

Town and Country Planning Act 1990, s.78

**Refusal of planning permission for development of land at Wisley Airfield, Hatch Lane,
Ockham GU23 6NU**

Appeal by Wisley Property Investments Limited

PINS reference APP/Y3615/W/16/3159894

LPA reference 15/P/00012

CLOSING NOTE ON BEHALF OF HIGHWAYS ENGLAND

1. This is a very brief note setting out Highways England's position at the close of the inquiry into Guildford Borough Council's refusal of the above development proposal. Highways England's case is set out in its Opening Statement dated 18 September 2017, the proof of evidence and rebuttal statement of Paul Harwood as well as Mr Harwood's oral evidence and Highways England's Note on Conditions and Planning Obligations dated 13 October 2017.
2. Of the issues arising in this appeal identified by the Inspector at the pre-inquiry meeting, Highways England is concerned with issue 4, namely:

"The effect of the proposed development on the safe and efficient operation of the strategic and local road networks"

3. As set out in opening, while there are other more minor outstanding points¹, Highways England's major concern is with the impact of the development on the northbound A3 between Ockham and M25 Junction 10. Mr Harwood's evidence is that this section of road has one of the highest numbers of collisions of any part of the strategic road network (SRN) and operates under considerable stress (proof para.48). Additional demand on the network from the appeal site will exacerbate

¹ Namely the detailed design of the proposed improvements to (i) M25 Junction 10, (ii) the southbound A3 between M25 Junction 10 and Ockham and (iii) Ockham Roundabout

safety and operational concerns (para.53) and will amount to a severe impact (para.63).

4. It is therefore common ground that the development is unacceptable in planning terms unless the impact on the SRN can be adequately mitigated.
5. On this, the Appellant acknowledges Highways England's objection and is seeking to resolve it by the submission of further evidence. On 28 September 2017 Highways England and the Appellant entered into a Statement of Common Ground (ID31) with a timetable and agreed list of required evidence. Suffice it to say that the Appellant has since 18 October 2017 submitted evidence to justify the mitigation package now proposed and that other evidence is still outstanding. In due course Highways England should be able to conclude whether it has been shown that the mitigation is acceptable. However that depends on when all the evidence has been submitted and it is now apparent that this will not be before the close of the inquiry.
6. In order for weight to be given to the mitigation relied upon, the Appellant will also need to demonstrate that it is deliverable.
7. Given the common ground and that Highways England's case was not challenged at the inquiry, it is not necessary to say very much more. There are only two points on delivery that it is necessary to re-emphasise.
8. First, Highways England strongly objects to the terms of the s.106 agreement providing for delivery of the M25 Junction 10 improvements and the north facing slip roads onto the A3 at Burnt Common (or an alternative financial contribution) only at a trigger of the occupation of more than 1,000 dwellings. That would effectively permit very significant unmitigated impacts on a severely stressed part of the strategic road network in circumstances where the effectiveness of the triggered mitigation has not been demonstrated. No weight can be given to these provisions of the s.106 agreement, the provisions are not supported by evidence and are premature (McKay XX).

9. Secondly, the Burnt Common slip roads could only be delivered by a side road order promoted by Highways England itself (Harwood Ex).² Further, Highways England would need to consent to the construction of the slip roads under s.175B of the Highways Act 1980 in accordance with the terms of its licence from the Secretary of State (CD32 – see Harwood proof paras.45-46). This is not simply a case of Highways England satisfying itself that the mitigation is acceptable.
10. For the reasons set out in Highways England’s evidence and submitted statements, it accordingly maintains its objection before the Inspector and asks that he recommend that the appeal be dismissed on account of its unacceptable impact on the strategic road network, in particular on the northbound A3 between Ockham and M25 Junction 10.

Ned Westaway

Francis Taylor Building

19 October 2017

² This is reflected in Guildford Borough Council’s draft Local Plan that identifies Highways England as one of the parties to deliver SRN9 and SRN10 – the Burnt Common slips