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Eleanor Church  
Case Manager  
National Infrastructure Planning  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

Your Ref: TR010030

2 July 2019

Dear Eleanor,

### **Adequacy of consultation**

#### **Section 55, the Planning Act 2008 (as amended by the Localism Act 2011) ('the PA 2008'). Application by Highways England for an Order Granting Development Consent for the M25 Junction 10/A3 Wisley interchange improvement**

Thank you for your letter of 19th June requesting our representation on Highways England's Adequacy of Consultation in relation to the M25 Junction 10 A3 Interchange Improvement scheme. We have reviewed Highways England's Consultation Report (June 2019) and have considered the adequacy of consultation undertaken with regard to the duty to consult (section 42 of the Planning Act 2008), the duty to consult the local community (Section 47 of the Planning Act 2008) and the duty to publicise (Section 48 of the Planning Act 2008).

#### **Duty to Consult – Section 42**

Compliance with Section 42(1)(a)

The Council is satisfied that Highways England has fulfilled the obligation to consult with the persons listed in Schedule 1 to the Infrastructure Planning (Applications: Prescribed Forms and Procedure (APFP) Regulations 2009. Highways England's Consultation Report (June 2019) sets out the methodology and describes the process of how the statutory consultees were contacted and includes in Appendix D a list of Statutory Consultees compared to the Schedule 1 of APFP Regulations and in Appendix E a copy of the letter sent to prescribed bodies listed.

Based on the information provided in the Consultation Report (June 2019) and the discussions regarding engagement that took place at Local Liaison meetings with Highways England, the Council believes that Highways England has satisfied the obligation.

Compliance with Section 42(1)(b)

With respect to the duty to consult with relevant bodies including Guildford Borough Council, the Council considers that the duty to consult was discharged. The Council has had ongoing dialogue with Highways England throughout the process although some technical information was not shared until formal submission of the DCO. The Council expects Highways England to continue to engage with the Council and progress with this engagement will be summarised in the Statement of Common Ground.

Compliance with Section 42(1)(c)

Section 42(1)(c) of the Act does not apply. The project is not within Greater London.

Compliance with Section 42(1)(d)

The Council has been informed through Local Liaison meetings that Highways England has undertaken consultation with landowners and similar interests. In addition the Consultation Report (June 2019) includes the methodology used for identifying land interests. The approach set out appears comprehensive. Due to requirements of the General Data Protection Regulation 2018 (GDPR) any personal information which would enable an individual to be identified has been redacted from both the Consultation Report and its Annexes. It is therefore not possible for the Council to confirm all landowners or other persons within the classes specified in section 44 of the Planning Act 2008 have been contacted. However the Council assumes the Highways England will be able to satisfy the Planning Inspectorate on this point.

#### **Duty to Consult the Local Community – Section 47**

With respect to the Duty to Consult with Communities, the Council believes that Highways England has met its obligations set out in the Statement of Community Consultation to consult with communities. The Council, however, makes no comment on the adequacy of that consultation or of the response of Highways England to comments made by communities, as it is understood that the Planning Inspectorate will consider these matters in Examination. The Council will address impacts on local communities and the effectiveness of the Highways England response in the Local Impact Report.

The Council has an adopted document on consultation, titled 'Community involvement in Planning' (June 2013) which details how the Council will involve the community and other local and national stakeholders in the planning process. Highways England has met the general consultation requirements included within that document.

#### **Consultation with Guildford Borough Council**

As a statutory consultee and host authority, the Council has been involved in ongoing discussions regarding the scheme primarily through local authority liaison meetings organised by Highways England.

Prior to making a DCO Application, Highways England shared the Preliminary Environmental Impact Report (PEIR) and some elements of the traffic and environmental design work.

The Council has made representations to Highways England at each of the consultation stages. These representations did include comments related to consultation procedures and material. A summary of the comments is listed below:

- Statutory public consultation (February 2018) - website <https://highwaysengland.citizenspace.com/he/m25-junction-10-a3-wisley-interchange-2018/> – which is identified both in the ‘Statutory consultation brochure’ (p.12) and in the ‘Statement of Community Consultation’ (p.12) as being the online location of the consultation materials – did not contain the Volume 3 – Figures of the Preliminary Environmental Information Report. Following communication of the issue to Highways England this was amended later in the day. Referred to on **page 93** of the Consultation Report.
- During the latest non-statutory consultation (April 2019), the Council identified that a parcel of land had been mislabelled as Special Protection Area (SPA) replacement land in the consultation materials. Highways England confirmed an error had been made in the labelling of this plan and confirmed this in writing (referred to on **page 258** of the Consultation Report).

Highways England has generally sought to share design changes with the Council however the non-statutory consultation held in November 2018 included a design change to the SPA compensation land to be allocated as part of the scheme which the Council had not been aware of. Given the importance of SPA boundary changes, the Council feel we should have been involved in these discussions between Highways England and Natural England. The Council acknowledges however that Highways England engaged promptly with the Council once this matter was raised during consultation and make the necessary amendments.

Highways England did not share drafts of the Environmental Statement (ES) with the Council prior to submission and it has not been possible to reach full agreement with Highways England on all matters pre-application. From the Council’s perspective, not all comments and observations made by the Council have been satisfactorily acknowledged or addressed by Highways England. The Council feel that there is insufficient mitigation currently proposed in certain areas, including for Ripley, and the Council is disappointed therefore that the consultation has not in part been satisfactory in terms of substantive response. However, it is acknowledged that nonetheless Highways England has responded to comments and concerns over the scheme from stakeholders generally in a positive manner, and has taken the opportunity to work closely with the Council and others as the scheme has developed. This has resulted in changes to the proposals, some of which have been significant.

Taking all matters into account the Council is content that Highways England has consulted with them in developing the proposals, and is confident that Highways England will continue to engage to resolve the outstanding areas of disagreement. Progress with this engagement will be summarised in the Statement of Common Ground between Highways England and the Council to be submitted at Examination stage.

### **Duty to Publicise – Section 48**

In terms of the Duty to Publicise, Highways England advertised the intention to make an application in two local newspapers and one national newspaper as follows:

- Surrey Advertiser on 2 February 2018 and 9 February 2018
- The Times and the London Gazette on 9 February 2018.

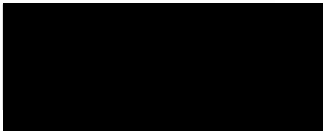
Highways England carried out a leaflet drop in the local area of a consultation flyer. The Council is unable to verify that this reached all intended addresses but assumes that a high percentage of reasonable target addresses were reached through the leaflet drop, website or newspapers.

Highways England further advertised the consultation on its website. A deadline for responses to consultation was set as 23.45 on 26 March 2018.

In terms of the Duty to Publicise, the Council considers that Highways England took reasonable and effective measures to publicise its intent to make an application.

The Council look forward to continued engagement with Highways England and PINS during the examination. If there are any further clarifications required regarding this response or you wish to discuss any matters arising, please feel free to contact me.

Yours sincerely



Tracey Coleman  
**Director of Planning and Regeneration**

