



The Planning Inspectorate  
National Infrastructure Planning  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

Highways Transport and Environment  
Transport Policy Team  
Surrey County Council  
County Hall  
Kingston Upon Thames, KT1 2DY

Emailed to: M25Junction10@planninginspectorate.gov.uk

27<sup>th</sup> June 2019

Dear Liam/Eleanor

## **Planning Act 2008 (as amended) – Section 55**

### **Application by Highways England for an Order Granting Development Consent for the M25 Junction 10/A3 Wisley Interchange Improvement**

#### **Adequacy of Consultation Response**

Thank you for your letter dated 19<sup>th</sup> June 2019 inviting Surrey County Council (SCC) to submit representations on the adequacy of the pre-application consultation for the scheme, and whether Surrey County Council considers that the developer has complied, in relation to the application, with the following duties:

1. Duty to consult – Planning Act 2008 (as amended) (PA2008) – section 42
2. Duty to consult the local community - PA2008 – section 47
3. Duty to publicise - PA2008 – section 48 Duty to Consult

In considering its assessment, SCC has reviewed the Consultation Report prepared by Highways England and submitted as Volume 5.1 of the DCO Application, its records of communications, consultation material and meetings between SCC and Highways England during the pre-application stage and recommended guidance on consultation.

#### **Approach to Assessment**

SCC understand that in accordance with the Act, the Adequacy of Consultation Statement must be about how the applicant has carried out the consultation and not about how it has had regard to responses received to the consultation or the quality of the development proposals. This letter, therefore provides this response to meet the required deadline of 3<sup>rd</sup> July 2019.

It is likely that there will be some Highways England responses that SCC will not have been aware of (e.g. within sections 4.10, 4.11, 4.12 & Tables 4.2-4.19, section 5.12 & Tables 5,11-5.24, sections 6.6 and Table 6.2, section 6.8 & Tables 6.4-6.5 and Annex's H and I of the applicants Consultation Report) SCC would like the opportunity to raise these during the examination process and they are therefore excluded/not covered individually within this Adequacy of Consultation response.

## 1. Duty to consult – Planning Act 2008 (as amended) (PA2008) – section 42

Highways England first initiated early engagement with SCC as one of the host authorities for the scheme on 24<sup>th</sup> March 2016 and again on 11<sup>th</sup> & 20<sup>th</sup> July 2017 with more regular contact commencing from 11<sup>th</sup> September 2017.

A series of regular local authority liaison meetings (7 to date) were held from 27<sup>th</sup> July 2018 to 21<sup>st</sup> May 2019 with additional specialist subject meetings & workshops held as required. Local authority engagement has continued throughout scheme development and has taken the form of officer meetings and workshops on specific aspects of the scheme as set out in Table 2.1 of the consultation report (although we don't recognise/recall the meetings stated on 27<sup>th</sup> February 2018 and 14<sup>th</sup> June 2018 stated in Table 2.1).

In addition Highways England have also provided briefings for County Councillors as follows:

- 17<sup>th</sup> November 2016 – Briefing to SCC Cabinet Member  
(we believe that this was the date rather than 11/11/16 stated on page 49 of the Consultation Report)
- 19<sup>th</sup> October 2017 SCC Elmbridge Local Committee
- 19<sup>th</sup> October 2017 SCC Guildford Local Committee
- 1<sup>st</sup> November 2017 SCC Woking Joint Committee  
(we believe that this was the date rather than 18/10/17 stated on page 48 of the Consultation Report)
- 6<sup>th</sup> February 2018 Highways England staffed display outside SCC Full Council meeting  
(we believe that this was the date rather than 7/2/18 stated on page 49 of the Consultation Report)

In addition as requested in SCC's response to the Statement of Community Consultation (SoCC), Highways England wrote to SCC Councillors on 2<sup>nd</sup> February 2018 (see Annex F of the Consultation Report).

We have welcomed this engagement, which has become more structured as the process has progressed.

As set out in the consultation report, Highways England carried out both non-statutory and statutory consultation on the scheme. SCC understand that the purpose of the initial non-statutory consultation was to solicit feedback on two options and to support the development of the scheme towards the preferred route announcement on 29<sup>th</sup> November 2017. SCC recognise that non-statutory consultation is helpful in informing proposals and assisting the applicant in establishing a preferred option on which to undertake statutory consultation.

The statutory consultation was followed by two targeted non-statutory consultation on changes to the scheme design and which were carried out with directly affected landowners, those with property interests and statutory organisations.

SCC as a prescribed consultee can confirm that it was notified of the following consultations by Highways England with supporting information:

- Initial non-statutory consultation - Highways England website December 2016
- Statutory consultation - Highways England letter sent dated 9<sup>th</sup> February 2018
- Non Statutory targeted consultation - Highways England email dated 14<sup>th</sup> November 2019
- Non Statutory targeted consultation - Highways England letter sent dated 2<sup>nd</sup> April 2019

The dates of these consultations are as set out below along with the date of SCC's response letter in brackets.

- Initial non-statutory consultation 5<sup>th</sup> December 2016 - 6<sup>th</sup> February 2017 - SCC response 1/2/17
- Statutory consultation 12<sup>th</sup> February - 26<sup>th</sup> March 2018 - SCC response 23/3/18
- Non Statutory targeted consultation 14<sup>th</sup> November - 14<sup>th</sup> December 2018 - SCC response 13/12/18
- Non Statutory targeted consultation 3<sup>rd</sup> April - 8<sup>th</sup> May 2019 (extended date) - SCC response 7/5/19

SCC were consulted on the Environmental scoping and the Preliminary Environmental Impact Report (PEIR) on 13<sup>th</sup> December 2018 and given 28 days to respond. Despite this being over the Christmas period and no extension being granted SCC did respond within the deadline on 11<sup>th</sup> January 2019.

## Summary

SCC is satisfied that Highways England has carried out appropriate pre-application consultation as prescribed in Section 42 of the Planning Act 2008 (as amended)

SCC wish, however, to make the following additional points:

1. SCC wish to have noted that although engagement has continued throughout scheme development, as the scheme has progressed towards application information has frequently been provided at a late stage, with limited time to respond. In this sense engagement with local authorities during the later stages of scheme development, has been somewhat rushed and reactive.

There is information for which the latest drafts have only recently been received that SCC will have to assess. This includes:

- the Traffic Modelling & Assessment Report (Volume 7.4) and
- the Land Plans.

The Traffic Modelling & Assessment Report is of particular interest to SCC to understand how the impact on the Local Road Network (e.g. through Ripley with suitable mitigation) and how Highways England intend to meet their project objective to Minimise impacts on the surrounding local road network (as stated on page 3 of the Consultation Report).

In addition there is information that SCC have either still yet to receive or have only recently received (on 27<sup>th</sup> June 2019) when DCO documentation was sent to SCC and so we are unable to assess at this time. These include the following:

- Statement of Common Ground
- Volume 4: Compulsory Acquisition Information including Statement of Reasons, Funding Statement and Book of Reference
- Volume 6: EIA Report and appendices and Statutory Nuisance Statement, Habitat Regulations Assessment and Water Framework Directive Assessment
- Outline Construction Environmental Management Plan (CEMP), Register of Environmental Actions and Commitments, Landscape Environmental Management Plan (LEMP) and Register of Environmental Actions and Commitments (REAC)
- Code of Construction Practice
- Stage 2 Road Safety Audits where the scheme affects the Local Road Network

Not having either the information or receiving the latest drafts at a late stage makes it challenging for SCC to undertake its role in responding to the Statement of Common Ground when available and preparing the Local Impact Report within the DCO timescales envisaged.

2. Since the Statutory Consultation undertaken in February-March 2018 there have been a number of design changes that have affected the layout of aspects of the proposed scheme and since that time only targeted consultation has taken place. SCC is keen to understand how the wider community, stakeholders and travelling public will be informed about or have the opportunity to make comment on revised design layouts and changes to junctions as the design has and continues to evolve through the DCO process?

This question was raised by SCC in its response dated 7<sup>th</sup> May 2019 to the Non Statutory targeted consultation.

## **2. Duty to consult the local community - PA2008 – section 47**

As set out in Annex C of the Consultation Report Highways England produced a draft Statement of Community Consultation (SoCC) in November 2017 and invited Surrey County Council to comment on the document. Highways England allowed 41 days from their letter dated 29<sup>th</sup> November 2017, rather than the statutory 28 days for responses, in order to take account of the Christmas holidays, which resulted in a deadline of 11<sup>th</sup> January 2018.

This formal consultation followed a collaborative meeting on 8<sup>th</sup> January 2018 with local authorities where there was opportunity to input to the development of the emerging draft SoCC. A number of points raised at that meeting were actioned in advance of the finalisation of the draft SoCC for consultation.

Surrey County Council responded to the draft SoCC on 10<sup>th</sup> January 2018 in accordance with section 47 of the Act (see Annex C of the Applicants Consultation Report). The main points raised in response can be summarised as follows:

- Terminology and scheme detail could be more clearly explained within the consultation material
- Additional detail regarding the proposals for Wisley Lane in terms of resulting re-routing of trips should be included
- That consultation methods should do more to reach interest groups, commuters, tourists, road haulage users and other road users as well as those living in the vicinity of the proposed project
- A map of the area due to receive consultation notification should be included and show ward/parish boundaries
- The need to ensure that there was a means for interested groups and individuals to register to receive future communication about the scheme and an improved definition of the primary consultation area
- That Highways England send formal notification of the consultation to the SCC Local/Joint Committee and SCC Cabinet Members
- That the SoCC include a definition of the consultation methods and distribution areas.
- That the classes of community group are identified along with targeted communication around Brooklands and clarity on the consultation method for stakeholder forums/community groups.
- Consideration of publicising the events in specific local newspapers
- Additional clarification was needed on timings within the document as well as the format of consultation methods and material particularly for stakeholder forums and community groups
- Whether RHS Wisley Gardens could accommodate a public event
- To request the inclusion of Elmbridge, Guildford and Woking as static display locations and consider additional public consultation sites.

SCC are satisfied that the final SoCC was amended to address the majority of the SCC comments made and explanations provided why it was not considered possible. Some limited information regarding the proposals for Wisley Lane in terms of resulting re-routing of trips was included in the Statutory Consultation brochure but would have benefitted from some more detail in this respect. There are some parts of Table 3.4 of the Consultation Report that could be updated to reflect what was actually completed for example the briefing/updates to Local Committee on page 61 of the Consultation Report were undertaken.

Other than the detail supplied in the Consultation Report, SCC does not have information regarding Highways England's consultation with owners, lessees, tenant, occupiers and people with an interest in the land and no comment is therefore offered about the adequacy on this matter.

During the 6 week statutory consultation the applicant engaged with local Councillors with briefings to SCC Local/Joint Committees undertaken ahead of the statutory consultation in October/November 2017 and February 2018. Consultation events were well attended and located.

### **Summary**

SCC is satisfied that Highways England has carried out appropriate pre-application consultation as prescribed in Section 47 of the Planning Act 2008 (as amended)

### **3. Duty to publicise - PA2008 – section 48 Duty to Consult**

Section 3.4/Table 3.4 (page 64/65) and section 5.6/table 5.2 (page 179/180) of the applicants Consultation Report sets out the various methods of publicising the Statutory Consultation to the local community, general public, statutory consultees and other relevant stakeholders on its proposals including the following methods:

- Written communications
- Consultation responses
- Online communications
- Face-to-face communications
- Public viewing locations
- Other media/publicity
- Local Authorities
- Stakeholder forums/community groups
- Social media
- Hard to reach groups
- Newspaper advertisements

SCC were able to advise/influence these groups in its response to the SoCC (as set out in letter dated 10<sup>th</sup> January 2018 in Annex C of the applicants Consultation Report). SCC consider this to be a satisfactory process and in compliance with the SoCC thereby discharging its duties under Section 48 of the Act.

#### **Summary**

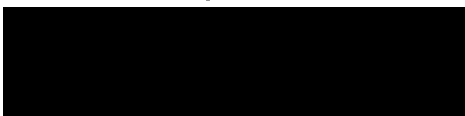
SCC is satisfied that Highways England has carried out appropriate pre-application consultation as prescribed in Section 48 of the Planning Act 2008 (as amended)

#### **Overall Summary**

The Consultation Report provides a substantially accurate review of the consultation activities and events that were undertaken by the applicant. In summary SCC is satisfied that Highways England has carried out appropriate pre-application consultation as prescribed in Sections 42, 47 and 48 of the Planning Act 2008 (as amended).

Thank you for providing the opportunity for Surrey County Council to comment.

Yours sincerely

A large black rectangular redaction box covering the signature of the Head of Planning.

Dominic Forbes – Surrey County Council Head of Planning