

# M25 junction 10/A3 Wisley interchange TR010030

## 4.1 Statement of Reasons Appendix C: Common land and open space report

*Regulation 5(2)(h)*

*Planning Act 2008*

*Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009*



## Infrastructure Planning

### Planning Act 2008

#### The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended)

## M25 junction 10 / A3 Wisley interchange

### The M25 junction 10 / A3 Wisley interchange Development Consent Order 202[X]

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#### STATEMENT OF REASONS Appendix C: Common land and open space report

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|-----------------------------------------------|------------------------------------------------------------------------|
| <b>Regulation Number:</b>                     | Regulation 5(2)(h)                                                     |
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## Abbreviations and Acronyms

|      |                                                                           |
|------|---------------------------------------------------------------------------|
| AOD  | Above Ordnance Datum (a consistent version of above sea level, in effect) |
| BOAT | Byway Open to All Traffic                                                 |
| CL   | Common Land (as in Common Land unit, e.g. CL350)                          |
| CRoW | Countryside and Rights of Way Act 2000                                    |
| CPO  | Compulsory Purchase Order                                                 |
| DCLG | Department of Communities and Local Government                            |
| DCO  | Development Consent Order                                                 |
| DDA  | Disability Discrimination Act                                             |
| EBC  | Elmbridge Borough Council                                                 |
| EC   | European Commission                                                       |
| GBC  | Guildford Borough Council                                                 |
| ha   | hectare (10,000m <sup>2</sup> or approximately 2.47 acres)                |
| HE   | Highways England                                                          |
| km   | kilometre (1,000m)                                                        |
| LNR  | Local Nature Reserve                                                      |
| m    | metre                                                                     |
| NMU  | Non-Motorised User – pedestrian, cyclist, equestrian                      |
| NSIP | Nationally Significant Infrastructure Project                             |
| OS   | Ordnance Survey                                                           |
| PCF  | Project Control Framework (HE's project management system)                |
| PRA  | Preferred Route Announcement                                              |
| PRoW | Public Right of Way (public byway, bridleway or footpath)                 |
| RHS  | Royal Horticultural Society                                               |
| RIP  | Regional Investment Programme                                             |
| RIS  | Road Investment Strategy                                                  |
| SANG | Suitable Alternative Natural Greenspace                                   |
| SAR  | Scheme Assessment Report                                                  |
| SCC  | Surrey County Council                                                     |
| SNCI | Site of Nature Conservation Importance (district level)                   |
| SPA  | Special Protection Area under the EC Birds Directive (European level)     |
| SPP  | Special Parliamentary Procedure                                           |
| SRN  | Strategic Road Network                                                    |
| SSSI | Site of Special Scientific Interest (national level)                      |
| SWT  | Surrey Wildlife Trust                                                     |

## Glossary

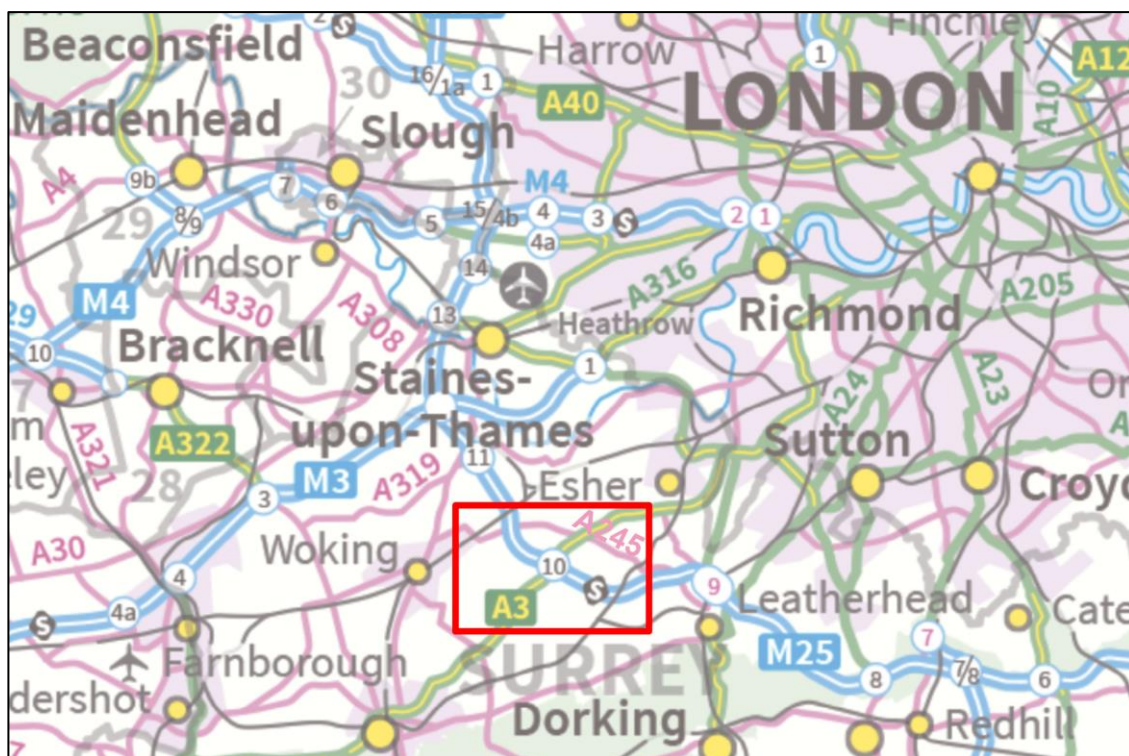
|                           |                                                                                                                                                                                                                                                                                                       |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Access Land               | Land in England to which open access is provided under the powers of the CROW Act; this includes common land, mountain, moor, down, heath and other forms of open space, although not all open space is defined as access land. Note that the depiction of 'access land' on OS maps can be different. |
| Book of reference         | Detailed listing of all land parcels and rights required for the Scheme, explaining why they are required and showing all existing and proposed interests in the land.                                                                                                                                |
| Common Land               | An area of unenclosed, open land registered under the Commons Registration Act 1965 or Commons Act 2006 (note: not all open areas called commons are registered commons and not all registered commons are called commons).                                                                           |
| Development Consent Order | An order that authorises NSIPs under the Planning Act 2008                                                                                                                                                                                                                                            |
| Exchange Land             | Land provided in exchange for Special Category Land included within a CPO, under the powers of and in accordance with the Acquisition of Land Act 1981.                                                                                                                                               |
| Highways England          | The overseeing organisation for the M25 junction 10 / A3 Wisley interchange Scheme; a Government company charged with modernising, maintaining and running the SRN in England.                                                                                                                        |
| Order Land                | The extent of land that is the subject of compulsory acquisition or use powers in the DCO or other Order.                                                                                                                                                                                             |
| Preferred Route           | The design that the Secretary of State for Transport published as the basis for the subsequent public consultation process prior to the preparation and submission of the DCO application.                                                                                                            |
| Open Space                | This is defined in sections 131 and 132 Planning Act 2008, by reference to section 19 of the Acquisition of Land Act 1981, as " <i>any land laid out as a public garden or used for the purposes of public recreation</i> ".                                                                          |
| Replacement Land          | Land provided in exchange for Special Category Land that is subject to compulsory acquisition or compulsory acquisition of rights, under the powers of the DCO, and which is provided in accordance with sections 131 and 132 of the Planning Act 2008.                                               |
| Special Category Land     | Land falling within a range of uses, as defined under the Planning Act 2008. The most frequently encountered such land uses are common land and open space.                                                                                                                                           |

# 1. Introduction and Context

## 1.1 Background

- 1.1.1 In December 2014, the Department for Transport (DfT) published its Road Investment Strategy (RIS) for 2015-2020. The RIS lists the schemes to be delivered by Highways England (HE) in the Regional Investment Programme (RIP) over this period, which includes improvement to the M25 junction 10 / A3 Wisley interchange, referred to in this report as M25 J10.
- 1.1.2 The M25 junction 10 lies on the southwest part of the M25 London Orbital Motorway, where it is crossed by the A3, a key radial route out of London to Guildford and Portsmouth. The high flows of traffic turning at the junction and the compact nature of the existing junction design give rise to congestion and delay, which in turn has led to a poor safety record. On the A3, Painshill junction to the north and Ockham Park junction to the south also give rise to traffic congestion and there are several other direct accesses to the A3 carriageways; all these factors exacerbate the problems at Wisley interchange.
- 1.1.3 A holistic package of interventions, targeting all three A3 junctions and the intermediate direct connections, is proposed to improve highway performance and safety, whilst enhancing local connectivity and protecting the sensitive setting. This is referred to as 'the Scheme' in this report.
- 1.1.4 Figure 1.1 provides the location of the Scheme

**Figure 1.1: Scheme location**



- 1.1.5 Any scheme to improve this junction would entail acquisition of title to or rights over common land and open space. Therefore, there is a requirement to provide Replacement Land in exchange for such land and rights acquired compulsorily, as part of the Development Consent Order (DCO) process under the Planning

Act 2008, if the DCO is not to be subject to Special Parliamentary Procedure (SPP).

## 1.2 Purpose and Structure of the Report

1.2.1 The purpose of this report is to:

- Outline the reasons why Replacement Land will be required for this Scheme.
- Bring together baseline information on the status of the land areas expected to be affected by the Scheme.
- Identify which of these land areas would give rise to the need to provide Replacement Land as a necessary part of the DCO process.
- Identify the locations proposed to provide such Replacement Land and provide suitable access to it.
- Appraise the suitability of such Replacement Land for the Scheme, including any additional works that may be needed.
- Establish that the relevant statutory tests for the certification by the Secretary of State pursuant to section 131 and section 132 of the Planning Act 2008 in relation to the acquisition of Special Category Land and rights over Special Category Land have been met.

1.2.2 This version of the report has been developed from the version provided in the Scheme Assessment Report (SAR) Replacement Land Addendum at Project Control Framework Stage 2 (PCF2) to inform the environmental assessment and design development processes.

1.2.3 This report is structured as follows:

- The rest of Section 1 provides environmental and historic context.
- Section 2 sets out the legal basis from which the requirement for Replacement Land arises, along with associated guidance.
- Section 3 briefly describes the highways context for the Scheme, followed by an outline of the proposed improvements, particularly those for the local roads, private means of access (PMA) and public rights of way (PRoW).
- Section 4 considers the areas of land around the interchange that would, if acquired, give rise to a need for Replacement Land, together with their connectivity.
- Section 5 considers the proposed locations where such Replacement Land would be provided, along with connectivity provided by the local roads and PRoW and their amendments within the Scheme.
- Section 6 provides a summary of the appraisal of these locations and the Replacement Land proposal and a conclusion on the statutory tests.

## 1.3 Environmental and Historic Overview

1.3.1 The Scheme is set in Greenbelt land within an area of woodland and heathland to the south of Cobham and Byfleet, which supports habitats of national and international importance and is an attractive and well-used location, despite the presence of the A3 and M25. The heathland has developed on the dry sandy

soils of the Bagshot Formation, which forms an area of locally high ground that is the watershed between the valleys of the River Wey and the River Mole in this area, where they come within 1.6km of each other. The River Wey, to the northwest, flows in a generally northerly direction through a wide floodplain. The River Mole, to the east, flows in a generally north-easterly direction through a narrower floodplain. The floodplains are below 20m AOD and the heaths and woods in between rise to around 45-55m AOD.

- 1.3.2 Wisley and Ockham Commons and Chatley Heath extend around M25 junction 10 and are well-used by the public, as they are common land within a larger area of open space. They are a remnant of the once extensive sequence of commons that ran northwards along this sandy higher ground between the two river valleys, much of which has since been developed as farmland, golf courses and housing.
- 1.3.3 The main areas of habitation near the Scheme are Byfleet and West Byfleet to the northwest, St George's Hill to the north, Cobham to the east and Ripley to the southwest, with the villages of Wisley to the west, Ockham to the south and Hatchford to the southeast.
- 1.3.4 The A3 has its origins in the historic Portsmouth Road running across the commons between Cobham and Ripley, which has since been improved in stages at different times. The extract from the John Rocque map published 1768 in Figure 1.2 below shows the Portsmouth Road running through Cobham and alongside 'Pains Hill Park' before passing over Red Hill and across Wisley Common ('Wistley Common') and Ockham Common ('Ockham Heath'). The large 'Wistley Pond' indicated in the north part of Wisley Common is roughly coincident with the present-day location of Pond Farm. A smaller version of Bolder Mere can be seen above the word 'Ockham'. The River Wey can be seen to the left passing Wisley ('Witley') and the River Mole can be seen to the right passing through Cobham.



**Figure 1.2: Extract from John Rocque map of Surrey, Sheet V, 1768**

- 1.3.5 The extract from the 1<sup>st</sup> Series OS map published May 1816 in Figure 1.3 below shows the Portsmouth Road running from top right to bottom left, passing

through Cobham and then between Cobham Common and Painshill Park before crossing Wisley and Ockham Commons (in the centre of the extract) to Ripley and Ockham Park. Redhill Road can be seen crossing Portsmouth Road and continuing over Red Hill. Pointers Road is nearby to the southwest and crossed Portsmouth Road to continue westwards across the commons to Wisley. Old Lane runs south from Portsmouth Road, east of Bolder Mere, heading towards Martyr's Green, with Hatch Lane leading off southwards. Wisley Lane runs southeast from Wisley village and across Portsmouth Road to continue south as Hyde Lane past Hyde Farm.

- 1.3.6 The wooded Bodystone Hill shown on the 1816 map at the southwestern corner of Wisley Common is now known as Battleston Hill and is within the Royal Horticulture Society (RHS) Garden Wisley. The teardrop shaped space in the northern part of Wisley Common is the enclosed land at Pond Farm. Bolder Mere occupies a slightly larger area than it does today.

**Figure 1.3: Extract from 1<sup>st</sup> Series OS map of May 1816**



- 1.3.7 Improvements to the A3 in the 1960s reduced the extent of Bolder Mere slightly, opposite what was the Hut Hotel. A major upgrade of the A3 in the early 1970s resulted in the present dual carriageway and grade-separated junctions with the main crossing routes at Ockham Park near Ripley and Painshill near Cobham, and demolition of the hotel. The road remained on broadly the same alignment across the commons between the junctions, apart from the southbound carriageway at Red Hill that cut into the corner of Painshill Park, close to the landmark of the Gothic Tower. The main carriageways were generally at or close to existing ground level, with substantial earthworks only at the junctions and for the short cutting into Red Hill.
- 1.3.8 The M25 in this area was completed in 1983. It crosses the River Wey floodplain on low embankment and then passes into cutting past Clearmount and under the

A3 at a three-level interchange, junction 10, which is set within the commons at Wisley, just south of Pointers Road. The motorway continues into a substantial cutting through Breach Hill Wood on the east side of Telegraph Hill. A new A3 northbound carriageway from junction 10 was constructed alongside the southbound carriageway. The A3 access to Pointers Road was closed in 1983 and the access to Redhill Road closed subsequently due to safety concerns. There are still several minor direct accesses remaining between the interchanges along the A3, but central reserve crossing gaps are all closed.

- 1.3.9 The 1816 map in Figure 1.3 shows the three heathland areas around M25 junction 10 - Wisley Common, Ockham Common and Chatley Heath - as being largely open. Sequential mapping in the Surrey Wildlife Trust Management Plan for the commons shows that they were still largely open heathland in 1948, becoming increasingly wooded due to conifer plantations by 1971, with open heathland remaining only in the western part of Wisley Common and the southern part of Ockham Common by 1999. In recent years, a programme of timber harvesting and clearance has seen open heathland being restored across large areas within the commons and open space, with substantial wooded belts remaining around the margins and alongside the roads.
- 1.3.10 Much of the area around M25 junction 10 is covered by international and/or national ecological designations - Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI) - as well as designation as a Local Nature Reserve (LNR) and some parts as Sites of Nature Conservation Interest (SNCI). The SSSI is one of several heathland SSSIs in Surrey and Hampshire of which substantial areas comprise the Thames Basin Heaths SPA, which used the M25 here to define its northern boundary. SPAs are strictly protected sites classified in accordance with Article 4 of the EC Birds Directive. There are several ancient woodlands around and near the Scheme, veteran trees in various places, particularly along old boundaries, and several areas covered by tree preservation orders.
- 1.3.11 There are no Source Protection Zones or groundwater water abstractions near the Scheme. Flooding is not an issue beyond the floodplains of the nearby River Mole and River Wey, although the lower-lying central and western parts of Wisley Common have wetter ground conditions than the higher land around Cockcrow Hill and Red Hill and on Ockham Common and Chatley Heath. There are also locally wet areas caused by impeded drainage under some existing roads. There are several disused landfill sites in the study area that used to accept inert waste, some of which was from the A3 and M25 improvement schemes. The sand and gravel geology makes the area sensitive to pollution incidents.
- 1.3.12 Extensive estates have been developed on the commons or adjacent land in the area near the Scheme, with the closest being Byfleet Manor beyond the River Wey to the northwest, Foxwarren Park close by to the northwest, Painshill Park to the northeast, Hatchford Park to the southeast and Ockham Park to the southwest. Painshill Park is listed as Grade I on the Register of Parks and Gardens of Historic Interest and is a popular visitor attraction; the registered historic extent of the park abuts the A3 along its northern side, as does the current extent in two areas.
- 1.3.13 In more recent times, the RHS Garden Wisley has been developed and expanded from its origins in the small estates of Oakwood and Aberconway

House to the west of Wisley Common. The garden is now the principal attraction for the RHS and attracts more than a million visitors annually. It is listed as Grade II\* on the Register of Parks and Gardens of Historic Interest and abuts the A3 along its southern side.

- 1.3.14 There are four scheduled monuments around the Scheme: a circular hengiform barrow monument on Red Hill, probably Late Neolithic era; two Bronze Age burial mounds on Wisley Common; and the site of a Roman building beside the River Mole. There are over 40 listed buildings in the study area, including several within Painshill Park, RHS Garden Wisley, Ockham Park and Hatchford Park. The closest to the Scheme are the grade II\* Gothic Tower on Red Hill in the western corner of Painshill Park; the grade II lodge to Foxwarren Park at the south end of Redhill Road and the two grade II gatehouses flanking the original entrance to Painshill Park on Byfleet Road, which is now part of the Painshill junction roundabout.
- 1.3.15 There are five Noise Important Areas identified within or near the Scheme extents. No Air Quality Management Areas have been declared by the local authorities for the area near the Scheme, although there is one in central Cobham, and there is a limited number of human health receptors (residential properties) near the Scheme.
- 1.3.16 If title to or rights over the common land or open space are to be compulsorily acquired under the DCO for the Scheme, such land is classed as Special Category Land. The acquisition would or could disadvantage the owners and/or those with rights in the land (including the public) and, therefore, there is a need to provide appropriate Replacement Land in exchange, as an integral part of the acquisition mechanism under the Planning Act 2008, if the DCO is not to be subject to SPP. More detail on the basis for this need is provided in Chapter 2.
- 1.3.17 Figure A1 in Appendix A summarises the environmental constraints in the Scheme area and shows the local context.

## 2. The Legal Requirement for Replacement Land

### 2.1 Introduction

- 2.1.1 The Scheme comprises two NSIPs, one NSIP being an alteration to the A3, the other being an alteration to the M25, and, therefore, consent is being sought by an application for a Development Consent Order (DCO) under the powers of the Planning Act 2008. The legal requirements and associated guidance for projects that entail use of registered common land and other public open space are set out below. Under the Planning Act 2008 process, land provided in compensation for acquisition of Special Category Land is called Replacement Land.
- 2.1.2 Previous Highways Agency schemes in this locality, including the M25, have been implemented through the making of an order under the Highways Act 1980, supported by a CPO (or CPOs) under the Acquisition of Land Act 1981. They were subject to similar legal requirements and guidance regarding use of registered common land and other public open space. Under this process, land provided in compensation for acquisition of Special Category Land is called Exchange Land.

### 2.2 Planning Act 2008

- 2.2.1 The Planning Act 2008 sets out, *inter alia*, the DCO process and land acquisition procedures for NSIPs. This Scheme entails the acquisition of areas of and rights across common land and open space; such land is defined as Special Category Land.
- 2.2.2 The compulsory acquisition of land is covered in Sections 122-131 of the Planning Act, of which Sections 122 and 131 cover compulsory acquisition of Special Category Land. Section 132 covers compulsory acquisition of rights over Special Category Land. Section 122 has been amended by the Localism Act 2011 and Sections 131 and 132 have been amended by the Growth and Infrastructure Act 2013; the extracts from the 2008 Act provided below are as amended by these later Acts.

#### ***“122 Purpose for which compulsory acquisition may be authorised***

*(1) An order granting development consent may include provision authorising the compulsory acquisition of land only if the Secretary of State is satisfied that the conditions in subsections (2) and (3) are met.*

*(2) The condition is that the land—*

- (a) is required for the development to which the development consent relates,*
- (b) is required to facilitate or is incidental to that development, or*
- (c) is replacement land which is to be given in exchange for the order land under section 131 or 132.*

*(3) The condition is that there is a compelling case in the public interest for the land to be acquired compulsorily.*

#### ***131 Commons, open spaces etc: compulsory acquisition of land***

*(1) This section applies to any land forming part of a common, open space or fuel or field garden allotment.*

- (2) This section does not apply in a case to which section 132 applies.*
- (3) An order granting development consent is subject to special parliamentary procedure, to the extent that the order authorises the compulsory acquisition of land to which this section applies, unless—*
- (a) the Secretary of State is satisfied that one of subsections (4) to (5) applies, and*
  - (b) that fact, and the subsection concerned, are recorded in the order or otherwise in the instrument or other document containing the order.*
- (4) This subsection applies if—*
- (a) replacement land has been or will be given in exchange for the order land, and*
  - (b) the replacement land has been or will be vested in the prospective seller and subject to the same rights, trusts and incidents as attach to the order land.*
- (4A) This subsection applies if—*
- (a) the order land is, or forms part of, an open space,*
  - (b) none of the order land is of any of the other descriptions in subsection (1),*
  - (c) either—*
    - (i) there is no suitable land available to be given in exchange for the order land, or*
    - (ii) any suitable land available to be given in exchange is available only at prohibitive cost, and*
  - (d) it is strongly in the public interest for the development for which the order grants consent to be capable of being begun sooner than is likely to be possible if the order were to be subject (to any extent) to special parliamentary procedure.*
- (4B) This subsection applies if—*
- (a) order land is, or forms part of, an open space,*
  - (b) none of the order land is of any of the other descriptions in subsection (1), and*
  - (c) the order land is being acquired for a temporary (although possibly long-lived) purpose.*
- (5) This subsection applies if—*
- (a) the order land does not exceed 200 square metres in extent or is required for the widening or drainage of an existing highway or partly for the widening and partly for the drainage of such a highway, and*
  - (b) the giving in exchange of other land is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public.*

[subsections 6-10 deleted by s.24(2)(c) of the Growth and Infrastructure Act 2013]

*(11) If an order granting development consent authorises the compulsory acquisition of land to which this section applies, it may include provision—*

- (a) for vesting replacement land given in exchange as mentioned in subsection (4)(a) in the prospective seller and subject to the rights, trusts and incidents mentioned in subsection (4)(b), and*
- (b) for discharging the order land from all rights, trusts and incidents to which it is subject.*

*(12) In this section —*

- *“common”, “fuel or field garden allotment” and “open space” have the same meanings as in section 19 of the Acquisition of Land Act 1981 (c. 67);*
- *“the order land” means the land authorised to be compulsorily acquired;*
- *“the prospective seller” means the person or persons in whom the order land is vested;*
- *“replacement land” means land which is not less in area than the order land and which is no less advantageous to the persons, if any, entitled to rights of common or other rights, and to the public.”*

### **132 Commons, open spaces etc: compulsory acquisition of rights over land**

*(1) This section applies to any land forming part of a common, open space or fuel or field garden allotment.*

*(2) order granting development consent is subject to special parliamentary procedure, to the extent that the order authorises the compulsory acquisition of a right over land to which this section applies by the creation of a new right over land, unless—*

- (a) the Secretary of State is satisfied that one of subsections (3) to (5) applies, and*
- (b) that fact, and the subsection concerned, are recorded in the order or otherwise in the instrument or other document containing the order.*

*(3) This subsection applies if the order land, when burdened with the order right, will be no less advantageous than it was before to the following persons—*

- (a) the persons in whom it is vested,*
- (b) other persons, if any, entitled to rights of common or other rights, and*
- (c) the public.*

*(4) This subsection applies if—*

- (a) replacement land has been or will be given in exchange for the order right, and*
- (b) the replacement land has been or will be vested in the persons in whom the order land is vested and subject to the same rights, trusts and incidents as attach to the order land (ignoring the order granting development consent).*

*(4A) This subsection applies if—*

- (a) the order land is, or forms part of, an open space,*

*(b) none of the order land is of any of the other descriptions in subsection (1),*

*(c) either—*

*(i) there is no suitable land available to be given in exchange for the order right, or*

*(ii) any suitable land available to be given in exchange is available only at prohibitive cost, and*

*(d) it is strongly in the public interest for the development for which the order grants consent to be capable of being begun sooner than is likely to be possible if the order were to be subject (to any extent) to special parliamentary procedure.*

*(4B) This subsection applies if—*

*(a) the order land is, or forms part of, an open space,*

*(b) none of the order land is of any of the other descriptions in subsection (1), and*

*(c) the order right is being acquired for a temporary (although possibly long-lived) purpose.*

*(5) This subsection applies if—*

*(a) the order land does not exceed 200 square metres in extent or the order right is required in connection with the widening or drainage of an existing highway or in connection partly with the widening and partly with the drainage of such a highway, and*

*(b) the giving of other land in exchange for the order right is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public.*

*[subsections 6-10 deleted by s.24(3)(c) of the Growth and Infrastructure Act 2013]*

*(11) If an order granting development consent authorises the compulsory acquisition of a right over land to which this section applies by the creation of a new right over land, it may include provision—*

*(a) for vesting replacement land given in exchange as mentioned in subsection (4)(a) in the persons in whom the order land is vested and subject to the rights, trusts and incidents mentioned in subsection (4)(b), and*

*(b) for discharging the order land from all rights, trusts and incidents to which it has previously been subject so far as their continuance would be inconsistent with the exercise of the order right.*

*(12) In this section —*

- “common”, “fuel or field garden allotment” and “open space” have the same meanings as in section 19 of the Acquisition of Land Act 1981 (c. 67);*
- “the order land” means the land to which this section applies over which the order right is to be exercisable;*
- “the order right” means the right authorised to be compulsorily acquired;*

- *“replacement land” means land which will be adequate to compensate the following persons for the disadvantages which result from the compulsory acquisition of the order right—*

*(a) the persons in whom the order land is vested,*

*(b) the persons, if any, entitled to rights of common or other rights over the order land, and*

*(c) the public.”*

2.2.3 The meanings in the 1981 Act referred to in the first bullet of subsection 12 of both Sections 131 and 132 are:

- *“common” includes any land subject to be enclosed under the Inclosure Acts 1845 to 1882, and any town or village green,*
- *“fuel or field garden allotment” means any allotment set out as a fuel allotment, or a field garden allotment, under an Inclosure Act,*
- *“open space” means any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground.”*

2.2.4 The relationship between a DCO and common land is also covered in the Miscellaneous part of the Act in Section 139:

***“139 Common land and rights of common***

*(1) An order granting development consent may not include provision the effect of which is to exclude or modify the application of a provision of or made under the Commons Act 2006, except in accordance with section 131 or 132.*

*(2) For the purposes of section 38(6)(a) of the Commons Act 2006, works carried out under a power conferred by an order granting development consent are not to be taken to be carried out under a power conferred by or under an enactment, except in a case to which section 131 or 132 applies.*

*(3) An order granting development consent may not authorise the suspension of, or extinguishment or interference with, registered rights of common, except in accordance with section 131 or 132.*

*(4) “Registered rights of common” means rights of common registered under—*

*(a) the Commons Act 2006, or*

*(b) the Commons Registration Act 1965.”*

## **2.3 Guidance on Compulsory Purchase Process DCLG 2013**

2.3.1 Further detail is provided by the Department for Communities and Local Government (DCLG) in ‘Guidance related to procedures for the compulsory acquisition of land’ September 2013, in which the requirements regarding Special Category Land are brought together in Annex A.

***“Annex A: Special categories of land***

*1. Certain special categories of land are subject to additional provisions in the Planning Act where it is proposed that they should be compulsorily acquired. This includes the possibility of any compulsory acquisition provision in the development consent order being subject to special parliamentary procedure.*

2. *Special parliamentary procedure requires those elements of a development consent order covering the compulsory acquisition of special land to be subject to further scrutiny by Parliament before it can come into effect.*

3. *Following the amendments to the Planning Act made by the Growth and Infrastructure Act 2013 the compulsory acquisition of the following types of land may, in certain cases, be subject to special parliamentary procedure:*

- *Land held by the National Trust inalienably (section 130);*
- *Land forming part of a common (including a town or village green), open space, or fuel or field garden allotment (sections 131 and 132).*

*For applications for development consent made after the commencement of the Growth and Infrastructure Act, special parliamentary procedure will no longer apply where the land being acquired is held by a local authority or a statutory undertaker. Special parliamentary procedure will still apply, however, to land held by a local authority or statutory undertaker if that land is common land, open space, or fuel or field garden allotments and protected by sections 131 and 132.*

### **National Trust Land**

4. *An order granting development consent may be subject to special parliamentary procedure to the extent that the order authorises the compulsory acquisition of land held inalienably by the National Trust.*

5. *Special parliamentary procedure will be triggered where the National Trust makes a formal objection to compulsory acquisition of that land and that objection is not withdrawn.*

### **Commons (including town or village greens), open space, or fuel or field garden allotments**

6. *Sections 131 and 132 of the Planning Act make provision for special parliamentary procedure to apply where a development consent order authorises the compulsory acquisition of land, or rights over land, forming part of a common, open space, or fuel or field garden allotment.*

7. *Special parliamentary procedure will apply in such cases unless the Secretary of State is satisfied that one of the following circumstances applies:*

- *replacement land has been, or will be, given in exchange for land being compulsorily acquired (sections 131(4) or 132(4));*
- *the land being compulsorily acquired does not exceed 200 square metres in extent or is required for specified highway works, and the provision of land in exchange is unnecessary in the interests of people entitled to certain rights or the public (sections 131(5) or 132(5));*
- *for open space only, that replacement land in exchange for open space land being compulsorily acquired is not available, or is available only at a prohibitive cost, and it is strongly in the public interest for the development to proceed sooner than would be likely if special parliamentary procedure were to apply (sections 131(4A) or 132(4A));*
- *for open space only, if the land, or right over land, is being compulsorily acquired for a temporary purpose (sections 131(4B) or 132(4B)).*

*The last two of these circumstances were added by the Growth and Infrastructure Act. This Act also removed the separate procedural requirements for issuing a certificate where the Secretary of State is of the view that one of the circumstances described above applies.*

*Instead, these matters will be considered and determined as part of the development consent order application process and recommendations provided to enable the Secretary of State to reach a view.*

### **Replacement land**

8. *Where either section 131(4) or 132(4) of the Planning Act applies, the Secretary of State will have regard to such matters as relative size and proximity of the replacement land when compared with the land it is proposed to compulsorily acquire through the development consent order.*

9. *Land which is already subject to rights of common or to other rights, or used by the public, even informally, for recreation, cannot usually be given as replacement land, since this would reduce the amount of such land, which would be disadvantageous to the persons concerned. There may be some cases where a current use of proposed replacement land is temporary (e.g. pending development). In such circumstances it may be reasonable to give the land in exchange, since its current use can thereby be safeguarded for the future.*

### **Other provisions**

10. *Where either section 131(5) or 132(5) of the Planning Act applies, the Secretary of State will need to be satisfied that both criteria are met:*

- *the order land (in total) does not exceed 200 square metres in extent or is required for the widening or drainage of an existing highway or partly for the widening and partly for the drainage of such a highway, and*
- *the giving in exchange of other land is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public.*

11. *In coming to a view as to whether the criteria are met, the Secretary of State will have regard to the overall extent of common land, open space land or fuel or field garden allotment land being acquired compulsorily. Where all or a large part of such land would be lost, the Secretary of State may be reluctant to be satisfied in terms of section 131(5) or 132(5)."*

## **2.4 Clarifications from the Planning Inspectorate**

2.4.1 The planning Inspectorate has provided clarification letters on some of these points.

2.4.2 The letter of 24 October 2014 from the Planning Inspectorate to the Department for Communities and Local Government clarifies the arrangements for applications proposing compulsory acquisition of open space and/or rights in open space, taking account of the amendments made by the Growth and Infrastructure Act 2013. This includes the following:-

## ***“Approach to applications which engage ss131 and 132 in relation to open space***

### ***Pre-application***

*Applications which include a request for compulsory acquisition and where the land includes Special Category Land (such as open space) must be accompanied by (amongst other things) the following prescribed documents:*

- *Statement of reasons – justifying compulsory acquisition;*
- *Book of Reference – part 5 of which must specify the Special Category Land, land which could be subject to SPP and replacement land and the area in square metres of those plots;*
- *Funding statement indicating how compulsory acquisition will be funded; and*
- *Land plan – which must identify the Special Category Land and replacement land.*

*We are advising applicants to provide information in the statement of reasons which will enable the Examining Authority to address the matters under ss 131 and 132 and provide a recommendation to the Secretary of State about whether the matters are satisfied.*

### ***Examination***

*Matters relating to ss131 and 132 will be considered as part of the DCO examination through questions, compulsory acquisition (or other) hearings (whether or not held solely for ss131 or 132 matters) and site inspections under the procedures established by the Planning Act 2008 and Infrastructure Planning (Examination Procedure) Rules 2010 (as amended).*

### ***Reporting***

*The Examining Authority’s findings and conclusions in relation to the matters in subsections (4) to (5) of s131 (and subsections (3) to (5) of s132) will be set out in the report made to the (relevant) Secretary of State. As noted above, this will be the Secretary of State with responsibility for making the decision on the infrastructure.*

### ***Decision***

*In the event that the Secretary of State decides that the DCO should be made and is satisfied (having considered the Examining Authority’s report) that one of the conditions applies, the DCO should record that fact.”*

## **2.5 Commons Act 2006**

2.5.1 The Commons Act 2006, along with a suite of earlier legislation on common land, enables government to:

- Safeguard commons for current and future generations to use and enjoy.
- Ensure that the special qualities of common land, including its open and unenclosed nature, is properly protected.
- Increase the number of SSSIs in favourable condition.

- 2.5.2 Sections 16(6) and 39(1) of the Act set out the criteria to which the Secretary of State must have regard when assessing an application. Section 38 sets out the works on commons that are prohibited without consent.

**16 Deregistration and exchange: applications**

*“(6) In determining the application, the appropriate national authority shall have regard to—*

- (a) the interests of persons having rights in relation to, or occupying, the release land (and in particular persons exercising rights of common over it);*
- (b) the interests of the neighbourhood;*
- (c) the public interest;*
- (d) any other matter considered to be relevant.”*

**38 Prohibition on works without consent**

*(1) A person may not, except with the consent of the appropriate national authority, carry out any restricted works on land to which this section applies.*

*(2) In subsection (1) “restricted works” are—*

- (a) works which have the effect of preventing or impeding access to or over any land to which this section applies;*
- (b) works for the resurfacing of land.*

*(3) The reference to works in subsection (2)(a) includes in particular—*

- (a) the erection of fencing;*
- (b) the construction of buildings and other structures;*
- (c) the digging of ditches and trenches and the building of embankments.*

*(4) For the purposes of subsection (2)(b) works are for the resurfacing of land if they consist of the laying of concrete, tarmacadam, coated roadstone or similar material on the land (but not if they consist only of the repair of an existing surface of the land made of such material).*

*(5) This section applies to—*

- (a) any land registered as common land;*
- (b) land not so registered which is—*
  - (i) regulated by an Act made under the Commons Act 1876 (c. 56) confirming a provisional order of the Inclosure Commissioners; or*
  - (ii) subject to a scheme under the Metropolitan Commons Act 1866 (c. 122) or the Commons Act 1899 (c. 30);*
- (c) land not falling within paragraph (a) or (b) which is in the New Forest and is subject to rights of common.*

*(6) The prohibition in subsection (1) does not apply to—*

- (a) works on any land where those works, or works of a description which includes those works, are carried out under a power conferred in relation to that particular land by or under any enactment;*

*(b) works on any land where the works are carried out under a power conferred by or under any enactment applying to common land;*

*(c) works authorised under a scheme under the Metropolitan Commons Act 1866 or the Commons Act 1899 without any requirement for any person to consent to the works;*

*(d) works for the installation of electronic communications apparatus for the purposes of an electronic communications code network.*

*(7) In subsection (6)(a) the reference to an enactment does not include Part 2 of this Act.*

*(8) For the purposes of subsection (6)(b), an enactment applies to common land if it is expressed to apply (generally) to—*

*(a) registered common land;*

*(b) common land; or*

*(c) any common or commons, commonable land, land subject to inclosure under any enactment or other land of a similar description.*

*(9) Subject to the following provisions of this Part, consent given to works under subsection (1) of this section constitutes consent for the purposes of that subsection only.*

### **39 Consent: general**

*“(1) In determining an application for consent under subsection (1) of section 38 in relation to works on land to which that section applies, the appropriate national authority shall have regard to—*

*(a) the interests of persons having rights in relation to, or occupying, the land (and in particular persons exercising rights of common over it);*

*(b) the interests of the neighbourhood;*

*(c) the public interest;*

*(d) any other matter considered to be relevant.*

*(2) The reference in subsection (1)(c) to the public interest includes the public interest in—*

*(a) nature conservation;*

*(b) the conservation of the landscape;*

*(c) the protection of public rights of access to any area of land; and*

*(d) the protection of archaeological remains and features of historic interest.”*

## **2.6 Common Land Consents Policy Guidance, Defra November 2015**

2.6.1 This guidance is written in terms of applications specific to proposed changes to common land but are also relevant to larger applications, such as this one, that involve works to common land.

2.6.2 To achieve the aims of the 2006 Commons Act and earlier legislation on common land, **Section 3.2** states that: “...the consent process administered by the Planning Inspectorate seeks to achieve the following outcomes:

- our stock of common land and greens is not diminished so that any deregistration of registered land is balanced by the registration of other land of at least equal benefit.
- any use of common land and greens is consistent with its status (as common land or green), so that...
- ...works take place on common land only when they maintain or improve the condition of the common or where they confer some wider public benefit and are either temporary in duration or have no significant or lasting impact.”

2.6.3 **Sections 4.4 to 4.7** of the guidance set out the main aspects that will be considered in relation to the criteria in Sections 16(6) and 38(1) of the 2006 Commons Act, when an application is assessed:

4.4 “When an application is assessed, the following criteria will be considered:

**The interests of persons having rights in relation to, or occupying the land (and in particular persons exercising rights of common over it).**

- **Exercise of rights** - What effect will the proposals have on the ability of commoners or other rights holders (including the landowner) to exercise their rights? What alternatives have been explored that might reduce the impact of the proposals on the exercise of commoners’ rights?
- **Rights of access** - What effect will the proposals have on other rights holders, such as those with rights of access across the land?
- **Loss or benefit** – Would the proposals cause any financial loss to rights holders, and if so, do benefits to the right holders outweigh the loss or, if not, what steps have been taken to address it?

**The interests of the neighbourhood**

- **Positive benefits** - Will the proposed replacement land or outcome intended by the proposed works add something that will positively benefit the neighbourhood?
- **Loss of existing use** - Will the loss of the release land or the construction of the works mean that local people will be prevented from using the common or green in the way they are used to? For example, will the loss of the release land reduce the area of the cricket pitch below a viable threshold, or the works interfere with a regular riding circuit (particularly if any replacement land cannot mitigate the loss)?
- **Future use and enjoyment** - Will the removal of the release land from its status as common land or green, or the construction of the works, interfere with future use and enjoyment (whether by commoners, the public or others) of the land as a whole (e.g. will fencing sterilise part of the land, rendering it practically inaccessible)? Is it likely or possible that the release land could cease to be available as a means of access between other parts of the land as a whole (e.g. the removal of a vehicular access way from a green would enable the owner to fence off the access way from the green on either side, or otherwise exclude access to it)?

## **The public interest**

4.5 The public interest is defined [at sections 16(8) & 39(2) of the Act] as including the public interest in nature conservation, the conservation of the landscape, the protection of public rights of access to any area of land, and the protection of archaeological remains and features of historic interest.

- **Recreation and access** - What effect will the proposals have on those wishing to use the common for recreation and access? Where works are intended to restrict access to part of the common, e.g. fencing, how will the public continue to have access to that part after the works are in place e.g. will the fencing include stiles, gates, where the Secretary of State will consider her duty under the Equalities Act in particular, etc? In the case of deregistration and exchange, the Secretary of State would not normally grant consent where the replacement land is already subject to some form of public access, whether that access was available by right or informally, as this would diminish the total stock of access land available to the public. In the case of any exchange, it should be assumed that the release land will cease to be available for recreation and access, unless a legally binding provision is intended to be made to assure continued use.
- **Nature conservation** - Are there potential benefits to nature conservation from carrying out the proposals? Does Natural England or any other competent person agree with the assessment of any proposed benefits? It may be appropriate to consider indirect benefits — for example, if the works will facilitate the continuation of sustainable grazing systems, which in turn deliver environmental benefits. In relation to any exchange, what will be the impact of the replacement land in relation to nature conservation compared with the release land? Does Natural England or any other competent person agree with the assessment?
- **Impact on the landscape** - What will be the impact on the landscape if the proposals proceed? Is the land- scape in a specially designated area, such as a National Park or area of outstanding natural beauty? Will the impact include an adverse effect on the enjoyment of the remaining part of the common or green (e.g. if development of any release land might spoil the view or impair the conservation of wildlife on the remaining part)? What consideration has been given to minimising any impact by good design (e.g. in relation to a fencing scheme, minimising the extent of new fencing by utilising the existing boundaries of the common land)?
- **Protection of archaeology** - Will the proposals help protect archaeological remains and features of historic interest (particularly if there are such features on any land being deregistered)?
- **Local heritage** - How do the proposals fit into the historical context? For example, in relation to an ancient common, uniformly described in historical documentation with well-defined boundaries, what effect would they have on the local heritage?

## **Any other matter considered to be relevant**

4.6 This criterion allows other issues to be taken into account when assessing an application. It may include looking at the wider public interest, which may arise, for example in a major infrastructure project.

4.7 In assessing these considerations, the Secretary of State will take into account any matter which is relevant. She will not necessarily rely on the applicant, supporters and objectors to bring all such matters to her attention, but will also rely on experience and insight to draw appropriate conclusions. For example, she will not assume that, because no-one objects to an application, there are no adverse impacts, but will consider what impacts might arise, taking into account these criteria, and applying knowledge and experience, together with information available in representations, to make a judgement. If necessary, if there is doubt about the extent of any impact, she will consider using her powers to conduct a site visit or public inquiry, or to seek professional advice, in order to improve understanding of the merits of the application.

**Section 5.20** covers the wider matters to be taken into account:

*“In considering any application for consent, the Secretary of State will have regard to the following matters:*

- **Conservation of biodiversity** – her duty to conserve biodiversity [see section 40 of the Natural Environment and Rural Communities Act 2006], and his duty to further the conservation of the list of features of principal importance for conserving biodiversity [see section 41];
- **Conservation of flora, fauna, geological or physiographical features** – her duty (in relation to land designated as a site of special scientific interest), “to take reasonable steps, consistent with the proper exercise of the authority’s functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest” [see section 28G of the Wildlife and Countryside Act 1981];
- **Conservation of habitats** - her duty to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions; in particular, it may be necessary for an appropriate assessment to be carried out before consent may be granted for works which are likely to have a significant effect on an area designated as a special area of conservation under the Habitats Directive or as a special protection area under the Wild Birds Directive [see The Conservation (Natural Habitats, &c.) Regulations 1994 (SI 1994/2716)];
- **Protection of National Parks** – her duty (in relation to a National Park) to have regard to the purposes for which National Parks are established, and if it appears that there is a conflict between those purposes, the requirement to attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park [see section 11A of the National Parks and Access to the Countryside Act 1949];
- **Conservation and enhancement of Areas of Outstanding Natural Beauty** – her duty (in relation to an area of outstanding natural beauty) to have regard to the purpose of conserving and enhancing the natural beauty of the Area of Outstanding Natural Beauty [see section 85 of the Countryside and Rights of Way Act 2000].”

## 2.7 Appropriate Level of Replacement Land Provision

### Indicators from statutes and guidance

- 2.7.1 The key requirement is that appropriate locations for use as Replacement Land must satisfy one of the two definitions given in the 2008 Planning Act if the DCO is not to be subject to special parliamentary procedure. For the compulsory acquisition of Special Category Land, the definition in s131 applies:

s.131(12) - “*“replacement land” means land which is not less in area than the order land and which is no less advantageous to the persons, if any, entitled to rights of common or other rights, and to the public.*”

For the compulsory acquisition of rights over Special Category Land, the definition in s132 applies:

s. 132(12) - “*“replacement land” means land which will be adequate to compensate the following persons for the disadvantages which result from the compulsory acquisition of the order right—*

- (a) the persons in whom the order land is vested,*
- (b) the persons, if any, entitled to rights of common or other rights over the order land, and*
- (c) the public.”*

- 2.7.2 In summary, replacement land for acquisition of Special Category Land must be not less in area and of equal advantage to commoners and the public, whereas replacement land for acquisition of rights over Special Category Land needs to be adequate to compensate for the disadvantage caused by those rights to the owners, commoners and the public.

- 2.7.3 Several indicators have been drawn from appraisal of the statutes and guidance quoted in Sections 2.2 to 2.6 above, to inform the identification of an appropriate level of Replacement Land provision, as follows.

#### Planning Act 2008 section 131 - Compulsory acquisition of common land and open space land:

- Section 131 subsections (1) to (4) apply, meaning that Replacement Land needs to be provided in exchange for the Special Category Land that will be subject to compulsory acquisition (the Special Category Land) if the DCO is not to be subject to special parliamentary procedure, unless one of the other exceptions in section 131 applies. This is considered further in section 6.3 below.
- Section 131 subsections (4A) and (4B) do not apply, as some of the Special Category Land is common land, meaning that compulsory acquisition of open space needs to be provided for in the above Replacement Land.
- Section 131 subsection 5 does not apply, as the Special Category Land is more than 200m<sup>2</sup> and is to be acquired compulsorily for a broader range of purposes than the widening or drainage of an existing highway.

Planning Act 2008 section 132 - Compulsory acquisition of rights over common land and open space land:

- Section 132 subsections (1) to (3), (4) and (5) apply, meaning that Replacement Land is not required for the compulsory acquisition of access rights over existing tracks across Special Category Land, as these are already used by the landowner and leaseholders for similar access and so the Special Category Land will be no less advantageous than it was before. Replacement Land will be provided where the rights are considered to be a burden to the owner or the public. This is considered further in section 6.3 below.

Planning Act 2008 section 139 – Application of Commons Act 2006 requirements

- Section 139 subsection (1) applies, meaning that consent may be required for the impediment to public access to registered common land caused by construction activity on and fencing of the land that will be subject to temporary possession for the Scheme, under the powers of the Commons Act 2006 s38(1) and s38(2)(a). If required, this will be addressed later in the Scheme programme, after completion of the DCO process.

#### DCLG guidance 2013, Annex A

- Subsection 8 applies, meaning that relative size and proximity of Replacement Land to Order Land are relevant issues in determining appropriateness.

#### Precedent from past projects

- 2.7.4 If Replacement Land can be found that is similar in character and usability to the Order Land, then an 'equally advantageous' outcome can be achieved by providing an area that is not much larger than that taken. However, this is often not the case and, in such situations, equality of advantage is usually achieved by increasing the area of Replacement Land and/or providing some other public benefit, such as new linkages between areas of public access.
- 2.7.5 The ratio of this increase in provision is dependent on the land character, location and condition, how the condition could be improved, how the land could be used by the public (and others with rights) and how this use relates to the use of the Special Category Land. These matters are not defined in the statutes or guidance, although some general criteria are suggested in the Defra guidance of 2008, but precedents can be drawn from past projects with similar issues.
- 2.7.6 The solution arrived at in the case of the A3 Esher Bypass scheme across Esher Common in the early 1970s was established at about 90 acres of Exchange Land provided to 55 acres of common land taken; a ratio of about 1.65:1. The land taken was from the centre of the common, whereas that provided was around the edges but did also provide a link between two previously separated areas of common.
- 2.7.7 The 1979 CPO for provision of the M25 and Wisley interchange acquired about 6.37ha of registered common land from Wisley Common and Chatley Heath and provided about 18.24ha of Exchange Land at Clearmount and Hatchford Wood; a ratio of about 2.86:1. The No. 3 Supplementary CPO of 1982 acquired about 0.42ha of registered common from Chatley Heath and provided about 2.04ha of

exchange land at the site of the former Hut Hotel and adjacent house beside the A3 opposite Bolder Mere, changing the totals to about 6.79ha acquired and 20.28ha provided; a ratio of about 2.99:1. This ratio is higher than the earlier A3 Esher scheme, which may be because the land taken was relatively central to the commons and severed the affected common land units and because the new motorway provided no access to the severed edges of the commons, whereas the exchange land was around the edge of the affected commons and did not provide any new linkages between commons.

- 2.7.8 The corresponding figures for open space in the M25 scheme were 7.77ha acquired from Ockham Common and 12.20ha of Exchange Land provided at The Wilderness and Hatchford Wood, plus a further 0.7ha of land at the southeast corner of Hatchford Wood added later; a ratio of about 1.67:1, which is akin to the Esher Common A3 scheme. The total areas for the M25 scheme CPOs were 14.56ha of Special Category Land taken and 33.18ha of exchange land provided; a ratio of about 2.28:1.
- 2.7.9 An additional 9.6ha of former airfield land at Snakes Field south of Wilderness Farm was transferred to SCC from the Ministry of Defence in the same year as completion of the M25 scheme, but this does not appear to be directly related to the M25 project.
- 2.7.10 The areas provided were contiguous with the affected commons and public open space and generally complementary in character to much of the Order Land at that time, as they were established woodlands on sandy soils. All the areas quoted above are for permanent land acquisition.
- 2.7.11 It could be argued that much of the Special Category Land required for the Scheme is close to existing busy roads and, therefore, not the best parts of such land in terms of advantage to the public. This could then enable the ratio of the Replacement Land to be lower if it is set further away from traffic disturbance. However, the need for this Scheme is a direct consequence of the 1979 M25 project, which placed the new motorway and Wisley interchange through some of the quieter parts of the commons near Pond Farm and Telegraph Hill, so the argument is only relevant to reducing the replacement land ratio for the areas of Special Category Land permanently acquired for widening the A3 corridor (which follows the old route of Portsmouth Road across the commons), much of which is open space.
- 2.7.12 In order to ensure that no more land is taken permanently for the Scheme than is necessary, Highways England has sought temporary possession powers over some parcels of Special Category Land in order to construct some of the works required for the Scheme, following which the land will be reinstated to its former condition. In such instances Highways England has not sought permanent powers of acquisition of land or rights over land. Accordingly, as the land concerned is subject to temporary possession powers only, sections 131 and 132 of the Planning Act are not engaged.
- 2.7.13 The total area of replacement land being provided will exceed the total area of Special Category Land being acquired (whether outright or by the taking of permanent rights in land) or subject to temporary possession, which will mean that the public do not experience a reduction in the total area of land to which they have access because of the main engineering construction work, which will last for at least two years.

- 2.7.14 The areas of temporary possession for the SPA enhancement works or SPA compensation land works are not included in this intention, as any temporary impediment to access in these areas will only be short-term, as set out in 2.7.17.
- 2.7.15 There is precedent from the M25 project in this location for a ratio of up to 3:1 for replacement of registered common land, with some scope for reduction in relation to the land required alongside the A3 if the replacement land is further away from traffic disturbance. Precedent for replacement of open space is around 1.7:1, but the public open space needed would be within Ockham Common, which was never physically enclosed from the wider area of common land and is currently used and managed in the same way as the adjoining commons (see Chapter 5). This indicates that a ratio closer to that for registered common land is more appropriate.

### Issues regarding the acquisition of permanent rights

- 2.7.16 Some of the proposed permanent rights will be along bridleways and associated routes where these are separate from the M25 and A3 and associated overbridges. These will remain part of the common land and open space and will enhance public access to them and there will, therefore, be some limited loss of the advantage conveyed by these areas to the owners or the public when burdened by the rights. These works are outlined in the first three bullet points of paragraph 3.5.5.
- 2.7.17 Some of the proposed permanent rights will be for rights permanently acquired for the undertaking and initial management of the SPA compensation land and SPA enhancement areas, for mitigation wood pasture planting on the field southeast of Buxton Wood and for access to works on the replacement land. These areas will remain part of the areas of common land and open space and the works will enhance their value to the SPA and the public and there will, therefore, be no loss of the advantage conveyed by these areas to the owner or the public when burdened by these rights. The works within the enhancement areas will be phased over 4-5 years so that any disadvantage to the owners and users of the common land and open space will be minimised at any one time and so that the impact on the amenity of the common land and open space of the main construction works during the first two years will not be exacerbated. These works are outlined in the second three bullet points of paragraph 3.5.5.

### Proposed Replacement Land provision

- 2.7.18 Based on the above precedents and discussions, the approximate target ratios that have been used as a factor in appraising what may be considered as 'equally advantageous' and 'adequate' solutions for this Scheme are:
- 2.5:1 for land permanently acquired from common land.
  - 2:1 for land permanently acquired from open space.
  - 1:1 for rights permanently acquired along bridleway and associated routes where these are separate from the M25 and A3 and associated overbridges.
  - Nothing (or a nominal square metre) for rights permanently acquired for the undertaking and initial management of the SPA compensation land and SPA enhancement areas, or for mitigation wood pasture planting on the field southeast of Buxton Wood.

- 2.7.19 The ratios used are also influenced by the current condition of the land parcels identified, as none is identical in character to the Special Category Land that would be included in the DCO and work would be needed to improve the amenity and habitat value. This influence is partly offset by opportunities in the Scheme area to enhance linkages between areas of common land or open space, along with improvements to various existing linkages, as well as many of the parcels being further from major road traffic noise than the Order Land.
- 2.7.20 Section 5 of this report outlines each proposed replacement land location and provides justification for its acquisition as replacement land.

### Timing of provision of Replacement Land

- 2.7.21 In practice, the Replacement Land is made available for use by the public when the Special Category Land is taken for the project or as soon as is practicable after that, allowing for whatever clearance, path construction, fencing, planting, etc may be required to make the land suitable for such access. A summary of the requirements on when the Replacement Land should be available for use by the public and others with rights in it can be found in Article 37 in the draft DCO:

#### ***“Special category land***

*(1) On the exercise by the undertaker of the relevant Order powers, the Special Category Land is not to vest in the undertaker until the undertaker has acquired the replacement land and the Secretary of State (in consultation with the relevant planning authority) has certified that a scheme for the provision of the replacement land as common land and/or as open space and a timetable for the implementation of the scheme has been received from the undertaker in accordance with requirement 7 of Schedule 2 (Requirements).”*

- 2.7.22 This means that the Replacement Land needs to have been acquired but is not necessarily available (or all available) for public access straight away, as long as a scheme for achieving this access has been prepared and provided to the appropriate Secretary of State, to ensure the necessary certification of or consent for the land acquisition process.

## 3. Highways Context and Proposals

### 3.1 Introduction

- 3.1.1 The existing highway arrangement and conditions and the highways proposals are described in detail in the Introduction to the Application and Scheme Description (application document reference TR010030/APP/1.2).
- 3.1.2 The highways proposals are illustrated on the Scheme Layout Plans and the Works Plans included within the DCO application.
- 3.1.3 This Chapter provides only a brief overview of the highways and side road proposals, to provide context, along with more detailed explanation of the aspects that influence access to the existing and potential areas of registered common and public open space, particularly the changes proposed to the PRow network.

### 3.2 Existing Road Network

- 3.2.1 The M25 is a dual 4-lane motorway running broadly northwest to southeast either side of M25 junction 10. The A3 is a dual 3-lane all-purpose road running broadly southwest to northeast either side of M25 junction 10. M25 junction 10, also known as Wisley interchange, is a three-lane, signal-controlled roundabout junction with no free-flow lanes, set above the M25 and under the A3. There are some facilities for pedestrians and cyclists alongside the A3 carriageway and the roundabout, providing routes across the junction via the roundabout traffic signals and via a signal-controlled 'Pegasus' crossing of the northbound on slip; details are provided in section 3.2 below.
- 3.2.2 Ockham Park junction is on the A3 approximately 2.5km to the south of M25 junction 10 and provides access to Ripley and Pyrford on the B2215 to the southwest and to routes towards Send and Woking and access to Ockham and the Horsleys on the B2039 to the southeast. Ockham Park junction has only north facing slip roads and Burntcommon junction, at the south end of Ripley, has only south-facing slip roads. A two-way length at the start of the northbound on-slip provides access to and from Mill Lane. The junction is a two-lane roundabout under the A3 and is not signalised. Footpaths 13 and 13a meet at a footway alongside the southbound off slip and a pedestrian route is available on a footway under the A3 to reach Mill Lane and the B2215 into Ripley.
- 3.2.3 Painshill junction is on the A3 approximately 2km to the north of M25 junction 10, where the A245 crosses the A3. It provides local access to and from Cobham via the A245 east, Byfleet, West Byfleet, Brooklands and Woking via the A245 west, and the southern parts of Weybridge and Walton-on-Thames via the B365 Seven Hills Road. The junction is a signalised two-lane roundabout set above the A3 with crossing facilities for pedestrians at the traffic signals for the south-facing slip roads, including a pedestrian ramp up to Old Byfleet Road to access Feltonfleet School.
- 3.2.4 Along the A3 between these major junctions there are various minor junctions and accesses. All are at-grade connections to either the southbound or the northbound carriageway or sliproad only, with U-turn movements available at the main junctions.

3.2.5 On the northbound side, there are the following (described from south to north):

- An extended layby, segregated from the main carriageway, between the Ockham Park junction and M25 J10 slip roads, which provides access to Wisley Lane as well as parking and a bus stop. The lane leads to the public entrance to RHS Wisley Garden and continues to Wisley village and Pyrford Lock.
- Access to Hut Hill Cottage, Pond Farm and Birchmere camp site from the off-slip to M25 junction 10, leading across Wisley Common to the west.
- Access to Long Orchard and associated properties, on the main carriageway after the northbound on-slip from M25 junction 10 has merged (by lane gain).
- Access to Starbucks drive-thru coffee shop (on the former San Domenico restaurant site), on the main carriageway between Long Orchard and the start of the off-slip to Painshill interchange.
- A bus stop lay-by on the northbound off slip to Painshill junction.

3.2.6 On the southbound side, there are the following (described from north to south):

- A bus stop lay-by on the southbound on-slip from Painshill junction.
- Access into New Farm and the gas valve compound.
- Access into Heyswood Guide campsite and Court Close Farm.
- A service and emergency access into Painshill Park, near the Gothic Tower.
- A layby and the junction with Old Lane on the junction 10 southbound on-slip to the A3, which is extended past this T-junction before merging with the main carriageway.
- Access to Elm Lane directly off the southbound carriageway, just after the end of the merge taper of the on-slip, plus a bus stop lay-by just to the south. Elm Lane provides access to the hamlet of Elm Corner; it is signed as a no through road, although it does continue as a rough byway to reach Old Lane.

3.2.7 Access to Foxwarren Park and other nearby properties on the northbound side, including Silvermere Golf Complex and Silvermere Equestrian Centre, is gained via the A245 west and Redhill Road. Redhill Road terminates at a remnant length of former A3 carriageway alongside and slightly above, but segregated from, the current dual carriageway. Seven Hills Road (south) provides access to the Cobham Hilton but does not connect to the A3.

### **3.3 Existing PRow Connections along and across the Scheme**

3.3.1 There is a network of Public Rights of Way (PRow) that connect to the local roads and the A3, but the standard of provision for non-motorised users (NMUs) and their ability to cross the M25 and the A3 vary considerably around the Scheme. This has a significant effect on the ability of the public to enjoy the existing areas of registered common and public open space and affects the acceptability of any Replacement Land proposals. Cockcrow bridge is the only grade-separated crossing of the A3 usable by all NMUs between Ockham Park and Painshill junctions, which are about 4.5km apart.

3.3.2 There are numerous other tracks and paths (not rights of way) across the areas of common land and public open space that surround junction 10, particularly in

the south-western and south-eastern quadrants; these include routes signposted for use by horse riders to limit disturbance to the SPA/SSSI habitats as part of SWT's management plan for the site.

- 3.3.3 All the PRoW noted in the following sections are shown on the 1:2500 scale OS maps for the area. The reference numbers for each have been taken from the web-based SCC Interactive Map, which is based on the Definitive Map maintained by SCC. This information is summarised on Figure A2 in Appendix A. The main elements of the PRoW network are described for the A3 and M25 J10 and then for each of the quadrants of land around the junction, clockwise from the southwest.

### Along the A3 and at M25 J10

- 3.3.4 Along the northbound side of the A3, there are some NMU facilities, as described from south to north below.

- A pedestrian/cycleway route runs around the northwest side of Ockham Park junction and almost joins a narrow footway into Mill Lane; a narrow footway runs along the north side of Mill Lane as far as the RHS service entrance. There is no NMU link continuing northwards alongside the A3.
- A footway leads from the layby on the northbound slip road to M25 J10, as far as the signals at the junction, connecting to the access into Wisley Common and Pond Farm and, via the signals, to the footway around the inside of the junction roundabout.
- Bridleway 12 runs from the A3 bridge for about 90m along the east (inner) side of the northbound on-slip to a Pegasus crossing, where the equestrian route crosses the on-slip and enters the open space land to follow Footpath 12 westwards. This crossing has mounting blocks and high-level controls for equestrian use.
- A footway runs from the junction 10 signals along the west side of the northbound on-slip as far as the Pegasus crossing for Bridleway 12, after which it continues as a pedestrian/cycleway route, diverging from the slip road carriageway, past a second signposted permissive horse ride into the open space land, to join the remnant length of former A3 carriageway at the end of Redhill Road.
- A footway leads from the bus stop on the northbound off-slip to Painshill junction, climbing up to join footways along Old Byfleet Road for access to Feltonfleet School and other properties nearby. There are crossing facilities at the traffic signals on the northbound off-slip, providing a NMU route between Cobham and Feltonfleet School and the Seven Hills Road junction. There are no footways on the A245 dual carriageway west from the roundabout, but there are footways west of the Seven Hills Road junction, on both the A245 and Seven Hills Road.

- 3.3.5 There are more NMU facilities along the southbound side of the A3, as described from north to south below.

- The A245 from Cobham has footways on both sides. There is a pedestrian link across the entrance to the Painshill junction roundabout, linking to pedestrian/cycleway routes to the north and south and to the crossing facilities at the traffic signals on the northbound off-slip.

- A pedestrian/cycleway route runs alongside or parallel to the southbound on-slip road from Painshill junction and continues alongside the main A3 carriageway and then the M25 J10 off-slip as far as the signals at the roundabout; the degree of separation from the road varies.
- Bridleway 12 extends from the west end of Pointers Road to meet the A3 pedestrian/cycleway route at the A3 southbound off-slip stop line, where it continues across the signals at the roundabout and under the A3 bridge. The signalised crossing has mounting blocks and high-level controls for equestrian use. This link is shown on the 1:25,000 OS map.
- A pedestrian/cycleway route runs around the inside of the M25 J10 roundabout and across the bridges over the M25. This has links via the roundabout traffic signals into the pedestrian/cycleway route alongside the A3 southbound on-slip (to reach Old Lane) and the northbound off-slip (to reach the access track to Pond Farm), as well as into Bridleway 12 across the north side of M25 junction 10.
- A pedestrian/cycleway route runs alongside the slip roads and the main carriageway on the southbound side of the A3, from the crossing signals at M25 junction 10 to Ockham Lane North at Ockham Park junction, with an uncontrolled crossing of the junction into Old Lane and links to Elm Lane and the nearby footbridge over the A3; the degree of separation from the A3 carriageway/sliproad varies.

3.3.6 The B2215 towards Ripley has cycleway lane markings on both sides of the carriageway continuing as far as the first houses.

3.3.7 The NMU facilities alongside the A3 and at M25 junction 10 are in poor condition and often not compliant with current design standards. They are adjacent or close to busy road carriageways for much of the route, which makes them unpleasant to use.

3.3.8 There are signs that direct cyclists on the A3 shared-use track to follow the routes alongside the slip roads and across the signalised roundabout at M25 J10, so that they do not cross to the middle lane to stay on the A3 carriageway over the junction.

### Southwest Quadrant

3.3.9 Wisley Lane runs northwest across this quadrant from the A3 past RHS Wisley Gardens to Wisley village, before turning west to Pyrford Lock. The lane defines the western extent of the registered common land.

3.3.10 North of Wisley Lane:

- Bridleway 8 runs from the Clearmount accommodation/bridleway bridge over the M25 across Wisley Common past the west side of Pond Farm to meet Wisley Lane near the RHS entrance.
- Footpath 10 runs southeast from the same bridge past the east side of Pond Farm to meet the A3 near (but not at) Cockcrow Bridge.
- Footpath 7 runs from the Buxton Wood accommodation/footpath bridge over the M25, descending by a set of steps to Wisley Common before running southwards through the common to Wisley Lane.

- Footpath 9 runs southeast across Wisley Common from almost the same point on the lane, crossing Bridleway 8 to meet the A3 opposite Bolder Mere.
- Footpath 4 runs east from Wisley village, crosses Footpath 7 and continues within the common to meet Bridleway 8 by Pond Farm.
- There are several permissive horse rides connecting Clearmount bridge, Cockcrow bridge and Bridleway 8, around the north side of the open heathland, around the southwestern part of the common and around the western edge.

#### 3.3.11 South of Wisley Lane:

- Footpath 7 continues south to pass through the RHS car park area before curving east to rejoin the Lane near the car park entrance. A short link then gives access to the footbridge over the A3 to reach Elm Lane; this footbridge has only a stepped ramp access and does not have any PRoW status.
- Footpath 6 runs westwards from the same point on Wisley Lane, through (but segregated from) RHS Wisley Gardens to meet Mill Lane, which leads to Footpath 5, Bridleway 33 and the Ockham interchange.

#### Northwest Quadrant

- 3.3.12 Bridleway 8 runs northwards past the common land at Clearmount and Buxton Wood from Clearmount accommodation/bridleway bridge over the M25 and past Park Barn Farm, continuing northwards as Bridleway 25 after crossing the River Wey and then past Manor House to join Mill Lane into Byfleet. Footpath 7 runs northeast from Buxton Wood accommodation/footpath bridge over the M25, alongside Buxton Wood to meet Bridleway 8 at the northern corner of the wood.
- 3.3.13 Footpath 11 runs from Clearmount bridge east and then northeast across Wisley Common to join the remnant portion of old A3 carriageway at the end of Redhill Road. Footpath 12 runs west from the bridleway crossing at M25 J10 to meet Footpath 11. A permissive horse ride is signposted leading from the remnant carriageway across the common to Clearmount bridge, joined by a second permissive horse ride that follows Footpath 12 from the M25 junction 10 Pegasus crossing; further routes run around the north edge of Wisley common and around Clearmount. There are no links across the A3 to the east quadrant apart from that at M25 junction 10.

#### Northeast quadrant

- 3.3.14 Pointers Road runs near and almost parallel to the M25 from Pointers Green to the A3 but is no longer joined to the A3; there is a keypad-operated gateway after Chatley Farm. A short length of Bridleway 12 connects the end of the road to the traffic signals at M25 J10. Bridleway 69 runs from Pointers Road to cross Hatchford Park accommodation/bridleway bridge over the M25 and into the south quadrant near Telegraph Hill. There are no other PRoW or permissive horse rides in the east quadrant, but there are several well-used tracks, particularly around an area used for cycle trials on Red Hill.
- 3.3.15 As noted above, there is a footway/cycleway alongside the A3 southbound carriageway, from the southbound on-slip at Painshill junction through to Bridleway 12 where it meets the traffic signals at M25 junction 10. Some parts of

this route adjoin the carriageway and some parts are slightly separated from it by a wide road verge.

## Southeast Quadrant

- 3.3.16 Old Lane runs southeast across this quadrant from the M25 junction 10 southbound A3 on-slip to meet Ockham Lane at Martyr's Green. The southern part of Ockham Lane heads west to Ockham where it joins the B2039 Ockham Road North heading northwest to meet the A3 at Ockham Park junction. None of these roads have footways.
- 3.3.17 Northeast of Old Lane:
- Bridleway 18 runs northeast across Ockham Common and continues as Bridleway 69 alongside the boundary between Chatley Heath and Hatchford Wood, near Chatley Semaphore Tower on Telegraph Hill and on to Hatchford Park accommodation/bridleway bridge over the M25.
  - Bridleway 70 runs southeast from Bridleway 69 to Ockham Lane, with Footpath 71 crossing the fields between Bridleway 70 and Old Lane.
  - Footpath 17 runs northwest from Bridleway 18 across Ockham Common to Cockcrow accommodation/bridleway bridge over the A3 near Currie's Clump; the footpath continues the short distance to the edge of Wisley Common beyond, where it meets a maintenance track and permissive horse ride, but does not join any other PRow. Cockcrow bridge is defined as bridleway and is provided with mounting blocks at either end.
  - There are several signposted permissive horse rides connecting Clearmount bridge, Cockcrow bridge, Bridleway 18/69, Pond car park and Ockham Bites car park; these run around and across Chatley Heath and Ockham Common.
- 3.3.18 Southwest of Old Lane:
- Elm Lane starts as Byway 525 that runs westwards to meet the road part of Elm Lane through Elm Corner; this lane then turns northwest to meet the A3, where there is a stepped ramp access onto the footbridge over the A3 connecting to Wisley Lane.
  - From near the start of Byway 525, Bridleway 16 Hatch Lane runs southwards across the open space and Wisley Airfield site to meet Ockham Lane at Bridge End.
  - From the corner of Elm Lane, Hyde Lane runs southwards as Bridleway 544, changes to Byway 544 after crossing Wisley Airfield site and continues to Ockham Lane at Bridge End.
  - Footpath 14 runs north from the end of Byway 525 to meet the A3 by Bolder Mere.
  - Footpath 13 runs from Ockham Lane northwest and then west along the former Wisley Airfield runway, crossing Bridleways 16 and 544 before meeting the footway/cycleway on the A3 off-slip at Ockham interchange; Footpath 13a follows a similar route slightly to the south, from Bridleway 16 to the A3.
  - Footpath 15 runs south from Elm Corner and crosses Footpaths 13 and 13a and Byway 544 on its way to Ockham.

- 3.3.19 As noted above, there is a footway/cycleway alongside the A3 southbound, from the traffic signals at junction 10 to Ockham Park junction and linking to Footpaths 14, 13 and 13a and the Elm Lane footbridge. Some parts of this route adjoin the carriageway and some parts are slightly separated from it by the road verge.

### 3.4 Summary of Highways Proposals

- 3.4.1 The highways proposals are indicated on Figure A2 in Appendix A. The principal components are:

- A larger, signalised gyratory for M25 junction 10, including free-flow left turn slip roads that bypass the traffic signals.
- Amended and extended slip roads onto and off the M25 and the A3.
- Widening of the A3 to dual-four lanes between Ockham Park junction and M25 junction 10 and between Painshill junction and M25 junction 10.
- Provision of four running lanes on the M25 through junction 10.
- Improvements at Ockham Park junction and Painshill junction and an amended access for Feltonfleet School.
- A comprehensive package of local road, private access and PRow changes and additions.

#### Motorway and Trunk Road

- 3.4.2 The proposed M25 junction 10 layout entails elongating the roundabout from circular to oval, using the existing bridges under the A3 and new bridges over the M25. This will provide an additional lane and extended queueing lengths, which will increase capacity for right-turning traffic between and through the traffic signals. There will be dedicated left-turn free-flow lanes that enable this traffic to bypass the junction signals rather than using roundabout capacity. The existing bridges over the M25 will be demolished.
- 3.4.3 The A3 will be widened from dual-three lane to dual-four lane between slip roads from Ockham Park junction to M25 junction 10 and from Painshill junction to M25 junction 10, to cater appropriately for the volumes of merging and diverging traffic. There will be a two-lane drop and gain at M25 junction 10, through which the A3 remains as dual-two lane passing over the roundabout.
- 3.4.4 The M25 carriageway will not be widened, but the hard shoulder will be used to provide a fourth running lane through junction 10, between the slip road merges and diverges. Emergency refuges will be provided for broken down vehicles.
- 3.4.5 All slip roads leading to and from junction 10 will be amended to increase junction capacity and to suit the A3 carriageway widening, the M25 amendments and the junction 10 free-flow left turn lanes, with two lanes diverging or merging in all cases and ghost islands provided between the slip road lanes where appropriate.
- 3.4.6 The slip roads leading to and from Ockham Park junction and the south side of Painshill junction will be amended to suit the A3 widening, with ghost islands provided between the slip road lanes where appropriate.
- 3.4.7 Retaining walls will be provided to minimise the land requirements and adverse impacts in the many sensitive locations, with the largest walls needed alongside

RHS Wisley Gardens, Bolder Mere, Hut Hill, Painshill Park Gothic Tower, Clearmount and the base of Telegraph Hill cutting.

- 3.4.8 The free-flow left turns at junction 10 would prevent replacement of the current arrangements for NMUs to make their way around the junction and/or across the M25 and A3. NMUs will be prohibited from using the A3 carriageways between Ockham Park and Painshill junctions.
- 3.4.9 Almost all existing accesses to property or land direct from the A3 carriageways will be closed between Ockham Park and Painshill junctions.
- 3.4.10 The new and amended road links will be adjacent to the existing M25, A3 and slip roads and will not segregate any areas of open land, but much of the space needed to provide and construct the Scheme is Special Category Land and designated as SPA and/or SSSI.
- 3.4.11 New LED lighting will be provided along the new verges of the widened A3 and A245 carriageways and all the amended junction slip roads; the existing central reserve lighting on the A3 across junction 10 and along the M25 will remain.
- 3.4.12 The increased area of road carriageway will lead to increased rates of surface water runoff, which need to be attenuated to ensure that the existing rates of outfall into the receiving watercourses are not exceeded. The drainage attenuation measures have been designed with the aim of minimising the space required, as most of these will be within the Special Category Land and the SPA/SSSI.
- 3.4.13 To accommodate these changes to the strategic highways, the Scheme also includes comprehensive amendments to the network of local roads, access tracks and PRow, as outlined below, which will influence public access to local facilities and the existing pattern of registered commons and open space, as well as the proposed areas of replacement land.

### Local Roads

- 3.4.14 There will be several changes to the local road network, summarised broadly from west to east along the Scheme:
- A diversion of Wisley Lane will be provided from the east side of the Ockham Park junction roundabout across Stratford Brook and along the north-western edge of the Wisley airfield site, before turning northwest through Wisley Common to rise and cross over the A3 on a new bridge just south of the entrance to Elm Lane, to tie into the existing level of Wisley Lane and an amended RHS entrance. The existing A3 direct links to and from Wisley Lane and Elm Lane will not be re-provided. Elm Lane will not be connected as a public road to the diverted Wisley Lane, but there will be a bridleway connection.
  - The Byway section of Elm Lane will be upgraded across Ockham Common to provide access suitable for all vehicles between Old Lane and Elm Corner, as a substitute for the closure of the A3 connection to Elm Lane.
  - The connection to Old Lane from the junction 10 A3 southbound on-slip will remain, with curves amended and extended tapers added to improve safety and to suit the on-slip being widened to two lanes along its full length.

- The A245 between Painshill junction roundabout and the B365 Seven Hills Road junction will be widened from dual-two lane to dual three lane, with retaining walls used to minimise land requirements. The existing access into Old Byfleet Road (for Feltonfleet School) will be closed and a new access provide via Seven Hills Road (South), including a left-turn lane with a short deceleration taper.

### Private Means of Access

3.4.15 There are two accommodation bridges to be replaced that are used for private means of access (PMA), both of which also function as parts of the PRoW network:

- Reinstatement of Clearmount Bridge over the amended M25 as an accommodation/bridleway bridge, linking to Bridleway 8 and the farm access tracks used by SWT.
- Reinstatement of Cockcrow Bridge over the widened A3 as an accommodation/bridleway bridge, which also includes a wide green margin to provide habitat linkage between the two parts of the SPA. There will be a new link to this bridge from Old Lane to provide (gated) access to Hut Hill Cottage, Pond Farm and Birchmere camp site; the current PMA from the A3 northbound off-slip slip at junction 10 will not be re-provided. Entry to the car parks at Ockham Bites will also be taken from this new access from Old Lane and existing car park entrances closed.

3.4.16 Most existing PMA direct from the A3 carriageways will be closed and substituted by:

- A new PMA running from the end of Redhill Road, along the remnant piece of old A3 carriageway and a new road parallel along the west side of the A3 and then up Seven Hills Road (South), providing access from the end of Redhill Road to the Long Orchard properties and the Starbucks site; the existing road surface south of the entrance to the Cobham Hilton Hotel will be cleared and refurbished. Access control gates will be provided near Redhill Road and the entrance to the Cobham Hilton Hotel to prevent this route becoming a rat-run for A245 traffic.
- A new PMA running from the A3 southbound on-slip from Painshill junction, along which access will be provided along the east side of the A3 to New Farm, the gas valve compound, Heyswood Girl Guides camp site and Court Close Farm. The existing direct accesses from the A3 will be closed, although occasional access to the gas valve compound will still be possible for major maintenance (under traffic management).
- A new gated PMA from Seven Hills Road (South) into the eastern end of Old Byfleet Road, to be used by Feltonfleet School; the existing access from the A245 will be closed and Old Byfleet Road will cease to be public highway.

### Public Rights of Way

3.4.17 The following new PRoW works will re-provide and/or enhance existing NMU routes and connectivity, reduce severance caused by the A3 and provide suitable access to the existing areas of existing common and open space, as

well as to the proposed Replacement Land areas, as described from south to north below.

- A new exit for cyclists off the A3 northbound carriageway, leading to the B2215 and Ockham Park junction.
- Improved NMU crossings and new NMU links at Ockham Park junction for safe access under the A3 between the B2215 / Mill Lane and Ockham Road North / Wisley Lane.
- A new bridleway alongside Wisley Lane diversion over the A3 to Ockham Park junction, with links to Elm Lane, Bridleways 8 and 544 and Footpaths 7, 13, 13a and 14.
- Diversion of Footpath 14 along a maintenance track south from Bolder Mere to connect with Elm Lane.
- A new bridleway to the west of the A3 between Wisley Lane and Cockcrow bridge, with links to Bridleway 8 and Footpaths 7, 9 and 10.
- The new Sandpit Hill bridleway bridge across the M25 to the southeast of M25 J10, with bridleway links to Pointers Road and across the corner of Ockham Common to Footpath 17, Cockcrow bridge and Old Lane.
- The new Red Hill bridleway bridge spanning the widened A3 south of Redhill Road, with bridleway links to Pointers Road and Redhill Road and existing PRow and providing a substitute for the closure of bridleway 12.
- A bridleway from Redhill Road along the PMA to Seven Hills Road (South).
- A new shared surface footway/cycletrack between the junction of Seven Hills Road and Byfleet Road alongside (but set back from) the westbound A245 to replace the current route along Old Byfleet Road, which will be stopped up.
- New NMU crossing facilities provided at the A3 northbound off-slip to Painshill junction, to retain connectivity between Cobham and Feltonfleet School and the above footway/cycletrack.

3.4.18 Where appropriate, these new NMU routes will also enable maintenance access to Highways England infrastructure, such as sign gantries, balancing ponds and traffic signals, as well as to any utilities that follow the NMU alignment. This minimises the need to identify additional land take to create specific maintenance accesses.

3.4.19 The PRow proposals will connect the new and replacement NMU and local road bridges to the existing network of permissive horse rides and other tracks across the land managed by SWT. There will be an upgrade in status (but no physical change) of some of these permissive horse rides to bridleway, so that they appear on maps and provide an appropriate right of access to and between the areas of common land. The routes that will be upgraded are:

- In the northwestern quadrant between the new Red Hill bridge over the A3 and Clearmount bridge over the M25, mostly along the line of Footpath 11.
- In the southwestern quadrant between Clearmount bridge over the M25 and Cockcrow Bridge over the A3, mostly along the line of Footpath 10 past Pond Farm.

- In the southeastern quadrant between Sandpit Hill bridleway bridge over the M25 and Bridleway 69, along the north-eastern edge of the open heathland on Telegraph Hill and past the Semaphore Tower.
- In the northeastern quadrant, a bridleway along Pointers Road, between the turning for the houses at Chatley Farm and the junction with the proposed bridleway near the A3.

3.4.20 Three new PRoW will be provided across the proposed areas of Replacement Land:

- A bridleway between the junction of Bridleway 8 and Footpath 7 through Park Barn Farm replacement land to the proposed bridleway along Footpath 11.
- A bridleway between the proposed bridleway near Red Hill bridge through Chatley Wood replacement land to the proposed bridleway along Pointers Road.
- A footpath between Bridleway 18 through the Hatchford End replacement land to Footpath 71.

3.4.21 The various NMU and PRoW works will also contribute towards achieving the aims of the Scheme, as set out in section 1.1, as well as help align the Scheme with the Transport Focus guidance document of January 2017 on NMU provision, which is relevant because of the proposal to prohibit NMUs from the A3 carriageway within the Scheme and includes this recommendation regarding upgrading of all-purpose trunk roads:

*“Whenever an existing ‘A’ road is converted into a motorway or upgraded to the proposed expressway standard, Highways England must carefully consider the impacts of excluding cyclists, pedestrians and equestrians on them. Wherever they are prohibited from using a section of the SRN it is important for Highways England to provide a safe route to all the places currently served by the road, as well as safe ways of crossing it. The earlier observation that some users would prefer a segregated path broadly following the alignment of the road should be noted.”*

### Land for Construction

3.4.22 The main site compound will be adjacent to and accessed from Ockham Park junction roundabout, which is outside the extent of Special Category Land. There will be small construction compounds close to the new or replacement bridges, plus two satellite compounds, one to either side of junction 10. One satellite compound and two bridge compounds will be within the Special Category Land, but their sizes have been kept to a reasonably practicable minimum. Two other compound areas will be largely used for the storage of material excavated from the site: one on the former airfield hardstanding near Elm Lane; and one on the field beside Buxton Wood, which is Special Category Land.

3.4.23 Working space for construction has been included as a 5m width beyond the extent of new earthworks or drainage works, increasing to 6m if a haul route is required. Around the M25 junction 10 roundabout, space is also included for provision of temporary slip roads to ensure continued function of junction 10 during the construction period; some of this extra space will subsequently be used to provide the new NMU links and/or drainage works. Where the new

bridleway routes are to be provided away from the main highways and bridge works, they will be constructed within a 7m working width, plus any space need for localised earthworks.

### 3.5 Special Category Land Required

- 3.5.1 Although the Exchange Land provided for the M25 project (as shown on Figure A4 in Appendix A) has not yet appeared on the common land register, the environmental constraints plan (Figure A1 in Appendix A) shows these areas as being common land or open space as appropriate, as Highways England and SCC are currently in the process of completing the transfer and registration of these land parcels in advance of the need to begin the land acquisition process for the Scheme. The estimates of Special Category Land required and, therefore, replacement land to be provided, have been prepared on this basis (as has the Environmental Statement). Section 7 of the Statement of Reasons provides more detail on the historic anomaly regarding the transfer of M25 exchange land and the status of common land registers.
- 3.5.2 The Scheme, as outlined in Section 3.4, will require permanent acquisition of about 6.97ha of common land and about 6.74ha of open space. The area of temporary possession of land with permanent acquisition of rights (treated as being a burden on the land), to which public access can be reinstated after construction, will be about 5.45ha of common land and about 2.98ha of open space.
- 3.5.3 The permanent requirements for Special Category Land are summarised in Table 3.1 below and the locations are indicated on Figure B1 in Appendix B.

**Table 3.1: Summary of Special Category Land requirements**

| Status            | Location                                                                                                                                                                 | Habitat / Landscape                                                                                                                                            | Title / Rights | Area ha |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|---------|
| Common land CL350 | Wisley Common: alongside M25 to west of junction 10; alongside A3 to north; alongside A3 to south; along Wisley Lane diversion.                                          | Mature coniferous and/or broadleaved woodland; birch woodland; pasture; access and horseriding tracks.                                                         | Title          | 5.82    |
|                   |                                                                                                                                                                          |                                                                                                                                                                | Rights         | 4.73    |
| Common land CL447 | Wisley Common between Pond Farm and M25                                                                                                                                  | Grassland alongside bridleway; mature trees                                                                                                                    | Title          | 0.05    |
|                   |                                                                                                                                                                          |                                                                                                                                                                | Rights         | 0.18    |
| Common land CL446 | Chatley Heath: alongside M25 by Redhill Bottom; alongside A3 opposite Bolder Mere.                                                                                       | Mature coniferous and/or broadleaved woodland; some ancient woodland.                                                                                          | Title          | 1.10    |
|                   |                                                                                                                                                                          |                                                                                                                                                                | Rights         | 0.53    |
| Open space        | Ockham Common: around M25 junction 10; alongside M25 to east; alongside A3 to north; alongside A3 to south.<br>Land by Pond Farm.<br>Land alongside BOAT 525 (Elm Lane). | Mature coniferous, broadleaved or mixed woodland; access and horseriding tracks; edge of Bolder Mere.<br>Pasture<br>Mature broadleaved and coniferous woodland | Title          | 6.74    |
|                   |                                                                                                                                                                          |                                                                                                                                                                | Rights         | 2.98    |

- 3.5.4 The works needed for the diversion of Wisley Lane across the south end of Wisley Common will be implemented through temporary possession powers, as this is land owned by SCC that will remain with them as a local highway; however, this area is treated as being akin to permanent acquisition in the table above, as this land will no longer be common land. Article 37 of the draft DCO provides that this land will cease to be common land due to the construction of Wisley Lane diversion.
- 3.5.5 The permanent rights included in the DCO over Special Category Land are required for the following purposes:
- Works to implement the highway elements of the Scheme (including culverts, drainage works and earthworks and other highway structures), which will entail initial access in some locations until access becomes available from the main works site.
  - Works to maintain enhanced NMU routes across Special Category Land, which will be minimal and mainly to ensure the routes are fit for use;
  - Access to land for maintenance of utilities and Highways England apparatus, which will entail periodic occasional inspection visits and very infrequent maintenance activities.
  - Access to the replacement land for maintenance of the land, which will be similar in nature to the current maintenance activities undertaken by SWT.
  - Works to carry out enhancements to the existing and proposed parts of the Thames Basin Heaths SPA, which will be similar in nature to the recent and currently proposed SPA enhancement works, but more frequent and including some new planting.
  - General environmental mitigation works, which will be mainly required during the early phase of the construction period, notably for the planting and woodland management works within the replacement land on Park Barn Farm.
- 3.5.6 The plots of Special Category Land as listed in the Book of Reference (DCO doc reference TR010030/APP/4.3) are summarised in the tables in Appendix C to this report, divided into seven categories:
- C1 - Plots for permanent acquisition of special category land for which replacement land is provided
  - C2 - Plots for temporary possession of special category land for which replacement land is provided
  - C3 - Plots for temporary possession with permanent rights over special category land for which replacement land is provided
  - C4 - Plots for temporary possession with permanent rights over special category land for which replacement land is not provided
  - C5 - Plots for replacement land
  - C6 - Plots for temporary possession of special category land for which replacement land is not provided
  - C7 - Plots of special category land in which no interests will be taken

- 3.5.7 At this stage, the Scheme design has sought to minimise the extent of Special Category Land required or affected, whilst ensuring that delivery of the Scheme is still practicable. The actual areas required may change as the design and construction proposals are developed further with the expectation that there may be some localised reductions in the requirements for acquisition of title to or permanent rights over Special Category Land.

## 4. Special Category Land Locations

### 4.1 Approach to the Appraisal

- 4.1.1 This part of the report sets out the available baseline information on the existing status of the land areas that the Scheme is expected to affect, to identify which land parcels would be classed as 'Special Category Land' under the Planning Act 2008.
- 4.1.2 This information is of relevance to the Environmental Statement (ES) and the Statement of Reasons (SoR), as the status of the land acquired is relevant to some of the environmental assessment topics and as the extent of proposed Replacement Land is relevant to the overall land take associated with the M25 junction 10 Improvements and associated changes to side roads and NMU facilities.
- 4.1.3 Highways England's licence from the Department for Transport includes requirements to minimise environmental impacts and to protect and enhance the quality of the surrounding environment. The need for and location of Replacement Land are, therefore, of relevance both to the environmental impacts identified and to the environmental enhancements that can be delivered.
- 4.1.4 The provision of this Replacement Land can be directly related to the biodiversity mitigation measures that will be required on this scheme. The highways proposals will require land take from the areas designated as SPA in the western and southern quadrants of land around M25 junction 10, which will then require the Scheme to include the provision of suitable mitigation habitat, or other measures, for the SPA. There is scope for the Replacement Land to provide some biodiversity roles also. The aims of nature conservation and public access are not entirely complementary, particularly when it comes to the bird species on which the SPA designation is based – nightjar, Dartford warbler and woodlark – as these are all ground nesting and hence prone to disturbance by humans and their pets. However, this SPA comprises a group of lowland heaths in Surrey, Berkshire and Hampshire that are largely common and/or open space and, therefore, it is already managed with both aims in mind.
- 4.1.5 Although the need for and inclusion of suitable Replacement Land stems directly from the process of compulsory acquisition under the powers of the Planning Act 2008, it can also contribute towards the wider aims of the Government's Road Investment Strategy (RIS) for the 2015/16 – 2019/20 Road Period, which include:
- *"The Strategic Road Network of the future must also be more socially and environmentally sensitive, working more harmoniously with its surroundings.*
  - *Improved design standards will give greater consideration to the needs of walkers, cyclists and local communities along with the aesthetic appearance of the network.*
  - *Improved construction standards and better road design can improve the aesthetic appearance of the network, mitigate biodiversity impacts and reduce the effect on the built and natural environment."*
- 4.1.6 The Highways England Delivery Plan 2015-2020 includes a wide range of performance intentions and indicators to reduce adverse environmental effects of

the strategic highway network and improve the ability of all users to make safe use of the network and cross the network safely, particularly vulnerable users and cyclists.

- 4.1.7 The provision of Replacement Land and any enhancement work that may be required to make it suitable also align with the Design Manual for Roads and Bridges (DMRB), which provides guidance on the assessment and design for new and existing roads. Volume 10 Section 1 states that the Highways England objective is to “...respect the landscape character and quality of an area when designing new roads or improving existing roads. We will seek to enhance the integration of our network into rural areas using a combination of sensitive road alignment, earthworks, the use of appropriate materials and planting to minimise the adverse effects of trunk road traffic on the countryside.”
- 4.1.8 DMRB Volume 10 Section 2 Improving Existing Roads gives guidance on the environmental design of road improvement schemes, including junction improvements. General design principles include:
- Creating new views for road users.
  - New planting to mitigate visual impact or enhance landscape structure.
  - Managing existing vegetation to ensure health, growth and development.

## 4.2 Existing Special Category Land

- 4.2.1 Appendix B Figure B2 provides an overview of the whole M25 junction 10 Scheme location. The contrast in land use and landscape type between the areas of woodland and heathland immediately around Wisley interchange and the mixed appearance of the wider surroundings is evident in the view. The Special Category Land makes up a large proportion of this central area of heathland and woodland. The extent of heathland has been increased by further woodland clearance in various locations on Wisley and Ockham Commons since the photograph was taken and the SSSI woodland at Red Hill and Redhill Bottom has been substantially thinned.
- 4.2.2 The land types that qualify as Special Category Land for the purposes of the Planning Act 2008, and included in the compulsory acquisition powers for this Scheme, are indicated on the Figures in Appendix A and are:
- Common land, as so defined on the Surrey County Council (SCC) Definitive Map and Common Land Register, which also shows the breakdown into individual common land (CL) units. There are no commoner’s rights included on the Register in association with the areas of registered common land likely to be affected by this Scheme.
  - Open space, which is other land with current and unencumbered access by the public for recreational use (which does not include RHS Wisley Garden and EBC Painshill Park, as an entry fee is charged for both).
- 4.2.3 Access land, under the Countryside and Rights of Way Act 2000 (CRoW); includes registered common land and ‘open country’. Section 1(2) of CRoW defines open country as land that consists wholly or predominantly of mountain, moor, heath or down and which is not registered common land. The Natural England website provides mapping of such Access Land; at time of writing (May 2019) this depicted only common land around M25 junction 10 as originally

registered, without including the common land exchange related to the RHS car park upgrading and without depicting the areas of open heath that now exist on Ockham Common, outside the registered extent of common land.

4.2.4 The published 1:25,000 scale OS maps also depict 'access land', but this is not always the same as the CRow Act; the OS map key states this is "...*intended as a guide to land which is normally available for access on foot...*", for the benefit of map users, which can extend considerably beyond the CRow Act definition. For the M25 junction 10 area, the OS access land encompasses the common land and most (not all) of the open space, but not the village green. This boundary is also shown on the maps in Appendix A.

4.2.5 SCC owns almost all the land around the Scheme that would be classed as Special Category Land; about 340ha in total. This landholding comprises several acquisitions:

- In 1936 the County Council acquired about 350 acres (142ha) of Ockham Common and a part of Wisley Common including Pond Farm, under the powers of the Open Spaces Act 1906. The land belonged to the Countess of Lovelace (of Ockham Park) and, although known as Ockham Common, it was no longer a common, having been subject to enclosure by an Inclosure Award confirmed by Inclosure Commissioners on the 28 September 1817. The land, except for a reservation for highway purposes, was declared to be part of the Green Belt under a Covenant with the London County Council who contributed to the purchase. As the land adjoined the London-Portsmouth Road (now the A3), it soon became a popular public open space, with Bolder Mere a particular attraction.
- In 1960 Sir Cyril Black MP, the immediate past Chairman of the County Council, bought the remaining 318 acres (129ha) of Wisley Common and presented it to the County Council for use as public open space, under the powers of the Open Spaces Act 1906.
- In 1965 the County Council acquired another 70 acres (28ha) at Chatley Heath adjoining the eastern side of Ockham Common, giving a total area of over 100 acres (40ha). Chatley Heath includes Chatley Semaphore Tower, the only remaining tower from a chain of early 19th century semaphore stations between the Admiralty at Whitehall and the Royal Naval Dockyard at Portsmouth.
- The 1979 and 1982 CPOs for the M25 scheme, opened in 1983, included various Exchange Land parcels. These have not yet appeared on property registered at the Land Registry but are already shown as being within the 'access land' on the 1:25,000 OS map and have open public access. The process of completing the vesting and registration is in hand for completion as soon as possible and, therefore, the intended final status is taken as the baseline situation for this Scheme. The parcels are shown on Figure A4 in Appendix A and are:
  - 6.0ha of mixed woodland at Clearmount, as common land CL350.
  - 2.0ha of mixed woodland on the site of the former Hut Hotel, by the A3, as common land CL446.
  - 1.3ha of mixed woodland from Breach Hill Wood, as common land CL446.

- 15.3ha of broadleaved (and ancient) woodland at Hatchford Wood, 6.0ha as common land CL350, 4.9ha as common land CL446 and 3.7ha as Ockham Common open space, plus 0.7 ha in a separate transfer as open space.
- 8.5ha of grassland and mixed woodland north of The Wilderness and south of Elm Lane, including part of Snakes Field, as open space.
- In 1983 some 24 acres (9.6ha) was transferred from the Ministry of Defence to SCC at Snakes Field, south of The Wilderness between Elm Corner and Hatchford End. This adjoins the HE Exchange Land from the 1983 M25 scheme, part of which is included in the grazing meadow of Snakes Field as managed by SWT.

- 4.2.6 The RHS owns about 22ha of Special Category Land in Buxton Wood and the surrounding fields on both sides of the M25 at the northwest corner of Wisley Common, as common land and open space.
- 4.2.7 The historic boundaries of the commons relate to the parish boundaries: Wisley Common in Wisley parish, Ockham common in Ockham parish and Chatley Heath in Esher parish. Earth banks can still be seen along parts of these old boundaries, particularly around Chatley Heath. Some of the M25 scheme Exchange Land areas do not fit into this parish logic.
- 4.2.8 The locations that could be affected by the Scheme do not include any land with public access owned by the National Trust, the Forestry Commission or the Woodland Trust; or any statutory allotments or burial grounds.
- 4.2.9 Almost all the land that would need to be acquired for the junction improvements and for some of the A3 widening and local road diversions is woodland (typically birch, oak and Scots pine), within the extent of open space and common land. This land has variable tree cover and tree maturity and a variable degree of current public activity. Most of this woodland has appeared or been planted during the latter half of the 20<sup>th</sup> century on what was previously heathland.
- 4.2.10 A detailed listing of all Special Category Land parcels required for the Scheme is provided in the Book of Reference, Part 5 and summary tables are provided in Appendix C to this report. The Special Category Land is shown in detail on the Special Category Land Plans included in this DCO.
- 4.2.11 In the following sections, the extent, character and status of the Special Category Land is described for each of the four quadrants of land around M25 junction 10, clockwise from the southwestern quadrant.

## 4.3 South-western Quadrant

- 4.3.1 This quadrant contains the major part of Wisley Common. Most of the common land around M25 junction 10 lies in this quadrant and includes the following Common Land (CL) units:
- CL350: the main portion of Wisley Common, which contains the extensive areas of open heathland that have been restored in recent years by clearance of Scots pine and other conifer plantations and birch woodland. Substantial belts of pine and mixed woodland remain around the outer edges of the common and by Pond Farm. There is an area of pasture provided as part of the RHS Exchange Land to the west of Pond Farm, alongside the M25. A

very small outlier of CL350 remains within Wisley Gardens, adjacent to the A3 below Battleston Hill.

- CL404: a narrow strip of land along the line of Bridleway 8 north of Pond Farm.
- CL447: a narrow strip of land along the line of Bridleway 8 as it runs eastwards alongside the M25.
- CL446 (assumed): Wooded enclosures beside the A3 provided as Exchange Land in the No.3 Supplementary CPO for the M25 scheme in 1982 for land acquired from Chatley Heath. These are the site of the former Hut Hotel and an adjacent property that stood alongside the A3 opposite Bolder Mere, before demolition for A3 dualling in the 1970s. This land had previously been removed from the commons registration, mostly from CL404 and some from CL350, due to its former enclosure.

4.3.2 RHS Wisley and Wisley Lane extend along much of the western boundary of the registered common. To the northwest is Wisley village and associated fields, including a sports ground and an area of RHS land that includes a plant nursery, an overflow car park, green waste processing and archery butts.

4.3.3 There are four other areas of open space land:

- A wooded enclosure beside the A3 that has been previously removed from the registration on Hut Hill around Hut Hill Cottage, formerly in CL350.
- A wooded sliver of land alongside the A3 that is part of Ockham Common.
- A small wooded area at the western end of the RHS Exchange Land that has been previously removed from the registration of CL350 but is open to access from the adjacent registered common land and is within the land acquired by SCC as open space.
- Two triangles of wooded land immediately south of Pond Farm that have been previously removed from the registration of CL350; these are open to access from the adjacent registered common land and are within the land acquired by SCC as open space.

4.3.4 The 'access land' boundary on the 1:25,000 scale OS map encompasses all the common land and includes the areas in the first three of the bullet points above. It does not include the recent changes to Wisley Common arising from the RHS Exchange Land for the Wisley Gardens car park extension, but these are shown on the Commons Register held by SCC.

4.3.5 All the above land (apart from the RHS common land and an area of hardstanding near Cockcrow bridge used for site management) is designated as SSSI and SPA and, along with Pond Farm, is included in the LNR and managed by SWT. The RHS common land and public open space are also used as part of the SWT grazing project.

4.3.6 Pond Farm does not have public access and is an area of small, enclosed pastures set into the north part of Wisley Common. The small field and adjacent woodland (Woolger's Wood) are used as Birchmere scout campsite to the north of the farm.

**Figure 4.1: Looking west across heathland on Wisley Common towards Pond Farm**



- 4.3.7 Wisley Common was one of the locations used for 'The Adventures of Robin Hood' television series, which was produced in the studios at Walton-on-Thames. Other locations nearby included Ockham Common, Painshill Park, Manor Pool (by Painshill junction) and Foxwarren Park (home to one of the producers) where a large outdoor set of a castle was erected in part of the estate.

**Figure 4.2: South edge of Wisley Common beside the A3**



**Figure 4.3: Chatley Heath land on south slope of Hut Hill, close to the A3**



**Figure 4.4: Scots pine woodland on edge of Ockham Common near junction 10**



**Figure 4.5: Birch regrowth on Wisley Common by M25 near Clearmount bridge**



- 4.3.8 The Special Category Land for the Scheme will be taken from the mostly wooded areas close to M25 junction 10 and Cockcrow bridge (see Figure 4.4), as well as wooded, scrub and pasture areas alongside the M25 (see Figure 4.5) and woodland alongside the A3 (see Figures 4.2 and 4.3). The Special Category Land would include both common land (from Wisley Common and Chatley Heath) and open space (from a small area beside Pond Farm and from Ockham Common).

## 4.4 North-western Quadrant

- 4.4.1 This quadrant includes the northern portion of Wisley Common, extending as far as the boundary of Foxwarren Park; it also includes the Clearmount area and Buxton Wood. It includes the following Common Land units:
- CL350: the northern portion of Wisley Common (Figure 4.6), along with the separate area of Buxton Wood and an adjacent small field that are now registered common land provided by the RHS as Exchange Land for their car park extension.
  - CL350 (assumed): the Clearmount area (Figure 4.7), which was part of the Exchange Land for the 1979-1983 M25 scheme. It provides connection between the above two portions of CL350.
- 4.4.2 This area of heathland woodland also includes a wooded sliver of land alongside the A3 that is part of Ockham Common (in the foreground of Figure 5.6). All these areas are indicated as 'access land' on the OS map and all are within the site area managed by SWT. All, apart from the RHS common land, are designated as SSSI and LNR. Some pasture land and a small woodland, owned by the RHS, are open to public access between Buxton Wood / Footpath 7 and the River Wey.
- 4.4.3 Woodland continues northwards through the grounds of Foxwarren Park and along the valley slopes beyond, where there are areas of ancient woodland, and alongside Redhill Road. Most of these woods are protected by Tree Preservation Orders (TPOs). To the northwest are parkland and pastures with some woodland and scrub around Park Barn Farm and down to the River Wey. Some of the landscape elements remain from the historic extent of the deer park

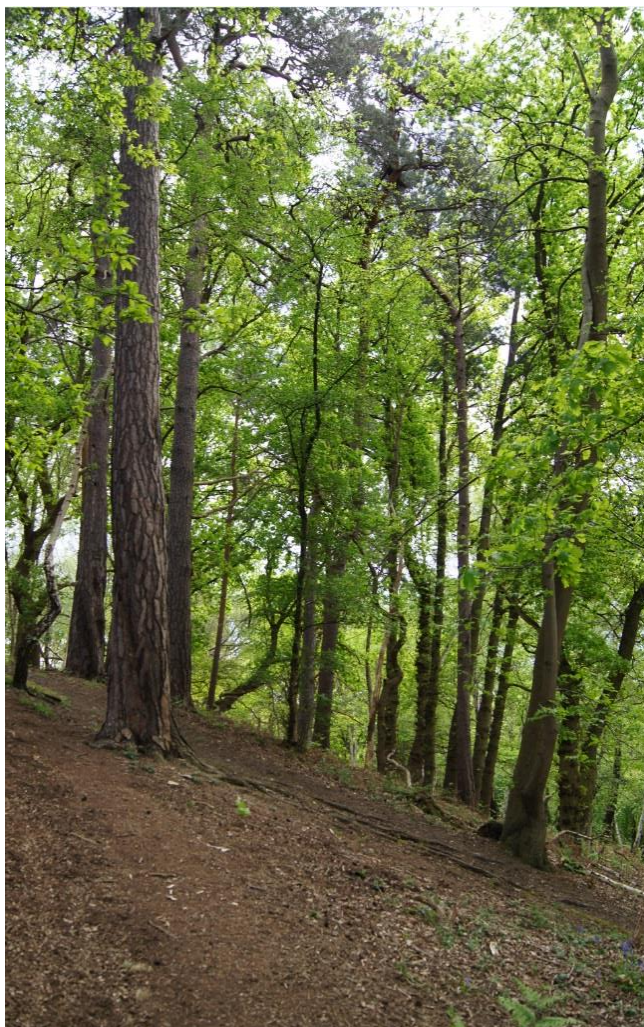
associated with Byfleet ('Byflete') Manor, which abutted the north side of Wisley Common and Pond Farm.

**Figure 4.6: Looking west along Bridleway 12 from beside the A3 slip road**



- 4.4.4 Foxwarren Park is adjacent to the northern end of Wisley Common. The house is in an ornate Gothic style and influenced A. A. Milne's depiction of Toad Hall in *Wind in the Willows*, with the elaborate gates facing the A3 featured in one of Ernest Shephard's illustrations in chapter 11.
- 4.4.5 The Special Category Land for the Scheme would be taken from the mostly wooded areas close M25 junction 10 and alongside the M25 and the A3, along with parts of the pastures west of Clearmount. The Order Land would include both common land (from Wisley Common) and open space (from Ockham Common).
- 4.4.6 There would also be land required from landholdings alongside the A3 north of Redhill Road, but this is not Special Category Land.

**Figure 4.7: Woodland at Clearmount**



## **4.5 North-eastern Quadrant**

- 4.5.1 This quadrant comprises an area of mixed woodland on the slopes of Red Hill, part of which is registered common. It includes the following Common Land units:
- CL350, the eastern extremity of Wisley Common.
  - CL446, the northern end of Chatley Heath within Chatley Wood (see Figure 4.8), plus a small outlier of Chatley Heath along the line of Bridleway 69 joining Pointers Road at the southeast end of Breach Hill Wood.
- 4.5.2 The ‘access land’, LNR and area managed by SWT all encompass the common land, plus the wooded part of Red Hill (which has previously been removed from the commons registration) between CL350 and Painshill Park, and the wooded areas between the commons and M25 junction 10 at Redhill Bottom. CL446 and the wooded areas between the commons and M25 junction 10 are designated as SSSI.
- 4.5.3 To the northeast is Painshill Park, which is a historic pleasure ground (Grade I on the register), most of which is owned by Elmbridge Borough Council. To the east are areas of coniferous plantation within and adjacent to Chatley Wood and then open fields around Chatley Farm (which now comprises three residential units)

running down to the River Mole. To the southeast along Pointers Road is Chatley Cottage, the remaining part of Breach Hill Wood and a wooded area called The Bogs, much of which is ancient woodland.

**Figure 4.8: Chatley Wood (west part) looking northeast towards Red Hill**



- 4.5.4 The Special Category Land for the Scheme would be taken from the mostly wooded areas close to M25 junction 10 (see Figure 4.9) and alongside the M25 and the A3. The Order Land would include both common land (from Wisley Common and Chatley Heath) and open space (from Ockham Common and at Red Hill). There would also be land required from some of the landholdings alongside the A3 north of Red Hill, including part of Painshill Park and some ancient woodland, and from landholdings alongside the M25 east of Chatley Heath, but these are not Special Category Land.

**Figure 4.9: Chatley Heath near M25, looking west along Pointers Road**



## 4.6 South-eastern Quadrant

- 4.6.1 This quadrant includes the main extents of Chatley Heath and Ockham Common, between the M25 and Old Lane and to the west of Old Lane around Bolder Mere and Elm Corner. Chatley Heath is common land, extending up onto Telegraph Hill. A tapering area west of Elm Corner is the southwest end of Wisley Common and is bisected by Elm Lane. The common land now includes Exchange Land for the original M25 scheme at Hatchford Wood, most of which is shown as being within the OS 'access land'. There is a small and entirely wooded village green at Elm Corner. The area includes the following Common Land and Village Green units:
- CL446: Chatley Heath extending onto Telegraph Hill, plus a narrow strip alongside the line of the bridleway towards Pointers Road, but excluding the curtilage of the Chatley Semaphore tower.
  - CL350: the southern end of Wisley Common west of Elm Corner, to the south of the A3 and either side of Elm Lane.
  - Hatchford Wood on the south part of Telegraph Hill, which was part of the Exchange Land for the 1979-1983 M25 scheme; the western part is open space as part of Ockham Common; the central part is common land as part of CL350 and the eastern part is common land as part of CL446.
  - CL448: a small extremity of Wisley Common by Elm Corner.
  - VG30: Ockham (Ockham) village green at Elm Corner - a small and almost circular wooded area immediately north of Elm Lane.
- 4.6.2 Ockham Common occupies the major part of the land between Telegraph Hill and Elm Corner. It is not common land, having previously been subject to enclosure from the common under the powers of the Ockham Common Inclosure 1817; however, this enclosure was never undertaken. Public access is provided due to its acquisition by SCC under the powers of the Open Spaces Act 1906 and it is shown as being 'access land' on the OS map. This 'access land' now includes open space Exchange Land for the original M25 scheme in the western part of Hatchford Wood. The southeastern area of Ockham Common contains open heathland, which has been restored and extended in recent years by clearance of Scots pine and birch; most of the rest of the common is Scots pine plantation woodland, including the area to the west of Old Lane. The woodland is more mixed in character around Currie's Clump and Ockham Bites, in Hatchford Wood and around parts of Bolder Mere.
- 4.6.3 An area of mixed woodland and fields north and west of Wilderness Farm was part of the Exchange Land for the 1979-1983 M25 scheme as Ockham Common open space. A further area at Snakes Field, to the south of Wilderness Farm, was transferred to SCC and is managed by SWT for public access and habitat enhancement through controlled grazing, along with part of the Exchange Land.
- 4.6.4 The extensive area of heathland woodland and open heathland on Chatley Heath and Ockham Common and west up to the registered part of Wisley Common is all designated as SSSI and SPA, apart from the car park at Ockham Bites off Old Lane. The largely broadleaved Hatchford Wood is ancient woodland, but is not within the SSSI/SPA. The triangular area west of Elm Corner is designated as SNCI and the westernmost part as ancient woodland. The LNR designation extends over all these areas plus the site of the Chatley

Semaphore tower and a small remnant of Breach Hill Wood to the east of Chatley Heath; it is similar in extent to the area managed by the SWT.

**Figure 4.10: Wisley Common woodland by Elm Lane, viewed from the footbridge**



**Figure 4.11: Looking west across Chatley Heath towards Ockham Common**



- 4.6.5 The OS 'access land' boundary extends over a similar area to the LNR, but does not include the land immediately north of Wilderness Farm that was part of the Exchange Land for the M25 scheme as Ockham Common open space, which is open to access from BOAT 525 to the north (part of Elm Lane), Bridleway 16 (Hatch Lane) and the open space to the south. The 'access land' does not include the village green at Elm Corner or a group of small pastures alongside Old Lane opposite Hatchford End, both of which are also open space.

**Figure 4.12: Woodland on Currie's Clump, Ockham Common, by Cockcrow bridge**



**Figure 4.13: Woodland near junction 10, with M25 noise fence beyond**



- 4.6.6 The Special Category Land for the Scheme would be taken from the mostly wooded areas by Elm Lane (see Figure 4.10), Cockcrow bridge (see Figure 4.12), M25 junction 10 (see Figure 4.13) and alongside the M25 and the A3, as well as small areas alongside BOAT 525 and from the ancient woodland near Ockham Park junction. The Order Land would include both common land (from Wisley Common and Chatley Heath) and open space (from Ockham Common).

## 4.7 Public usage of the Special Category Land

### Previous surveys

- 4.7.1 Surveys have been undertaken in the past on visitor usage across the Thames Basin Heaths SPA, as reported by English Nature in 2005 (Visitor Access patterns on the Thames Basin Heaths, English Nature Research Report 682) and Natural England in 2013 (Results of the 2012/13 visitor survey on the Thames Basin Heaths SPA, Natural England Commissioned Report 136).
- 4.7.2 Wisley Properties Ltd undertook surveys of the Ockham and Wisley Commons area in 2014 and 2015, in relation to their airfield development planning application. The key points were:
- The largest group of visitors are dog walkers, with about two-thirds of dog walkers having dogs off the lead.
  - Most visitors are local residents (the 2012 survey had 94% of visitor postcodes within 5km of the SPA).
  - Local residents tend to visit weekly, with many dog walkers visiting daily.
  - Most visitors arrive by car and are there for half to one hour.
  - Comparing the 2005 with the 2012 surveys showed no significant increase in visitor numbers to the whole SPA, despite increased housing in the surroundings.
  - Site-specific surveys identified that most visitors used walking routes around the perimeter of Ockham Common, rather than across the heathland (which is used to a lesser degree).
  - 53% of those interviewed would also try new green space if provided, with 13% saying they would only use it if were dog friendly and had parking.
- 4.7.3 The SWT Management Plan for the Wisley and Ockham site 2010-2020 showed the areas of most visitor pressure in 2007. This indicated that the southern quadrant was the most visited, with the busiest locations being close to Ockham Bites and Pond car parks and the busiest routes being most of the larger tracks in Ockham Common and Chatley Heath between Old Lane and the M25. A couple of busy routes are shown leading to Bolder Mere, as well as a couple in the western quadrant near Wren's Nest car park on Wisley Lane. No busy areas were shown for the northern quadrant and the only busy area in the eastern quadrant was the cycle trail circuit on Red Hill.

### Surveys for this Scheme

- 4.7.4 Surveys of users of the Special Category Land areas that would be most affected by the Scheme were conducted on Sunday 24<sup>th</sup> and Wednesday 27<sup>th</sup> September 2017 in good weather conditions. The locations were on the main paths close to M25 junction 10 in all four quadrants, as well as near Cockcrow bridge in the western quadrant and on Elm Lane in the southern quadrant, west of Elm Corner.
- 4.7.5 The main findings were:
- The southern quadrant was busiest, with up to 31 users observed per hour; the western quadrant had up to 20 per hour; the northern and eastern

quadrants were quietest, with up to 12 per hour combined; the highest counts were on the weekday mornings.

- Weekday use was highest in the morning (9-11) and at lunchtime; Sunday use was more evenly spread with higher numbers through the middle of the day.
- Walkers were easily the main user group, including a large proportion of dog walkers. Equestrians were observed in all quadrants. Cyclists were infrequent in the western and southern quadrant locations, which were not close to legal cycle routes.

4.7.6 Some of the users encountered agreed to take part in a questionnaire, from which some general trends can be discerned:

- Most users came by car but some arrived on foot, cycle or horseback.
- A large proportion were relatively local and relatively regular visitors.
- Users often valued the quietness and wildness, the attractive trees and open spaces, the convenient access, the lack of other users, being dry underfoot and the ability to allow dogs to roam.
- Users came from a wide range of locations, but mostly from the larger residential areas to the north and west – Woking, West Byfleet, Byfleet, Weybridge and Cobham.

## 5. Proposed Locations for Replacement Land

### 5.1 Approach

- 5.1.1 This section identifies the locations proposed as Replacement Land and their attributes and shortcomings, along with the locations for which they would provide suitable exchange. The appraisal is then summarised in a table format in Chapter 6.
- 5.1.2 The locations described below were initially identified from desktop study as being potentially suitable, due to their location and condition. Site visits to locations of public access and meetings with landowners provided additional information, particularly on whether any public access was already permitted at potential locations, as this could rule them out from qualifying as Replacement Land. All the proposed locations are contiguous with existing areas of common land or open space; separate potential locations further afield have not been considered.
- 5.1.3 Replacement land issues are closely interwoven with PRow and accessibility issues. Common land must be contiguous with a highway (which also includes byway and bridleway); access to the common from any such highway needs to be unimpeded for pedestrian and equestrian users (e.g. no intervening fences or continuous ditches). Open space also needs good accessibility by road or PRow. To be effective in providing equality of advantage, therefore, there needs to be appropriate highway or PRow access to the proposed Replacement Land and, preferably, PRow through it; which requires an integrated approach. This appraisal has considered the PRow and local road network proposals for this RIP Scheme as a major factor in appraising the merits of potential Replacement Land locations.
- 5.1.4 Most of the area with public access around this Scheme is designated as SSSI, principally due to the quality of the lowland heath and woodland habitats. A high proportion of this SSSI is included in the Thames Basin Heaths SPA due to the presence of three rare ground-nesting bird species that use the heathland – nightjar, woodlark and Dartford warbler. The SSSI is also notable for its assemblage of invertebrate species and is a nationally important site for dragonflies and damselflies, with 26 species recorded. Many other rare birds can be seen, including the hobby, one of the few species that can catch dragonflies. There are several areas of ancient woodland around the Scheme, some of which will be affected.
- 5.1.5 Replacement Land can also provide many biodiversity benefits, where compatible with public access, including compensation planting for loss of ancient and other woodland and mitigation habitats for loss of SSSI and/or SPA habitats. The habitat interest or potential is a key element in the character and attractiveness of these open spaces and is, therefore, a major factor in determining equality of advantage for this Scheme.
- 5.1.6 Locations were identified initially within each of the four quadrants of land around M25 junction 10; the Scheme includes locations within three quadrants. The locations appraised during the Scheme development exceeded the Replacement Land requirement, to provide options prior to arriving at the chosen locations, as summarised in Section 5.6. Information on the land parcels and their ownership

was obtained from the Land Registry. Each area is given a reference that is also used on the summary table and the plans. All areas quoted are approximate.

- 5.1.7 The relationship of the Replacement Land locations to the current extent of Special Category Land is summarised in Appendix B, Figures B1 and B2. The proposed locations are described clockwise from the northwestern quadrant.

## 5.2 Northwestern Quadrant

- 5.2.1 There are three locations proposed in this quadrant, all within the landholding of Park Barn Farm:

- PBF1: Land between Buxton Wood and the River Wey.
- PBF2: Field southeast of Park Barn Farm.
- PBF3: Field and woodland east of Area PBF2.

- 5.2.2 Appendix B Figure B4 provides an overview of the Park Barn Farm area and around Buxton Wood.

### PBF1: Land between Buxton Wood and the River Wey

- 5.2.3 This low-lying pasture of about 5.10ha is part of Park Barn Farm. It is contiguous with the registered common land of Buxton Wood to the south and the public open space of the RHS pasture land to the west, between Buxton Wood and the river. Footpath 7 runs along the southern edge of the area and Bridleway 8 runs along the eastern edge. Access through this area will be improved by provision of a footpath across to and alongside the river, continuing through the RHS land to reach Buxton Wood bridge.
- 5.2.4 The replacement land will be managed in accordance with the Landscape and Ecology Management Plan (ES Appendix 7.20) to achieve the necessary conditions for public access and increase its biodiversity potential, including reduction of soil fertility if needed. Parts of the field may be suitable for compensation woodland planting for loss of ancient woodland alongside the A3. The western corner of this area lies within the River Wey floodplain zone 3 and is largely wooded.

**Figure 5.1: looking northeast across Area PBF1 from Footpath 7**



## PBF2: Field southeast of Park Barn Farm

- 5.2.5 This is an attractive open parkland of about 8.35ha extending up the slopes towards the wooded backdrop of Area N4 and Foxwarren Park; it is part of Park Barn Farm. There is a pond near the northern corner and Bridleway 8 runs along the west side. Although there are a couple of locations where fencing has not been recently replaced, this area is maintained as part of the private parkland around the farm house (see Figures 5.2, 5.3 and 5.4).
- 5.2.6 This area will improve the connectivity between the Clearmount and Buxton Wood areas of existing registered common, which is presently limited to a short length of contiguous boundary near the M25. This connectivity will be enhanced by provision of a new bridleway between Bridleway 8 and the proposed bridleway along Footpath 11 between Clearmount bridge and Redhill Road; the new bridleway will also connect to the existing permissive horse ride around Clearmount.
- 5.2.7 The replacement land will be managed in accordance with the Landscape and Ecology Management Plan (ES Appendix 7.20) to achieve the necessary conditions for public access and increase the biodiversity potential. The area has been mown rather than farmed in recent years and is already a reasonable dry grassland habitat, but soil samples have indicated that the soil chemistry tends towards neutral rather than acidic. Heathland species could be introduced once ground conditions have returned to being more acidic, as the field is on the Bagshot sands, whilst retaining much of the attractive open sweep of the meadow up to the woodland.

**Figure 5.2: Southwestern part of Area PBF2 from Bridleway 8, looking towards Clearmount**



- 5.2.8 Rubbish will need to be cleared from an area near the southwestern corner. Parts of the field may be suitable as a receptor site for soils from the ancient woodland alongside the A3 and/or for compensation woodland planting, which will also enhance woodland habitat connectivity between Buxton Wood and Clearmount and the line of ancient woodland running along the slopes north of Foxwarren Park.

**Figure 5.3: Looking northeast towards the woodland of Area PBF3 across the south edge of Area PBF2, by Clearmount**



### PBF3: Fields and woodland east of Area PBF2

- 5.2.9 This is parkland grassland and woodland of about 8.40ha is part of Park Barn Farm, extending up the slopes to Foxwarren Park. It includes a pond and an area of ancient woodland at the northern end. It is contiguous with Wisley Common to the south and contiguous with and open to Area PBF2 to the west (see Figures 5.3, 5.4 and 5.5). All this area is included within the TPO that also covers the adjacent grounds of Foxwarren Park. Access to this area will be improved by creation of informal paths to link to the new bridleway proposed from Bridleway 8 via Area PBF2 and continuing through to Wisley Common.
- 5.2.10 The replacement land will be managed in accordance with the Landscape and Ecology Management Plan (ES Appendix 7.20) to achieve the necessary conditions for public access and increase the biodiversity potential. The open part has been mown rather than farmed in recent years and is already a reasonable dry grassland habitat, and soil samples have indicated that the soil chemistry has remained acidic. Heathland species could be introduced, as the field is on the Bagshot sands, whilst maintaining the open character of this part of the area.

**Figure 5.4: Looking northeast into the open meadow part of Area PBF3 from Area PBF2**



**Figure 5.5: Looking westwards from the open woodland of area PBF3**



**Figure 5.6: dense birch woodland in south part of area PBF3**



- 5.2.11 The existing dense stand of birch woodland at the south end of the area (see Figure 5.6) will be managed to enhance amenity and biodiversity, which could include some selective felling and creation of heathland glades if this can be agreed with the local planning authority. Parts of the wooded area may be suitable as a receptor site for soils from the ancient woodland alongside the A3. Some areas of planting will be provided to enhance the viability and diversity of the wooded areas, which could also act as compensation woodland planting.

- 5.2.12 The management and/or planting will also improve habitat connectivity between woodland within the SSSI to the south and the line of ancient woodland extending along the slopes to the north of Foxwarren Park.

## 5.3 Northeastern Quadrant

- 5.3.1 There are four locations proposed in this quadrant, all within the landholding of what used to be Chatley Farm:

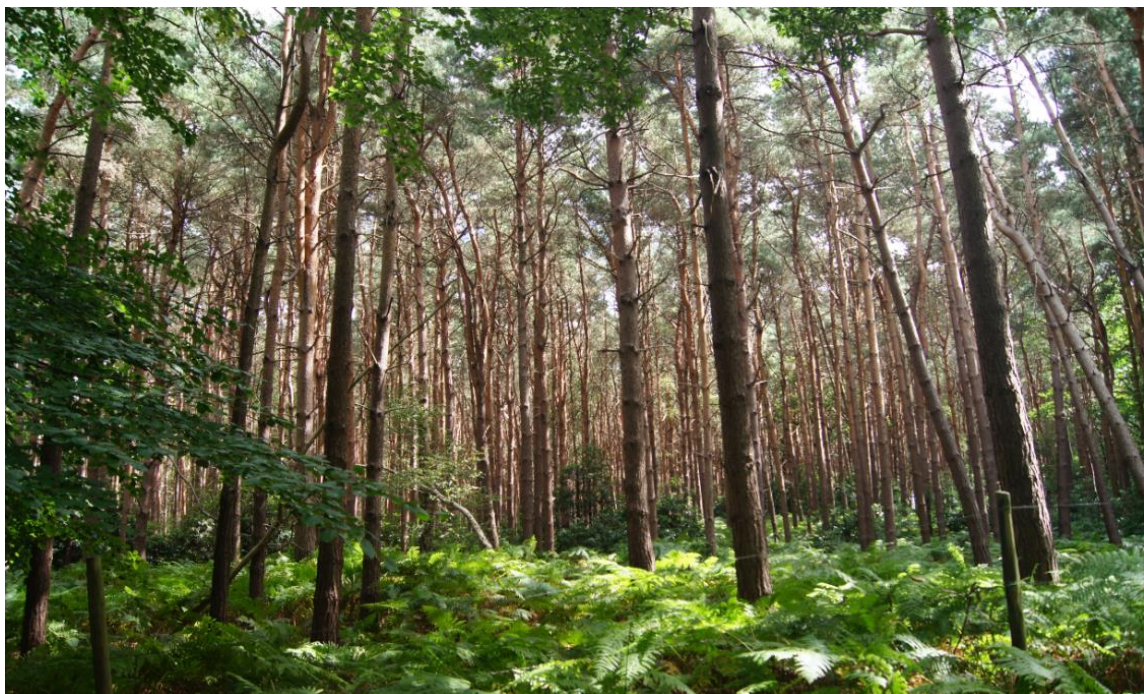
- CF1: Eastern part of Chatley Wood.
- CF2: Wood south of Pointers Road, west of Chatley Cottage
- CF3: Wood north of Pointers Road (The Bogs).
- CF4: Wood south of Pointers Road, near Hatchford Park bridge.

- 5.3.2 Appendix B Figure B5 provides an overview of the Chatley Wood and Farm area.

### CF1: Eastern part of Chatley Wood

- 5.3.3 This 6.98ha plantation woodland is largely of mature Scots pine (see Figure 5.7), with areas of birch woodland on the eastern side (see Figure 5.8) and mature oaks along some of the boundaries. It surrounds a small and partly overgrown pond, which remains from a larger dam formerly used as a duck decoy. The eastern edge affords views over the Mole valley. The plantation is contiguous with the broadleaved woodland of Red Hill and the western part of Chatley Wood (see Figure 4.8), which are common land or open space.

**Figure 5.7: Area CF1 Chatley Wood Scots pine plantation**



- 5.3.4 Pointers Road runs along the south side and will provide NMU access and a link to the proposed bridleway and bridges over the M25 and A3. Access will be improved by the bridleway proposed through the area and running up the line of an old track on the east side of Red Hill, to join the proposed restricted byway

connection alongside the A3 and the route across the A3 over the proposed Red Hill bridge.

**Figure 5.8: Birch woodland in eastern corner of Area CF1**



- 5.3.5 This woodland is similar in character to the Special Category Land near M25 junction 10 (see Figures 4.4 and 4.13), but will still require some management in accordance with the Landscape and Ecology Management Plan (ES Appendix 7.20) to achieve the necessary conditions for public access and increase the biodiversity potential, including removal (harvesting) of some of the mature Scots pine, removal of Rhododendron and removal of some of the shading of the small water body. Introduction of heathland or heathland woodland species should be feasible, as this area is on the Bagshot sands.

#### CF2: Wood south of Pointers Road, west of Chatley Cottage

- 5.3.6 This 3.12ha plantation woodland remnant of Breach Hill Wood is largely of mature Scots pine (see Figure 5.9 below), similar in character to Area CF1. The plantation is contiguous with the broadleaved woodland at Redhill Bottom that is registered common land (see Figure 4.9). Pointers Road runs along the north side and will provide NMU access and a link to the proposed bridleway and bridges over the M25 and A3. The M25 runs past the south side of this wood, mostly in cutting.
- 5.3.7 This woodland is similar in character to the Special Category Land near M25 junction 10 (see Figures 4.4 and 4.13), but will still require management to bring the woodland into a more appropriate condition for public access and increase the biodiversity potential, including removal (harvesting) of some or all of the mature Scots pine and removal of Rhododendron. The western part of this area will be cleared during construction for use as a site compound, with the soil layers reinstated to be suitable for use as Replacement Land. Introduction of heathland or heathland woodland species should be feasible, as this area is on the Bagshot sands.

- 5.3.8 Part of the southern edge of this woodland will be needed for the extension to the M25 eastbound on-slip; this part is not included in the Replacement Land area.

**Figure 5.9: Area CF2 from Pointers Road**



**CF3: Wood north of Pointers Road (The Bogs)**

- 5.3.9 This 4.23ha mixed woodland is mostly designated as ancient woodland, although it includes sweet chestnut and extensive areas of dense Rhododendron understorey (see Figure 5.10 below). Access will be available from Pointers Road along the south side and an informal footpath will be created to provide a loop through the area, using existing tracks where possible.

**Figure 5.10: Area CF3 from Pointers Road**



- 5.3.10 The replacement land will be managed in accordance with the Landscape and Ecology Management Plan (ES Appendix 7.20) to achieve the necessary conditions for public access and increase the biodiversity potential and health of the ancient woodland, including removal of some or all of the Scots pine and other non-native tree species and removal of Rhododendron.

#### CF4: Wood south of Pointers Road, near Hatchford Park bridge

- 5.3.11 This 1.89ha mixed woodland remnant of Breach Hill Wood includes mature Scots pine, oak, birch, western hemlock and sweet chestnut, with some areas of Rhododendron understorey (see Figure 5.11). The area adjoins the small extent of Chatley Heath common land (CL446) that lies north of the M25. Access will be available from Pointers Road along the north side and an informal footpath will be created to join Bridleway 69 as it rises to Hatchford Park bridge.

**Figure 5.11: Area CF4 from Pointers Road**



- 5.3.12 The replacement land will be managed in accordance with the Landscape and Ecology Management Plan (ES Appendix 7.20) to achieve the necessary conditions for public access and increase the biodiversity potential, including removal (harvesting) of some or all of the mature Scots pine and western hemlock and removal of Rhododendron.

## 5.4 Southeastern Quadrant

- 5.4.1 There are two proposed locations in this quadrant, both adjacent to Hatchford End:
- HE1: Enclosed field near Hatchford End;
  - HE2: Open field near Hatchford End.
- 5.4.2 Appendix B Figure B6 provides an overview of the Hatchford End area.

## HE1: Enclosed field near Hatchford End

- 5.4.3 This 1.18ha field beside Old Lane opposite Hatchford End is used as pasture (see Figure 5.12). It abuts wooded open space to the north, beyond which is the open space of Hatchford Wood. Connectivity of HE1 will benefit from the proposed footpath from Old Lane and Footpath 71 via Area HE2, into Ockham Common to join Bridleway 18. There is a cess pit within this field near the road, used by the houses opposite, which may need to be fenced off from public access, making the available replacement land area slightly less.
- 5.4.4 The replacement land will be managed in accordance with the Landscape and Ecology Management Plan (ES Appendix 7.20) to achieve the necessary conditions for public access and increase the biodiversity potential, including reduction of soil fertility. Introduction of heathland species should be feasible where the ground is suitable, as this area is on the Bagshot sands. The field may also be suitable as a receptor site for soils from ancient woodland and/or for compensation woodland planting.
- 5.4.5 The adjacent small fields and woodland to the northwest are shown as being outside the 'access land' on the 1:25,000 OS map. However, these are owned by SCC and leased to SWT and have existing public access via gates and, therefore, are not eligible as potential Replacement Land.

**Figure 5.12: Area HE1 enclosed field from Old Lane**



## HE2: Open field near Hatchford End

- 5.4.6 This 0.55ha part of a field beside Old Lane opposite Hatchford End is used as pasture (see Figure 5.13). It abuts Area HE1 to the north and Footpath 71 from Old Lane runs along its southern edge. Connectivity of the area will be improved by the proposed footpath linking Footpath 71 through to Area HE1, thereby creating a circular route from Hatchford Wood that does not require use of Old Lane, which has no footways or open verges and has poor sightlines for NMUs.
- 5.4.7 The replacement land will be managed in accordance with the Landscape and Ecology Management Plan (ES Appendix 7.20) to achieve the necessary conditions for public access and increase the biodiversity potential, including reduction of soil fertility. Introduction of heathland or heathland woodland species should be feasible where the ground is suitable, as this area is on the Bagshot sands. The field may also be suitable as a receptor site for soils from the ancient woodland alongside the A3 and/or for compensation woodland planting.

**Figure 5.13: Area HE2 open field from Footpath 71; Old Lane is behind trees to the left**



## 5.5 Alternative locations considered

5.5.1 The principal alternative locations that have been considered for Replacement Land are summarised below, along with the reasons for not using them.

- Using some or all of the land at Pond Farm, due to its location in the middle of Wisley Common. This was the only potentially feasible option within the southwestern quadrant, as the common land here is bounded by RHS Wisley or Wisley village. However, the farm is owned by SCC and currently occupied by SWT as a centre for their businesses, including the herd of cattle SWT use for grazing management of various sites in the county, including the SCC component sites of the Thames Basin Heaths SPA. SWT consider that permanent areas of grazing adjacent to the farm centre are a vital component of the herd management system, particularly for young calves, newly acquired stock or disease check procedures. Without this proximity, SWT would need to relocate the herd management centre elsewhere, which would be complex and would mean this herd could not then be used on all the sites SWT manage, whilst remaining within the 10km restriction on herd movement imposed by foot and mouth disease licencing. Relocation of the herd centre may also reduce the ability of SWT to use grazing as a management tool for the Wisley component of the Thames Basin Heaths SPA. The adverse impact on the SWT business and herd management, including its consequences for management of this component site of the SPA, meant that this location was discounted from further consideration.
- Using more of the land around Park Barn Farm, including fields and woodland to the east and north of the house. This would also allow potential for a new PRow to connect through to Bridleway 25 where it crosses the River Wey. However, it would mean that the house, outbuildings and immediate surrounds would become islanded within areas of public access and, therefore, was not considered as appropriate replacement land.
- Using more of the land at Chatley Farm. The fields immediately east of area CF1 are further from the existing extent of open space and common and they lie partially within the River Mole floodplain. The large fields beside the River Mole, to the east of the houses at Chatley Farm and area CF3, are entirely within the river floodplain and increasingly remote from and different in character to the Special Category Land that would be lost to the scheme.

Using them would mean that the group of houses at the farm would become islanded within areas of public access. For these reasons, the open fields at Chatley Farm were not included within the replacement land proposal.

- Using a bigger proportion of the fields at location HE2; such land was included at an earlier stage in the design, when the requirement for replacement open space land was expected to be larger, but would have had an adverse effect on the management of the equestrian business at Poynters Farm and was subsequently removed from the proposal.
- Using one or more of the fields south of Hatchford Wood and east of Bridleway 70. These pastures are on south-facing slopes and could be developed into a sequence of glades and woodland extending down from Hatchford Wood, with paths to provide an additional route into the existing common land. However, this area was different in character to the Special Category Land and planting within it would affect the open western aspect of the setting of the listed buildings at Hatchford Park; it was, therefore, discounted from further consideration.
- Using land north of the runway of the former Wisley Airfield, but this was included within allocations for housing development in the draft local plan and was, therefore, not considered a viable option.

## 6. Summary and Conclusion

### 6.1 Summary of proposed Replacement Land locations

- 6.1.1 The proposed Replacement Land solution includes a substantial portion of Park Barn Farm, land formerly part of Chatley Farm and land near Hatchford End. This will increase the extent of public access in the northwestern quadrant of Wisley Common, which is the direction from which many of the users come, and increase the extent of public access in the northeastern quadrant between the two new overbridges, providing:
- Common land for CL350 (and CL447) at PBF1, PBF2 and PBF3 – about 21.85ha, including up to 6ha available for woodland compensation planting.
  - Common land for CL446 at CF2 and CF3 – about 3.32ha.
  - Open space at PBF1, CF1, CF3, CF4, HE1 and HE2 - about 16.22ha, including up to 2ha available for woodland compensation planting.
- 6.1.2 This proposal reflects the basis in Section 2.7 that the Replacement Land provided would need to be approximately 2.5 times the 6.97ha of common land permanently acquired and 2 times the 6.74ha of open space permanently acquired, plus approximately one times the 5.45ha and 2.98ha of rights permanently acquired over common land and open space, which gives targets of about 22.88ha for common land and about 16.47ha for open space.
- 6.1.3 It would have been preferable to provide some Replacement Land in each of the quadrants, as all four will lose some Special Category Land; however, an appropriate location was not identified in the southwestern quadrant. It is also not practicable to provide equality of advantage within each quadrant individually using suitable available land parcels; equality of advantage is, therefore, considered in Scheme-wide terms but separated into CL350 and CL447 (Wisley Common), CL446 (Chatley Heath) and open space (mostly Ockham Common).
- 6.1.4 All the Replacement Land parcels are currently farmland or woodland, whether commercially used as such or not. The fiscal value of each land parcel is not part of the appraisal summary.
- 6.1.5 The Replacement Land Areas included within the DCO boundary are summarised on Figures B1 and B2 in Appendix B.
- 6.1.6 Table 6.1 below provides a summary of the appraisal of the Replacement Land areas described in Chapter 5, highlighting the pros and cons of each area and identifying the proposed roles as replacement common land or open space. Notes for the table are:
- Existing heathland, heathy woodland and ancient woodland around the Scheme are on Bagshot Formation sands or on overlying Kempton Park or Lynch Hill Gravels.
  - Most of the Special Category Land is designated as SSSI; a large proportion is also designated as SPA; small areas are designated as ancient woodland and/or SNCI.
  - Green = proposed locations for replacement of common land CL350 & 447.  
Blue = proposed locations for replacement of common land CL446.  
Yellow = proposed locations for replacement of open space.

**Table 6.1: Summary of Appraisal of Proposed Replacement Land Locations**

| Description |                                         |                                                                      |                                                        | Advantages to the Public                                   |                                                                              |                                                            |                                                                                                                                    |                                                                                 |      |                                                                              |
|-------------|-----------------------------------------|----------------------------------------------------------------------|--------------------------------------------------------|------------------------------------------------------------|------------------------------------------------------------------------------|------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|------|------------------------------------------------------------------------------|
| Ref         | Location                                | Character                                                            | Soil Type                                              | Connectivity                                               | PRoW links                                                                   | Noise                                                      | Landscape / Habitat                                                                                                                | Constraints / Work Needed                                                       | Ha   | Intended Use                                                                 |
| PBF1        | Land between Buxton Wood and River Wey. | Low-lying pastures adjoining river.                                  | Kempton Park gravels overlying Bagshot Formation sand. | Common land and open space.                                | Adjoins Footpath 7 and Bridleway 8.                                          | Quieter than Special Category Land.                        | Grassland, with rushes in parts and some broadleaved woodland. Not recently farmed. Potential woodland compensation planting site. | Partly within floodplain zone 3. Planting.                                      | 3.10 | As common land for CL350 Wisley Common.                                      |
|             |                                         |                                                                      |                                                        |                                                            |                                                                              |                                                            |                                                                                                                                    |                                                                                 | 2.00 | As open space for Ockham Common and land by Pond Farm.                       |
| PBF2        | Field south of Park Barn Farm house.    | Parkland field extending up rolling slopes to woodland of Area PBF3. | Bagshot Formation sand.                                | Common land on two sides and improves connectivity between | Adjoins Bridleway 8 and a permissive horse ride; proposed bridleway between. | Quieter than Special Category Land.                        | Dry grassland with parkland trees. Views over Wey valley. Has been maintained by mowing not farming.                               | New bridleway. Limited woodland planting to enhance links to other areas.       | 8.03 | As common land for losses from CL350 Wisley Common; and CL447 Wisley Common. |
|             |                                         |                                                                      |                                                        |                                                            |                                                                              |                                                            |                                                                                                                                    |                                                                                 | 0.32 |                                                                              |
| PBF3        | Woodland and fields east of Area PBF2.  | Parkland grassland and woodland. Secluded. Opens into Area PBF2.     | Bagshot Formation sand.                                | Common land to south and ancient woodland to north.        | Adjoins a permissive horse ride to south and proposed bridleway to west.     | Quieter than Special Category Land.                        | Dry grassland plus broadleaved woodland. Grass has been maintained by mowing not farming. Includes pond and some ancient woodland. | Needs Area PBF2 to be included. Potential ancient woodland soils receptor site. | 8.40 | As common land for CL350 Wisley Common.                                      |
| CF1         | Eastern part of Chatley Wood.           | Plantation woodland on south slopes of Red Hill; mature Scots pine.  | Bagshot Formation sand or overlying Taplow gravels.    | Common land and open space.                                | Adjoins Pointers Road. Bridleway proposed.                                   | South part is like Special Category Land; rest is quieter. | Mature Scots pine plantation woodland with bracken, Rhododendron and some steep slopes. Includes partly overgrown pond.            | New bridleway. Some felling and planting needed to enhance habitat value.       | 6.98 | As open space for Ockham Common.                                             |

| Description |                                         |                                                                |                                                     | Advantages to the Public                                             |                                                             |                                                            |                                                                                                                   |                                                                             |      |                                         |
|-------------|-----------------------------------------|----------------------------------------------------------------|-----------------------------------------------------|----------------------------------------------------------------------|-------------------------------------------------------------|------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|------|-----------------------------------------|
| Ref         | Location                                | Character                                                      | Soil Type                                           | Connectivity                                                         | PRoW links                                                  | Noise                                                      | Landscape / Habitat                                                                                               | Constraints / Work Needed                                                   | Ha   | Intended Use                            |
| CF2         | Wood south of Pointers Road.            | Plantation woodland adjacent to M25; mature Scots pine.        | Bagshot Formation sand.                             | Common land.                                                         | Adjoins Pointers Road and proposed bridleway.               | Similar to Special Category Land.                          | Mature Scots pine plantation woodland with bracken. Can be managed to enhance habitat value.                      | Some Scots pine removal. No through route available.                        | 3.12 | As common land for CL446 Chatley Heath. |
| CF3         | Wood north of Pointers Road (The Bogs). | Mature damp mixed woodland.                                    | Bagshot Formation sand or overlying Taplow gravels. | Ancient woodland to west. Across road from Area CF4 and common land. | Adjoins Pointers Road and opposite Bridleway 69.            | South part is like Special Category Land; rest is quieter. | Mixed woodland, mostly ancient, but with extensive Rhododendron.                                                  | Rhododendron clearance. Management to enhance habitat value and viability.  | 4.23 | As open space for Ockham Common.        |
| CF4         | Wood northwest of Hatchford Park bridge | Plantation woodland adjacent to M25; mostly mature Scots pine. | Bagshot Formation sand.                             | Common land.                                                         | Adjoins Pointers Road and Bridleway 69.                     | Similar to Special Category Land.                          | Mixed woodland with extensive Rhododendron.                                                                       | Rhododendron clearance. Some felling and planting to enhance habitat value. | 0.20 | As common land for CL446 Chatley Heath. |
|             |                                         |                                                                |                                                     |                                                                      |                                                             |                                                            |                                                                                                                   |                                                                             | 1.69 | As open space for Ockham Common.        |
| HE1         | Enclosed field opposite Hatchford End.  | Small pasture field alongside Old Lane, partly overgrown.      | Bagshot Formation sand.                             | Open space                                                           | Adjoins Old lane & opposite Footpath 19. Footpath proposed. | Quieter than Special Category Land.                        | Rough grassland, partly overgrown. Potential ancient woodland soils receptor site and compensation planting site. | New footpath into public open space to north. Planting.                     | 1.18 | As open space for Ockham Common.        |
| HE2         | Open field near Hatchford End           | West side of pasture field alongside Old Lane.                 | Bagshot Formation sand; Lynch Hill Gravel.          | None; connects to Area HE1.                                          | Footpath 71 and Old Lane. Footpath proposed.                | Quieter than Special Category Land.                        | Improved agricultural grassland. Potential ancient woodland soils receptor and woodland planting site.            | New footpath from Area HE1. Planting.                                       | 0.55 | As open space for Ockham Common.        |

## 6.2 Associated biodiversity measures

- 6.2.1 There is a requirement to provide a receptor site for up to about 0.4ha of translocation of ancient woodland soils (as set out in the ES Chapter 7), plus some mitigation habitat creation, as parts of the package of biodiversity measures. These requirements are subject to confirmation by more detailed design and further engagement with stakeholders. The proposal is to achieve these requirements within the proposed enhancement works to the Replacement Land areas, rather than seek to acquire additional land, as follows:
- Parts of PBF1, PBF3, HE1 and HE2 would be most suited to creating receptor sites for translocation and/or providing compensation woodland planting (depending on soil conditions).
  - PBF2 and PBF3 would be most suited to creating dry grassland habitats and, if the soil reverts to being more acidic, maybe heathland in time, plus thinning of birch woodland in PBF3 to create glades to link to Wisley Common SSSI heathland and some limited planting in PBF2 to enhance woodland habitat connectivity between Buxton Wood and the ancient woodland in PBF3.
  - Management of existing woodland within CF1, CF2, CF3 and CF4, which could also involve areas of tree felling and/or thinning, would lead towards habitats more akin to those in the wooded parts of the SPA and SSSI.

## 6.3 Compliance with sections 131 and 132 of the Planning Act 2008

- 6.3.1 Appendix C provides a summary of all the plots of Special Category Land included in the draft DCO, for permanent acquisition, permanent acquisition of rights and temporary possession, along with the replacement land plots.

### Planning Act 2008 section 131

- 6.3.2 In relation to the areas of Special Category Land subject to permanent acquisition (being parts of Wisley Common (CL350 and CL447), parts of Chatley Heath (CL446) and parts of Ockham Common open space), the requirements of section 131(4) of the Planning Act are satisfied such that the Secretary of State may certify accordingly under section 131(3)(b).
- 6.3.3 Section 131(4) provides as follows:
- “(4) This subsection applies if—*
- (a) replacement land has been or will be given in exchange for the order land, and*
- (b) the replacement land has been or will be vested in the prospective seller and subject to the same rights, trusts and incidents as attach to the order land.”*
- 6.3.4 Highways England has considered the application of section 131 on a Scheme-wide basis, rather than consideration of replacement land on a parcel-by-parcel basis. This means that the replacement land parcels function collectively as replacement land for a series of Special Category Land parcels and the ratios of 2.5:1 and 2:1 have been applied on a scheme-wide basis, i.e. to the totality of

Special Category Land subject to permanent acquisition, rather than per each parcel of Special Category Land, as this would not have been practicable.

- 6.3.5 As to section 131(4)(a), the draft DCO authorises Highways England to acquire the replacement land for the purposes of providing it as replacement land in relation to the Special Category Land identified above that is to be acquired permanently for the Scheme.
- 6.3.6 As noted at paragraphs 2.7.13 and 2.7.18 above, the extent of replacement land provided is well in excess of the area of Special Category Land subject to compulsory acquisition, such that the replacement land to be provided satisfies the criteria of the definition of 'replacement land' in section 131 of the Planning Act.
- 6.3.7 Article 37 of the draft DCO provides that Highways England cannot acquire the Special Category Land until it has acquired the replacement land and a scheme for the provision of the replacement land, including a timetable for its provision, has been certified by the Secretary of State, as having been received from Highways England.
- 6.3.8 As to section 131(4)(b), article 37(4)(b) of the draft DCO provides that as soon as the replacement land has been acquired by Highways England and a scheme certified by the Secretary of State as having been received from Highways England, the replacement land will vest in the owners of the special category subject to the same rights, trusts and incidents as attach to the Special Category Land.
- 6.3.9 In summary regarding compulsory acquisition of Special Category Land, sufficient replacement land has been secured by the draft DCO with the effect that there is no impediment to the Secretary of State certifying under section 131(4)(b) that the requirements of section 131 have been complied with, such that the draft DCO should not be subject to special parliamentary procedure on this account. The relevant plots are listed in Tables C1 and C2 in Appendix C to this report.

### Planning Act 2008 section 132

- 6.3.10 In relation to the areas of Special Category Land subject to permanent acquisition of rights over land (being parts of Wisley Common (CL350 and CL447), parts of Chatley Heath (CL446) and parts of Ockham Common open space) for the purposes specified in paragraph 6.3.11 (a) and (b) below, the requirements of sections 132(4) of the Planning Act is satisfied such that the Secretary of State may certify accordingly under section 132(2)(b). This is on the basis as set out in paragraph 2.7.18 above, that replacement land is to be provided on a 1:1 ratio as compensation for Special Category Land which is to be subject to the acquisition of permanent rights for those purposes. The relevant plots are listed in Table C3 in Appendix C to this report.
- 6.3.11 In relation to the areas of Special Category Land subject to permanent acquisition of rights over land (being parts of Wisley Common (CL350 and CL447), parts of Chatley Heath (CL446) and parts of Ockham Common open space) for the purposes specified in paragraph 6.3.13 (c) to (f) below, the requirements of sections 132(3) and (5) of the Planning Act are satisfied such that the Secretary of State may record accordingly under section 132(2)(b).

6.3.12 Section 132(3) Planning Act provides as follows:

*“(3) This subsection applies if the order land, when burdened with the order right, will be no less advantageous than it was before to the following persons—*

*(a) the persons in whom it is vested,*

*(b) other persons, if any, entitled to rights of common or other rights, and*

*(c) the public.”*

6.3.13 The Scheme requires the acquisition of permanent rights in land that is Special Category Land for the following purposes, which are more fully described in Schedule 5 to the draft DCO.

- a. Works to implement the highway elements of the Scheme (including culverts, drainage works and earthworks and other highway structures).
- b. Access to land for the purposes of maintenance of utilities or Highways England apparatus
- c. Works to maintain enhanced NMU routes across Special Category Land.
- d. Access to replacement land for the purpose of land maintenance.
- e. Works to carry out enhancements to existing and proposed parts of the Thames Basin Heaths SPA.
- f. General environmental mitigation works.

6.3.14 Highways England has considered the most appropriate type of land acquisition power in respect of the six purposes identified at paragraph 6.3.13 above and considers that permanent rights in land are the most appropriate power. This is because Highways England does not consider that there is a justification in the public interest to acquire this land permanently, but equally considers that temporary possession powers would not be sufficient to ensure that the objectives of the Scheme could be achieved for the long-term, particularly in relation to environmental improvements.

6.3.15 For the purposes specified in paragraph 6.3.13 c to f above, Highways England considers that the affected Special Category Land, when subject to the acquisition of rights as provided for in the draft DCO, will be no less advantageous to each of the persons described in section 132(3) of the Planning Act. This is because the rights described are being taken for the benefit of the land to enhance it and improve its ecological and/or amenity status. The nature of the rights taken mean that access to the land for members of the public will not be restricted or impeded to any greater extent than occurs at present during current maintenance works undertaken by Surrey Wildlife Trust. The relevant plots are listed in Table C4 in Appendix C to this report.

6.3.16 It is Highways England's intention to avoid the need to exercise the permanent rights over the Special Category Land by entering into an agreement with Surrey County Council and Surrey Wildlife Trust, pursuant to which Surrey Wildlife Trust will be responsible for carrying out the works to the SPA enhancement areas, compensation land and other environmental mitigation works for which permanent rights are taken in the draft DCO.

6.3.17 Further and in the alternative, the requirements of section 132(5) of the Planning Act are satisfied in relation to the acquisition of permanent rights in Special

Category Land for the purposes specified in paragraph 6.3.13 (c) to (f) above.  
Section 132(5) provides as follows:

*“(5) This subsection applies if—*

*(a) the order land does not exceed 200 square metres in extent or the order right is required in connection with the widening or drainage of an existing highway or in connection partly with the widening and partly with the drainage of such a highway, and*

*(b) the giving of other land in exchange for the order right is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public.”*

- 6.3.18 The Special Category Land subject to the acquisition of permanent rights in land is required in connection with the widening or drainage of an existing highway (or in this case highways).
- 6.3.19 The Scheme includes the widening of the A3 to dual-four lanes between Ockham Park junction and M25 junction 10 and between M25 junction 10 and Painshill junction and a material proportion of the Special Category Land is required in connection with the widening of the A3. The permanent rights to be acquired under the draft DCO are required in connection with the widening of the A3 on the basis that they are required:
- a. To ensure that highway elements of the Scheme can continue to be maintained by Highways England.
  - b. To offset the adverse environmental effects of the Scheme by the provision of enhancements to existing SPA and other land.
  - c. To improve connectivity for NMU users by the creation of an improved NMU network around junction 10 of the M25.
  - d. To provide necessary rights of access and maintenance to Highways England, utility apparatus owners and owners of private residences.
- 6.3.20 The scope of permanent rights taken over the affected Special Category Land is therefore within section 132(5)(a).
- 6.3.21 Furthermore, regarding the rights described in paragraph 6.3.13 c to f above, Highways England considers that it would not be justifiable in the public interest to acquire land from a third party to replace the Special Category Land which is to be subject to these rights. As noted at paragraph 2.6, Highways England does not consider that, when burdened with these rights, the affected Special Category Land will be less advantageous to users of the land than previously.
- 6.3.22 In summary regarding the compulsory acquisition of rights over Special Category Land, the conditions specified in sections 132(3) and (5) Planning Act are both satisfied with the effect that there is no impediment to the Secretary of State certifying under section 132(2)(b) that the requirements of section 132 have been complied with, such that the draft DCO should not be subject to special parliamentary procedure on this account.

## 6.4 Conclusion

- 6.4.1 Highways England is satisfied that suitable Replacement Land can be provided in exchange for the Special Category Land that will be required for the Scheme, which will satisfy the relevant statutory tests for the certification by the Secretary of State in Sections 131 and 132 of the Planning Act 2008 (as amended), as well as Annex A of the 2013 DCLG Guidance on Compulsory Purchase and Sections 16(6) and 38(1) of the Commons Act 2006. The requirements and solution for the Replacement Land proposals included in the Scheme are summarised in Table 6.2 below.
- 6.4.2 The areas proposed as Replacement Land vary in character and condition and in their similarity to the respective Special Category Land; hence all will need to be managed in accordance with the Landscape and Ecological Management and Monitoring Plan (an appendix of the Environmental Statement) including, in many cases, some planting to achieve the necessary conditions for public access. Some of the proposed areas are less affected by road traffic noise than the respective Special Category Land. Effective connections to PRoW and the existing commons and public open space can be provided into all the proposed areas, but not through all of them onto another route. These factors have influenced the ratios of provision adopted.
- 6.4.3 The Replacement Land provided will also provide scope for the provision of mitigation or compensatory habitats for loss of existing woodland and for habitats lost from the various ecological designations, where this is compatible with the works required to make the land equally advantageous to the public. These factors have been taken account of in the environmental assessment of the project, particularly for the ecology, landscape and community assessments.
- 6.4.4 As can be seen from Table 6.2 below, the area of Replacement Land will exceed the area of Special Category Land that will be subject to compulsory acquisition of title or rights under the DCO (where these rights are considered to be a burden). The area of Replacement Land will also exceed the combined areas of acquisition of title and rights (where these rights are considered to be a burden) and temporary possession for the corresponding Special Category Land types:
- Wisley Common CL350 and CL447 – 19.85ha provided to 12.66ha affected.
  - Chatley Heath CL446 – 3.32ha provided to 1.86ha affected.
  - Open space – 16.62ha provided to 13.33ha affected.
- 6.4.5 Once construction of the Scheme has been completed, all temporary works associated with the engineering construction will be cleared from the Special Category Land and these areas of temporary possession restored sufficiently to be handed back to the respective owners (SCC and RHS) with public access reinstated. This could be between 2.5 and 4 years after the start of construction, depending on the degree of reinstatement and revegetation required. This will also apply to the areas of engineering works over which permanent rights that are considered to be a burden have been acquired, with the difference being that these will usually include some visible permanent works, such as a bridleway and/or access track and, in places, localised earthworks.

- 6.4.6 The resulting approximate ratios of provision of Replacement Land to permanent loss of Special Category Land will then be:
- Wisley Common CL350 and CL447 – 19.85ha to 5.87ha – 3.4:1
  - Chatley Heath CL446 – 3.31ha to 1.10ha – 3.0:1
  - Open space (mainly Ockham Common) – 16.62ha to 6.74ha – 2.5:1
- 6.4.7 This represents an approximate net increase of 16.19ha in the extent of common land around junction 10 and an approximate net increase of 9.88ha in the extent of open space around junction 10.

**Table 6.2: Summary of Replacement Land Requirements and Proposals**

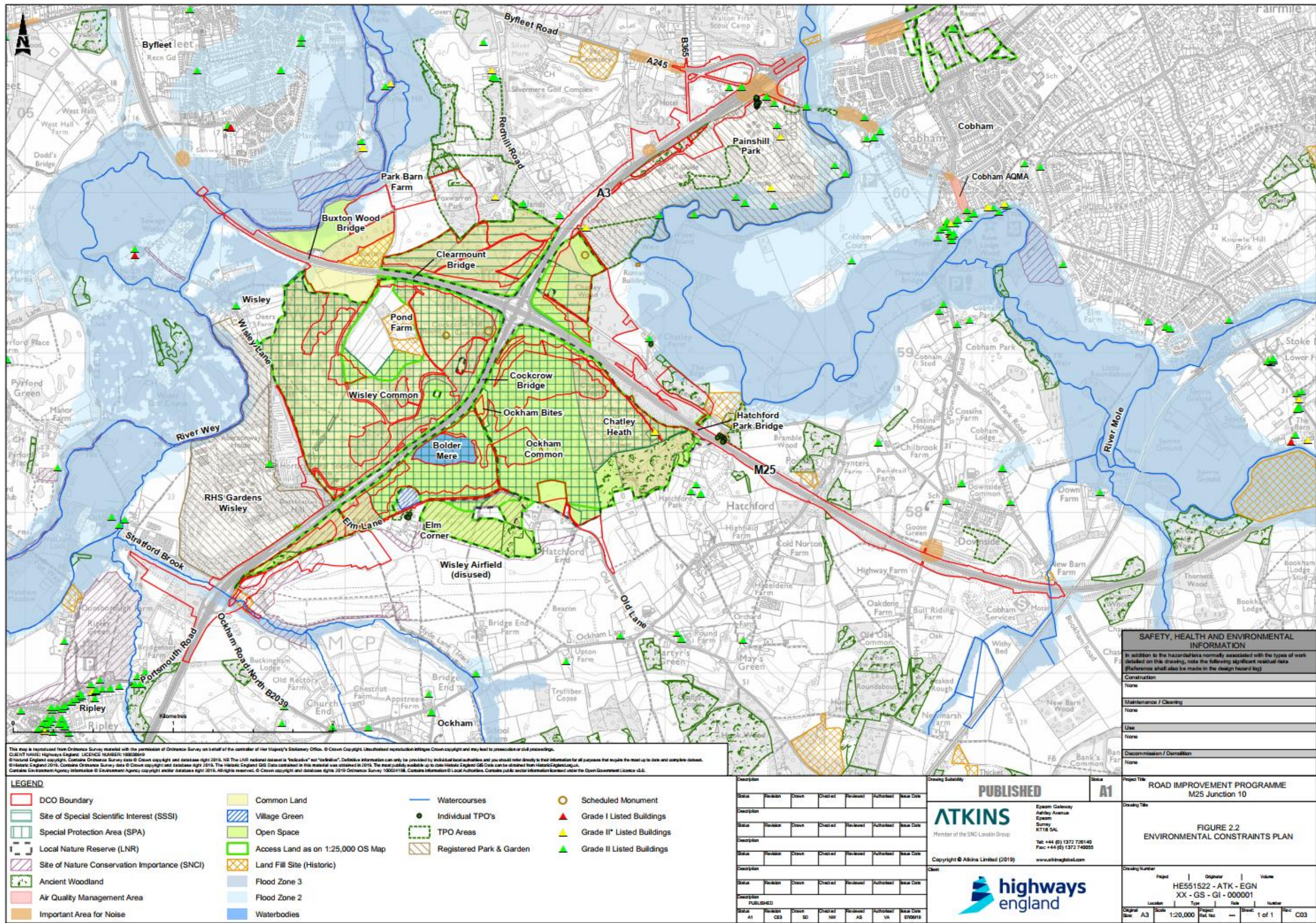
| Special Category Land Required |                                                                                                                                                              |                                                                                                                                               |                |         | Replacement Land Proposed |       |                                                               |                                                                                                                   |                                                                                                                                     |
|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|----------------|---------|---------------------------|-------|---------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| Status                         | Location                                                                                                                                                     | Landscape / Habitat                                                                                                                           | Title / Rights | Area ha | Area ha                   | Ratio | Area Refs                                                     | Location                                                                                                          | Landscape / Habitat                                                                                                                 |
| Common land<br>CL350           | Wisley Common: alongside M25 to west of junction 10; alongside A3 to north; alongside A3 to south; along Wisley Lane diversion.                              | Mature coniferous or broadleaved woodland; scrub; hedgerow; birch woodland; pasture                                                           | Title          | 5.87    | 15.12                     | 2.6:1 | PBF1 (3.10ha)<br>PBF2<br>PBF3                                 | Park Barn Farm<br>Park Barn Farm<br>Park Barn Farm                                                                | Pastures; parkland grassland; hedgerow; open woodland; ancient woodland; birch woodland with glades; broadleaved woodland planting. |
|                                |                                                                                                                                                              |                                                                                                                                               | Rights         | 4.73    | 4.73                      | 1:1   |                                                               |                                                                                                                   |                                                                                                                                     |
| Common land<br>CL447           | Wisley Common between Pond Farm and M25                                                                                                                      | Grassland alongside bridleway; mature trees                                                                                                   | Title          | 0.05    | 0.14                      | 2.7:1 | PBF2 (0.32ha)                                                 | Park Barn Farm                                                                                                    | Pastures; parkland grassland; hedgerow                                                                                              |
|                                |                                                                                                                                                              |                                                                                                                                               | Rights         | 0.18    | 0.18                      | 1:1   |                                                               |                                                                                                                   |                                                                                                                                     |
| Common land<br>CL446           | Chatley Heath: alongside M25 by Redhill Bottom; alongside A3 south of Hut Hill.                                                                              | Mature coniferous or broadleaved woodland                                                                                                     | Title          | 1.10    | 2.78                      | 2.5:1 | CF2<br>CF4 (0.20ha)                                           | Chatley Farm – south of Pointers Road                                                                             | Mixed woodland; coniferous woodland with glades; broadleaved woodland planting.                                                     |
|                                |                                                                                                                                                              |                                                                                                                                               | Rights         | 0.53    | 0.53                      | 1:1   |                                                               |                                                                                                                   |                                                                                                                                     |
| Open Space                     | Ockham Common: around M25 junction 10; alongside M25 to east; alongside A3 to north and south.<br><br>Land by Pond Farm.<br>Land beside BOAT 525 (Elm Lane). | Mature coniferous, broadleaved or mixed woodland; edge of Bolder Mere; small area of ancient woodland.<br><br>Pasture<br>Broadleaved woodland | Title          | 6.74    | 13.64                     | 2.0:1 | PBF1 (2.00ha)<br>CF1<br>CF3<br>CF4 (1.69ha)<br><br>HE1<br>HE2 | Park Barn Farm<br>Chatley Wood<br>The Bogs<br>Chatley Farm – S of Pointers Road<br>Hatchford End<br>Hatchford End | Pasture; wet pasture; broadleaved woodland; ancient woodland; coniferous woodland with glades; broadleaved woodland planting.       |
|                                |                                                                                                                                                              |                                                                                                                                               | Rights         | 2.98    | 2.98                      | 1:1   |                                                               |                                                                                                                   |                                                                                                                                     |

# Appendices

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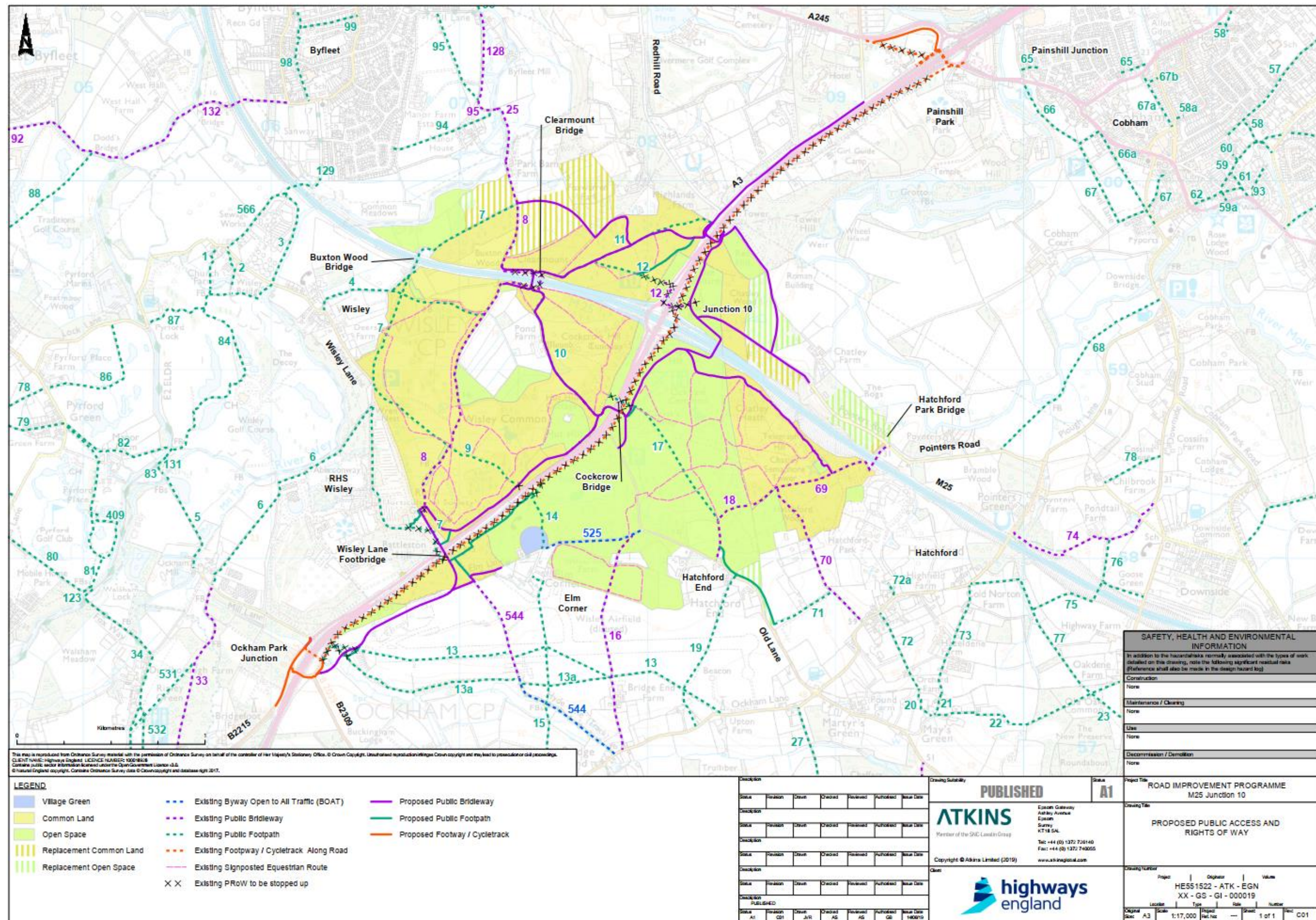
# Appendix A. Environmental Context

A.1 Environmental Constraints Plan

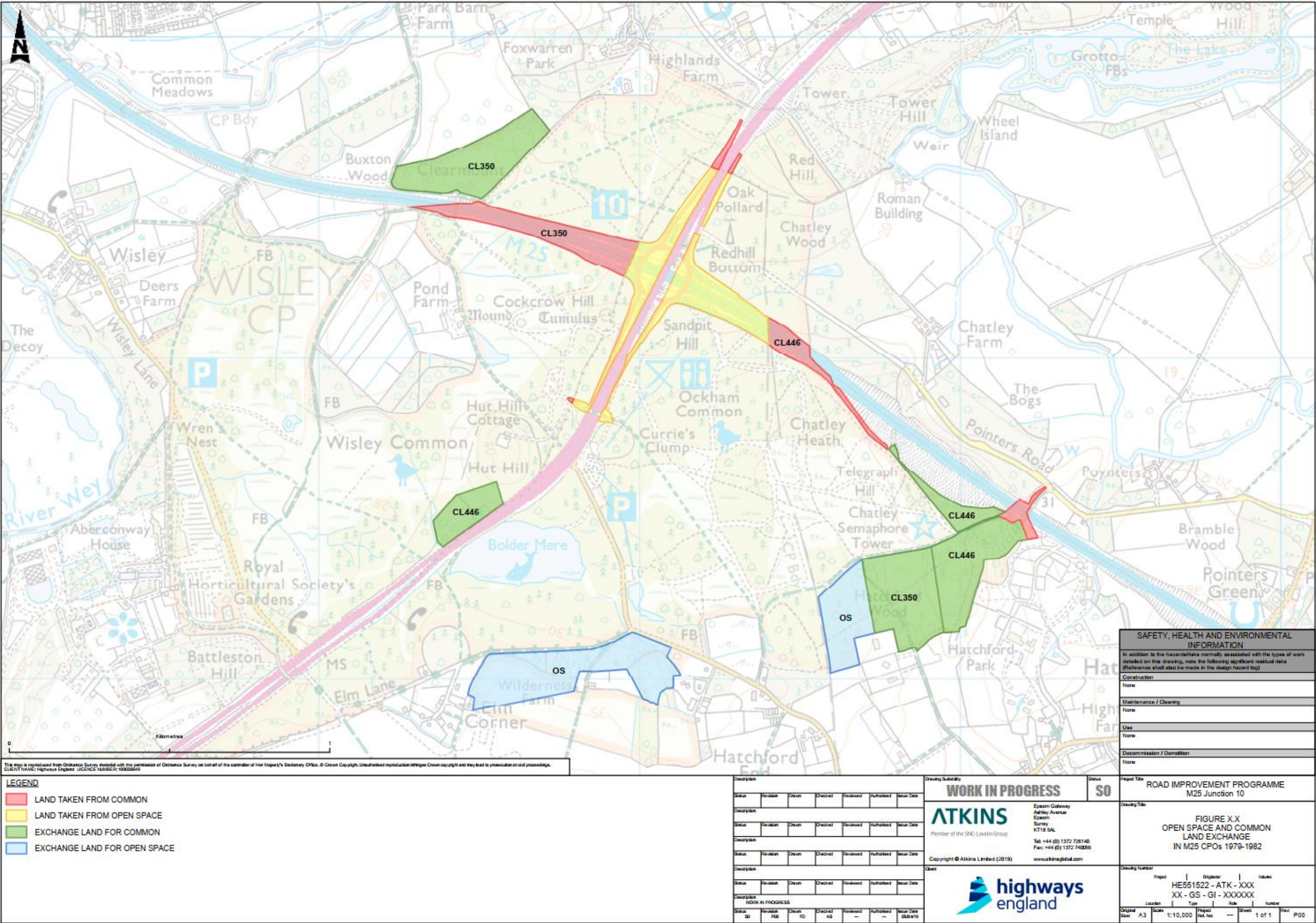




## A.3 Proposed Public Access and Right of Way Network



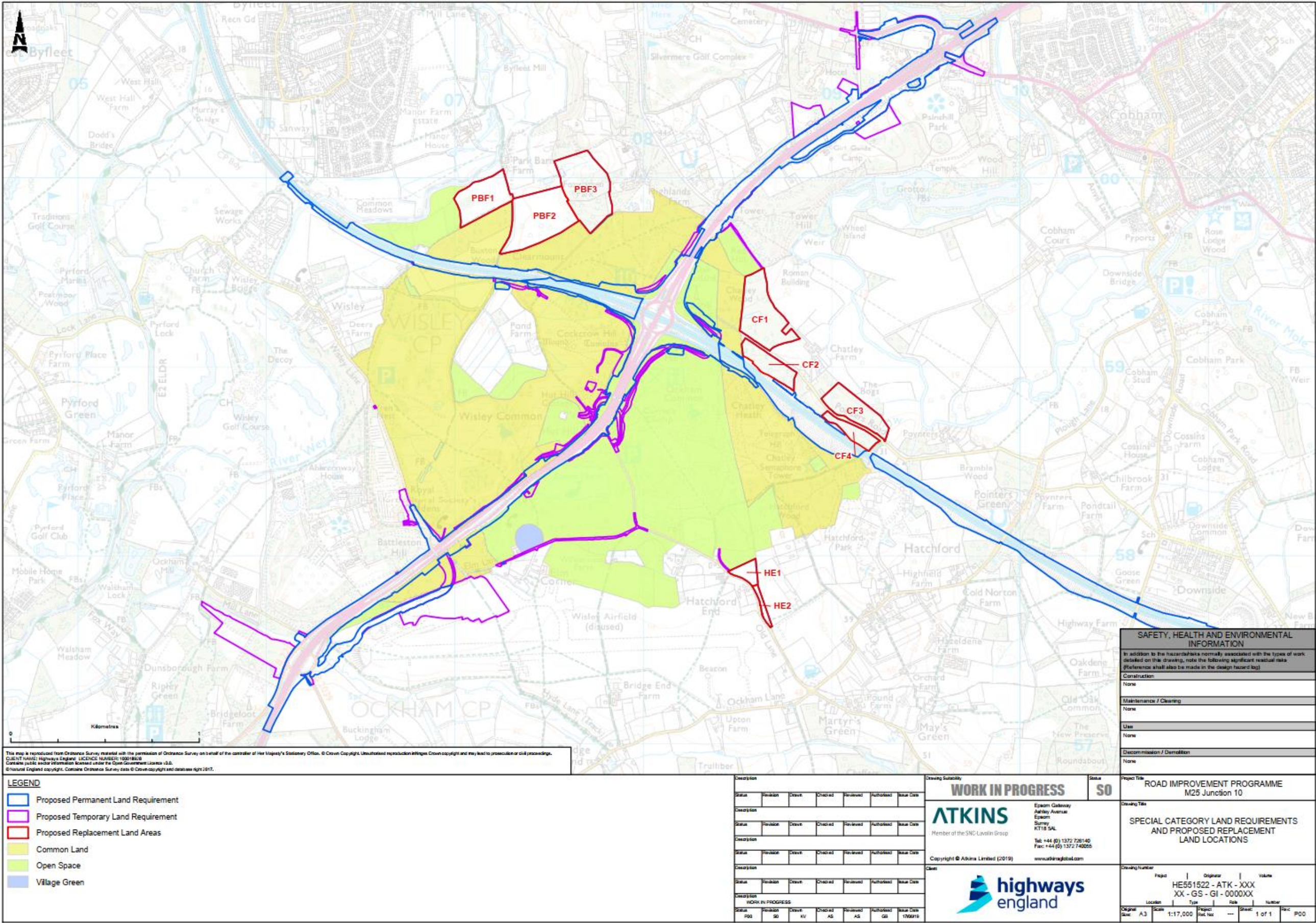
A.4 Historic common land and open space exchanges for the M25 project



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## Appendix B. Proposed Replacement Land Locations

B.1 Overview of Scheme land requirements and proposed Replacement Land areas



## B.2 Overview of Proposed Replacement Land locations



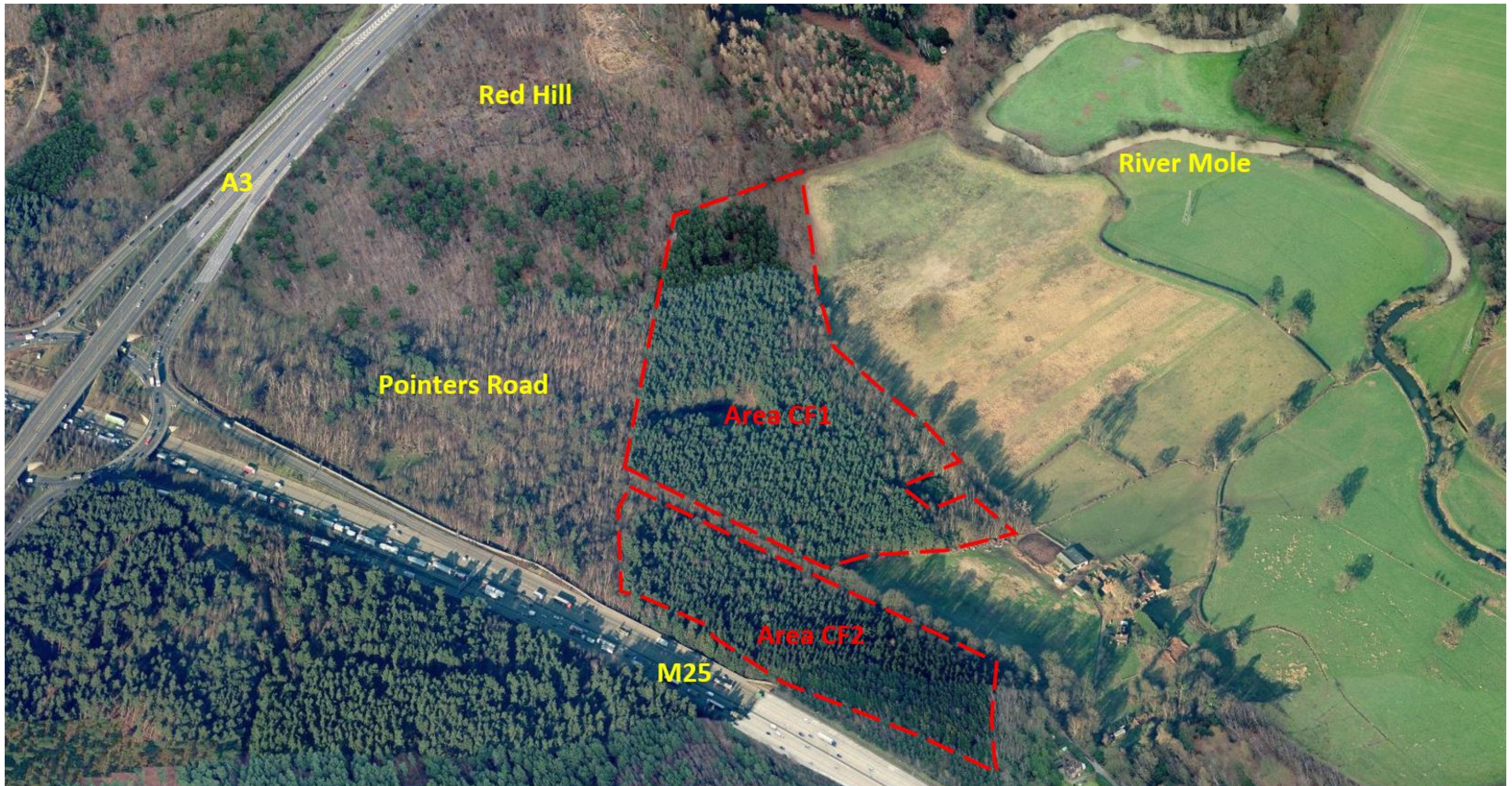
Oblique aerial of the M25 junction 10 area viewed from the south, based on image sourced from Bing Maps. The distinctive character of Wisley and Ockham Commons and Chatley Heath and their associated woodlands contrasts with the surrounding land uses. Each Replacement Land location is indicated in more detail on the following four figures.

## B.3 Northwestern Quadrant



Oblique aerial of the northwestern quadrant viewed from the south, based on image sourced from Bing Maps.

## B.4 Northeastern Quadrant

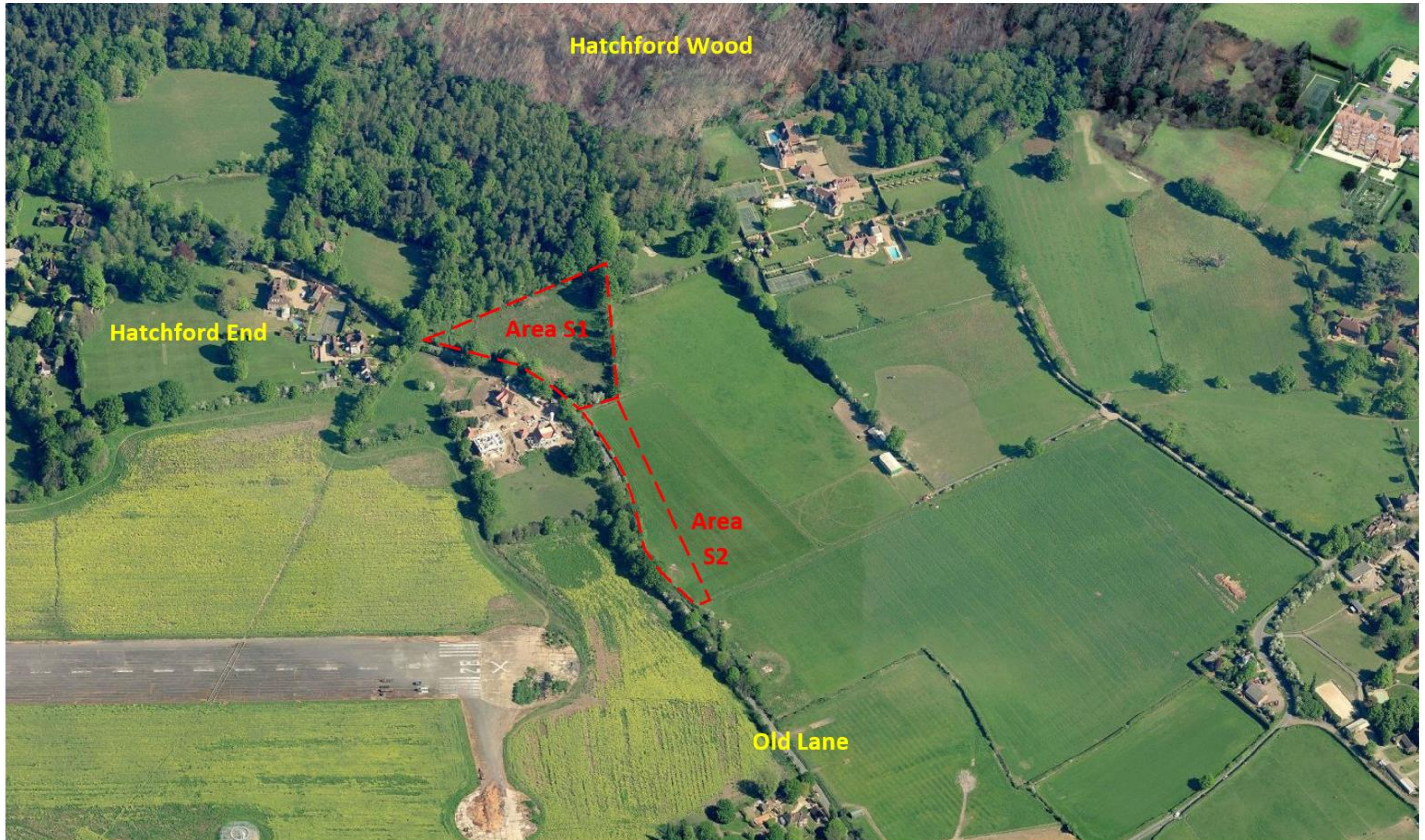


Oblique aerial of Areas CF1 and CF2 in the northeastern quadrant viewed from the south, based on image sourced from Bing Maps.



Oblique aerial of Areas CF3 and CF4 in the northeastern quadrant viewed from the south, based on image sourced from Bing Maps.

## B.5 Southeastern Quadrant



Oblique aerial of the southern quadrant viewed from the south, based on image sourced from Bing Maps.

# Appendix C. Summary tables of Special Category Land and replacement land plots

Table C.1: Plots for permanent acquisition of Special Category Land for which replacement land is provided **Error! Not a valid link.**

**Table C.2: Plots for temporary possession of Special Category Land for which replacement land is provided**

| Plot No.                | Sheet No. | Land type and area (sq m) |              |            |
|-------------------------|-----------|---------------------------|--------------|------------|
|                         |           | Common CL350              | Common CL446 | Open Space |
| 2/13                    | 2         | 7811                      |              |            |
| <b>Land type totals</b> |           | <b>7811</b>               | <b>0</b>     | <b>0</b>   |

**Note:** In accordance with DCO Article 37 paragraph 4.

Table C.3: Plots for temporary possession with permanent rights over Special Category Land for which replacement land is provided **Error! Not a valid link.****Notes for Table C3:**

- A = access for inspection and maintenance of highways equipment and utilities
- B = access for inspection and maintenance of highways equipment

Table C.4: Plots for temporary possession with permanent rights over Special Category Land for which replacement land is not provided **Error! Not a valid link.**

**Note:** Plot 28/2 is for acquisition of title to create continuity of ownership only, hence included in Table C4 and not Table C1.

**Table C.5: Plots for replacement land**

**Error! Not a valid link.**

**Note:** plot 27/1 and 14,000sq m of Plot 11/17 will vest in the RHS as CL350; all other replacement land will vest in SCC.

Table C.6: Plots for temporary possession of Special Category Land for which replacement land is not providedError! Not a valid link.

**Table C.7: Special Category Land plots in which no interests will be taken.***Error! Not a valid link.*

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