adoption of the definitions for mitigation (para. 4.5.2) as “..measures intended to avoid, reduce and, where possible, remedy significant adverse environmental effects”, and for enhancement as “..measures over and above normal mitigation”. However, we also note (para. 4.5.3) that measures aimed at “..reducing or avoiding adverse environmental impacts.. will be developed further during the Scheme development as an iterative process. Mitigation measures will be informed by survey data being collected for the purposes of the Preliminary Design Stage and developed in consultation with statutory bodies.” This strongly indicates that the total mitigation necessary to support a successful DCO application is, for the objectives of this current consultation, far from being finally agreed. Thus we particularly note that “..The Scheme will include all mitigation considered necessary to reduce effects to an acceptable level and the [Environmental Impact] assessment will report on this basis. As well as mitigation, the Scheme will also include compensation

¹ See; The [Highways England Biodiversity Plan](#) Our plan to protect and increase biodiversity (June 2015)

for adverse effects where necessary and again the assessment will be based on the Scheme with this included.”

Chapter 7, **Biodiversity.**

In para. 7.4.7 (Habitats); it would be helpful to add the text in red as follows “..The most abundant habitat within the Scheme, immediately surrounding M25 Junction 10 is mixed **secondary** woodland **developed over former heathland**, with Scot’s pine (*Pinus sylvestris*), silver birch (*Betula pendula*) and pedunculate oak (*Quercus robur*) the most frequent species.” Under para. 7.4.11, this list of HPI is clearly derived from the Natural England Priority Habitats Inventory, which could be viewed as somewhat incomplete at least in this part of the country. For example, Boldermere lake is not included here as either a ‘Standing open water’ or a ‘Pond’. The bog on Wisley Common would elsewhere be identified as a ‘Lowland fen’, at least in part, but this omission is a further inconsistency of the Natural England data-set. This comment is also relevant to para. 7.6.3.

The list of Water Framework Directive surface waterbodies in para. 7.4.12 inconsistently omits Boldermere lake (although this is recognised elsewhere in the report).

Confusingly, only one of para. 7.4.16’s list of ‘notable plants’ (‘notable’ previously defined in 7.2.2 as Species of Principal Importance/SPI) is actually a SPI (ie. Pillwort *Pilularia globulifera*, which incidentally is one of several species for which the Ockham & Wisley Commons SSSI is notified that is now locally extinct here).

Clearly it is impossible to comment further on the impact and mitigation strategy for badgers within the Scheme, as we note in para. 7.4.46 that “..Badgers (*Meles meles*) have been confirmed as present by the desk study and field surveys. There is potential for a main sett to be directly affected by the Scheme. However, a detailed assessment of the extent of this main sett and the potential for presence of associated outlier setts has not been undertaken at this stage”.

Section 7.5 **Potential mitigation and compensation measures** (and as indicated in Figure 9.8 of Volume 3); here we welcome the approach and many of the proposed measures, but also have the following reservations and/or suggestions for additional enhancement opportunities (para. 7.5.1).

Regarding the two proposed multi-functional bridges, these are greatly welcomed as indicated already, and the caution around their affordability is duly noted. However, is there any degree of priority implied here for one bridge over the other, should available funding prove competitive? And by extension, has any prioritisation been established across the full range of measures when funding inevitably becomes a limiting issue? Some early indication of the available budget may be helpful here, to guide general stakeholder input and expectations, and in particular the Trust’s recommendations in this regard. We look forward to working with your ecological consultants, Atkins plc on the further specification(s) for the multi-functional/‘green’ bridges.

Presumably the “..Restoration of heathland and sandy habitats within temporarily cleared areas of woodland within the SPA/SSSI...” would take place within the defined DCO boundary only. However, the “..Felling of some wooded areas within the north-west quadrant, in order to encourage heathland regeneration and increase the existing areas of heathland”, and “..Management of existing areas of Scots pine plantation within the north-east quadrant, in order to encourage a more diverse woodland structure”

would be undertaken, at least in part, beyond the DCO boundary. Figure 9.8 is potentially quite confusing in this regard. Most certainly the “..Provision of improved signage and preferred routes within Ockham Common and Wisley Common, to reduce pressure across the rest of this area of SPA”, would apply beyond the DCO boundary. You will agree our comment above on section 2.4 **Site and surroundings**, becomes particularly pertinent here.

Figure 9.8 is difficult to interpret and potentially contains some inconsistencies with the PEIR Main Text. As already noted above, the DCO boundary is inconsistent across its sector-sheets 3 & 8. Woodland planting appears to be intended for almost all of the embankments around the new Junction 10, and for some distance from it along the verges of both the A3 and M25. This would amount to a wasted opportunity to create the most deserving Priority habitats in this particular vicinity, which are Lowland heathland and/or dry acid grassland.

In justification of this comment, the primary biodiversity conservation directive at Ockham and Wisley Commons remains that of addressing woodland succession to maintain the open heathland and associated wetland communities. The formal citation notifying its owners and occupiers of the 'features of interest' for which this SSSI is considered special² articulates this very clearly, and also provides context for the historical heathland losses here and elsewhere across the country. Consequently, the management imperative here is for restoring and creating Lowland heathland (as well as acid grassland and associated wetland habitats), to reclaim this lost resource at every opportunity. The recent Surrey Nature Partnership publication *The State of Surrey's Nature*³ provides further evidence for the urgency in Surrey to expand and maintain open semi-natural grassland and heathland habitats over other, especially secondary woodland habitats, as indicated by their comparative importance for supporting our most nationally threatened and declining species. The list of such species for Surrey's heathland sites is particularly long, including many vascular and lower plants, as well as invertebrates across a range of orders.

In turn the construction of the original intersection of the A3 and M25 exacted further local losses on the heathland resource at Ockham and Wisley Commons, and furthermore fragmented them into four largely isolated quadrants. In the last two decades the Trust has, in agreement with both Natural England and owners Surrey County Council, implemented a management plan that has significantly increased the size of the open heathland units. Although this initial work is complete there remains considerably more that could be achieved in this regard. Recovering and securing the status of the most threatened species on site will be significantly benefitted by increasing the available extent of their preferred habitat(s).

The Surrey Nature Partnership has set objectives and targets for Priority habitat restoration and creation over a wider Biodiversity Opportunity Area (BOA)⁴ that includes Ockham and Wisley Commons (and most of the Junction 10 Improvement Scheme), that are designed to directly contribute to the high-level Outcomes of the current national Biodiversity Strategy, *Biodiversity 2020: A strategy for England's wildlife and ecosystem services*. For the reasons summarised above these targets

² See; <https://designatedsites.naturalengland.org.uk/PDFsForWeb/Citation/1001052.pdf>

³ See; *The State of Surrey's Nature* (Surrey Biodiversity Partnership 2017)

⁴ BOA ref. TBH06 Wisley, Ockham & Walton Heaths; see *Biodiversity Opportunity Areas: the basis for realising Surrey's ecological network* (Surrey Nature Partnership, 2015)



prioritise Lowland heathland, Lowland dry acid grassland and Wet woodland for this BOA (ie. conveying no particular priority on Lowland mixed deciduous woodland).

Concerning para. 7.5.4 and the proposed compensation land at Park Barn Farm. If the Trust is intended as the preferred occupier/manager of this land, then we would request it be fully fenced and have a piped water supply installed to facilitate a full range of possible management methods.

Concerning para. 7.5.5, as previously indicated above the Trust maintains strong reservations over the inclusion of Pond Farm as part of the replacement land and is likely to eventually object to this, if no suitable compensation solution can be agreed.

Concerning paras. 7.5.7-8, we would advise against planting additional woodland over existing open grassed areas; there are likely to be more useful options ecologically, including (in the case of the land adjacent to Hatchford Wood) adjusting the hydrology and creating wet grassland/fen-like habitat.

Concerning para. 7.6.20; the Habitats Regulations Assessment is in process and has not been provided, and is therefore not considered further here.

Concerning the summary of potential impacts of the Scheme on biodiversity at para. 7.6.24 (also presented as 'Significant nature conservation effects' within Table 7.8). The most obvious generic mitigative response to this collective impact would be to increase the available area of the primary Priority habitat of concern driving the iterative statutory designation of this site, which is Lowland heathland, whether by restoration or creation. This has already been proposed indirectly by identifying replacement land for appropriate management, to meet an assessed required minimum area. The Trust has already questioned the adequacy of this area (see comment above in relation to paras. 2.3.9 and 2.3.13), but would also suggest that if part of this land is to be managed as habitat other than Lowland heathland, there is even more reason to find additional compensatory land. Using the definitions cited above in para. 4.5.2, this could either constitute mitigation or enhancement, but is nonetheless necessary in order to fully “..promote the opportunities to deliver positive environmental outcomes” uniquely offered by the Scheme. This then, supports the basis for the Trust’s request of Highways England to include a mechanism within the mitigation and compensation strategy to facilitate restoration and long-term maintenance of the remaining available Lowland heathland on Ockham and Wisley Commons. There are presently some 60-70 ha of coniferous woodland across the site.

We do have a further set of suggestions for realising the full range of enhancement opportunities at the site through the Scheme, and these include;

- All other public access bridges to observe a design that does not preclude their use by wildlife.
- All widened existing road verges should be clear-felled to a tree’s length from the road edge in order to facilitate mowing of the road verge; reduce the risk of trees falling onto roads causing travel disruption; reduce management costs; and to secure further useful open habitat.
- In addition to mitigation measures designed to prevent potential pollution of the water environment (section 8.6 **Potential mitigation measures**), additional measures might attempt to



[Redacted]

assist eradication of aquatic invasive species issues on Ockham and Wisley Commons, for example *Crassula helmsii* in Wisley Common bog and at Boldermere Lake.

- Mitigation for impacts of widening the A3 at Boldermere lake, including the replacement of the stream culvert there, could incorporate an enhanced ability to manipulate its hydrology.
- The historic icehouse in Hatchford Park has been used by bats as a hibernaculum. This use could be secured and further enhanced.
- The Scheme should attempt to significantly reduce light pollution onto the Commons from present levels.
- The facilities at Boldermere car-park could be improved. Enhanced visitor interpretation could be provided in a readily accessible format (to include content on biodiversity net gain achievements from the scheme). Highways England would enable this by securing the necessary planning permissions as part of the Scheme. The car-park will require resurfacing and must be securable at night (both entrance and exit routes) to curb vandalism of the facilities and to prevent illegal access/theft from Pond Farm and Birchmere.
- The Trust and Surrey County Council have been unable to restore the mausoleum at Hatchford Wood due to the extended delay in exchange land transfer. Highways England could secure funding for the restoration.

Finally, we note that in para. 7.7.4 “..*Consultation with stakeholders will continue, and will guide the final mitigation and compensation strategy for the Scheme.*” In consideration of all the relevant comments made above however, we must then challenge the following premise “..*that the mitigation and compensation proposals that have been provided in this report have taken into account the requirements of the NPSNN (as set out in section 7.12), [note the Main Text report in fact has no section 7.12] by providing green corridors, minimising habitat fragmentation, enhancing existing habitats and creating new, linked habitats and the provision of vegetated multi-functional bridges to expand the range of existing notable and legally protected species populations in the local area.*”

We hope these comments assist you in this consultation.

Yours sincerely,

[Redacted Signature]

Living Landscapes Manager (Strategic)

[Redacted]

Project:	M25 J10/A3 Wisley Interchange		
Subject:	SPA Compensation and Enhancement		
Date and time:	28 Jun 2018 – 10:30	Meeting no:	
Meeting place:	Atkins office – Epsom Gateway	Minutes by:	██████████
Present:	██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████ ██████████	Representing:	HE HE RSPB RSPB RSPB SWT SWT SWT SCC Atkins Atkins DTA Atkins Atkins

ITEM	DESCRIPTION & ACTION	DEADLINE	RESPONSIBLE
1.0	<p>Scheme development</p> <p>██████████ presented the current version of the scheme drawing explaining the revisions to it since the Design Fix 2 (DF2)/Consultation proposals. Changes to the scheme include extra NMU links at Ockham Junction, which would accommodate potential extra homes at Wisley.</p> <p>██████████ noted the likely impact on the old Hut Hotel site and noted there could be below ground remains still in place. There is also a badger sett here which would be affected. ██████████ noted that if the NMU route between Wisley Lane and Cockcrow was not fenced the SWT cows could wander across it. The NMU route/gas main construction might also affect the hydrology of the area (Bolder Mere outfalls to here)</p> <p>It was confirmed that at present Cockcrow bridge is provisionally being factored into the scheme design as a 'green bridge' but that Clearmount bridge is not. However, in practice both bridges are subject to a feasibility study (funded by HE Designated Funds) and this will inform Highways England's decision whether either or both green bridges are included in the final scheme. Clearmount bridge could be included as a green bridge at a later date as part of this scheme, within the DCO boundary. SWT stated that it was a red line for them that existing fragmentation was dealt with by a green bridge at Cockcrow.</p> <p>██████████ explained about the HE Designated Funds programme and asked the attendees for suggestions for projects that could be funded</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>By DF3</p> <p>N/A</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>All, particularly SWT, RSPB and SCC</p> <p>N/A</p>

ITEM	DESCRIPTION & ACTION	DEADLINE	RESPONSIBLE
	<p>by the DF funds.</p> <p>█ agreed the NMU route in the NE quadrant was suitable but wanted a buffer of trees to be retained between it and the A3/M25. The ownership and management of this to be confirmed – it should be accessible for ongoing management.</p> <p>It was noted that the NMU route would be largely retained and maintained by HE as much of it will also be used for maintenance access with █ noting that SCC were precluded from taking on maintenance responsibilities for assets that would involve any new costs.</p>	N/A	N/A
2.0	<p>Replacement/Compensation Land</p> <p>█ explained the situation regarding land parcels proposed as replacement land for the common land and public open space taken by the scheme. The general areas were largely as previously presented at consultation, but subject to some amendments after feedback from most of the landowners and SWT: principally the omission of the 5ha parcel at Pond Farm; some localised changes at Park Barn Farm and possible omission of the open field parcel at Chatley Farm but inclusion of two wooded parcels alongside Pointers Road.</p> <p>█ noted that the SPA compensation land would not now include the previously proposed replacement land at Pond Farm due to objections from SWT and others. █ tabled a mark-up drawing showing possible alternative SPA compensation land parcels on Old Lane, Elm Lane and near Buxton Wood bridge based on DF2 land take calculations – see appended map extract</p> <p>█ explained the rationale for choosing these parcels – providing suitable food sources for the SPA qualifying species (particularly nightjar, which are known to regularly use grazed fields as foraging habitat) whilst not being within the 400m buffer zone of the Wisley Airfield development or affecting the Elmbridge buffer zone north of the M25. It was noted that the compensation parcels would provide habitat of similar, or possibly greater SPA value, than those to be permanently lost to the Scheme.</p> <p>It was agreed by all present that these parcels were suitable as SPA compensation land. These parcels already have public access. Acceptable in this case as the best parts of the SPA are not being lost.</p> <p>The broad principle Highways England are pursuing for compensation land for the SPA is a 1:1 ratio for the areas of permanent loss, supplemented by enhancement of land within the SPA (see below). No objections were</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>All</p>

ITEM	DESCRIPTION & ACTION	DEADLINE	RESPONSIBLE
	<p>raised to this broad approach, recognising that this would not be taken to set a precedent for a similar ratio on any other project as individual site and scheme details must be taken into account on a case by case basis. However, the final package would need to be carefully scrutinised by all parties for its acceptability in avoiding setting a precedent. It was noted that Park Barn Farm would be managed to provide areas of heathland or acid grassland habitat which may in due course support SPA qualifying species, but is not part of the SPA compensation package and will not be designated as SPA as part of this Scheme.</p>	N/A	N/A
3.0	<p>SPA enhancement</p> <p>█ explained that as well as replacement land for loss of SPA the compensatory measures package would also include areas where the existing SPA would be enhanced. Research undertaken by Atkins and the stakeholders has identified that the appropriate enhancement ratio can vary greatly between schemes. Based on the present nature of the habitat being lost within the SPA (i.e. woodland habitat that does not directly support any qualifying species, but may contribute to the invertebrate food resource within the SPA). It has been proposed that a 3:1 enhancement ratio would be appropriate.</p> <p>█ explained that this ratio was envisaged in relation to the areas of permanent loss, with a lower ratio for areas of temporary loss. █ recommended that this ratio is applied to enhancement for both permanent and temporary loss. All parties were in agreement that this ratio is appropriate for the Scheme. On the M25 scheme this would give an area of c18ha of enhancement land for c 6ha of temporary loss and c18ha for 6ha of permanent loss in the calculation which would mean c36ha of enhancement</p> <p>As an ideal compensation package scheme overall SWT would like to see 60 ha of which 20ha would be outside the SPA. (N.B. the 20ha outside the SPA would not be included within the formal SPA compensatory measures required under regulation 68 but would be delivered as part of a wider package). █ has had discussions with Forestry Commission who would be comfortable with this amount of loss of trees although they hoped to see the scheme including woodland tree planting (potentially including conifers with broadleaved edge) elsewhere in the scheme. However, there is uncertainty whether a 1:1 ratio would be</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>

ITEM	DESCRIPTION & ACTION	DEADLINE	RESPONSIBLE
	<p>expected, as such requirements have not been made in other areas where conifers on heathland have been cleared. and this is not in FC's open habitat policy</p> <p>It was noted that ancient woodland loss has been reduced with the revised scheme, but compensation planting would still be included in the replacement land parcels.</p> <p>█ noted that the compensatory measures under the Habitats Regulations will need to be clearly identified and secured separately to any additional enhancement measures delivered for other reasons (e.g. dealing with legacy impacts from road etc). Enhancement as a compensatory measure under the Habitats Regulations must be delivered within the SPA boundary (any enhancement on land beyond the SPA boundary which is <i>perceived</i> to form part of a compensatory measures package under regulation 68 would trigger calls for such land to be added to the network and be classified as SPA). █ noted the cost of the enhancement (felling and removal of brush and scraping of material) was relatively modest but that there would need to be an ongoing maintenance regime to keep these areas in a suitable condition. The works and costs for them would need to be included in a legal agreement to ensure that they would be delivered. █ suggested that thinning around the margins of Bolder Mere would be beneficial by increasing foraging habitat and could be included as part of the SPA enhancements</p> <p>█ suggested that the areas of SPA lost temporarily and permanently and the compensation and enhancement areas are set out clearly, so it is easy for stakeholders to confirm their agreement to them and avoid the need for appearance at DCO examination. This should include description of the condition of the land lost and that provided as compensation and enhancement.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>	<p>N/A</p> <p>Atkins</p> <p>Atkins</p>
4.0	<p>HRA update</p> <p>█ gave a brief overview on progress in preparing the HRA referring to recent case law (People Over Wind) indicating that mitigation should not be included in the screening stage and noting that the J10 HRA screening would be updated to comply with the recent case.</p> <p>█ explained that the current findings of the Appropriate Assessment indicate that the sole adverse effect on the conservation objectives of the SPA and the overall integrity of the SPA would arise from loss of habitat within the SPA rather than other effect</p>	<p>N/A</p> <p>N/A</p>	<p>█</p> <p>N/A</p>

ITEM	DESCRIPTION & ACTION	DEADLINE	RESPONSIBLE
	<p>mechanisms on the SPA identified at screening which have been ascertained to not have adverse effects on site integrity. Air quality, noise, ground/surface water and recreational disturbance will not have an adverse effect on the conservation objectives of the SPA, nor the overall integrity of the SPA, based on current findings.</p> <p>█ explained that the scheme is unlikely to lead to an increase in visitor numbers, but would change how visitors use and move around the SPA. However, the new NMU routes, PRow links open areas and bridges, this will draw users away from the SPA and thus reduce disturbance. █ requested this is set out in the HRA and emphasised the need for clear justifications in the Appropriate Assessment, as to why potential impacts, such as recreational disturbance, will not have an adverse effect on the conservation objectives of the SPA.</p> <p>█ suggested that if Atkins are able to share the Imperative Reasons of Overriding Public Interest (IROPI) and alternatives text in the HRA with him he would comment before it is submitted formally thus reducing risks of concerns being raised at a later stage</p> <p>█ requested that the scheme reduce light spill where possible. █ noted that, subject to approval by HE, lighting may be removed from parts of the A3. It was noted that there would be no lighting on the NMU route – all agreed this was appropriate given the ecological value of the area.</p> <p>█ also requested that some signage would be provided as part of the Scheme, to ensure users had the appropriate information to encourage their use of preferred routes through the SPA, and utilisation of additional provision areas outside the SPA. █ confirmed that this should be possible.</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>	<p>Atkins</p> <p>Atkins/█</p> <p>N/A</p> <p>Atkins</p>
5.0	<p>Bolder Mere</p> <p>█ explained that recent surveys have indicated that the A3 widening would require works within the margins of Bolder Mere. This would be discussed further and proposals for compensation/mitigation would be developed. It was agreed that, if any Water Framework Directive compensation works were needed to provide open water habitat, these could be seen as part of and complementary to the habitat enhancement works around the margins of the Mere raised in Item 3 above.</p>	<p>N/A</p> <p>N/A</p>	<p>Atkins</p> <p>N/A</p>
6.0	GI		

ITEM	DESCRIPTION & ACTION	DEADLINE	RESPONSIBLE
	<p>■■■ explained that GI sites outside the highway boundary would be in woodland rather than heathland. The GI team will agree exact locations with SWT and SCC. A method statement will then be issued to Natural England (along with a plan of the GI locations) to secure permission for the GI works to proceed within the SPA/SSSI. ■■■ highlighted the need for fencing of GI working areas to avoid accidents.</p>	N/A	Atkins
7.0	<p>DCO programme</p> <p>■■■ set out the likely programme to DCO submission in outline with targeted consultation in September, PINS review in November and DCO submission in early 2019. ■■■ explained the likely programme for the DCO following submission/acceptance.</p>	N/A	N/A