

M3 Junction 9 Improvement

Scheme Number: TR010055

5.1 Consultation Report

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Planning Act 2008

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

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5.1 CONSULTATION REPORT

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1 Executive Summary

1.1 Overview

- 1.1.1 The M3 Junction 9 is a key transport interchange which connects South Hampshire (facilitating an intensive freight generating industry) and the wider sub-region, with London via the M3 and the Midlands/North via the A34 (which also links to the principal east–west A303 corridor).
- 1.1.2 Significant volumes of traffic use the grade separated, partially signalised gyratory (approximately 6,000 vehicles per hour during the peak periods) which acts as a bottleneck on the local highway network and causes significant delays throughout the day. Northbound and southbound movements between the M3 and the A34 are particularly intensive, with downstream queues on the northbound off-slip of the M3 often resulting in safety concerns during peak periods.
- 1.1.3 To address this, the M3 Junction 9 Improvement Scheme (hereafter ‘the Scheme’) comprises the development and delivery of works for increasing capacity, enhancing journey time reliability and supporting development in line with Local Plans. The Scheme includes widening of the M3 at Junction 9 to create four lanes each way, reconfiguring the existing Junction 9 roundabout to make it more efficient, making provision for walkers, cyclists and horse-riders and improving the motorway slip roads. A package of environmental mitigation and enhancement measures has been progressed to reduce the Scheme impacts to the environment where possible. Consideration has also been given to the enhancement of the South Downs National Park where reasonably practicable, as the Scheme constitutes ‘major development’ within the South Downs National Park.
- 1.1.4 A location plan and the Scheme on aerial photography are shown in **Appendix A.1** of this report. A detailed description of the Scheme is provided in **Chapter 1 (Introduction)** and **Chapter 2 (The Scheme and its Surroundings)** of the **Environmental Statement (ES) (Document Reference 6.1)**.

1.2 Purpose of this report

- 1.2.1 This Consultation Report and accompanying appendices have been produced to satisfy Section 37(3) and Section 37(7) of the Planning Act 2008. The purpose of the Consultation Report is to provide an account of the pre-application consultation activities undertaken by the Applicant and explain how consultation responses have been taken into account in the preparation of the application for the Scheme.

1.3 Statutory requirements

1.3.1 This Consultation Report and the pre-application consultation process have been prepared and undertaken in accordance with the requirements of the following legislation and guidance:

Primary and secondary legislation

- The Planning Act 2008
- The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the 'Infrastructure EIA Regulations 2017')
- The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the 'APFP Regulations')
- Infrastructure Planning (Publication and Notification of Applications etc.) (Coronavirus) (Amendment) Regulations 2020 (the 'COVID Regulations')
- The Infrastructure Planning (Publication and Notification of Applications etc.) (Amendment) Regulations 2020 (the '2020 Regulations').

Statutory guidance

- Guidance on procedural requirements for major infrastructure projects (published by the former Ministry of Housing, Communities and Local Government, December 2020)
- Guidance on the pre-application process (published by the former Department for Communities and Local Government, March 2015) ('the DCLG pre-application guidance')

Non-statutory advice notes

- Advice Note 3: EIA Notification and Consultation (Planning Inspectorate (PINS), version 7, August 2017) ('PINS Advice Note 3')
- Advice Note 14: Compiling the Consultation Report (PINS, Version 2: April 2012) ('PINS Advice Note 14')

1.4 Approach

1.4.1 National Highways ('the Applicant') recognises that the planning regime established by the Planning Act 2008 places significant importance on pre-application consultation and has invested considerable time and resources to encourage meaningful involvement in the pre-application process by the local community, those with an interest in the land, local authorities, and other prescribed consultees. Thus, the Scheme has been developed in a consultative and iterative manner during successive stages of development.

1.4.2 The Applicant adopted a phased consultation approach. The main stages of consultation are summarised below and illustrated in **Figure 2.1**:

- Non-statutory engagement – March 2017 to November 2022 (inclusive)
- Non-statutory consultation – January 2018 to February 2018
- Preferred route announcement – July 2018
- EIA scoping consultation (the '2019 EIA scoping consultation') – January 2019 to March 2019
- Consultation on the draft Statement of Community Consultation (SoCC) (the '2019 SoCC') – May 2019 to June 2019
- Statutory consultation (Section 42, Section 47 and Section 48 of the Planning Act 2008) (the '2019 consultation') – July 2019 to August 2019
- EIA scoping consultation (the '2020 EIA scoping consultation') – October 2020 to November 2020
- Consultation on the draft SoCC (the '2021 SoCC') – November 2020 to December 2020
- Statutory consultation (Section 42, Section 47 and Section 48 of the Planning Act 2008) (the '2021 statutory consultation') – May 2021 to July 2021
- Targeted consultation (Section 42(1)(d) of the Planning Act 2008) (the '2021 targeted consultation') – November 2021 to December 2021
- Non-statutory engagement (Scheme update activity, including public information events) – September 2022
- Targeted consultation (Section 42(1)(d) of the Planning Act 2008) (the '2022 targeted consultation') – October 2022 to November 2022.

1.4.3 Consultation on the Scheme has generated levels of interest and participation from a broad spectrum of consultees. This Consultation Report recognises that certain members of the local community and stakeholders expressed concerns about the Scheme and its potential impacts. Equally, this Consultation Report acknowledges that the Scheme has received many expressions of support.

1.4.4 Both supporters of, and objectors to, the Scheme have been able to contribute to the design development process. Design and decisions were either directly or indirectly influenced by the consultation undertaken, as explained in this report and the N series of appendices.

1.5 Conclusion

- 1.5.1 The Applicant has carried out its obligations under the Planning Act 2008 regarding consultation and has delivered its pre-application consultation in accordance with the requirements of the Planning Act 2008 and the applicable guidance.
- 1.5.2 This Consultation Report outlines the consultation undertaken by the Applicant, the feedback received on the Scheme and how the Applicant has had regard to this feedback when finalising the Development Consent Order (DCO) application. Furthermore, it demonstrates that the Scheme development has been either directly or indirectly influenced by the consultation undertaken.
- 1.5.3 The Applicant is committed to continued engagement with the local community and stakeholders following submission of the DCO application, as well as throughout the construction, operation and decommissioning phases of the Scheme, should consent be granted.

2 Introduction

2.1 Purpose of this report

- 2.1.1 This Consultation Report has been prepared by National Highways (as ‘the Applicant’) to accompany an application for a Development Consent Order (DCO) for the M3 Junction 9 Scheme (‘the Scheme’).
- 2.1.2 This report is submitted in accordance with Section 37(3)(c) of the Planning Act 2008 which requires an application for a DCO to be accompanied by a Consultation Report. In accordance with Section 37(7) of the Planning Act 2008, this report provides details of:
- How the applicant has carried out consultation in compliance with statutory requirements (namely Sections 42, 47 and 48 of the Planning Act 2008)
 - Any relevant responses
 - How any relevant responses were considered (as per Section 49 of Planning Act 2008).
- 2.1.3 Accordingly, this report provides a detailed account of the pre-application consultation activities carried out by the Applicant prior to the submission of the DCO application. It demonstrates that the Applicant has complied with the statutory requirements and explains how relevant responses received were considered prior to the DCO application being submitted.
- 2.1.4 The focus of this report is the statutory consultations the Applicant carried out prior to the submission of the DCO application in accordance with the requirements of the Planning Act 2008. This includes a statutory consultation held between 27 May 2021 to 8 July 2021 (‘the 2021 statutory consultation’) and a targeted statutory consultation with persons with an interest in the land between 17 November 2021 to 22 December 2021 (‘the 2021 targeted statutory consultation’). In addition, this report provides an overview of the non-statutory consultation and engagement activities carried out by the Applicant in relation to the Scheme.
- 2.1.5 The pre-application consultation for the Scheme and the preparation of this report has been carried out with regard to statutory and non-statutory guidance documents and advice notes. Further details are provided in **Section 2.3** and **Chapter 3** of this report.
- 2.1.6 A full glossary of defined terms and abbreviations is presented in the Scheme Glossary enclosed in the **Introduction to the Application (Document Reference 1.3)**.

2.2 Overview of the Scheme

Scheme description

2.2.1 The improvements proposed as part of the Scheme both maintain existing connectivity on the road network, whilst providing enhanced capacity, simplifying routing, improved facilities for walkers, cyclists and horse-riders and landscaping enhancements. The Scheme would provide new free flow links between the M3 and A34, as well as a dedicated new A33 alignment. The Scheme elements are as follows:

- Widening of the M3 from a dual two-lane motorway (two-lane motorway with hard shoulders) to a four-lane motorway (with hard shoulders) between the proposed M3 Junction 9 gyratory north and south slip roads.
- A new smaller grade separated gyratory roundabout arrangement within the footprint of the existing roundabout, incorporating new connections over the M3 with improved walking, cycling and horse-riding routes.
- Connector roads from and to the new gyratory roundabout.
- Improved slip roads to/from the M3.
- New structures (in the form of gyratory bridges, underpasses, retaining walls, subway and a new cycle and footbridge over the River Itchen).
- A new surface water runoff system with associated drainage and infiltration features.
- New signage and gantries.
- Utility diversions.
- New lighting (subways, underpasses and gantries).
- Modifications to topography through cuttings and false cuttings as well as re-profiling of existing landform.
- New walking, cycling and horse-riding provision.
- Creation of new areas of chalk grassland, woodland, scrub planting and species rich grassland.

2.2.2 The Application Boundary covers an area of approximately 109 hectares (ha). This includes the proposed land required for gantries, signage, temporary construction compound areas, areas for environmental mitigation, areas for drainage requirements (some of which would be temporary) and traffic management.

- 2.2.3 The Scheme includes a package of environmental mitigation and enhancement measures to reduce the impacts from the Scheme to the environment where possible. Consideration has also been given to the enhancement of the South Downs National Park where reasonably practicable.
- 2.2.4 Bridleways, footpaths and cycleways have been designed to allow all gradients to be less than 1:20 to comply with Department for Transport's (DfT) inclusive mobility impaired users. Also, the walking, cycling and horse-riding routes are designed for cyclists, and therefore all horizontal radii are suited for cyclists. They are also considered acceptable for mobility impaired users. The range of opportunities and barriers to all forms of movements have been given due consideration in the design of the Scheme.
- 2.2.5 A number of new structures are required to be both constructed and demolished to facilitate the Scheme. Some of the main structures are as follows:
- The existing bridges at the M3 Junction 9 gyratory roundabout are proposed to be demolished and replaced by the two new bridge structures carrying the new gyratory.
 - A new underpass is proposed to carry the A34 southbound under the new A33 link road and the existing M3. The A34 northbound underpass would carry the new A34 northbound over the new A33 link.
 - The existing subways (Winnall Subway East and Winnall Subway West) located under the existing gyratory are proposed to be demolished to facilitate the construction of the reconfigured roundabout. New subways are proposed along the proposed footpath and cycle path route.
 - A new bridge to accommodate the footpath and cycle path over the River Itchen is proposed between the existing Itchen Bridge, (which carries the A34 northbound carriageway), and the existing Kings Worthy Bridge would carry the A33 north and southbound carriageways and the A34 southbound carriageway, respectively.
- 2.2.6 The walking, cycling and horse-riding facilities around and within the Scheme are to be upgraded. This includes an improvement to the National Cycle Network (NCN) Route 23. An additional footpath, cyclepath and bridleway is proposed on the eastern side of the Scheme to link Easton Lane with Long Walk. Such a route would provide a circular leisure path for those using the South Downs National Park with a link to the other paths around Long Walk with their links to local villages. A new combined footpath and cyclepath for the western side of the Scheme is proposed to link the A33 / B3047 Junction to Winnall Industrial Estate situated on Easton Lane.
- 2.2.7 A location plan and the Scheme on aerial photography are shown in **Appendix A.1**. A detailed description of the Scheme is provided in **Chapter 1 (Introduction)** and **Chapter 2 (The Scheme and its Surroundings)** of the **Environmental Statement (ES) (Document Reference 6.1)**.

Definition under the Planning Act 2008

- 2.2.8 The Scheme is a Nationally Significant Infrastructure Project (NSIP) under Section 14(1)(h) and Section 22(1)(b) of the Planning Act 2008.
- 2.2.9 Section 14(1)(h) of the Planning Act 2008 defines an NSIP as highway-related development falling within the criteria set out in Section 22 of the Planning Act 2008. Under Section 22(1) of the Planning Act 2008 an NSIP for highway-related development must fall within one of three specified categories, namely construction, improvement or alteration of a highway.
- 2.2.10 The Scheme constitutes an ‘alteration’ to a highway within the meaning of Section 22(1)(b) and meets the requirements of this definition under Section 22(3) and Section 22(4) as follows:
- The highway is wholly in England (Section 22(3)(a)).
 - The Applicant, (as the strategic highways company), is the highway authority for the highway (Section 22(3)(b)).
 - The area of development within the Application Boundary is greater than 15 hectares (Sections 22(3)(c) and 22(4)(a)).
- 2.2.11 As the Scheme is an NSIP, development consent must be obtained from the Secretary of State (SoS) for Transport to authorise it, and an application for a DCO must be made to the Planning Inspectorate who administer the DCO process on behalf of the SoS under Section 37 of the Planning Act 2008. If granted by the SoS, the DCO would provide the necessary authorisation to allow the Scheme to be constructed and operated.

The Applicant

- 2.2.12 National Highways is the Applicant and the strategic highways company as defined in the Infrastructure Act 2015, and is charged with operating, maintaining and improving England’s motorways and major A roads on behalf of the Department for Transport (DfT).
- 2.2.13 National Highway’s Road network totals over 4,300 miles (6,920 kilometres). Whilst this represents only 2% of all roads in England by length, these roads carry a third of all traffic by mileage and two-thirds of all heavy goods traffic.
- 2.2.14 In summer 2021 Highways England rebranded to National Highways, therefore all references to ‘the Applicant’ prior to summer 2021 will be to Highways England and all references post summer 2021 will be to ‘National Highways’.

2.3 Legislative and policy context

- 2.3.1 This report has been produced to satisfy Section 37(3) and Section 37(7) of the Planning Act 2008 and accompanies the Applicant’s DCO application.

2.3.2 In accordance with Section 37(7)(a) of the Planning Act 2008, this Consultation Report, its associated appendices and **Annex 1** demonstrate that the Applicant has complied with the relevant sections of the Planning Act 2008 relating to pre-submission consultation, as follows:

- Under Section 42, consulted with all those required to be consulted with, specifically the bodies prescribed in Schedule 1 of the APFP Regulations, the relevant local authorities and relevant landowners or other parties with an interest in the land (see **Section 11.2, Chapter 13 and Chapter 15 and Appendix B.1 to B.4**)
- Under Section 45, notified those required to be consulted with under Section 42 of the deadline for receipt of responses to the consultation and allowed at least 28 days for consultees to respond which started the day after consultees received the consultation documents (see **Section 11.2**)
- Under Section 46, prior to commencing the 2021 statutory consultation, notified the SoS of the Scheme and provided Section 42 consultation materials to the SoS (see **Section 11.3 and Appendices J.6-J.7**)
- Under Section 47, consulted with the relevant local authorities on the content of the draft Statement of Community Consultation (SoCC), published a statement in local newspapers and made the SoCC available for inspection by the public, and consulted with the local community in accordance with the published SoCC (see **Chapter 10 and Section 11.4 and Appendix I and Appendix J**)
- Under Section 48, publicised the proposed application in the manner prescribed by Regulation 4 of the APFP Regulations (see **Section 11.5 and Appendix J.20**)
- Under Section 49, this Consultation Report and its appendices (and **Appendices K.1 to K.3**) included details of relevant responses received and how the Applicant has had regard to the relevant responses.

2.3.3 A summary of the consultation undertaken in accordance with the Infrastructure EIA Regulations 2017 is also included in **Chapter 6** of this report.

2.3.4 The Applicant's consultation process and the preparation of this report has also taken account of the following statutory and non-statutory guidance:

- Guidance on procedural requirements for major infrastructure projects (published by the former Ministry of Housing, Communities and Local Government, December 2020)
- Guidance on the pre-application process (published by the former Department for Communities and Local Government, March 2015) ('the DCLG pre-application guidance')

- Guidance related to procedures for the compulsory acquisition of land (published by the former Department for Communities and Local Government, September 2013) ('the PA 2008 DCLG compulsory acquisition guidance')
- Advice Note Three: EIA Notification and Consultation (Version 7: August 2017) ('PINS Advice Note 3')
- Advice Note Fourteen: Compiling the Consultation Report (Version 3: February 2021) ('PINS Advice Note 14').

2.3.5 The Applicant has also taken into consideration the National Policy Statements ('NPS'), specifically the NPS for National Networks ('NPSNN'). A detailed assessment against the NPS for National Networks is provided in the **NPSNN Accordance Table (Document Reference 7.2)**.

2.3.6 This chapter signposts to relevant sections in this report which summarises the activities undertaken by the Applicant for the 2021 statutory consultation to ensure compliance with the relevant requirements. Evidence of this compliance is supplied in the Consultation Report Appendices where relevant and appropriate. A detailed compliance statement setting out how the Applicant has complied with the relevant provisions of the Planning Act 2008, the APFP Regulations, the Infrastructure EIA Regulations 2017, the COVID Regulations, statutory guidance documents and the Planning Inspectorate's Advice Notes is included at **Annex 1**.

COVID-19

2.3.7 It should be acknowledged that from 23 March 2020, when the Prime Minister announced the commencement of a national 'lockdown' and legal restrictions due to COVID-19, the Applicant has been required to undertake statutory consultation activities in accordance with the national restrictions and guidance relevant at that time. Where relevant, specific details are provided in this report of how the Applicant has adapted its approach to consultation and engagement, including with regard to meeting its statutory duties under the Planning Act 2008. Therefore, **Annex 1** also sets out how the Applicant complied with the procedural requirements made through the COVID Regulations which were made permanent on 31 December 2020.

2.4 Data protection

2.4.1 Further to the Planning Inspectorate's Advice Note 6: Preparation and submission of application documents, the Applicant is aware that this report will be published on the National Infrastructure Planning website. As such, the Applicant has avoided the inclusion of personal data relating to individuals.

2.4.2 The Applicant must ensure it complies with the Data Protection Act 2018, which came into force on 25 May 2018, following the introduction of the General Data Protection Regulation in 2016. This means that information such as individuals'

names and addresses in this report have been replaced by a number of each consultee.

2.4.3 Personal details in this report have been handled responsibly and where necessary redacted to ensure that the Applicant complies with the requirements of the Data Protection Act 2018 in production and publication of this report.

2.5 Overview of the consultation process

2.5.1 This section provides an overview of the pre-application consultation activities undertaken by or on behalf of the Applicant.

2.5.2 The Applicant recognises that the planning regime established by the Planning Act 2008 places substantial importance on pre-application consultation and has invested considerable time and resources to encourage meaningful involvement in the pre-application process by the local community, those with an interest in the land, local authorities, and other prescribed consultees. Thus, the Scheme has been developed in a consultative and iterative manner, during successive stages of development.

2.5.3 The main stages of the Applicant’s pre-application consultation are summarised in **Table 2.1** and illustrated in **Figure 2.1**. The terms summarised in **Table 2.1** are used throughout this report to describe specific consultation stages.

Table 2.1: Summary of the pre-application consultation stages

Consultation stage	Key dates	Description
Non-statutory engagement	January 2017 to November 2022	Engagement with stakeholders (including the Environment Agency, Natural England, Historic England, relevant local authorities, locally elected representatives and local community groups) has been undertaken throughout the pre-application process and is separate from the non-statutory consultation and statutory consultation stages. The aim of this engagement was to introduce and notify stakeholders about the proposals and DCO process, to gain an understanding of local and technical issues regarding the Scheme, and to take technical advice from prescribed bodies. Chapter 4 of this report provides further details regarding the non-statutory engagement undertaken by the Applicant.

Consultation stage	Key dates	Description
Non-statutory consultation	January 2018 to February 2018	Consultation with stakeholders (including the local community) was undertaken before the 2019 consultation exercise. The Applicant held non-statutory public events and briefing events for stakeholders. During this stage, the Applicant sought responses on a non-statutory basis on the preferred design option, provided information on the rejected design options and for local knowledge and opinions to be obtained. Chapter 5 of this reports provides further details on the 2018 non-statutory consultation undertaken by the Applicant.
EIA Scoping	January 2019 to March 2019	Request from the Applicant to the SoS to provide a Scoping Opinion. The SoS provided a Scoping Opinion following consultation with prescribed bodies. This stage is referred to as the '2019 EIA scoping' or '2019 EIA scoping consultation' throughout the report. Further details are provided in Chapter 6 of this report.
Draft SoCC consultation	May 2019 to June 2019	Consultation in line with Section 47 of the Planning Act 2008 about developing the 2019 community consultation strategy and the content of the 2019 SoCC. This stage is referred to as the '2019 SoCC' or '2019 SoCC consultation' throughout the report. Further details are contained in Chapter 7 of this report.
Statutory consultation	July 2019 to August 2019	Consultation in line with Sections 42, 46, 47 and 48 of the Planning Act 2008. This stage is referred to as the '2019 consultation' throughout the report. Further details are contained in Chapter 8 of this report. Please note there were fundamental changes to the Scheme design following the 2019 consultation (as described in Chapter 9) and as such the consultation was superseded by the 2021 statutory consultation. Further details of the

Consultation stage	Key dates	Description
		2021 statutory consultation are provided in Chapter 11 of this report.
EIA scoping	October 2020 to November 2020	Following the 2019 consultation, the Applicant amended the design of the Scheme, as consulted upon, to seek to resolve issues highlighted in the 2019 consultation responses. Through design refinements, it was identified that there were potentially material changes to the Scheme when compared to the Scheme as considered in the 2019 EIA scoping process. The Scheme comprised elements that were not scoped previously and therefore the Applicant determined that a new scoping exercise was required. Accordingly, a request for a second Scoping Opinion, superseding the previous scoping process, was submitted in October 2020. The SoS provided a second Scoping Opinion following consultation with prescribed bodies. This stage is referred to as the '2020 EIA scoping' or '2020 EIA scoping consultation' throughout the report. Further details are provided in Chapter 6 of this report and in the ES (Document Reference 6.1) .
Draft SoCC consultation	November 2020 to December 2020	Consultation pursuant to Section 47 of the Planning Act 2008 about developing the 2021 community consultation strategy and the content of the 2021 SoCC. Due to the COVID-19 restrictions in place, the Applicant determined that a new SoCC was required for the Scheme. Accordingly, the Applicant re-consulted with the relevant local authorities on a second SoCC, superseding the previously published 2019 SoCC. This stage is referred to as the '2021 SoCC' or '2021 SoCC consultation' throughout the report. Further details are provided in Chapter 10 of this report.

Consultation stage	Key dates	Description
Statutory consultation	May 2021 to July 2021	As a result of the design changes and refinements to the Application Boundary that was consulted on during the 2019 consultation, the Applicant determined that a further consultation pursuant to Section 42, Section 46, Section 47 and Section 48 of the Planning Act 2008 was required. Accordingly, the Applicant undertook a further statutory consultation superseding the previous 2019 consultation. This stage is referred to as the '2021 statutory consultation' throughout the report. Further details are provided in Chapter 11 of this report.
Targeted consultation	November 2021 to December 2021	Targeted consultation was undertaken between November and December 2021, as a result, of minor refinements to the Application Boundary that was consulted on during the 2021 statutory consultation phase. Further details are provided in Chapter 13 of this report.
Non-statutory engagement (Scheme update activity)	September 2022	<p>Following a ministerial statement on 12 January 2022, the roll out of ALR schemes, not yet in construction, was paused. Prior to the ministerial statement, the Scheme tied into a proposed ALR scheme known as the 'M3 Junction 9 to 14 Motorway Upgrade Project', which was independent of the Scheme. As the M3 Junction 9 to 14 Motorway Upgrade Project tied into the Scheme on the south facing slips of the gyratory roundabout, some minor design development was undertaken to ensure the Scheme could tie-in to the existing highway. No changes to the Application Boundary were required.</p> <p>Given the nature of the minor amendments, and in the context of the DCLG pre-application guidance, the Applicant considered that the proposed changes were not large enough to be considered a new application and did not</p>

Consultation stage	Key dates	Description
		<p>materially change the application or its impacts. The Applicant therefore determined that a full statutory consultation under the Planning Act 2008 was not necessary but instead ensured that stakeholders, including relevant local authorities, landowners and the local community, affected by the refinements were informed on a non-statutory basis.</p> <p>As a result, the Applicant provided a Scheme update to stakeholders to provide further information about the design development and proposed timescales following the ALR pause on a non-statutory basis.</p> <p>The Applicant also used the Scheme update to notify stakeholders of how the relevant responses received from the 2021 statutory consultation had influenced the evolution of the Scheme design.</p> <p>The Scheme update activity included public information events and an online information portal. Further details are provided in Chapter 14 of this report.</p>
Targeted consultation	October 2022 – November 2022	Targeted consultation was undertaken between October and November 2022, as a result, of ongoing diligent inquiries and updates to the environmental assessment. Further details are provided in Chapter 15 of this report.

2.5.4 The Applicant has encouraged a range of people to express their views on the Scheme through non-statutory engagement, non-statutory consultation and statutory consultation activities, and has had regard to those views, as evidenced in this report and the **ES (Document Reference 6.1)**.

2.5.5 In light of the above, the Applicant considers that its approach to pre-application consultation has been *'thorough, effective and proportionate'* taking account of

relevant legislative requirements and guidance (Paragraph 25 of the DCLG pre-application guidance).

M3 Junction 9 Improvement
5.1 Consultation Report

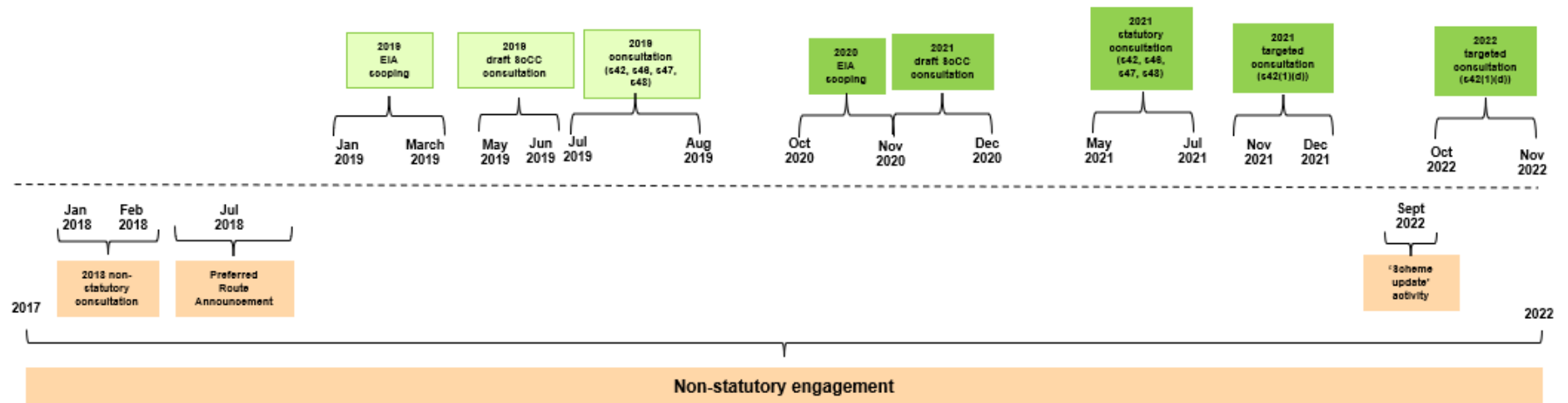


Figure 2.1: Pre-application consultation timeline

2.5.6 **Table 2.2** sets out a chronological summary of the pre-application consultation undertaken by the Applicant in compliance with the legislation. For each consultation activity, **Table 2.2** signposts the relevant regulations and where a full description is provided in this report. Statutory activities are shown in green rows and non-statutory activities are shown in orange rows.

Table 2.2: Pre-application consultation process summary

Regulation	Activity	Purpose	Dates	Relevant section in this report
Non-statutory engagement	Engagement with prescribed bodies (including Natural England, Historic England and the Environment Agency)	To introduce the Scheme and DCO process to stakeholders to gain an understanding of local and technical issues regarding the Scheme	2017 to 2019	Section 4.2
	Engagement with walking, cycling and horse-riding groups		2019	Section 4.2
	Engagement with landowners		2018 to 2019	Section 4.2
Non-statutory consultation	Media coverage – newspapers adverts, website updates and social media posts	To introduce the Scheme, share the Applicant’s initial proposals and gather feedback with the public and other stakeholders.	January 2018 to February 2018	Section 5.2
	Public information events		January 2018 to February 2018	Section 5.2
	Preferred Route Announcement		July 2018	Section 5.4
EIA scoping (Infrastructure EIA Regulations 2017)	Regulation 8 Notification	To notify the SoS under Regulation 8(1)(b) of the Infrastructure EIA Regulations 2017 that the	January 2019	Section 6.2

Regulation	Activity	Purpose	Dates	Relevant section in this report
		Applicant intend to submit an Environmental Statement as part of the DCO application.		
	2019 EIA Scoping Report submitted	Obtain a Scoping Opinion under Regulation 10 of the Infrastructure EIA Regulations 2017 from the SoS.	January 2019	Section 6.2
	Receipt of 2019 EIA Scoping Opinion from the SoS (including Regulation 11(1)(b) consultee list) providing responses to submitted EIA Scoping Report.	Sets out the SoS and statutory consultee opinions on the scope, level of detail, and of the information to be provided in the Environmental Statement. The consultees identified under Regulation 11 of the Infrastructure EIA Regulations 2017 as outlined in Advice Note 3.	March 2019	Section 6.2
	Issue the Section 48 Notice to prescribed bodies.	In line with Regulation 13 of the Infrastructure EIA Regulations 2017.	June 2019	Section 8.2 and Section 8.5

Regulation	Activity	Purpose	Dates	Relevant section in this report
Statutory consultation (Section 47 of the Planning Act 2008)	Consultation with relevant local authorities on the content of the 2019 draft SoCC.	To consult the local authorities on how the Applicant proposes to consult people living in the vicinity of the Scheme.	June 2019	Section 7.2
	2019 SoCC made available and 2019 SoCC Notice of where it can be inspected was published in the Hampshire Chronicle.	To inform the local community about how the Applicant will consult with them on the Scheme and how they can comment on the proposal	July 2019	Section 7.3
Statutory publicity (Section 48 of the Planning Act 2008)	2019 Section 48 Notice published in the Hampshire Chronicle, London Gazette and The Times	To publicise, locally and nationally, the consultation on the proposed application for the Scheme.	June 2019 to July 2019	Section 8.5
Statutory consultation (Section 42 of the Planning Act 2008)	Section 46 Notification	To notify the SoS under Section 46 of the Planning Act 2008 of the proposed application and supply the section 42 consultation information.	June 2019	Section 8.3
	Consultation with Section 42(1)(a) – Prescribed Persons	To consult prescribed persons on the proposals for	July 2019 to August 2019	Section 8.2

Regulation	Activity	Purpose	Dates	Relevant section in this report
	on the Scheme and Preliminary Environmental Information.	the Scheme and gather their feedback.		
	Consultation with Section 42(1)(b) – Local Authorities on the Scheme and Preliminary Environmental Information.	To consult local authorities on the proposals for the Scheme and gather their feedback.	July 2019 to August 2019	Section 8.2
	Consultation with Section 42(1)(d) – Land Interests about the Scheme.	To consult land interests on the proposals for the Scheme and gather their feedback.	July 2019 to August 2019	Section 8.2
Statutory consultation (Sections 47 and 48 of the Planning Act 2008)	Media coverage –newspapers, websites updates and social media posts	To publicise in the vicinity of the land of the Scheme, the consultation on the Scheme in accordance with the published 2019 SoCC.	June 2019 to August 2019	Section 7.3 and Section 8.4
	Section 47 consultation, including public information events	To consult the local community about the proposals for the Scheme in accordance with the published 2019 SoCC	July 2019 to August 2019	Section 8.4

Regulation	Activity	Purpose	Dates	Relevant section in this report
<p>As a result of the design changes and refinements to the Application Boundary that was consulted on during the 2019 consultation stage, the Applicant determined that a further consultation pursuant to Section 42, Section 46, Section 47 and Section 48 of the Planning Act 2008 was required for the Scheme. Accordingly, the Applicant undertook a further statutory consultation with prescribed bodies, local authorities and the local community, superseding the previous 2019 consultation, in summer 2021.</p>				
<p>Non-statutory engagement</p>	<p>Meetings with relevant prescribed bodies, local authorities and land interests</p>	<p>To provide an update on the latest proposals for the Scheme to gain an understanding of local and technical issues</p>	<p>July 2020 to May 2021</p>	<p>Section 4.3</p>
	<p>Issued information letters to relevant prescribed bodies, local authorities, land interests and locally elected representatives</p>	<p>To provide an update on the latest Scheme developments, including the 2020 scoping exercise and 2021 statutory consultation exercise.</p>	<p>October 2020 to February 2021</p>	<p>Section 4.3</p>
	<p>Engagement Working Group regarding earlier versions of the draft 2021 SoCC</p>	<p>To informally engage on the 2021 SoCC and community consultation strategy with Winchester City Council, Hampshire County Council and South Downs National Park Authority, as the host authorities for the Scheme</p>	<p>October 2020</p>	<p>Section 4.3</p>

Regulation	Activity	Purpose	Dates	Relevant section in this report
EIA scoping (Infrastructure EIA Regulations 2017)	Regulation 8 Notification	To notify the SoS under Regulation 8(1)(b) of the Infrastructure EIA Regulations 2017 that the Applicant intends to submit an Environmental Statement as part of the DCO application	October 2020	Section 6.4
	2020 EIA Scoping Report submitted	Obtain a Scoping Opinion under Regulation 10 of the Infrastructure EIA Regulations 2017 from the SoS	October 2020	Section 6.4
	Receipt of 2020 EIA Scoping Opinion from the SoS (including Regulation 11(1)(b) consultee list) providing responses to submitted EIA Scoping Report	Sets out the SoS and statutory consultee opinions on the scope, level of detail, and of the information to be provided in the Environmental Statement. The consultees identified under Regulation 11 of the Infrastructure EIA Regulations 2017 as outlined in Advice Note 3 are set out in Appendix B.1 . The	November 2020	Section 6.4

Regulation	Activity	Purpose	Dates	Relevant section in this report
		Planning Inspectorate did not identify any Regulation 11(1)(c) consultees or non-prescribed consultees to the Applicant in the Regulation 11 List		
EIA notification (Infrastructure EIA Regulations 2017)	EIA Regulation 13 Notification Issue of the 2021 Section 48 Notice to the prescribed bodies	To send a copy of the 2021 Section 48 Notice to prescribed bodies at the same time as publishing the Section 48 Notice in compliance with Regulation 13 of the Infrastructure EIA Regulations 2017	May 2021	Section 11.2
Statutory consultation (Section 47 of the Planning Act 2008)	Statutory consultation with relevant local authorities on the content of the 2021 draft SoCC	To consult the local authorities on how the Applicant proposes to consult people living in the vicinity of the land about the Scheme	November to December 2020	Section 10.4
	2021 SoCC made available and notice of where it can be inspected was published in the Mid Hampshire Observer,	To inform the local community about how the Applicant will consult with them on the Scheme and	May 2021	Section 10.5

Regulation	Activity	Purpose	Dates	Relevant section in this report
	Hampshire Chronicle and Hampshire Independent	how they can comment on the proposals		
Statutory publicity (Section 48 of the Planning Act 2008)	Published the 2021 Section 48 Notice in the Mid Hampshire Observer, Hampshire Chronicle, Hampshire Independent, London Gazette and The Times	To publicise, locally and nationally, the consultation on the proposed application for the Scheme	May 2021	Section 11.5
Statutory consultation (Section 42 of the Planning Act 2008)	Section 46 Notification sent to the Planning Inspectorate	To notify the SoS under Section 46 of the Planning Act 2008 of the proposed application and supply the section 42 consultation information	May 2021	Section 11.3
	Statutory consultation with Section 42(1)(a) – Prescribed Persons on the Scheme and Preliminary Environmental Information	To consult prescribed persons on the proposals for the Scheme and gather their feedback	May to July 2021	Section 11.2
	Statutory consultation with Section 42(1)(b) – Local Authorities on the Scheme and	To consult local authorities on the proposals for the Scheme and gather their feedback	May to July 2021	Section 11.2

Regulation	Activity	Purpose	Dates	Relevant section in this report
	Preliminary Environmental Information			
	Statutory consultation with Section 42(1)(d) – Land Interests about the Scheme	To consult land interests on the proposals for the Scheme and gather their feedback	May to July 2021	Section 11.2
Statutory consultation (Sections 47 and 48 of the Planning Act 2008)	Media coverage – newspapers, website updates and social media posts	To publicise in the vicinity of the land of the Scheme, the consultation on the Scheme in accordance with the published 2021 SoCC	May to July 2021	Section 11.4
	Section 47 Consultation, including virtual public consultation, online webinars and telephone surgery	To consult the local community about the proposals for the Scheme in accordance with the published 2021 SoCC	May – July 2021	Section 11.4
Targeted consultation (Section 42(1)(d) of the Planning Act 2008)	Targeted consultation with Section 42(1)(d) parties	To consult those with an interest in the land of the Scheme on the minor refinements to the previous Application Boundary that was displayed during the	November – December 2021	Section 13.2 and Section 13.3

Regulation	Activity	Purpose	Dates	Relevant section in this report
		2021 statutory consultation and gather their feedback.		
		To consult newly identified Category 3 interests and access interests as a result of ongoing diligent inquiries and updates to the environment assessment.	October – November 2022	Section 15.2
Non-statutory engagement	Issued information letters to relevant prescribed bodies, local authorities, land interests and locally elected representatives	To provide an update on the latest Scheme developments including the minor refinements to the Application Boundary, the delay to the DCO submission and the ALR pause.	January 2022 to September 2022	Section 4.4 and Section 14.4
	Meetings and ongoing discussions with stakeholders including relevant local authorities, prescribed bodies, landowners and walking, cycling and horse-riding groups	To further develop an understanding of local and technical issues raised through ongoing consultation and engagement and have regard to them/attempt to resolve them in the final development of the DCO application.	July 2021 to November 2022	Section 4.4

Regulation	Activity	Purpose	Dates	Relevant section in this report
	Site visits	To further develop an understanding of local and technical issues with South Downs National Park Authority.	October 2021	Section 4.4
	Drafting Statements of Common Ground (SoCGs)	To provide a record of agreement reached on matters relating to the Scheme and set out any matters which remain under discussion.	July 2021 - ongoing	Section 4.4
	Webpage updates	To inform, on a non-statutory basis, stakeholders of the refinements to the previous Application Boundary displayed during the 2021 statutory consultation, the delay to the DCO submission and details about the 2022 public information events and online information portal.	January 2022 to September 2022	Section 4.4 and Section 14.4
	Newsletters	To update stakeholders about the Scheme's progress	June 2022 to September 2022	Section 4.4 and Section 14.4

Regulation	Activity	Purpose	Dates	Relevant section in this report
		and next steps ahead of DCO submission.		
	Public information events and online information portal	To provide an informal update to stakeholders of the design changes in response to the 2021 statutory consultation, minor design development to the Scheme due to the pause of the M3 Junction 9 to 14 Motorway Upgrade Project and provide an update on the amended programme.	September 2022	Section 14.4

2.6 Structure of this report

2.6.1 The remainder of this report is structured as follows:

- **Chapter 3** summarises the legislation and guidance which provide the statutory requirements for the pre-application consultation on the Scheme
- **Chapter 4** explains the non-statutory engagement undertaken by the Applicant throughout the pre-application process and the Applicant's approach to preparing SoCGs
- **Chapter 5** explains the non-statutory consultation undertaken by the Applicant in 2018
- **Chapter 6** explains how the Applicant met the consultation requirements of the Infrastructure EIA Regulations 2017 based on its EIA scoping requests
- **Chapter(s) 7 and 8** outlines the 2019 consultation processes that the Applicant has followed to fulfil the requirements of Sections 42, 46, 47 and 48 of the Planning Act 2008
- **Chapter 9** summarises the key issues that were raised during the 2019 consultation
- **Chapter(s) 10 and 11** outline the 2021 statutory consultation processes that the Applicant has followed to fulfil the requirements of Sections 42, 46, 47 and 48 of the Planning Act 2008
- **Chapter 12** summarises the key issues that were raised during the 2021 statutory consultation
- **Chapter 13** outlines the 2021 targeted consultation exercise undertaken by the Applicant
- **Chapter 14** describes the 'Scheme update' engagement in September 2022
- **Chapter 15** outlines the 2022 targeted consultation exercise undertaken by the Applicant
- **Chapter 16** sets out the conclusions.

2.6.2 Additional information and evidence relating to the consultation process is set out in **Annex 1** and **Appendices A-N**.

3 Legislation and guidance

3.1 Introduction

3.1.1 This chapter summarises the legislation and guidance which provide the statutory requirements for the pre-application consultation on the Scheme.

3.2 Statutory requirements

3.2.1 The pre-application consultation process and production of this report have been carried out in accordance with the following requirements of primary and secondary legislation:

- The Planning Act 2008
- The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the 'Infrastructure EIA Regulations 2017')
- The Infrastructure Planning (Applications: Prescribed Forms and Procedure Regulations 2009 (the 'APFP Regulations')

3.2.2 As stated in **Section 2.3** of this report, the Applicant has been required to undertake the 2021 statutory consultation activities in accordance with the national restrictions and guidance relevant at the time due to COVID-19. Therefore, the 2021 statutory consultation has also been carried out in accordance with the procedural requirements made through the Infrastructure Planning (Publication and Notification of Applications etc.) (Coronavirus) (Amendment) Regulations 2020 (the 'COVID Regulations') which were made permanent on 31 December 2020.

3.2.3 The following statutory guidance has been followed in the design and delivery of the consultation process and preparation of this report:

- Guidance on procedural requirements for major infrastructure projects (published by the former Ministry of Housing, Communities and Local Government, December 2020)
- Guidance on the pre-application process (published by the former Department for Communities and Local Government, March 2015) ('the DCLG pre-application guidance')

3.2.4 The Applicant also considered the following non-statutory advice notes published by the Planning Inspectorate:

- Advice Note Three: EIA Notification and Consultation (Version 7: August 2017) ('PINS Advice Note 3')
- Advice Note Fourteen: Compiling the Consultation Report (Version 3: February 2021) ('PINS Advice Note 14')

3.2.5 This chapter signposts to relevant sections in this report which summarise the activities undertaken by the Applicant for the 2021 statutory consultation to ensure compliance with the relevant requirements. Evidence of this compliance is supplied in the Consultation Report Appendices where relevant and appropriate. A detailed compliance statement setting out how the Applicant has complied with the relevant provisions of the Planning Act 2008, the APFP Regulations, the Infrastructure EIA Regulations 2017, the COVID Regulations, statutory guidance documents and the Planning Inspectorate's Advice Notes is included at **Annex 1**.

3.3 The Planning Act 2008

3.3.1 The following provisions of the Planning Act 2008 are relevant to the statutory consultation undertaken on the Scheme:

- Section 42: Duty to consult
- Section 43: Local authorities for purposes of section 42(1)(b)
- Section 44: Categories for purposes of section 42(1)(d)
- Section 45: Timetable for consultation under section 42
- Section 46: Duty to notify SoS of proposed application
- Section 47: Duty to consult local community
- Section 48: Duty to publicise
- Section 49: Duty to take account of responses to consultation and publicity

Sections 42, 43 and 44 of the Planning Act 2008

3.3.2 Section 42(1) of the Planning Act 2008 states:

'42. Duty to consult

The applicant must consult the following about the proposed application

(a) Such persons as may be prescribed

(aa) The Marine Management Organisation, in any case where the proposed development would affect, or would be likely to affect any of the areas specified in subsection (2)

(b) Each local authority that is within section 43

(c) The Greater London Authority if the land is in Greater London, and

(d) each person who is within one or more of the categories set out in section 44'

3.3.3 Sub-sections 42(aa) and (c) are not relevant to this Scheme because it is an inland scheme which is not located within Greater London.

3.3.4 For the purposes of Section 42(1)(a) of the Planning Act 2008, the persons prescribed are those listed in column 1 of the table in Schedule 1 of the APFP Regulations, as applicable.

3.3.5 Section 42(1)(b) (local authorities) are defined in Section 43 of the Planning Act 2008. There are 'A', 'B', 'C' and 'D' category local authorities, depending on the tier of the authority and its location in relation to the Scheme.

3.3.6 Section 42(1)(d) parties consist of persons with interests in land affected by the Scheme or who may be able to bring a relevant claim should the application for development consent be granted and fully implemented. Section 44 of the Planning Act 2008 sets out the categories of persons within Section 42(1)(d) as:

- A person is within Category 1 if the applicant, after making diligent inquiry, knows that the person is an owner, lessee, tenant (whatever the tenancy period) or occupier of the land;
- A person is within Category 2 if the applicant, after making diligent inquiry, knows that the person –
 - a. is interested in the land, or
 - b. has power –
 - i. to sell and convey the land, or
 - ii. to release the land.
- A person is within Category 3 if the applicant thinks that, if the order sought by the proposed application were to be made and fully implemented, the person would or might be entitled to make a relevant claim. A 'relevant claim' is then defined in Section 44 by reference to a claim under Section 10 of the Compulsory Purchase Act 1965 (compensation where satisfaction not made for the taking, or injurious affection, of land subject to compulsory purchase), a claim under Part 1 of the Land Compensation Act 1973 (compensation for depreciation of land value by physical factors caused by use of public works) or a claim under Section 152(3) of the Planning Act 2008 (compensation in case where no right to claim in nuisance).

3.3.7 **Section 11.2** of this report provides a description of how the Applicant identified Section 42(1)(a), (b) and (d) parties and evidences how the Applicant complied with the statutory requirements for consultation under Section 42 of the Planning Act 2008 during the 2021 statutory consultation.

Section 45 of the Planning Act 2008

3.3.8 Section 45 of the Planning Act 2008 requires the Applicant, when consulting a person under Section 42, to notify them of the deadline for the receipt of comments to the consultation. This must be a minimum of 28 days, that begins with the day after the day on which the person receives the consultation documents. Consultation materials must be supplied to the person by the Applicant for the purpose of consulting them. **Section 11.2** of this report provides a summary of the activities undertaken by the Applicant for the 2021 statutory consultation to ensure compliance with Section 45 of the Planning Act 2008.

Section 46 of the Planning Act 2008

3.3.9 Under Section 46 of the Planning Act 2008, the Applicant is required to notify the SoS of the Scheme by providing the section 42 consultation information on or before commencement of that consultation. **Section 11.3** of this report provides details of the documents issued to the Planning Inspectorate, on behalf of the Secretary of State in accordance with Section 46 of the Planning Act 2008 for the 2021 statutory consultation.

Section 47 of the Planning Act 2008

3.3.10 Under Section 47(1) of the Planning Act 2008, a Statement of Community Consultation (SoCC) must be developed for the Scheme and must set out how the Applicant proposes to consult people living in the vicinity of the Scheme.

3.3.11 In accordance with Section 47(2) of the Planning Act 2008, the Applicant must consult each local authority that is within Section 43(1) (i.e. a local authority is in this section if the land is in the authority's area) in respect of the content of the SoCC, because their knowledge of the local area may influence decisions on the geographical extent of the consultation and the methods that will be most effective in the local circumstances. Those local authority must submit their comments on the SoCC within 28 days of receiving the consultation documents. The Applicant also must have regard to any responses received before the deadline, as outlined in Section 47(5) of the Planning Act 2008.

3.3.12 Once the SoCC is finalised, the applicant must:

- Under Section 47(6)(za), make the statement available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the Scheme

- Under Section 47(6)(a), publish in a newspaper circulating in the vicinity of the Scheme, a notice stating where and when the statement can be inspected
- Under Section 47(6)(b), publish the statement in such manner as may be prescribed

3.3.13 Due to the restrictions imposed by COVID-19, the MHCLG's guidance on procedural requirements for major infrastructure projects confirms that the requirement under Section 47(6)(za) of the Planning Act 2008 can now be met by making documents available for inspection online.

3.3.14 **Chapter 10** of this report sets out how the Applicant prepared its SoCC for the 2021 statutory consultation and **Section 11.4** of this report details how the Applicant carried out pre-application consultation in accordance with the final published 2021 SoCC.

Section 48 of the Planning Act 2008

3.3.15 Under Section 48 of the Planning Act 2008, the Scheme is required to be publicised in the "prescribed manner" in accordance with Regulation 4 of the APFP Regulations.

3.3.16 Regulation 4(2) of the APFP Regulations states that the Scheme is required to be publicised once in the London Gazette and a national newspaper and for at least two successive weeks in one or more local newspapers. This notice ('the Section 48 Notice') must include a number of details, including: explaining where and when the consultation documents can be viewed and setting out the deadline for the receipt of consultation responses (being not less than 28 days from the date when the notice was last published). As the Scheme is not an offshore development, the Applicant was not obliged under Regulation 4(2)(d) of the APFP Regulations to publish the Section 48 Notice in Lloyd's List and an appropriate fishing trade journal. **Section 11.5** of this report provides a detailed overview of how the Applicant publicised the Scheme pursuant to Section 48 of the Planning Act 2008 for the 2021 statutory consultation.

3.3.17 In light of the above, Regulation 13 of the Infrastructure EIA Regulations 2017 states that where a Scheme is an 'EIA development' the Applicant must, at the same time as publishing the Section 48 Notice, send a copy of that notice to the consultation bodies and to any person notified to the application in accordance with Regulation 11(1)(c). **Section 6.4** and **Section 11.2** of this report provides details of how the Applicant complied with Regulation 13 of the Infrastructure EIA Regulations 2017 for the 2021 statutory consultation.

Section 49 of the Planning Act 2008

3.3.18 Section 49 of the Planning Act 2008 requires the Applicant to have regard to relevant responses received in response to consultation and publicity undertaken pursuant to Sections 42, 47 and 48 of the Planning Act 2008. A relevant response for the purposes of Sections 42, 47 and 48 is defined in Section 49(3) of the Planning Act 2008 as a response from a person consulted in accordance with the corresponding section that is received by the Applicant before the deadline is imposed.

3.3.19 **Chapter 12** of this report provides an overview of the general themes derived from the relevant responses received under Sections 42, 47 and 48 of the Planning Act 2008 and commentary on how they were considered. **Tables 12.10** and **12.11** of this report provide a summary of the key design changes made following the 2021 statutory consultation and the principal matters raised that did not result in a design change, respectively. **Appendices K** of this report provides extracts of the relevant responses received and the Applicant's responses in accordance with Section 49 of the Planning Act 2008 for the 2021 statutory consultation.

3.4 The Infrastructure EIA Regulations 2017

3.4.1 The following provisions of the Infrastructure EIA Regulations 2017 are relevant to the Scheme:

- Regulation 8: Procedure for establishing whether EIA is required
- Regulation 10: Application for a scoping opinion
- Regulation 11: Procedure to facilitate preparation of environmental statements
- Regulation 12: Consultation statement requirements
- Regulation 13: Pre-application publicity under section 48 (duty to publicise)
- Regulation 14: Submission of an environmental statement

3.4.2 The Scheme falls under Paragraph 10(f) of Schedule 2 of the Infrastructure EIA Regulations 2017 and therefore constitutes an 'EIA development'. Although the consultation required under the Infrastructure EIA Regulations 2017 is separate to that required under the Planning Act 2008, which is the main focus of this report, **Section 6.4** and **Table 6.1** of this report summarises how the Applicant has satisfied the relevant requirements of the Infrastructure EIA Regulations 2017. The **ES (Document Reference 6.1)** explains in further detail the EIA scoping history of the Scheme and how regard has been had to comments received from the 2020 EIA scoping consultation.

3.5 The APFP Regulations

3.5.1 The following provisions of the APFP Regulations are relevant to the statutory consultation undertaken on the Scheme:

- Regulation 3: Prescribed consultees
- Regulation 4: Publicising a proposed application
- Schedule 1: Circumstances when consultees must be consulted and notified about an application

3.5.2 **Chapter 11** and **Annex 1** of this report summarise how the Applicant has satisfied the relevant requirements of the APFP Regulations. Evidence of this compliance is also supplied in the appendices where relevant and appropriate.

3.6 The COVID Regulations

3.6.1 In light of the COVID-19 restrictions changes to certain publicity requirements were introduced through the Infrastructure Planning (Publication and Notification of Applications etc.) (Coronavirus) (Amendment) Regulations 2020. These changes came into force on 31 December 2020.

3.6.2 The COVID Regulations amended certain requirements relating to the publication of notices and about how relevant documents are available for inspection. The COVID Regulations remove the obligations on the Applicant to include in relevant notices the addresses (including at least one address in the vicinity of the relevant project) where certain documentation is available for inspection. Instead, notices published must specify that the documents are available free of charge on a website, the address of the website and details of how the documents may be obtained from that website. The Applicant is also required to provide a telephone number for general enquiries on where to find relevant information and on the documentation itself.

3.6.3 As set out above, Section 47(6) of the Planning Act 2008 requires the SoCC to be made available for inspection. The COVID Regulations confirms that this requirement can be met by making documents available for inspection online.

3.6.4 Furthermore, Sections 47 and 48 of the Planning Act 2008 requires the Applicant to place notices in local newspapers. The COVID Regulations confirm that in circumstances where local newspapers are currently not available in a print format, this requirement can be met by placing adverts in appropriate online local newspaper publications.

3.6.5 It should be acknowledged that from 23 March 2020, when the Prime Minister announced the commencement of a national 'lockdown' and legal restrictions due to COVID-19, the Applicant has been required to undertake statutory consultation activities in accordance with the national restrictions and guidance relevant at that time. Where relevant, specific details are provided in this report

of how the Applicant has adapted its approach to consultation and engagement, including with regard to meeting its statutory duties under the Planning Act 2008. Therefore, **Annex 1** and **Chapters 10** and **11** set out how the Applicant complied with the procedural requirements made through the COVID Regulations. Evidence of this compliance is also supplied in the Consultation Report Appendices where relevant and appropriate.

3.7 Guidance and advice notes

- 3.7.1 **Annex 1** outlines where recommendations on the content of this report and the consultation process in the DCLG pre-application guidance and PINS Advice Notes Three and 14 have been complied with through the consultation process and addressed in this report.

4 Non-statutory engagement

4.1 Introduction

4.1.1 The Applicant has sought to engage with stakeholders throughout the development of the Scheme including outside of the formal statutory consultation periods. This informal or non-statutory engagement has been undertaken through various mechanisms and has sought to keep key stakeholders informed about the progress of the Scheme, inform the ongoing design of the Scheme and enable timely discussions on opportunities and concerns identified.

4.1.2 This chapter explains the Applicant's approach to non-statutory engagement undertaken before, during and after the statutory consultation periods.

4.2 Non-statutory engagement prior to 2019 consultation

4.2.1 In advance of the 2019 consultation, the Applicant engaged with a range of stakeholders including landowners, Winchester City Council, South Downs National Park Authority and Hampshire County Council as the host authorities and prescribed bodies, about the Scheme.

Engagement with prescribed bodies and relevant local authorities

4.2.2 The Applicant held a series of workshops with the Environment Agency, Historic England, Natural England, Winchester City Council, South Downs National Park Authority and Hampshire County Council to gather feedback and discuss the potential environmental impacts of the Scheme and how best to mitigate them. These discussions helped to determine the information to be presented in the Preliminary Environmental Information Report ('PEIR') presented at the 2019 consultation (see **Appendix G.11**).

4.2.3 **Table 4.1** provides details of the engagement undertaken with prescribed bodies and the relevant local authorities prior to the 2019 consultation. The table is not exhaustive and seeks to demonstrate key activities carried out rather than a complete record of all communication between the Applicant and stakeholders.

Table 4.1: Non-statutory engagement prior to 2019 consultation

Date	Description of activity undertaken
17/03/2017	Introductory meeting with Hampshire County Council and South Downs National Park Authority
26/04/2017	Scheme briefing with Hampshire County Council
12/07/2017	Scheme briefing with Hampshire County Council, Winchester City Council, South Downs National Park Authority
04/01/2018	Update meeting with Hampshire County Council, Natural England, Historic England, South Downs National Park Authority, Environment Agency, Winchester City Council
01/06/2018	Update meeting with South Downs National Park Authority, Environment Agency, Natural England, Historic England
16/07/2018	Meeting with Environment Agency, Winchester City Council, Hampshire County Council, Natural England, South Downs National Park Authority to discuss matters relating to the water environment, impacts and mitigation
28/09/2018	Biodiversity workshop to discuss mitigation / compensation with Environment Agency, Winchester City Council, Hampshire County Council, Natural England, South Downs National Park Authority
19/11/2018	Further biodiversity workshop to discuss South Downs National Park's proposals for biodiversity mitigation and walking, cycling and horse-riding routes with Environment Agency, Winchester City Council, Hampshire County Council, Natural England, South Downs National Park Authority, Historic England, Butterfly Conservation
18/12/2018	Flood risk and drainage workshop with Hampshire County Council
11/02/2019	Update meeting with Environment Agency, Hampshire County Council, Winchester City Council, Historic England to discuss the Application Boundary and 2019 EIA scoping exercise
26/02/2019	Flood risk and drainage workshop with Environment Agency
16/04/2019	Meeting with Natural England to discuss the Habitats Regulations Assessment (HRA) for the Scheme. Matters

Date	Description of activity undertaken
	covered included screening, surveys carried out and results, and proposed mitigation strategy
25/04/2019	Archaeology workshop with statutory environmental bodies
13/06/2019	Update meeting with Environment Agency
20/06/2019	Update meeting with South Downs National Park Authority to discuss 2019 consultation and landscape design proposals
27/06/2019	Update meeting with Hampshire County Council and Environment Agency
27/06/2019	Update meeting with Hampshire County Council

Engagement with walking, cycling and horse-riding groups

- 4.2.4 The Applicant held a forum with local walking, cycling and horse-riding groups on 6 March 2019 to consider their views on the development of the Scheme. The forum provided the opportunity for the Applicant to update the groups on the progress of the Scheme since the non-statutory consultation in 2018 and to discuss any outstanding suggestions and concerns.
- 4.2.5 The width of the shared use footpath across the Junction continued to be a concern for these groups, while other issues discussed included signage and the integration of this route with the surrounding network of cycle routes, as well as the walking, cycling and horse-riding route to Kings Worthy.

Engagement with landowners

- 4.2.6 The Applicant has liaised with affected landowners throughout the development of the Scheme. This has included engagement both within and outside of the formal statutory consultation periods. Formal engagement with affected landowners, in accordance with Section 42(1)(d) of the Planning Act 2008, is summarised in **Section 11.2** of this report.
- 4.2.7 Engagement with landowners has included reaching access arrangements for intrusive and non-intrusive site investigation work for the purposes of the Scheme. Where required, licence agreements have been reached with impacted landowners where obtrusive site investigation works have been required. Non-obtrusive site investigation work has been included within licence agreements where compensation relevant to the works has been paid to landowners. Where non-obtrusive site investigation work was completed and no compensation was required, access has been agreed with landowners through verbal and/or written communication.

4.2.8 Discussions with landowners whose land may be impacted by the Scheme to discuss potential impacts and mitigation were also arranged.

4.2.9 **Annex B** of the **Statement of Reasons (Document Reference 4.1)** submitted with the DCO application further sets out how the Applicant has engaged with affected landowners in relation to compulsory acquisition and temporary possession of land.

4.3 Non-statutory engagement prior to 2021 statutory consultation

Website updates

4.3.1 The Applicant published information about the Scheme and notice of upcoming public consultations on its dedicated Scheme webpage leading up to the 2021 statutory consultation (see **Appendix C.1**).

Meetings

4.3.2 Following changes to the design and programme previously presented in the 2019 consultation, the Applicant set up several re-introductory scheme meetings and scheme update meetings as part of the non-statutory engagement with prescribed bodies, Winchester City Council, South Downs National Park Authority, Hampshire County Council and local stakeholder groups. These meetings sought to discuss the revised design proposals and environmental assessments ahead of the 2021 statutory consultation, share information and consider opportunities for further improvements.

4.3.3 **Table 4.2** provides an overview of the meetings held with various stakeholders prior to the 2021 statutory consultation. The table is not exhaustive and seeks to demonstrate key activities carried out rather than a complete record of all communication between the Applicant and stakeholders.

Table 4.2: Non-statutory engagement activities prior to 2021 statutory consultation

Date	Description of activity undertaken
16/07/2020	Scheme update meeting with Hampshire County Council to discuss the changes to the design and programme since the 2019 consultation
22/07/2020	Scheme update meeting with Winchester City Council to discuss the changes to the design and programme since the 2019 consultation
04/08/2020	Scheme update meeting with Enterprise M3 Local Enterprise Partnership

Date	Description of activity undertaken
06/08/2020	Scheme update meeting with South Downs National Park Authority to discuss the changes to the design and programme since the 2019 consultation
03/08/2020	Scheme update meeting with Motorway Upgrade Project Alliance
25/09/2020	Scheme update meeting with Hampshire County Council, Winchester City Council and South Downs National Park Authority to introduce the Applicant's technical specialists
09/10/2020	<p>The Engagement Working Group was created to discuss and agree the community consultation and communications strategy for the 2021 statutory consultation.</p> <p>An introductory Engagement Working Group with Hampshire County Council, Winchester City Council and South Downs National Park Authority was held to discuss the 2020 EIA scoping exercise and upcoming engagement activities. The Applicant also presented the revised 2021 draft SoCC and invited informal comments from with Hampshire County Council, Winchester City Council and South Downs National Park Authority.</p>
25/11/2020	Cultural heritage workshop with Hampshire County Council, Winchester City Council, South Downs National Park Authority and Historic England
02/12/2020	Scheme update meeting with Hampshire Constabulary to discuss the proposed alignments and speed limits for the Scheme
02/12/2020	Meeting with Winchester City Council to discuss the socio-economics assessment for the Scheme.
14/01/2021	Engagement working group with Hampshire County Council, Winchester City Council and South Downs National Park Authority to discuss the 2021 statutory consultation timescales
19/01/2021	Scheme update meeting with Natural England to discuss the scope of the HRA
10/02/2021	Meeting with Hampshire Chamber of Commerce to discuss the socio-economics assessment for the Scheme
24/02/2021	Scheme update meeting with Environment Agency

Date	Description of activity undertaken
18/03/2021	Engagement working group with Hampshire County Council, Winchester City Council and South Downs National Park Authority to discuss the local authorities' statutory comments on the 2021 draft SoCC and how the Applicant has had regard to them
17/05/2021	Engagement working group with Hampshire County Council, Winchester City Council and South Downs National Park Authority to confirm the 2021 statutory consultation activities and communications strategy

4.3.4 These meetings helped to determine the 2021 community consultation strategy, the information to be presented in the PEIR at the 2021 statutory consultation and the approach to assessment and commitment to mitigation measures for a number of environmental and design disciplines, for example the development of the **ES (Document Reference 6.1)** and the **Habitats Regulations Assessment (Document Reference 7.5)**.

4.3.5 The Applicant also responded to individual queries and information requests from stakeholders via email, letter and phone call throughout this period.

Information documents

4.3.6 In October 2020, the Applicant sent a letter informing prescribed bodies, relevant local authorities, landowners and locally elected representatives of updates to the Scheme since the 2019 consultation and the Applicant's request for a second EIA scoping opinion (see **Appendices C.2 to C.4**).

4.3.7 Additional correspondence was issued in February 2021 to prescribed bodies, relevant local authorities, landowners and locally elected representatives informing them of updates to environmental surveys and future consultation timescales (see **Appendix C.5**).

4.4 Non-statutory engagement during and after the 2021 statutory consultation

4.4.1 This section provides an overview of the continued non-statutory engagement undertaken by the Applicant during and following the 2021 statutory consultation period.

Meetings

4.4.2 Following the 2021 statutory consultation, the Applicant continued to organise meetings and site visits with prescribed bodies, Winchester City Council, South Downs National Park Authority, Hampshire County Council, parish councils,

local landowners and local stakeholder groups. These meetings sought to discuss consultation responses, changes to the Scheme since the 2021 statutory consultation, share information and consider opportunities for further improvements.

4.4.3 **Table 4.3** provides an overview of the meetings held with various stakeholders during and following the 2021 statutory consultation period. The table is not exhaustive and seeks to demonstrate key activities carried out rather than a complete record of all communication between the Applicant and stakeholders.

Table 4.3: Post 2021 statutory consultation non-statutory engagement activities

Date	Description of activity undertaken
02/06/2021	Meeting with Hampshire County Council to discuss the drainage design strategy.
02/07/2021	Meeting with walking, cycling and horse-riding groups and South Downs National Park Authority to discuss walking, cycling and horse-riding provisions.
17/07/2021	Meeting with walking, cycling and horse-riding groups and South Downs National Park Authority to discuss the design proposals for a footpath from Easton Lane to Long Walk.
23/07/2021	Meeting with Hampshire and Isle of Wight Wildlife Trust to discuss the Scheme
11/08/2021	Scheme update meeting with South Downs National Park Authority to discuss landscape design, biodiversity, landscape assessment, deposition areas, construction compounds, cycling routes, further engagement.
12/08/2021	Scheme update meeting with Winchester City Council to discuss walking and cycling provisions, Cart and Horses junction, PEIR consultation feedback, future engagement.
03/09/2021	Scheme update meeting with walking, cycling and horse-riding groups.
15/09/2021	Project update and SoCG meeting Natural England.
22/09/2021	Scheme update meeting with South Downs National Park Authority to discuss proposed Arboricultural Impact Assessment, the design of the eastern side of the Scheme within and adjacent to the South Downs National

Date	Description of activity undertaken
	Park, wider Scheme design elements, the construction compounds and preparation of a SoCG.
28/09/2021	Scheme update meeting with Winchester City Council to discuss nitrate neutrality offsetting, cycleway funding, construction working hours, recent engagement, pre-application resourcing, SoCG.
04/10/2021	Scheme update meeting with Environment Agency to discuss drainage strategy – outfalls, Water Framework Directive and Flood Risk Assessment matters and temporary works, hydrogeology licence requirements, electrofishing requirements, geology, soils and hydrology, SoCG.
08/10/2021	Scheme update meeting with walking, cycling and horse-riding groups.
22/10/2021	Site visit with South Downs National Park Authority walking Long Walk to Easton Lane Bridleway. During the site visit details about infiltration features, construction compounds, the western side of the Scheme including impacts on existing vegetation and proposed for walking and cycling improvements were also discussed.
29/10/2021	Project update and SoCG meeting with Historic England
03/11/2021	Scheme update meeting with Winchester City Council to discuss funding for advisory services and input, Hampshire County Council engagement and collaboration funding for cycle provisions, revised Application Boundary, planned targeted consultation, recent engagement updates, SoCG.
04/11/2021	Meeting with Southern Water to introduce the Scheme and discuss diversion requirements.
15/11/2021	Scheme update meeting with Hampshire County Council to discuss methodology and assessment of costs to support ongoing engagement, coordination and schedule of meetings.
17/11/2021	Meeting with Hampshire County Council to discuss the drainage strategy and give an overview of the draft Drainage Strategy Report and draft SoCG.

Date	Description of activity undertaken
17/11/2021	Site walkover with Southern Water to view the extent and topography of the proposed diversion route.
24/11/2021	Scheme update meeting with South Downs National Park Authority to discuss draft Outline Drainage Strategy, Environmental Masterplan, outline Landscape and Ecological Management Plan, construction compounds, Arboricultural Impact Assessment and draft SoCG.
29/11/2021	Scheme update meeting with Hampshire County Council.
30/11/2021	Scheme update meeting with Winchester City Council to discuss engagement updates, additional targeted consultation and draft SoCG.
06/12/2021	Scheme update meeting with Hampshire County Council to discuss pre-application funding, review of engagement plan, detail on cycle provisions.
13/12/2021	Scheme update meeting with Hampshire County Council.
05/01/2022	Scheme update meeting with Environment Agency and Hampshire County Council to discuss the drainage strategy.
12/01/2022	Workshop on the construction phase including traffic management with Hampshire County Council, Winchester City Council and South Downs National Park Authority.
13/01/2022	Meeting with Hampshire County Council to discuss adoption and Public Rights of Way responsibilities, Traffic Regulation Order and design sign off.
14/01/2022	Meeting with Hampshire County Council to discuss traffic modelling and the Cart and Horses junction.
17/01/2022	Scheme update meeting with Hampshire County Council.
17/01/2022	Meeting with Southern Water to discuss alternative proposals.
25/01/2022	Scheme update meeting with Winchester City Council.
01/02/2022	Scheme update meeting with Environment Agency and Hampshire County Council.

Date	Description of activity undertaken
02/02/2022	Presentation of the Scheme to the Hampshire Chamber of Commerce.
08/02/2022	Presentation of the Scheme to Winchester City Council members followed by a question and answer session.
09/02/2022	Meeting with landowner.
14/02/2022	Scheme update meeting with Hampshire County Council to discuss the drainage strategy.
15/02/2022	Meeting with landowner.
16/02/2022	Scheme design and National Highways transfer intention meeting with Hampshire County Council.
18/02/2022	Scheme update meeting with Winchester City Council.
18/02/2022	Draft DCO and associated plans meeting with Hampshire County Council.
21/02/2022	Scheme update meeting with Hampshire County Council.
23/02/2022	Scheme update meeting with South Downs National Park Authority.
01/03/2022	Scheme update meeting with Environment Agency.
03/03/2022	Presentation of the Scheme to Hampshire County Council members.
21/03/2022	Scheme update meeting with Hampshire County Council.
29/03/2022	Scheme update meeting with Winchester City Council.
30/03/2022	Scheme update meeting with South Downs National Park Authority.
16/06/2022	Scheme update meeting with Hampshire County Council.
25/05/2022	Scheme update meeting with South Downs National Park Authority.
26/05/2022	Scheme update meeting with Winchester City Council.
10/06/2022	Site visit by Historic England.

Date	Description of activity undertaken
20/06/2022	Scheme update meeting with Hampshire County Council.
07/06/2022	Scheme update meeting with the Environment Agency.
29/06/2022	Predicted transport impacts meeting with Hampshire County Council.
14/07/2022	Adoption and asset transfer meeting with Hampshire County Council.
27/07/2022	Scheme update meeting with South Downs National Park Authority.
12/07/2022	Meeting between National Highways and Isle of Wight Wildlife Trust.
01/08/2022	Chalk stabilisation meeting with the Environment Agency.
02/08/2022	Scheme update meeting with the Environment Agency.
15/08/2022	Scheme update meeting with Hampshire County Council.
16/08/2022	Bridleway design and handover meeting with Hampshire County Council.
26/08/2022	Scheme update meeting with Natural England.
31/08/2022	Scheme update meeting with South Downs National Park.
07/09/2022	<p>The integrated project team held an in person meeting with representatives from: The British Horse Society, Cycling Winchester (representing Cycling UK), The Ramblers Association (Winchester), and the Access and Rights of Way officer from the South Downs National Park Authority.</p> <p>This meeting was to discuss how the Scheme has changed in response to comments received at the 2021 statutory consultation and how the Scheme has been affected by the ALR pause, including minor design amendments and programme delays to walking, cycling and horse-riding groups.</p>

Date	Description of activity undertaken
08/09/2022	The integrated project team met virtually with representatives of the Armed Response Unit and the local officers of Hampshire Police, Hampshire Fire and Rescue were also present.
20/09/2022	Meeting with Hampshire County Council on Commuted Sums.
20/09/2022	Meeting with the Environment Agency to discuss river restoration and the use of National Highways Designated Funds Programme.
22/09/2022	Presentation about how the Scheme has changed in response to comments received at the 2021 statutory consultation and how the Scheme has been affected by the ALR pause, including minor design amendments and programme delays to local Parish Councils, followed by a question and answer session.
25/09/2022	National Highways Public Information Event at Tesco Winnall attended by MP Steve Brine
26/09/2022	National Highways Public Information Event at Tesco Winnall attended by representatives of Parish Councils from Littleton and Harestock, Itchen Valley, Badger Farm, Headbourne Worthy, and Kings Worthy. Cllr Jane Rutter of Winchester City Council attended and discussed the Cart and Horses Junction with the National Highways Team.
27/09/2022	Scheme update meeting with Winchester City Council.
27/09/2022	Scheme update meeting with Hampshire County Council.
29/09/2022	Presentation about how the Scheme has changed in response to comments received at the 2021 statutory consultation and how the Scheme has been affected by the ALR pause, including minor design amendments and programme delays to Itchen Valley Parish Council, followed by a question and answer session.
03/10/2022	Members briefing with Winchester City Council.

Date	Description of activity undertaken
03/10/2022	Meeting with Hampshire County Council on the Cart and Horses Junction. Further details are provided in the Case for the Scheme (Document Reference 7.1) .
12/10/2022	Scheme update meeting with the Environment Agency.
17/10/2022	Scheme update meeting with Hampshire County Council.
25/10/2022	Scheme update meeting with Winchester City Council.
26/10/2022	Scheme update meeting with South Downs National Park Authority.

Engagement with landowners

- 4.4.4 Since the 2021 statutory consultation, the Applicant has continued to engage with landowners. This has included written communication and phone calls, as well as meetings where identified as necessary.
- 4.4.5 Landowner meetings have been undertaken with landowners and in some cases their respective land agents (if employed), taking into account the limitations and guidance associated with COVID-19. In some cases, online meetings have been held, in addition to or instead of face-to-face meetings. Discussions have informed design decisions and where appropriate have involved relevant specialists of the Applicant’s project team, to help share technical information or advice where relevant to the points of discussion.
- 4.4.6 **Annex B** of the **Statement of Reasons (Document Reference 4.1)** submitted with the DCO application further sets out how the Applicant has engaged with affected landowners in relation to compulsory acquisition and temporary possession of land.

Information documents

- 4.4.7 **Table 4.4** provides an overview of written correspondence sent by the Applicant to stakeholders following the 2021 statutory consultation period.

Table 4.4: Information documents circulated following the 2021 statutory consultation period

Date	Details
December 2021	The Applicant sent a non-statutory information letter to prescribed bodies, relevant local authorities and local parish councils updating them about the minor

Date	Details
	refinements to the Application Boundary presented in the 2021 statutory consultation material (see Appendix C.6).
May 2022	The Applicant sent an email to stakeholders (including statutory environmental bodies, host authorities, landowners, parish councils and locally elected representatives) informing them of a delay to DCO submission (see Appendix C.7).
June 2022	The Applicant published a newsletter on the Scheme webpage to provide an update to stakeholders about the Scheme's progress (see Appendix C.8).
September 2022	The Applicant sent written correspondence to stakeholders (including landowners and locally elected members) to inform them of the upcoming Scheme update and the public information events (see Appendix M.6).
September 2022	The Applicant published an e-newsletter containing information about the design development of the Scheme and an invitation to attend the public information events (see Appendix M.4).

Website updates

- 4.4.8 The Applicant published further updates on the Scheme including the changes to the Application Boundary presented in the 2021 statutory consultation material (see **Appendix C.1**), delays to the DCO submission (see **Appendix C.1**) and details about the 2022 public information events and online information portal (see **Appendix M.2**) on its dedicated scheme webpage.

Statements of Common Ground

- 4.4.9 Where possible, the Applicant is endeavouring to make early progress in preparing Statements of Common Ground with stakeholders, such that agreed Statements of Common Ground can be submitted in a timely manner to the examination process to assist the Examining Authority (ExA) in understanding which matters have been agreed and which remain unresolved.
- 4.4.10 Each Statement of Common Ground sets out a record of consultation undertaken to date with the stakeholder, the key agreements reached and outstanding matters unresolved.

4.4.11 The Applicant is in the process of pursuing Statements of Common Ground with the following consultees:

- Winchester City Council
- South Downs National Park Authority
- Hampshire County Council
- Natural England
- Environment Agency
- Historic England

4.4.12 The Applicant's progress with Statements of Common Ground is set out in the **Progress with Statements of Common Ground (Document Reference 7.12)**.

5 2018 non-statutory consultation

5.1 Introduction

5.1.1 This chapter outlines the non-statutory consultation undertaken by the Applicant in 2018.

5.2 Approach to non-statutory consultation

5.2.1 The consultation was held over a six-week period from 9 January 2018 to 20 February 2018. Whilst the consultation was open to all, the following groups were identified and contacted with an invitation to encourage participation:

- Local residents and businesses within the vicinity of the Scheme
- Elected local authority and parish council representatives with wards in the vicinity of the Scheme
- Statutory environmental bodies, including the Environment Agency, Natural England and Historic England
- Relevant local authorities within the vicinity of the Scheme, including Winchester City Council, South Downs National Park Authority and Hampshire County Council
- Landowners
- Other relevant organisations such as local interest groups, local emergency services, strategic traffic generators, hard to reach groups, and walking, cycling and horse-riding groups

5.2.2 The consultation allowed the Applicant to introduce the Scheme to the public, share initial plans and gather feedback on the proposed option (Option 14), the Scheme's objectives, the proposals, rejected options and environmental design considerations for the Scheme.

5.2.3 During the non-statutory consultation phase, the Applicant made information available on the Scheme webpage and at deposit locations during the 2018 non-statutory consultation period (9 January 2018 – 20 February 2018). The non-statutory consultation information comprised:

- Consultation Brochure (see **Appendix D.1**)
- Questionnaire (see **Appendix D.2**)

5.2.4 The Applicant also made the following technical background reports available on the Scheme webpage during the 2018 non-statutory consultation period:

- Technical Appraisal Report

- Environmental Study Report

5.2.5 The Report on Public Consultation (**Appendix D.3**), which was published in March 2018, sets out a detailed account of the 2018 non-statutory consultation including how it was carried out, the feedback received and how the Applicant had regard to the feedback. A summary of that information is provided in the sections below.

Options consultation

5.2.6 In January to February 2018 non-statutory consultation was undertaken which presented the preferred option (Option 14), the Scheme's objectives, the proposals, rejected options and environmental design considerations. The consultation was held to gather feedback and identify issues associated with the proposals. Feedback from this non-statutory consultation helped to develop the Preferred Route Announcement (PRA) made in July 2018 as well as subsequent preliminary design work.

5.2.7 The preferred Option 14 was taken to an options consultation because there was clear evidence that it was more efficient and cost effective to build in one phase.

5.2.8 The preferred Option 14 and rejected options (Option 11, Option 18 and Option 16) were presented to consultees and discussed at the 2018 non-statutory consultation. The rejected options were listed in the consultation brochure (see **Appendix D.1**) alongside the preferred Option 14 so consultees had the full set of options for reference.

5.2.9 Option 16, a variation of Option 14 which would involve incremental delivery in two phases, was rejected on the grounds that it would not significantly reduce the identified construction impacts.

5.2.10 **Chapter 3 (Assessment of Alternatives)** of the **ES (Document Reference 6.1)** explains in further detail the option identification and appraisal exercise.

Consultation activities

5.2.11 The Applicant held five public information events at local venues in January and February 2018.

5.2.12 The non-statutory public information events provided the opportunity for the Applicant to explain the rationale of the preferred Option and rejected options and key objectives of the Scheme and provided consultees the opportunity to submit feedback early in the process.

5.2.13 **Table 5.1** summarises the range of methods used to advertise the public information events to the local community.

Table 5.1: Correspondence with local community and local representatives regarding the 2018 non-statutory consultation.

Method	Date	Details
Letters	January 2018	Letters of invitation were distributed in advance of the consultation to around 25,000 residential properties in the vicinity of the Scheme containing fully details of the non-statutory public consultation.
		Letters with details of the non-statutory public consultation were sent to key stakeholder groups, including: statutory environmental bodies, landowners, local businesses, locally elected representatives and walking, cycling and horse-riding groups.
Social media	January 2018	Twitter feeds were emailed out to all stakeholders when the Scheme webpage went live, inviting them to share the feed with their own stakeholders and encourage widespread awareness of the consultation.
Scheme webpage	January 2018	Details of the Scheme and the non-statutory consultation were provided on the Scheme webpage with a link to the dedicated consultation page (see Appendix D.8). The webpage address was included in all information released into the public domain.
Press release	January – February 2018	A single press release was issued by the Applicant (see Appendix D.4).
Newspaper adverts	January – February 2018	An advert appeared at the start of the non-statutory consultation period in the Hampshire Chronicle on 11 January 2018, advertising the public information events and Scheme webpage. The advert was republished on 25 January 2018 and 8 February 2018 to coincide with the public information events (see Appendix D.5).

5.2.14 The Applicant selected venues for the public information events at convenient locations in proximity to the Scheme and with good transport access to give the local community the greatest possible opportunity to attend. It was necessary

to consider local residents as well as those who live further afield but travel through the Junction. Each exhibition venue met the Equality Act 2010 requirements and were accessible to those who did not travel by car (see the **Equality Impact Assessment (Document Reference 7.14)** for further details). **Table 5.2** provides details of the public information events.

Table 5.2: 2018 non-statutory consultation public information events

Date	Time	Venue	Attendance
27/01/2018	10.30 am – 4.00 pm	Winchester Guildhall , The Broadway, Winchester, SO23 9GH	254
31/01/2018	2.00 pm – 8.00 pm	Winchester Guildhall , The Broadway, Winchester, SO23 9GH	228
10/02/2018	10.30 am – 4.00 pm	Winnall Community Centre , Garbett Road, Winchester, SO23 0NY	70
16/02/2018	2.00 pm – 8.00 pm	Kings Worthy Community Centre , Fraser Road, Kings Worthy, SO23 7PJ	146
17/02/2018	10.30 am – 4.00 pm	Kings Worthy Community Centre , Fraser Road, Kings Worthy, SO23 7PJ	132

5.2.15 The Applicant hosted a series of stakeholder briefings during the non-statutory consultation period. **Table 5.3** provides details of the stakeholder briefings.

Table 5.3: 2018 non-statutory consultation stakeholder briefings

Date	Details
09/01/2018	A political briefing was held on 9 January 2018 between 10am and 12pm at the Mercure Hotel in Winchester prior to the public information events. This gave parish and local councillors the opportunity to view and comment on the consultation material before the public
11/01/2018	A stakeholder briefing with walking, cycling and horse-riding groups was held from 9am to 11am on 11 January 2018 at the Mercure Hotel in Winchester. This gave walking, cycling and horse-riding groups the opportunity to view and comment on the consultation material
25/01/2018	A business briefing event was held from 8am to 11am, at the Mercure Hotel, Winchester on the 25 January 2018. Similar to the other briefing events this gave businesses the opportunity to view and comment on the consultation material
25/01/2018	Landowners impacted by environmental surveys were invited to attend and comment on the proposals at dedicated landowner briefings held on 25 January 2018 between 2pm and 5pm

5.2.16 The Applicant also held one-to-one meetings with affected landowners impacted by possible land acquisition during the consultation period.

5.2.17 The Applicant presented information relating to the Scheme in a variety of formats at the public information events and stakeholder briefings. The information presented at the public information events comprised: banners (see **Appendix D.6**), the consultation brochure (see **Appendix D.1**) and questionnaire (see **Appendix D.2**). The banners included the following information about the Scheme:

- Scheme objectives
- Scheme background
- Design options
- Environmental constraints
- Results of the assessments
- The consultation process

- Next stages

5.2.18 Many members of the project team, including technical experts, attended the public information events to gather feedback on the Scheme and were available to answer questions about the Scheme from members of the public. The questionnaire (see **Appendix D.2**) was available for attendees to complete at the public information events or to return via Freepost to the Applicant by 20 February 2018. Responses on the following aspects were sought:

- Use of M3 Junction 9
- Views on M3 Junction 9
- Views on whether the proposals meeting the Scheme objectives
- Views on Option 14
- Views on the rejected options
- Any other areas of concern/comments

5.2.19 The Applicant invited feedback to be submitted via the online questionnaire form, by email or by Freepost.

5.2.20 The Applicant placed copies of the consultation brochure and questionnaire in local deposit venues. The consultation material was available during the consultation period (9 January 2018 and 20 February 2018). Hearing loops and large print versions of the brochure were also made available to enhance the accessibility for individuals with hearing or sight difficulties. **Table 5.4** provides details of the local deposit venues.

Table 5.4: 2018 non-statutory consultation deposit point locations

Location	Address
Winchester Discovery Centre	Jewry Street, Winchester, SO23 8SB
Winchester Tourist Information Centre	Winchester Guildhall, High Street, Winchester, SO23 9GH
Winchester City Council (Customer Service Centre)	Winchester City Council, City Offices, Colebrook Street, Winchester, So23 8LJ
Kings Worthy Community Centre	Fraser Road, Kings Worthy, SO23 7PJ
Winnall Community Centre	Winnall, SO23 0NY
M3 Services Winchester	M3 between junctions 8 and 9, SO21 1PP

Location	Address
A34 Services	Sutton Scotney, SO21 3JY
Tesco Extra	Easton Lane, Winnall, Winchester

5.3 Non-statutory consultation feedback

5.3.1 In total, 830 people attended the five public information events and 854 responses to the consultation were received.

5.3.2 The feedback received demonstrated a strong support for improvements to Junction 9, with 96% of respondents agreeing that there is a need to improve the Junction (see **Figure 5.1**). 85% of respondents supported Option 14 (see **Figure 5.2**), with the majority fully understanding the reasons for rejecting options 11 (60%), 16 (68%) and 18 (70%), with a further quarter partially understanding the reasons for rejecting options 11 (30%), 16 (26%) and 18 (24%) (see **Figure 5.3**).

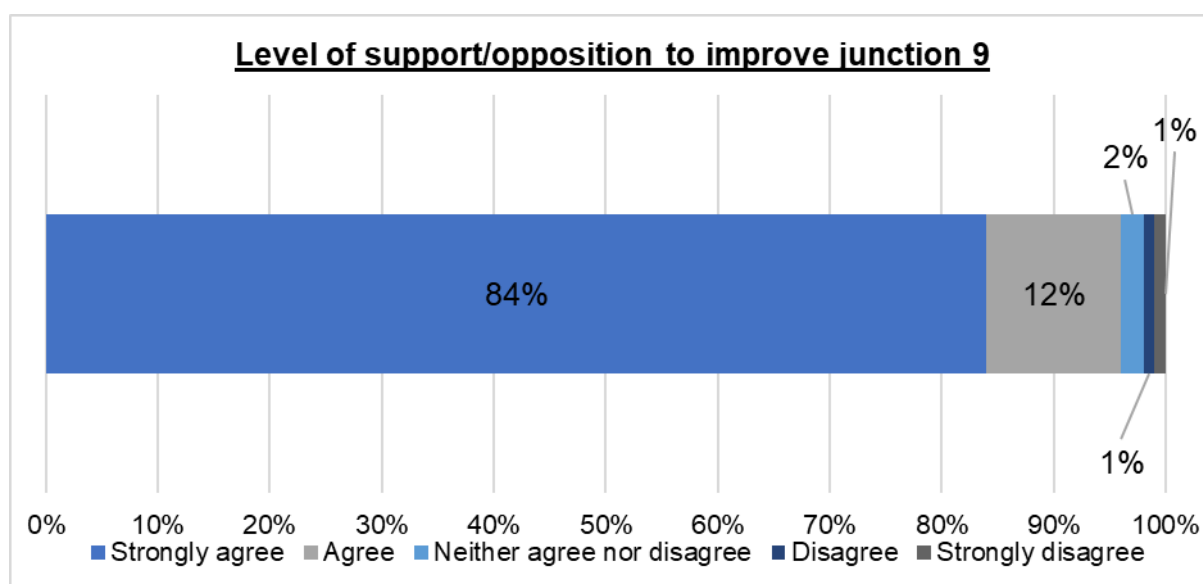


Figure 5.1: Level of support/opposition to improve Junction 9 – 2018 non-statutory consultation

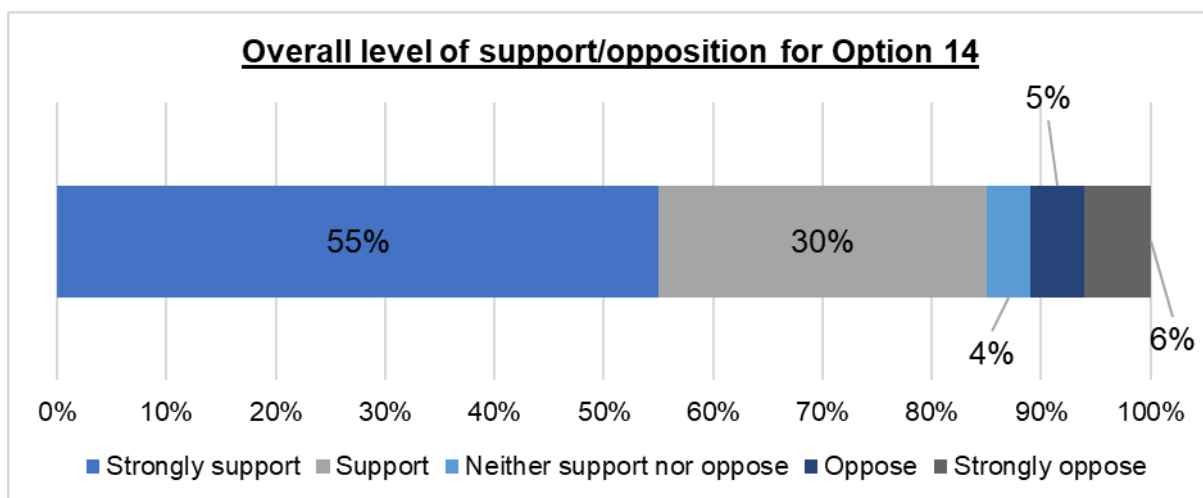


Figure 5.2: Overall level of support/opposition for Option 14 – 2018 non-statutory consultation

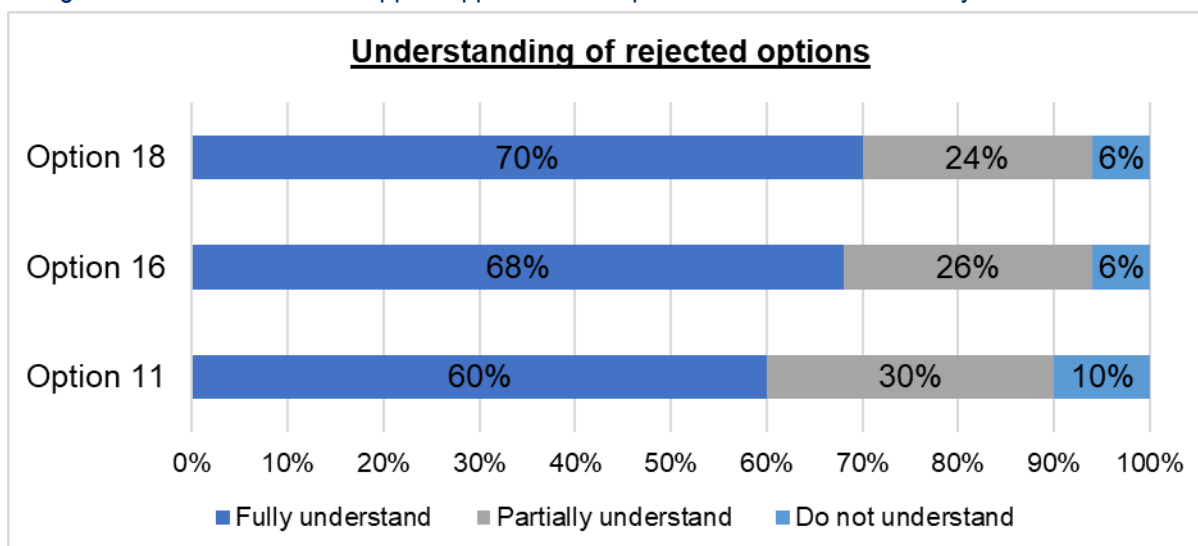


Figure 5.3: Understanding of rejected options – 2018 non-statutory consultation

5.3.3 Of those supporting Option 14, reasons given were that it would better meet the Scheme objective of reducing traffic congestion and improving facilities for walkers, cyclists and horse-riders. However, concerns were raised over the potential effects on the environment, land take from South Downs National Park and potential disruption during construction for motorists and cyclists. Respondents also questioned perceived safety when using the proposed layout and whether the Scheme would provide sufficient capacity to accommodate future growth.

5.3.4 The key findings and feedback from the non-statutory options consultation were as follows:

- Access from Junction 9 to the A33 – residents were concerned about the short distance available for them to merge onto the A34 and then move across a lane in order to use the offside diverge to the A33. Residents were also concerned about undertaking this manoeuvre with cars on the A34

travelling at 70mph and with the high Heavy Goods Vehicle (HGV) usage of the A34 making it a difficult manoeuvre. It was recognised that further design would be required to investigate alternative solutions which would make this a safer arrangement.

- A34 southbound – the weaving between the access from the A34 southbound to Junction 9 and the M3 southbound off-slip was perceived to be short and should be increased. An auxiliary lane was recommended to be added to the A34 southbound link between the A33 and Junction 9 diverge. The M3 underpass was recommended to be widened to 3 lanes on the A34 southbound to allow for future growth.
- Easton Lane to the A34/M3 northbound slip road – several members of the public suggested a dedicated free flow lane from Easton Lane to the A34/M3 northbound slip road due to the high proportion of HGVs accessing the trading estates on Easton Lane from the M3 and A34.
- A34/A33 merging concerns – the weaving between the access from the A34/A33 northbound from Junction 9 and the A34/A33 traffic from the new M3 northbound off-slip was perceived to be a major safety concern for road users travelling between Junction 9 and the A33. This was the most common point raised during the consultation period and was considered to be a priority to resolve within the preliminary design phase.
- Junction 9 walking cycling and horse-riding path – a 4m wide path was preferred to allow for future growth in numbers of cyclists. The path was considered to be segregated from the Junction 9 carriageway. A hard barrier was considered to be required between the walking, cycling and horse-riding path and road traffic.
- Junction 9 to River Itchen footpath – the footpath, although an improvement on the existing, was recommended to be made cycleway compliant and extended to the Cart & Horses junction on the A33. The design was recommended as needing to accommodate cyclists, providing sufficient visibility of on-coming cyclists and pedestrians.

5.3.5 The responses received helped shape the objectives for the next stage of design and ongoing engagement and resulted in the requirement to reconsider the design of the Scheme.

Evolution of the Scheme in response to 2018 consultation feedback

5.3.6 A number of issues and concerns were raised during the 2018 non-statutory consultation. **Table 5.5** below outlines how the Applicant sought to address these issues in developing the preferred design option to be taken forward for the 2019 consultation.

Table 5.5: Issues and concerns raised during the 2018 non-statutory consultation and the Applicant's response

Issue/concern	Regard had by the Applicant
<p>Safety concerns in relation to A34/A33 merging: concern was expressed that the weaving length (the distance allowed for traffic to change lanes) was too short along the A34 carriageway between the merges and diverges of the A33 and Junction 9.</p>	<p>As part of the proposals presented at the 2019 consultation, the layout of the A34 slip roads between Junction 9 and the A33 had been revised to increase the weaving length. The revised layout, which had been safety risk assessed, includes altering the location of the Junction 9 slip road and enhancing the diverge arrangements for the A33.</p> <p>The weaving length for the southbound merge from the A33 to the A34 would be increased by reducing the A33 slip road to one lane entry. Improved traffic signing and reduced speed limits would also help to increase safety in this section.</p>
<p>Facilities for walkers, cyclists and horse riders: respondents felt that the proposed shared surface path for walkers, cyclists and horse riders should be separated from the Junction 9 motorway and have a safety barrier provided between the pathway and the road.</p>	<p>The walking, cycling and horse riding facilities are designed to the latest standards, and to accommodate both the existing and likely levels of use in the future.</p> <p>There will be appropriate clearance from walls and other vertical surfaces. Barriers will be included to separate high speed traffic from path users where appropriate, and fencing will also be included where appropriate.</p>
<p>Disruption during construction: respondents expressed concern about disruption to local journeys during construction.</p>	<p>A Traffic Management Plan will be developed with the relevant local stakeholders to ensure that disruption is kept to a minimum and that routes are appropriately designed. This information will be shared with the public prior to construction work starting. An outline Traffic Management Plan has been submitted as part of the DCO application (Document Reference 7.8)</p>

Issue/concern	Regard had by the Applicant
<p>Environmental impacts of the Scheme: concerns about the potential environmental impacts of the scheme included noise and air quality, as well as visual impact – particularly in relation to the landscape of the South Downs National Park.</p>	<p>The 2019 PEIR, published as part of the 2019 consultation process, provided the information compiled to date about the predicted environmental impacts of the Scheme and the proposed mitigation measures.</p>

5.4 Preferred Route Announcement

- 5.4.1 The Applicant analysed the responses to the 2018 non-statutory consultation to inform selection of a preferred route for the Scheme to take forward for preliminary design.
- 5.4.2 The Applicant made and published a Preferred Route Announcement in July 2018 confirming Option 14 would be taken forward for the Scheme design. In general, during the consultation there was agreement that there was a need to improve the Junction and the reasons for rejecting the other options was understood. The consultation highlighted the need for further design development to be carried out to address the A34/A33 merging concerns.
- 5.4.3 At the time of the announcement, the Applicant published a Preferred Route Announcement summary document (see **Appendix D.7**) to provide further information on how its decision had been reached and to set out the next steps for the Scheme’s development. The summary document identified that a statutory consultation on the design would be held prior to the submission of a DCO application.

6 Consultation under the EIA Regulations

6.1 Introduction

- 6.1.1 Regulation 14 of the Infrastructure EIA Regulations 2017 states that an application for an order granting development consent for EIA development (such as the DCO application the Applicant is seeking) must be accompanied by an Environmental Statement.
- 6.1.2 The Scheme falls under Paragraph 10(f) of Schedule 2 of the Infrastructure EIA Regulations 2017 and therefore constitutes an EIA development.
- 6.1.3 The consultation required under the Infrastructure EIA Regulations 2017 is separate to that required under the Planning Act 2008 which is the primary focus of this report. Subsequently, this chapter outlines the consultation undertaken by and on behalf of the Applicant to satisfy the requirements of the Infrastructure EIA Regulations 2017. **Chapter 4 (Environmental Assessment Methodology)** of the **ES (Document Reference 6.1)** and **Appendix 4.2 (Scoping Comments and Responses)** of the **ES (Document Reference 6.3)** explain in further detail how regard has been had to the comments received from the 2020 EIA scoping consultation.

6.2 2019 EIA scoping exercise

- 6.2.1 Early in the project development process, a series of option appraisals and initial environmental and engineering studies were undertaken to inform the emerging design of the Scheme and the technical and environmental issues in need of consideration. These studies informed the 2019 EIA Scoping Report.
- 6.2.2 In accordance with Regulation 10 of the Infrastructure EIA Regulations 2017, an EIA Scoping Report was submitted to the SoS via the Planning Inspectorate on 28 January 2019 (received on 28 January 2019), along with a request for an EIA Scoping Opinion.
- 6.2.3 A Scoping Opinion was duly received from the SoS via the Planning Inspectorate on 8 March 2019 following their consultation with statutory consultees (see **Appendix E.1**). The Scoping Opinion sets out the SoS's comments on the EIA approach and topic areas, as well as a list of all organisations consulted.

Regulation 8 Notification

- 6.2.4 The Scheme is considered to fall within Schedule 1 of the Infrastructure EIA Regulations 2017. Accordingly, the Applicant was of the opinion that the Scheme had the potential for likely significant effects upon the environment, and therefore an EIA would be required.
- 6.2.5 Under Regulation 8(1)(b) of the Infrastructure EIA Regulations 2017, an applicant is required to, inter alia, notify the Secretary of State of its intention to

submit an Environmental Statement. In accordance with this, at the time of submitting the 2019 EIA Scoping Report to the Planning Inspectorate, the accompanying cover letter included formal notification to the Secretary of State that the Applicant proposed to provide an Environmental Statement as part of its DCO application for the Scheme.

- 6.2.6 A copy of the cover letter accompanying the Scoping Opinion request and formal notification under Regulation 8(1)(b) is enclosed in **Appendix E.2**.

2019 EIA scoping opinion

- 6.2.7 An EIA Scoping Opinion was issued by the SoS on 8 March 2019.
- 6.2.8 The 2019 Scoping Opinion included a list of all prescribed consultation bodies consulted by the Planning Inspectorate on behalf of the Secretary of State as required by Regulation 11(1)(b) of the Infrastructure EIA Regulations 2017 and the Secretary of State's comments on the EIA approach and topic areas, including confirmation of topics unlikely to have significant environmental effects.
- 6.2.9 Appendix 1 of the 2019 Scoping Opinion included a list of prescribed consultation bodies formally consulted by the Planning Inspectorate, as required by Regulation 11 of the Infrastructure EIA Regulations 2017 (the 'Regulation 11 list'), included: bodies prescribed under Section 42(1)(a) of the Planning Act 2008 and listed in column 1 of the table set out in Schedule 1 to the APFP Regulations and local authorities within Section 43 of the Planning Act 2008.
- 6.2.10 The 2019 Scoping Opinion was considered in preparing the 2019 PEIR. A copy of the 2019 Scoping Opinion is enclosed in **Appendix E.1** of this report.
- 6.2.11 The 2019 Scoping Opinion was superseded by the 2020 Scoping Opinion. Further details are provided in **Section 6.3** below and the **ES (Document Reference 6.1)**.

6.3 Evolution of the scope of the assessment

- 6.3.1 As explained in **Chapter 9** of this report and **Chapter 3 (Assessment of Alternatives)** of the **ES (Document Reference 6.1)**, comments received through the 2019 consultation process showed that whilst there was a high level of support for the Scheme, one concern raised was in relation to the weaving length for vehicles joining the A34 from Junction 9 and then heading towards Kings Worthy. Subsequently, the Applicant undertook to amend the design as consulted upon to seek to resolve the identified issues.
- 6.3.2 Through design refinements, it was identified that there were potentially material changes to the Scheme when compared to the Scheme as considered in the original 2019 EIA scoping process. Through Regulation 14(3)(a) of the Infrastructure EIA Regulations 2017, where a scoping opinion request has been

submitted, the subsequent Environmental Statement must be based on the most recent scoping opinion adopted provided that the development remains materially the same as the proposed development which was subject to the opinion.

6.3.3 The Design Manual for Roads and Bridges (DMRB) LA103 Scoping projects for environmental assessment (National Highways, 2020) also states:

‘Scoping shall be repeated where there are material changes:

- 1. In physical characteristics and/or location of the project*
- 2. In the environmental assessment assumptions*
- 3. In the level of understanding of the current state of the environment (baseline scenario).’*

6.3.4 The Applicant therefore determined that a new scoping exercise was required for the Scheme and accordingly, a request for a second Scoping Opinion, superseding the previous scoping process was submitted by the Applicant to the Secretary of State in October 2020.

6.3.5 As noted in **Section 4.3** of this report, a letter was sent to prescribed bodies and local authorities in October 2020 informing them about the changes to the Scheme and the Applicant’s request for a second scoping opinion (see **Appendix C.2**).

6.4 2020 EIA scoping exercise

6.4.1 In accordance with Regulation 10 of the Infrastructure EIA Regulations 2017, an EIA Scoping Report was submitted to the Secretary of State via the Planning Inspectorate on 19 October 2020 (received on 19 October 2020), along with a request for an EIA Scoping Opinion.

6.4.2 A second Scoping Opinion was duly received on 27 November 2020 (see **Appendix E.3** of this report). The 2020 Scoping Opinion sets out the Secretary of State’s comments on the EIA approach and topic areas, as well as a list of all organisations consulted.

Regulation 8 Notification

- 6.4.3 In accordance Regulation 8(1)(b) of the Infrastructure EIA Regulations 2017, at the time of submitting the 2020 EIA Scoping Report to the Planning Inspectorate, the accompanying cover letter included formal notification to the Secretary of State that the Applicant proposed to provide an Environmental Statement as part of its DCO application for the Scheme.
- 6.4.4 A copy of the cover letter accompanying the 2020 Scoping Opinion request and formal notification under Regulation 8(1)(b) is enclosed in **Appendix E.4**.

2020 EIA scoping opinion

- 6.4.5 An EIA Scoping Opinion was issued by the SoS on 27 November 2020.
- 6.4.6 The Scoping Opinion included a list of all prescribed consultation bodies consulted by the Planning Inspectorate on behalf of the Secretary of State as required by Regulation 11(1)(b) of the Infrastructure EIA Regulations 2017 and the SoS's comments on the EIA approach and topic areas, including confirmation of topics unlikely to have significant environmental effects.
- 6.4.7 Appendix 1 of the 2020 Scoping Opinion included a list of prescribed consultation bodies formally consulted by the Planning Inspectorate, as required by Regulation 11 of the Infrastructure EIA Regulations 2017 (the 'Regulation 11 list'), included: bodies prescribed under Section 42(1)(a) of the Planning Act 2008 and listed in column 1 of the table set out in Schedule 1 to the APFP Regulations and local authorities within Section 43 of the Planning Act 2008. No non-prescribed consultation bodies and Regulation 11(1)(c) were identified to the Applicant in the Regulation 11 list.
- 6.4.8 Section 43 of the Planning Act 2008. No non-prescribed consultation bodies and Regulation 11(1)(c) were identified to the Applicant in the Regulation 11 list.
- 6.4.9 The 2021 PEIR has been based on the 2020 Scoping Opinion (see **Appendix E.4**). **Chapter 4 (Environmental Impact Assessment Methodology)** of the **ES (Document Reference 6.1)** and **Appendix 4.2 (Scoping Comments and Responses)** of the **ES (Document Reference 6.3)**, demonstrate how due consideration has been given to the 2020 Scoping Opinion.

Summary of 2020 EIA scoping opinion responses

- 6.4.10 The 2020 Scoping Opinion included a list of all stakeholders consulted, as required by Regulation 11 of the Infrastructure EIA Regulations 2017. In total, the Planning Inspectorate received 19 responses from the 2020 EIA Scoping Opinion consultation. The 2020 Scoping Opinion identified key topics for the assessment of the Scheme as:
- Air quality

- Cultural heritage
- Landscape and visual
- Biodiversity
- Geology and soils
- Minerals and waste
- Noise and vibration
- Population and health
- Road drainage and the water environment
- Climate
- Cumulative effects

6.4.11 **Chapter 4 (Environmental Impact Assessment Methodology)** of the **ES (Document Reference 6.1)** and **Appendix 4.2 (Scoping Comments and Responses)** of the **ES (Document Reference 6.3)**, demonstrate how due consideration has been given to the 2020 Scoping Opinion. The 2020 Scoping Opinion has been considered in preparation of topic chapters in the 2021 PEIR and the **ES (Document Reference 6.1)**.

6.5 Summary

6.5.1 This section provides an overview of the consultation undertaken by and on behalf of the Applicant to satisfy the requirements of the Infrastructure EIA Regulations 2017.

6.5.2 **Table 6.1** provides a summary of how the Applicant has complied with the relevant regulations of the Infrastructure EIA Regulations 2017 in its approach to consultation during the EIA process.

Table 6.1: Summary of compliance with the Infrastructure EIA Regulations 2017

Regulation within the Infrastructure Planning (Environmental Impact Assessment Regulations) 2017	Requirement or provision of regulation	How the Applicant has complied
Regulation 8	Notify the SoS that an Environmental Statement will be submitted with the DCO Application.	Made a request to the Planning Inspectorate (acting on behalf of the Secretary of State) for a Scoping Opinion on 19 October 2020, which also notified the SoS that the application would be accompanied by an Environmental Statement (see Appendix E.4).
Regulation 10	Applicant may request a Scoping Opinion from the Secretary of State on the information that should be included within the Environmental Statement.	Requested a scoping opinion from and notified the Planning Inspectorate (acting on behalf of the Secretary of State) on 19 October 2020 (see Appendix E.4).
Regulation 11	Planning Inspectorate to notify the consultation bodies that the applicant intends to provide an Environmental Statement for the Scheme.	The list of prescribed consultation bodies included in Appendix 1 of the Planning Inspectorate's 2020 Scoping Opinion was used to inform the prescribed bodies consulted under section 42(a) during the 2021 statutory consultation (see Appendix B.1).
Regulation 12	If a development is EIA development, the Statement of Community Consultation must state that fact and set out how the Applicant intends to	Section 4 of the 2021 SoCC (see Appendix I.8) confirmed that the Scheme is an EIA development and explained how the Applicant intended to publicise and consult on the 2021 PEIR.

Regulation within the Infrastructure Planning (Environmental Impact Assessments) Regulations 2017	Requirement or provision of regulation	How the Applicant has complied
	publicise and consult on the preliminary environmental information.	
Regulation 13	A copy of the Section 48 notice of the Planning Act 2008 must be sent to Regulation 11 consultation bodies.	The Section 48 notice was sent to all Section 42(1)(a), (b) and (d) consultees on 25 May 2021 (for those who received section 42 consultation documents by post via Royal Mail Special Delivery) and on 26 May 2021 (for those who received section 42 consultation documents by email). Appendix B.1 outlines which consultees received section 42 consultation documents by email and/or post.
Regulation 14	An application for an order granting development consent for EIA development must be accompanied by an Environmental Statement.	An Environmental Statement has been prepared and submitted as part of the DCO application (see Document Reference 6.1 to 6.4).

7 2019 Statement of Community Consultation

7.1 Introduction

7.1.1 This chapter provides details of how the 2019 Statement of Community Consultation (2019 SoCC) was prepared, consulted on and published in line with Section 47 of the Planning Act 2008 prior to commencing the 2019 consultation for the Scheme.

7.2 Consultation on the draft 2019 SoCC

7.2.1 Section 47(2) of the Planning Act 2008 states that the Applicant must consult each local authority that is within Section 43(1) about the content and format of the SoCC. Winchester City Council, Hampshire County Council and South Downs National Park Authority are the relevant Section 43(1) host local authorities in relation to the Scheme (hereafter referred to as 'the host authorities' in this chapter). As such, the Applicant has had regard to the consultation feedback received from the host authorities.

7.2.2 The Applicant prepared a draft of the 2019 SoCC in advance of the statutory consultation in order to integrate feedback from the local authorities. The draft 2019 SoCC provided information on each of the following areas:

- National Highways application for development consent and the DCO process
- The proposed scheme, including the strategic context and how the design had developed
- The EIA process and environmental information available at consultation
- Engagement on the scheme to date, including non-statutory consultation and informal engagement leading up to statutory consultation
- The statutory consultation process including details of the purpose of the consultation, how it will be advertised, details of public exhibitions, how to respond and the information available to review
- The next steps once consultation has finished including how feedback will be considered and how we intend to progress our DCO application.

7.2.3 The draft 2019 SoCC was sent to the host authorities for statutory consultation on 24 May 2019. A copy of the draft 2019 SoCC can be found in **Appendix F.1**.

- 7.2.4 It was requested that the host authorities respond by 22 June 2019, giving a 28-day response period from the day after receipt of the draft 2019 SoCC, allowing the minimum period as required by Section 47(3) of the Planning Act 2008. A copy of the covering letter sent to the host authorities is provided at **Appendix F.2**.
- 7.2.5 South Downs National Park Authority and Winchester City Council provided individual responses on 4 June 2019 and 21 June 2019, respectively. No comments were received from Hampshire County Council.
- 7.2.6 The Applicant has had regard to the responses submitted by South Downs National Park Authority and Winchester City Council. This is demonstrated in **Table 7.1** below.
- 7.2.7 Comments from Winchester City Council and South Downs National Park Authority are included in **Table 7.1** below. For clarity some of these comments have been paraphrased to provide context and grouped together where they relate to similar areas.

Table 7.1: Comments received from Winchester City Council and South Downs National Park Authority on the draft 2019 SoCC

Local Authority	Section of the 2019 SoCC	Amendment/comment made by Local Authority	Regard had by the Applicant in accordance with Section 47(5) of the Planning Act 2008	Amendments to the SoCC
Winchester City Council	3 – The scheme	Winchester City Council requested more details to be provided on what information will be presented in the brochure.	The Applicant noted Winchester City Council's comment and has amended the 2019 SoCC to address their concern.	<p>Section 3 of the 2019 SoCC was updated to provide further details on what information would be presented in the 2019 Consultation Brochure.</p> <p>The Applicant explained, in Section 3 of the 2019 SoCC, that the 2019 Consultation Brochure would <i>'include a description of the proposed improvements, detailed maps/plans, a summary of benefits and effects associated with the scheme and information about how the design has evolved since the previous consultation. The brochure would also provide details of the consultation process, including public exhibitions and how to respond to the consultation'</i>.</p>

Local Authority	Section of the 2019 SoCC	Amendment/comment made by Local Authority	Regard had by the Applicant in accordance with Section 47(5) of the Planning Act 2008	Amendments to the SoCC
	4 – Environmental information on the scheme	Winchester City Council requested that reference was made to other highway schemes in planning and already underway (including Smart Motorways on the M3 and M27).	The Applicant confirmed that other key developments would be referenced in Part 6 (Cumulative Effects) of the 2019 PEIR, which includes reference to the Smart Motorways. The 2019 PEIR was part of the 2019 consultation documents.	No amendment was required.
	6 – Our upcoming statutory consultation	Winchester City Council noted that the consultation was due to take place over the school holiday period and expressed concerns that this will make it less accessible and limit the opportunity for the community to have a meaningful say on the proposals. The Council recommended that a statutory consultation period is chosen outside of the school holidays.	<p>The Applicant noted Winchester City Council’s comment. To ensure that the timing of the 2019 consultation did not affect participation over the school holiday period, the Applicant held the majority of the public information events outside of the school holiday period.</p> <p>The 2019 consultation period was between 2 July 2019 and 27 August 2019, allowing an 8-week consultation period. This exceeds the statutory minimum of 28 days.</p>	No amendment was required.

Local Authority	Section of the 2019 SoCC	Amendment/comment made by Local Authority	Regard had by the Applicant in accordance with Section 47(5) of the Planning Act 2008	Amendments to the SoCC
	5.2 - Early engagement that has informed this SoCC	Winchester City Council requested further details to be provided on the engagement programme and information on previous engagement and outputs. The Council noted that a description of who was consulted and what the inputs and outcomes were would be helpful.	<p>The Applicant confirmed that a list of stakeholders was provided in Section 5.2 of the draft 2019 SoCC.</p> <p>As the engagement detailed in Section 5.2 of the draft 2019 SoCC had already taken place the Applicant considered it was not appropriate to include a detailed programme in the final 2019 SoCC.</p> <p>To address Winchester City Council's comments, the Applicant provided a summary of some of the engagement outcomes. However considered it to be inappropriate to provide full details in the final 2019 SoCC.</p>	<p>Section 5.2 of the 2019 SoCC was updated to include a short summary of the engagement outcomes.</p> <p>The 2019 SoCC confirmed that <i>'the outcomes of these conversations have helped shaped the proposed scheme that will be presented for public consultation'</i>.</p>
	6.2 – How we will advertise	Winchester City Council noted that there was no mention of using local radio	The Applicant acknowledged Winchester City Council's comment and explained that the	No amendment was required.

Local Authority	Section of the 2019 SoCC	Amendment/comment made by Local Authority	Regard had by the Applicant in accordance with Section 47(5) of the Planning Act 2008	Amendments to the SoCC
	the consultation	or TV to publicise the consultation in the 2019 draft SoCC.	press team would seek to promote local media coverage as in the previous consultation. However, the Applicant added that this will not be mentioned in the 2019 SoCC because the Applicant cannot confirm what coverage will be secured in advance.	
		Winchester City Council suggested that press releases and media adverts should be used to publicise the consultation. The Council recommends the Daily Echo, the Hampshire Chronicle and Portsmouth News for adverts. Parish Connect (Winchester City Council e-newsletter) can also be used to publicise.	The Applicant decided to run an additional advert in the Hampshire Chronicle advertising the consultation (see Appendix G.7).	No amendment was required.
		Winchester City Council suggested that social media should be used to publicise the consultation, including	The Applicant acknowledged Winchester City Council's	The table in Section 6.2 of the 2019 SoCC was updated to include details of how the Applicant would advertise the

Local Authority	Section of the 2019 SoCC	Amendment/comment made by Local Authority	Regard had by the Applicant in accordance with Section 47(5) of the Planning Act 2008	Amendments to the SoCC
		<p>details of public exhibitions and a link to the brochure. The Council added that stakeholders can repost these messages to increase reach. No mention of using local radio or TV either.</p>	<p>comment and amended the 2019 SoCC to address their concern.</p>	<p>consultation via social media. The 2019 SoCC confirmed that the Applicant would <i>'publicise the consultation via the Highways England: South-East Facebook page and the corresponding Twitter account (@HighwaysSEAST).'</i></p>
		<p>Winchester City Council explained that the draft 2019 SoCC does not include many details on how the Applicant will advertise the consultation to transient stakeholders including tourists and commuters / road users (commercial and private). The Council suggested the Applicant could consider the use of site notices and electronic signs on the M3 / A34, as well as advice from Winchester City Council's Tourism Team and</p>	<p>The Applicant confirmed that the decision to use the car park at Tesco Extra in Winnall (as noted in Section 7 of the draft 2019 SoCC) and the M3 Moto Services (Winchester) and A34 Road Chef Services (as noted in Section 9.1 of the draft 2019 SoCC) as public information events and local display/deposit locations, respectively, was to help raise awareness of the consultation and encourage participation among these transient stakeholders. The Applicant requested advice from</p>	<p>No amendment was required.</p>

Local Authority	Section of the 2019 SoCC	Amendment/comment made by Local Authority	Regard had by the Applicant in accordance with Section 47(5) of the Planning Act 2008	Amendments to the SoCC
		Hampshire County Council's Highways Team.	Winchester City Council's tourism team on reaching these groups.	
		Winchester City Council requested clarification on whether mailout will include both residents and businesses.	The Applicant confirmed that the mailout would include both residents and businesses, as detailed in Section 6.2 of the draft 2019 SoCC.	No amendment was required.
	7 -How will we consult?	Winchester City Council noted that the ability for people to visit a venue outside normal working hours is extremely limited. For those people working at businesses in the Winnall area the nearest venue is Tesco but that is only available on a Saturday.	The Applicant scheduled six public information events to cover different times of day, both on weekends and during the working week. Evening events would be open until 8pm which allowed people living and working in the area to attend at least one of the public events.	No amendment was required.
	8 - How to respond to the consultation	Winchester City Council recommended using feedback via a social media platform. The Council suggested this would help to engage the younger and	The Applicant noted this comment and confirmed that the response form is accessible through the Applicant's consultation platform (CitizenSpace). While social media is useful for promoting a	No amended was required.

Local Authority	Section of the 2019 SoCC	Amendment/comment made by Local Authority	Regard had by the Applicant in accordance with Section 47(5) of the Planning Act 2008	Amendments to the SoCC
		harder to reach stakeholders and improve accessibility and therefore the response rate.	consultation, accepting feedback from social media platforms raises a number of challenges and could affect the robustness of the consultation. For that reason the response channels were limited to those listed in the 2019 SoCC.	
	9.1 – Details of local display/deposit locations	Winchester City Council requested clarification on whether consultation brochure would be available at services both northbound and southbound.	The Applicant confirmed that consultation brochures and questionnaires would be available both M3 northbound and southbound services through the 2019 consultation period.	No amendment was required.
	Appendix A – Statutory public consultation written communication boundary	Winchester City Council expressed concern that the consultation area was inadequate and recommended further discussions to ensure residents especially in the western side of Winchester were considered.	Following discussions with Winchester City Council, the Applicant decided to extend the 2019 consultation zone to include residents of Shawford, Silkstead and Otterbourne to the west of Winchester. The 2019 SoCC was updated to reflect this (see Appendix A of the 2019 SoCC)	The 2019 consultation zone was extended and included in Appendix A of the 2019 SoCC .

Local Authority	Section of the 2019 SoCC	Amendment/comment made by Local Authority	Regard had by the Applicant in accordance with Section 47(5) of the Planning Act 2008	Amendments to the SoCC
	Appendix B3 – Local authorities	Winchester City Council asked for Winchester Town Forum to be added to the list of Parish Councils under B3	The Applicant acknowledged Winchester City Council’s comment and amended the 2019 SoCC to address their comment	Winchester Town Forum were added to the list of Parish Councils under Section B3 of Appendix B in the 2019 SoCC
South Downs National Park Authority	6.2 – How we will advertise the consultation	South Downs National Park Authority explained that where a commitment is made to writing to stakeholders with an interest in the Scheme, it would be helpful if this also explicitly referred to the stakeholders listed in Appendix B – just to make it absolutely clear.	The Applicant noted South Downs National Park Authority’s comment and has amended the 2019 SoCC to address their concern	The table in Section 6.2 of the 2019 SoCC was updated to include the following: <i>‘We will also write to all other stakeholders identified as having an interest in the Scheme. This includes the local authorities listed in Appendix B’</i>

7.2.8 The Applicant also sent the draft 2019 SoCC to the neighbouring authorities for information. The neighbouring authorities that received the draft 2019 SoCC were:

- Test Valley Borough Council
- Basingstoke and Deane Borough Council
- East Hampshire District Council
- Havant Borough Council
- Portsmouth City Council
- Fareham Borough Council
- Eastleigh Borough Council
- West Sussex County Council
- Surrey County Council
- Southampton City Council
- Dorset Council
- Wiltshire Council
- West Berkshire Council
- Wokingham Borough Council
- Bracknell Forest Council
- New Forest National Park Authority

7.3 Publication of the 2019 SoCC

2019 SoCC content

7.3.1 The published 2019 SoCC set out:

- Details about the Scheme
- Key consultation activities and dates
- How the Applicant was publishing preliminary environmental information relating to the Scheme
- How the Applicant was going to advertise the consultation

- How the Applicant was going to consult local people and communities about the Scheme and what activities would be undertaken to give them access to information about the proposals
- How people could provide feedback to the Applicant from the consultation activities and ensure that they are informed about the Scheme

2019 consultation zone

- 7.3.2 The 2019 SoCC explains that the Applicant developed a ‘consultation zone’ for the purposes of engaging with the local community. The Applicant focused its primary 2019 consultation activities (for example letter distribution) within the 2019 consultation zone and carried out less intensive consultation activities (for example media coverage) across a wider area outside of the 2019 consultation zone.
- 7.3.3 **Figure 7.1** below shows the 2019 consultation zone for the 2019 consultation. The area was based on postcode area boundaries, which the Applicant considered to adequately capture whole communities who are likely to use the junction on a regular basis and may be affected by improvements.
- 7.3.4 The 2019 consultation zone was consistent with the distribution area for the 2018 non-statutory consultation, except that it included an additional postcode area boundary:
- Postcodes starting with SO21 3(XX)
- 7.3.5 This was in response to Winchester City Council’s comments on the draft 2019 SoCC, where the Council requested that the 2019 consultation zone was extended to include communities in Shawford, Silkstead and Otterbourne. Winchester City Council felt that the area initially proposed in the draft 2019 SoCC was inadequate because it excluded communities to the west of Winchester who could be affected by the Scheme. The Applicant, therefore, included the postcode area in question to address the Winchester City Council’s concern and ensure these communities were aware of the 2019 consultation.

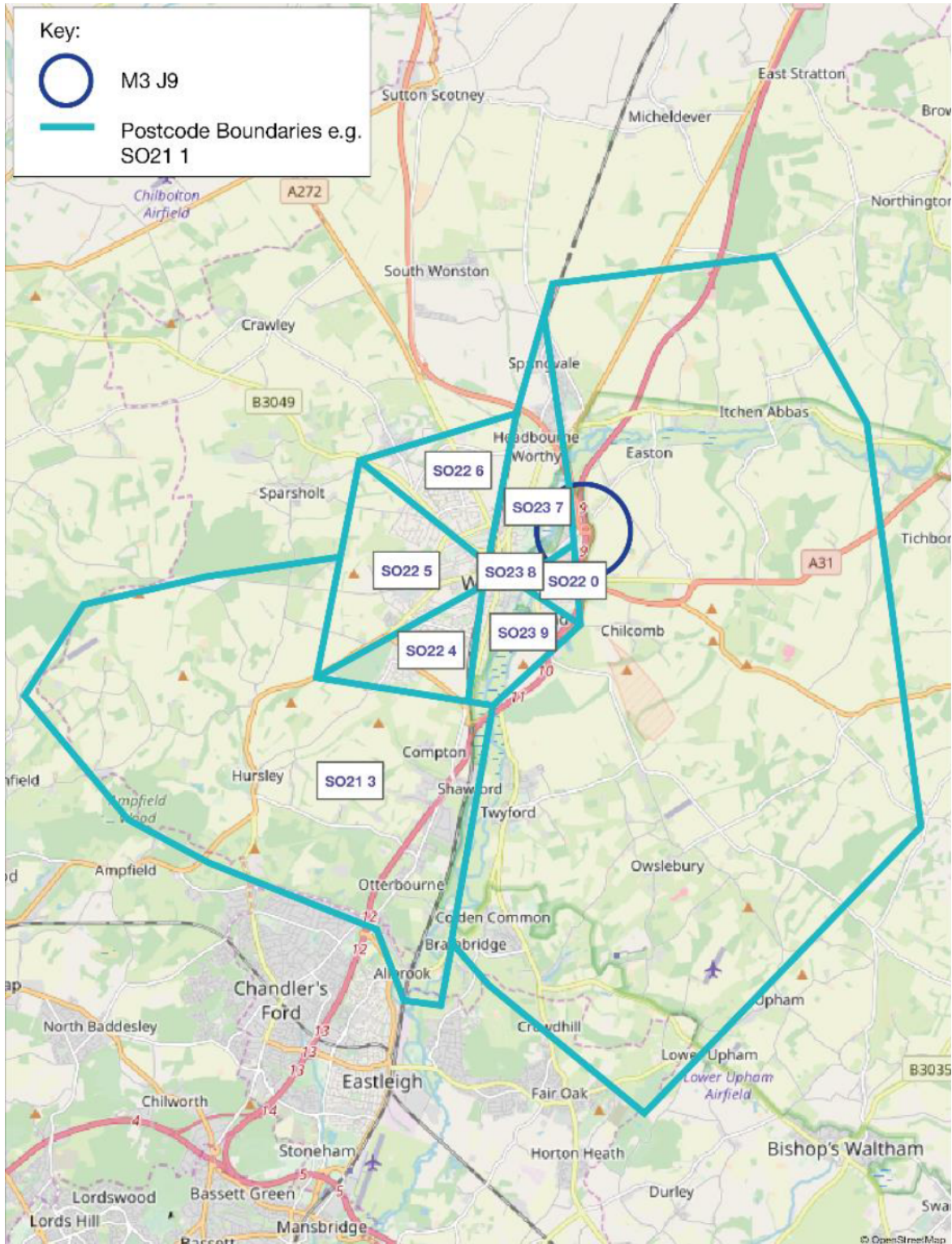


Figure 7.1: 2019 consultation zone

Publicity under Section 47 of the Planning Act 2008

- 7.3.6 The final 2019 SoCC, which took account of the comments received from relevant local authorities, was published online on 2 July 2019. A copy of the final 2019 SoCC, as published, can be found in **Appendix F.4**.
- 7.3.7 The 2019 SoCC was made available for viewing online for the duration of the 2019 consultation via the Applicant's dedicated Scheme webpage.
- 7.3.8 Pursuant to Section 47(6) of the Planning Act 2008, a notice relating to where and when the published 2019 SoCC was available to be viewed was published in a local newspaper, as detailed in **Table 7.2**.

Table 7.2: 2019 SoCC notice

Publication	Date of Notice
Hampshire Chronicle	27 June 2019

- 7.3.9 A copy of the SoCC notice as published in the Hampshire Chronicle can be found in **Appendix F.5**.

7.4 Summary

- 7.4.1 **Chapter 8** of this report provides details of how the 2019 consultation was undertaken in line with the final 2019 SoCC, as per the requirements of Section 47(7) of the Planning Act 2008.
- 7.4.2 A checklist for 2019 SoCC compliance is provided in **Chapter 8**. There was an inconsistency in the timings advertising for the first two public information events (6 July and 10 July 2019) in the letter sent to local residents, however these events were open at both sets of times advertised in the letter and the 2019 SoCC. This meant that all public information events were open at the times advertised in the 2019 SoCC, as well as the times advertised in consultation documents.

8 Approach to 2019 consultation

8.1 Introduction

8.1.1 This chapter explains how the Applicant undertook consultation which was in line with Sections 42, 45, 46, 47 and 48 of the Planning Act 2008 for the 2019 consultation.

8.2 Section 42 consultation

8.2.1 This section provides an overview of the consultation undertaken by the Applicant in line with Section 42 of the Planning Act 2008 carried out between 2 July 2019 and 27 August 2019 ('the 2019 consultation').

8.2.2 As noted in **Section 3.3** of this report, sub-sections 42(1)(aa) and 42(1)(c) are not relevant to this Scheme because it is an inland scheme which is not located within Greater London. Therefore, the Marine Management Organisation and Greater London Authority were not consulted for the 2019 consultation or the 2021 statutory consultation.

Section 42(1)(a): identification of prescribed bodies

8.2.3 In order to accord with Section 42(1)(a) of the Planning Act 2008, the Applicant compiled a list of prescribed bodies, which was principally derived from prescribed bodies listed in column 1 of the table in Schedule 1 of the APFP Regulations. The Applicant determined whether a consultee was relevant to the Scheme in line with column 2 and column 3 of the table in Schedule 1 of the APFP Regulations. A precautionary approach was taken, whereby a consultee was not discounted unless there was a clear and evidenced reasoning for doing so.

8.2.4 In compiling the list of Section 42(1)(a) consultees the Applicant also had regard to advice contained in PINS Advice Note 3 when determining categories of persons as prescribed consultees, in particular:

- A2: Applying the 'relevance test' of the APFP Regulations
- A3: Applying the 'circumstance test' of the APFP Regulations.

8.2.5 The definition of 'relevant' was amended by the Infrastructure Planning (Prescribed Consultees and Interested Parties etc.) (Amendment) Regulations 2013 so that 'relevant' in relation to a body, means the body which has responsibility for the location where the proposals may or will be sited. The Applicant considered Schedule 1 of the APFP Regulations and the body was consulted where it, in the Applicant's opinion, appeared to be a statutory consultee in the context of the relevance and/or circumstances test under the meaning of the terms as explained in PINS Advice Note 3.

- 8.2.6 The Applicant had regard to the information in PINS Advice Note 3 in identifying relevant statutory undertakers. Table 2 of the Annex 1 to PINS Advice Note 3 sets out that relevant public gas transporters and relevant electricity licence holders are deemed statutory undertakers. In determining the relevant statutory undertakers for the Scheme, the Applicant took an approach of reviewing the list and ruling out those where the licence was limited geographically or where it appeared that the entity would not be relevant to the scheme. Where it was not possible to discount an entity, they were included in the list.
- 8.2.7 The Applicant also took into account the Regulation 11 List provided by the Planning Inspectorate alongside the Scoping Opinion, issued on 8 March 2019, which set out the list of consultation bodies the Planning Inspectorate notified as part of the EIA scoping process (see **Appendix E.1** of this report). Further details on EIA consultation and scoping is provided in **Chapter 6** of this report.
- 8.2.8 The list of Section 42(1)(a) consultees consulted at the 2019 consultation can be found in **Appendix G.1**.

Identification of parish councils

- 8.2.9 Parish councils are also statutory consultees under Section 42 of the Planning Act 2008 and were consulted on the Scheme accordingly.
- 8.2.10 Using published maps showing parish boundaries loaded to mapping software (Project Mapper), all parish councils sharing a contiguous boundary with the Application Boundary of the Scheme were identified. All of these parish councils were added to the list of prescribed consultees to be consulted.
- 8.2.11 The Scheme is within the boundaries of the following parish councils:
- Headbourne Worthy Parish Council
 - Kings Worthy Parish Council
 - Itchen Valley Parish Council
 - Chilcomb Parish Council.
- 8.2.12 At the request of Winchester City Council in their comments on the draft 2019 SoCC, the Applicant also added Winchester Town Forum to this list. While not officially designated as a parish council it performs a similar representative function within the area.

Section 42(1)(b): identification of local authorities under Section 42(1)(b)

- 8.2.13 Under Section 42(1)(b) of the Planning Act 2008, the Applicant has a duty to consult the relevant local authorities identified within each of the four categories in Section 43 of the Planning Act 2008. There are 'A', 'B', 'C' and 'D' category local authorities.

8.2.14 The Scheme lies within Winchester City Council and partly within South Downs National Park Authority administrative boundaries and, as a result, these are category 'B' authorities for the purposes of Section 43(1) of the Planning Act 2008. The Scheme partly falls within Hampshire County Council's administrative boundary which, as an upper-tier county council, means Hampshire County Council is a category 'C' authority.

8.2.15 **Table 8.1** below sets out the relevant local authorities for the Scheme according to these categories and how these were identified.

Table 8.1: Local authorities categorised in line with Section 43 of the Planning Act 2008 – 2019 consultation

Local authority	Provision	Category	Description
Winchester City Council	s.43(1)	B	The Scheme lies within the local authority boundary.
South Downs National Park Authority	s.43(1)	B	The Scheme lies partly within the local authority boundary.
Hampshire County Council	s.43(1)	C	The Scheme lies within the local authority boundary and the authority is an upper-tier county council.
Test Valley Borough Council	s.43(2)	A	Shares a boundary with Winchester City Council and is a lower tier local authority.
Basingstoke and Deane Borough Council	s.43(2)	A	Shares a boundary with Winchester City Council and is a lower tier local authority.
East Hampshire District Council	s.43(2)	A	Shares a boundary with Winchester City Council and is a lower tier local authority.
Havant Borough Council	s.43(2)	A	Shares a boundary with Winchester City Council and is a lower tier local authority.
Portsmouth City Council	s.43(2)	A	Shares a boundary with Winchester City Council and is a lower tier local authority.
Fareham Borough Council	s.43(2)	A	Shares a boundary with Winchester City Council and is a lower tier local authority.

Local authority	Provision	Category	Description
Eastleigh Borough Council	s.43(2)	A	Shares a boundary with Winchester City Council and is a lower tier local authority.
New Forest National Park Authority	s.43(2)	D	Shares a boundary with Hampshire County Council, which is a category 'C' authority.
West Sussex County Council	s.43(2)	D	Shares a boundary with Hampshire County Council, which is a category 'C' authority.
Surrey County Council	s.43(2)	D	Shares a boundary with Hampshire County Council, which is a category 'C' authority.
Southampton City Council	s.43(2)	D	Shares a boundary with Hampshire County Council, which is a category 'C' authority.
Dorset County Council	s.43(2)	D	Shares a boundary with Hampshire County Council, which is a category 'C' authority.
Wiltshire Council	s.43(2)	D	Shares a boundary with Hampshire County Council, which is a category 'C' authority.
West Berkshire Council	s.43(2)	D	Shares a boundary with Hampshire County Council, which is a category 'C' authority.
Wokingham Borough Council	s.43(2)	D	Shares a boundary with Hampshire County Council, which is a category 'C' authority.
Bracknell Forest Council	s.43(2)	D	Shares a boundary with Hampshire County Council, which is a category 'C' authority.

8.2.16 The Applicant subsequently has a duty to consult the A, B, C and D category local authorities listed in **Table 8.1**. These consultees were therefore consulted under Section 42 of the Planning Act 2008. Further details are provided below.

Section 42(1)(d): identification of persons with an interest in the land

8.2.17 In order to help establish the identity of Section 42(1)(d) parties as defined under Section 44 of the Planning Act 2008, detailed land referencing was carried out. To summarise, this included:

- Land Registry search
- Identification of any interests in unregistered land through desk-based research
- Review of the common land register
- Identification of statutory undertakers with any apparatus in the area
- Questionnaire, letter and plans sent to all identified landowners
- Follow up phone calls, emails and meetings to ensure quality and accuracy of information.

8.2.18 Identified Section 42(1)(d) parties were categorised as Category 1, Category 2 or Category 3 land interests, according to the definitions set out under Section 44 of the Planning Act 2008.

8.2.19 The **Book of Reference (Document Reference 4.3)** submitted as part of the application sets out the persons/bodies that fall within the categories defined in Section 44 of the Planning Act 2008.

Carrying out the 2019 consultation under Section 42

8.2.20 Having identified the persons under Section 42 of the Planning Act 2008, the Applicant is required to consult under each 'strand' of Section 42. This subsection explains how the Applicant carried out that consultation.

Consultation activity with section 42 consultees

8.2.21 Section 42 consultees were written to on 27 June 2019 by letter and email, inviting comments on the Scheme under Section 42 of the Planning Act 2008.

8.2.22 In line with Section 45(1) of the Planning Act 2008, all letters stated that the consultation opened on 2 July 2019 and that responses needed to be returned by 11.59pm on 27 August 2019, a period longer than statutory minimum of 28 days.

8.2.23 All of the letters included:

- A list of consultation materials available during the 2019 consultation
- A website address (or hyperlink in emails) for taking consultees to the consultation website where materials were stored.

8.2.24 In addition to the above, Section 42(1)(d) parties also received the following:

- A list of the public information events being held during the 2019 consultation
- A copy of the Individual Land Ownership Plan
- A copy of the Land Interest Questionnaire (see **Appendix G.2**)

8.2.25 As noted in **Chapter 3** of this report, the Applicant is required by Regulation 13 of the Infrastructure EIA Regulations 2017, to send a copy of the Section 48 notice to the consultation bodies (as defined in Regulation 3). The Section 48 notice was sent to all Section 42(1)(a) and (b) consultees on 27 June 2019 (for those who received Section 42 consultation documents by post) and on 2 July 2019 (for those who received Section 42 consultation documents by email).

8.2.26 A sample copy of the letters sent to each category of Section 42 consultee is in **Appendix G.3**.

Deadline for response – Section 45 of the Planning Act 2008

8.2.27 In line with Section 45 of the Planning Act 2008, all of the covering letters stated that the consultation commenced on 2 July 2019 and that responses needed to be returned by 11.59 pm on 27 August 2019, a period of 43 days.

8.2.28 All persons initially consulted under Section 42, therefore, received the consultation documents with sufficient time to observe the minimum 28-day period, running from the day after receipt of the documents, prescribed by Section 45 of the Planning Act 2008.

Responses to the 2019 Section 42 consultation

8.2.29 Following the consultation deadlines, the Applicant considered relevant responses. More information on how responses were taken into account can be found in **Chapter 9** of this report.

8.3 Section 46 notification

8.3.1 The Applicant wrote to the Planning Inspectorate (acting on behalf of the SoS) on 28 June 2019 by letter and email setting out its intention under Section 46 of the Planning Act 2008 to submit an application for development consent. In line with Section 46(1) of the Planning Act 2008, the letter enclosed the same information issued to section 42 consultees:

- the Section 42 cover letters (see **Appendix G.3**)

- a paper copy of a notice pursuant to Section 48 of the Planning Act 2008 and Regulation 4 of the APFP Regulations (see **Appendix H.1**)
- a link to the Scheme webpage to access the 2019 consultation materials:
 - 2019 consultation brochure
 - 2019 consultation response form
 - 2019 Section 48 notice
 - 2019 SoCC
 - 2019 PEIR, including the Non-Technical Summary
 - Factsheet on the Planning Act 2008 and DCO process
 - Previous consultation report
 - Technical Appraisal Report
 - Scheme Assessment Report

8.3.2 A copy of the Section 46 notification letter is provided in **Appendix G.4**.

8.3.3 In line with Section 46(2) of the Planning Act 2008, this letter was sent at the same time as the issuing the consultation documents to Section 42 consultees, and prior to the commencement of the section 42 consultation on 2 July 2019.

8.3.4 A formal acknowledgement of the Section 46 notification was issued by the Planning Inspectorate on 2 July 2019 (see **Appendix G.5**) confirming receipt of the consultation documents.

8.4 Section 47 consultation

8.4.1 As set out in **Chapter 7**, a SoCC was produced and consulted upon prior to the commencement of the 2019 consultation. The published 2019 SoCC identified commitments made by the Applicant in relation to carrying out consultation with the local community.

8.4.2 The Applicant undertook Section 47 consultation with the local community and key stakeholders in line with the published 2019 SoCC (see **Appendix F.4**). The SoCC Compliance Checklist (see **Table 8.8**) demonstrates how the Applicant undertook the Section 47 consultation in line with the published 2019 SoCC.

8.4.3 As required by Section 47 of the Planning Act 2008, the Applicant consulted people who live and work in the vicinity of the Scheme. As well as the general public, this included various representatives, groups and organisations who

were contacted and invited to participate in the consultation to seek their views on the Scheme.

8.4.4 **Table 8.2** outlines the key Section 47 consultation dates.

Table 8.2: Key Section 47 consultation dates for the 2019 consultation

Date	Consultation activity
26.06.2019	Consultation letter distributed to residents and businesses with a postcode in the 2019 consultation zone. Letters sent to arrive on or before 2 July 2019 (see Appendix G.8).
26.06.2019	Invitation to key stakeholders to attend the Stakeholder Briefing Events.
02.07.2019	2019 consultation period starts
02.07.2019	2019 SoCC available to view online on the Scheme webpage.
02.07.2019	Consultation documents available to view at deposit/display locations
02.07.2019	Consultation documents available to view on the Applicant's dedicated Scheme webpage
02.07.2019	Stakeholder Briefing Event 1: Elected members
02.07.2019	Stakeholder Briefing Event 2: Environmental bodies
03.07.2019	Stakeholder Briefing Event 3: Local businesses
03.07.2019	Stakeholder Briefing Event 4: Walking, cycling and horse-riding groups
04.07.2019	One-to-one meetings with affected landowners
06.07.2019	Public Information Event 1
10.07.2019	Public Information Event 2
12.07.2019	Public Information Event 3
13.07.2019	Public Information Event 4
20.07.2019	Public Information Event 5
03.08.2019	Public Information Event 6
27.08.2019	2019 consultation period closes

8.4.5 The 2019 Section 47 consultation phase commenced on 2 July 2019 and closed on 27 August 2019, allowing more than the statutory minimum of 28 days. The Applicant decided to allow more than the statutory minimum of 28 days due to the summer holiday period to maximise response numbers and in response to requests from local stakeholders. This consultation phase ran concurrently with the 2019 Section 42 consultation phase.

8.4.6 During the 2019 Section 47 consultation, the consultation documents were made available to the public to view on the Scheme webpage and at deposit/display locations. **Table 8.3** lists all the materials that were available during the consultation and how they could be accessed.

Table 8.3: Availability of consultation documents for the 2019 consultation

Consultation documents available at display and deposit points
<ul style="list-style-type: none"> • 2019 consultation brochure (see Appendix G.9) • 2019 response form (see Appendix G.10)
Consultation documents available at public information events
<ul style="list-style-type: none"> • 2019 consultation brochure • 2019 response form • 3D flythrough visualisation of the Scheme • General engineering layout diagrams of the Scheme
Consultation documents available to download and view from the consultation web page
<ul style="list-style-type: none"> • 2019 consultation brochure • 2019 response form (online form to populate online and PDF copy to download) • 3D flythrough visualisation of the Scheme • 2019 SoCC • 2019 Section 48 notice • 2019 PEIR, including technical appendices and the non-technical summary (see Appendix G.11) • Factsheet on the Planning Act 2008 and the DCO process • Technical Appraisal Report • Scheme Assessment Report

8.4.7 Previous public consultation reports and public consultation summary documents were also available to view online.

8.4.8 Paper copies and/or digital copies on a CD were also supplied to the public upon request to ensure those who did not have access or had limited access to the internet were able to view the consultation documents.

Public information events

8.4.9 Public information events were held at the locations and times identified in **Table 8.4**. The public information events were staffed by key members of the Applicant's project team who were knowledgeable about the proposals and

intended application timeline. The Applicant's project team proactively sought to engage with attendees in order to provide information and answer questions.

Table 8.4: Public information events undertaken with the local community – 2019 consultation

Date	Time	Venue
06/07/2019	10.30 am to 8.00 pm	Winchester Guildhall
10/07/2019	10.30 am to 8.00 pm	The Broadway, SO23 9GH
12/07/2019	2.00 pm to 8.00 pm	Kings Worthy Community Centre
13/07/2019	10.30 am to 4.30 pm	Fraser Road, Kings Worthy, SO23 7PJ
20/07/2019	10.30 am to 4.30 pm	Tesco Extra
03/08/2019	10.30 am to 4.30 pm	Easton Lane, Winchester, SO23 7RS

8.4.10 At the public information events, large information banners and display boards were set up containing information about the Scheme in a clear and accessible way. The information banners and display boards are enclosed in **Appendix G.6**.

8.4.11 The Applicant also employed a range of other materials/tools in order to aid the public's understanding of the Scheme, these included:

- An interactive 3D flythrough visualisation of the Scheme
- Copies of the 2019 consultation brochure
- Print outs of the general arrangement drawings showing the Scheme design. This effectively showed the same information as the Scheme diagram in the 2019 consultation brochure but at a greater scale of detail that would not have been appropriate in the document.

Stakeholder briefings

8.4.12 The Applicant held four stakeholder briefing sessions in the first week of the Section 47 consultation period. The briefings covered details about the Scheme and how stakeholders could engage with the process. At the briefings, members of the project team gave a presentation and then took questions from attendees. **Table 8.5** lists the stakeholder briefing sessions that were held.

Table 8.5: Stakeholder briefing sessions

Stakeholder briefing session	Date
Briefing to Locally Elected Representatives	02.07.2019
Briefing to Environmental bodies	02.07.2019

Stakeholder briefing session	Date
Briefing to Local Businesses	03.07.2019
Briefing to Walking, Cycling and Horse-riding Groups	03.07.2019

8.4.13 The Applicant also held one-to-one meetings with affected landowners during the first week of the consultation.

Advertising and publicity

8.4.14 **Table 8.6** summarises the range of methods used to advertise the Scheme and the 2019 Section 47 consultation to the public.

Table 8.6: Methods of publication for 2019 consultation events

Publication	Details
Media adverts and press releases	<p>Media adverts were placed in the Hampshire Chronicle on 27 June 2019 and 11 July 2019 (see Appendix G.7). The media adverts included information on:</p> <ul style="list-style-type: none"> • The Scheme • Dates of the Public Information Events • Where the 2019 consultation documents could be viewed. <p>Press releases detailing the consultation period and how the community and road users could get involved were also issued.</p>
Social media	<p>The Applicant publicised details of the 2019 consultation, via the Applicant's Southeast Twitter account (@HighwaysSEAST) and Facebook account.</p>
Letter	<p>A letter containing information about the Section 47 consultation and an invitation to attend the public information events was posted to residents and businesses in 2019 consultation zone. The letter was sent to arrive on or before the first day of consultation and included details of all public exhibitions and display and deposit points (see Appendix G.8).</p>
Newspaper notices (published in line with Section 48 of the Planning Act 2008)	<p>The Applicant placed the Section 48 notice in the local and national press to publicise the 2019 consultation. Publishing details for the Section 48 notices are set out in Section 8.5 of this report.</p>

Display and deposit points

8.4.15 The Applicant lodged copies of the 2019 consultation brochure and 2019 response form at the venues listed in **Table 8.7**.

Table 8.7: List of display and deposit points used for the 2019 consultation

Deposit and display locations	Opening times
Winchester Discovery Centre	Monday to Friday: 9.00am – 7.00pm Saturday: 9.00am – 5.00pm Sunday: 11.00am – 3.00pm
Winchester Tourist Information Centre	Monday to Saturday: 10.00am-5.00pm
Winchester City Council – Customer Services Centre	Monday to Thursday: Friday: 8.30am - 4.30pm
Kings Worthy Community Centre	Open during specific events
Winnall Community Centre	Open during specific events
M3 Moto Services, Winchester	Open 24 hours
A34 Road Chef Sutton Scotney Services	Open 24 hours
Tesco Extra – Easton Lane, Winnall, Winchester	Monday to Saturday: open 24 hours Sunday: 10.00am – 4.00pm

Compliance with the 2019 SoCC

8.4.16 **Table 8.8** below demonstrates how the Applicant undertook the Section 47 consultation in line with the published 2019 SoCC.

Table 8.8: 2019 SoCC compliance table

Section	Commitment	Response
3 – The Scheme	Information about the scheme will be included in our public consultation brochure. This will include a description of the proposed improvements, detailed maps/plans, a summary of benefits and effects associated with the scheme and information about how the design has evolved since the previous consultation. The brochure will also provide details of the consultation process, including public exhibitions and how to respond to the consultation. Copies of the brochure will be available at local display and deposit locations during the consultation period and on the scheme web page.	<p>The consultation brochure included:</p> <ul style="list-style-type: none"> • a description of the proposed improvements, detailed maps/plans • a summary of benefits and effects associated with the scheme and information about how the design has evolved since the previous consultation • details of the consultation process <p>The consultation brochure (see Appendix G.9) was available to view at local display and deposit locations (including Tesco) listed in the 2019 SoCC and online via the Scheme webpage throughout the consultation period.</p>
4 – Environmental Information on the Scheme	We will be carrying out an EIA in order to assess the potential environmental impacts of the scheme.... The complete findings of our EIA will then be included in the Environmental Statement that will be submitted with our DCO application.	An Environmental Statement which reports on the likely significant effects of the Scheme identified in the EIA and the appropriate mitigation has been submitted with the DCO application (see Document Reference 6.1).
4 – Environmental Information on the Scheme	We will consult on preliminary environmental information as part of the statutory consultation in 2019. Information regarding this will be set out in a Preliminary Environmental Information Report (PEIR) and will be publicly available as part of the consultation material. The PEIR will include information about the potential environmental impacts of the	As set out in Chapter 8 of this report, the Applicant published a PEIR ('the 2019 PEIR'), its technical appendices and a non-technical summary (NTS) as part of the 2019 consultation exercise. These documents were made available to view on the Applicant's dedicated scheme webpage from 2 July 2019. The 2019

Section	Commitment	Response
	scheme and the measures proposed to reduce those impacts. T	PEIR, its technical appendices and the NTS are still available to view online.
6.1 – Purpose of the consultation	<i>“Our statutory public consultation is scheduled to start on 2 July and finish on 27 August 2019 - a period of 8 weeks. The purpose of the consultation is to present the scheme to the local community, including the changes and updates to the design developed since the Preferred Route Announcement”.</i>	<p>The 2019 section 47 consultation ran from 2 July 2019 until 27 August 2019 – allowing a consultation period of 8 weeks. The Applicant presented the Scheme to the local community in several ways, including:</p> <ul style="list-style-type: none"> • Public information events • Stakeholder briefings • One-to-one meetings with landowners • Consultation documents, such as the Consultation Brochure which provided information about the Scheme, including the changes and updates to the design since the Preferred Route Announcement (see the ‘<i>You said, we did</i>’ section of the Consultation Brochure (Appendix G.9)) and details about potential environmental impacts of the Scheme.
6.2 – How we will advertise the consultation	<i>“Newspaper advertisements - in accordance with Section 48 (1) of the Planning Act 2008 we will publicise the statutory consultation, including details of the PEIR, by publishing notices in the Times, the Hampshire Chronicle and the London Gazette.”</i>	The Section 48 notice was placed in the Hampshire Chronicle on 27 June 2019 and 4 July 2019; the London Gazette on 4 July 2019; and the Times on 4 July 2019. Evidence of this can be found in Appendix H.2 – H.5 of this report.
6.2 – How we will advertise the consultation	<i>“Media adverts and press releases - in addition to our statutory notices, we will also advertise the public consultation by placing media ads in the Hampshire Chronicle. Adverts will be placed in local newspapers to promote the launch of the consultation period and will</i>	Media adverts were published in the Hampshire Chronicle on 27 June 2019 and 11 July 2019 providing details of the Scheme and consultation. Copies of the articles are enclosed in Appendix G.7 .

Section	Commitment	Response
	<i>include details of consultation events. Press releases detailing the consultation period and how the community and road users can get involved will be issued.</i>	The Applicant also issued press releases detailing the consultation period and how the community and road users can get involved
6.2 – How we will advertise the consultation	<i>“Social media - we will publicise the consultation via the Highways England: South-East Facebook page and the corresponding Twitter account (@HighwaysSEAST)”.</i>	The Applicant publicised details of the 2019 consultation, via the Applicant’s Southeast Twitter account (@HighwaysSEAST) and Facebook account
6.2 – How we will advertise the consultation	<i>“Targeted mail - we’ll let people living and working in this area know about our consultation by posting information in advance.... We will also write to all other stakeholders identified as having an interest in the scheme.”</i>	<p>The Applicant sent a letter containing information about the Section 47 consultation, details of the display and deposit points and an invitation to attend the public information events to residents and businesses in 2019 consultation zone and key stakeholders. The letter was sent to arrive on or before the first day of consultation.</p> <p>Evidence of this can be found in Appendix G.8 of this report.</p>
6.3 – Who can take part?	<i>“Anyone who is interested in this scheme is welcome to take part in the consultation process. We welcome all views and will take them into account before we submit our final design.”</i>	<p>As evidenced in Section 8.4 of this report, the Applicant took care to ensure its 2019 consultation was undertaken in an accessible and transparent manner.</p> <p>The Applicant employed a range of methods to consult the local community, including:</p> <ul style="list-style-type: none"> • Publishing copies of the consultation documents online

Section	Commitment	Response
		<ul style="list-style-type: none"> • Lodging paper copies of the key consultation documents at public information events and deposit points/locations • Holding public information events, stakeholder briefings and one-to-one landowner meetings • A 3D-flythrough visualisation of the Scheme. <p>The consultation brochure (the primary source of information about the Scheme and the consultation) was easily accessible and the location and timings of the public information events were designed to ensure sufficient information on the Scheme was provided to enable the local community to have a meaningful say on the proposals.</p> <p>The Applicant also used a range of methods to inform local communities about the Scheme and consultation activities. Methods included:</p> <ul style="list-style-type: none"> • Media adverts in the Hampshire Chronicle (see Appendix G.7) • Social media posts via on Twitter (@HighwaysSEAST) and Facebook (National Highways: South East)
7 – How will we consult?	Staffed consultation exhibits:	The Applicant held six public information events during the consultation period:

Section	Commitment	Response
	<p><i>“Consultation events at local venues where members of the team will be available to answer questions about the proposals. Detailed information about the scheme will be on display for visitors to read and discuss. This will include information on the current state of environmental assessment and mitigation proposals.</i></p> <p><i>We plan to hold six of these events, mainly within the first four weeks of the consultation period. The dates and times proposed for these events are listed in the table below.</i></p> <p><i>Members of the project team will be present to discuss any questions or comments visitors might have about the scheme.”</i></p>	<ul style="list-style-type: none"> • 06/07/2019 (10.30 am to 8.00 pm) – Winchester Guildhall • 10/07/2019 (10.30 am to 8.00 pm) – Winchester Guildhall • 12/07/2019 (2.00 pm to 8.00 pm) – Kings Worthy Community Centre • 13/07/2019 (10.30 am to 4.30 pm) – Kings Worthy Community Centre • 20/07/2019 (10.30 am to 4.30 pm) – Tesco Extra • 03/08/2019 (10.30 am to 4.30 pm) – Tesco Extra <p>The dates, times and locations of these events were consistent with the timings and locations set out in the 2019 SoCC.</p> <p>The events were staffed by key members of the Applicant’s project team who were knowledgeable about the proposals and intended application timeline. The Applicant’s project team proactively sought to engage with attendees in order to provide information and answer questions.</p> <p>Due to an inconsistency in the timings advertised for the first two events in the letter sent to local residents and businesses, the Applicant decided to keep these events open for an extended period of time in order to ensure that these events were open at both (overlapping) sets of times advertised. This meant that all public</p>

Section	Commitment	Response
		information events were open at the times advertised in the 2019 SoCC, as well as the times advertised in the letter sent to local residents and businesses.
7 – How will we consult?	<p>Consultation webpage</p> <p><i>“A summary of the scheme, this SoCC, the consultation brochure, the online response form, PEIR, our application notice and a factsheet on the Planning Act will be available at: https://highwaysengland.citizenspace.com/he/m3-junction-9-improvements-statutory-consultation”</i></p>	<p>The following documents were available on the Scheme’s webpage throughout the consultation period:</p> <ul style="list-style-type: none"> • 2019 consultation brochure • 2019 response form (online form to populate online and PDF copy to download) • 3D flythrough visualisation of the Scheme • 2019 SoCC • 2019 Section 48 notice • 2019 PEIR, including technical appendices and the non-technical summary • Factsheet on the Planning Act 2008 and the DCO process • Technical Appraisal Report • Scheme Assessment Report
7 – How will we consult?	<p>Consultation brochure</p> <p><i>“A consultation brochure containing details of the scheme will be available online via the consultation web page. As well as being available on request, paper copies of the consultation brochure will be available at the public</i></p>	<p>The consultation brochure provided information about the Scheme, including the changes and updates to the design since the Preferred Route Announcement and details about potential environmental impacts of the Scheme.</p>

Section	Commitment	Response
	<p><i>exhibitions for those who attend to take away. Copies of the consultation brochure will also be available to view at local display/deposit locations.”</i></p>	<p>The consultation brochure was available online via the consultation webpage, at the public information events and at deposit points/locations throughout the consultation period.</p>
<p>7 – How will we consult?</p>	<p>Council, community, business and interest groups meetings and briefings</p> <p><i>“We will welcome the invitation to meet, where possible, with local council, business or community forums in the vicinity of our scheme.”</i></p>	<p>The Applicant held the following stakeholder briefings:</p> <ul style="list-style-type: none"> • 2 July 2019 - Briefing to Locally Elected Representatives • 2 July 2019 - Briefing to Environmental bodies • 3 July 2019 - Briefing to Local Businesses • 3 July 2019 - Briefing to Walking, Cycling and Horse-riding Groups <p>The Applicant also held one-to-one meetings with affected landowners during the first week of the consultation.</p>
<p>8 – How to respond to the consultation</p>	<p>A consultation response form will be produced to help you provide comments on the scheme design.</p>	<p>A copy of the response form can be found in Appendix G.10. Stakeholders were invited to submit their completed questionnaire online, by email or post. The four response channels listed in the 2019 SoCC were available throughout the consultation period.</p>
<p>9 – Information available for review</p>	<p>A number of documents will be made available for your information to help inform your consultation response. The consultation brochure will be available to view free of charge at display and deposit locations during the consultation</p>	<p>The consultation documents listed in Section 9 of the 2019 SoCC could be accessed and viewed on the dedicated Scheme webpage throughout the 2019 consultation.</p>

Section	Commitment	Response
	<p>period. This and other documents will be accessible online via the scheme web page. These documents will include:</p> <ul style="list-style-type: none"> • the public consultation brochure and response form • the Preliminary Environmental Impact Report (PEIR) for the scheme non-technical summary. (Our consultation brochure will include a non-technical summary of the PEIR) • a copy of the Section 48 Notice for the scheme 	<p>The consultation brochure provided information about the Scheme, including the changes and updates to the design since the Preferred Route Announcement and a non-technical summary of the potential environmental impacts of the Scheme. The consultation brochure and response form were available to view, free of charge, at display and deposit locations during the consultation period.</p>
<p>9.1 – Details of local display/deposit locations</p>	<p>In addition to the Statement of Community Consultation (this document), when it is published, display and deposit points will be publicised in media adverts for the public consultation, on the consultation web page.</p>	<p>Details of the display and deposit locations were included in the Section 48 notice (see Appendices G.14-G.17) and the media adverts posted in the Hampshire Chronicle (see Appendix G.7).</p>
<p>10 – Next steps</p>	<p>When the consultation period has ended we will review and analyse all the suggestions and comments received and produce a short summary of the feedback we received. This will be published in Winter 2019 on the consultation website.</p>	<p>The 2019 Section 47 consultation ran from 2 July 2019 to 27 August 2019. The Applicant prepared and published a short summary of the feedback received from the 2019 Section 47 consultation. This document was published on the Scheme webpage in 2020.</p>
<p>10 – Next steps</p>	<p>We will carefully consider all responses received during the consultation and use this feedback to refine and improve our application before we submit it to the Planning Inspectorate. A more detailed summary of the feedback received will be provided in our Consultation Report, which will include a description of how our application was informed by the responses received, and outline any changes made as a result of consultation. The Consultation</p>	<p>Details of the relevant responses received have been included in Chapter 9 of this report, which has been submitted as part of the DCO application.</p> <p>Appendix H set out detailed summaries of all relevant responses received and how the Applicant has had regard to the responses.</p>

Section	Commitment	Response
	Report will form part of our submission to the Planning Inspectorate.	
10 – Next steps	For more information visit our scheme web page where you can also sign up for email alerts whenever the web page is updated. If you have any queries about this scheme, please contact the project team directly by emailing M3junction9Improvements@highwaysengland.co.uk.	Stakeholders are able to sign up for email alerts at the Scheme webpage.
11 – Design refinements	<p>It is possible that we may need to make changes to our proposals following the statutory consultation. If we judge these changes to be significant, or if new stakeholders are affected, we will undertake a further targeted consultation to ensure that those directly affected and other key stakeholders are given the opportunity to comment upon them. This will involve contacting the relevant stakeholders by letter or by direct mail. Consultees involved in any further consultation are likely to include:</p> <ul style="list-style-type: none"> • county councils and district councils, via planning leads, • parish councils via chairpersons the local community • other relevant consultees under Section 42 of the Planning Act 2008 	<p>A number of Scheme design changes and refinements to the Application Boundary were required following the 2019 consultation stage (as described in Section 9.5 of this report). Some of the changes were potentially material and therefore the Applicant determined that a further consultation pursuant to Section 42, Section 46, Section 47 and Section 48 of the Planning Act 2008 was required for the Scheme. Accordingly, the Applicant undertook a further statutory consultation with prescribed bodies, local authorities and the local community, superseding the previous 2019 consultation, in summer 2021. Details of the 2021 statutory consultation are provided in Chapters 10 and 11 of this report.</p>

Responses to Section 47 consultation

8.4.17 Following the consultation deadline, the Applicant published a summary document of the public consultation to provide details of the consultation responses received and to set out the next steps for the Scheme’s development on the Applicant’s dedicated scheme webpage. The summary document identified that a number of alternative design solutions for the Scheme were being considered prior to the submission of a DCO application and feedback from the 2019 consultation was being considered as part of the appraisal on these solutions (see **Appendix G.12**).

8.4.18 The Applicant has considered relevant responses received during the 2019 consultation. **Chapter 9** summarises details of the relevant responses received from Section 47 consultees during the 2019 consultation period. As respondents online did not identify if they were responding to Section 47 consultation or Section 48 publicity, **Chapter 9** discusses the relevant responses from non-section 42 consultees which includes both Section 47 and Section 48 respondents.

8.5 Section 48 publicity

8.5.1 This section provides an overview of how the Applicant publicised the Scheme in line with Section 48 of the Planning Act 2008 and complied with Regulation 13 of the Infrastructure EIA Regulations 2017.

Publications and timings

8.5.2 As required by Section 48 of the Planning Act 2008 and Regulation 4 of the APFP Regulations, a notice publicising the proposed application for development consent for the Scheme was published between 27 June 2019 and 4 July 2019, in the London Gazette, once in a national newspaper (The Times) and for two successive weeks in a local newspaper (Hampshire Chronicle). Copies of the notices, as published, are enclosed in **Appendix H.1-H.5**.

8.5.3 **Table 8.9** sets out details of the publications and date for the Section 48 notice.

Table 8.9: Publication of Section 48 notices

Publication title	Date of first notice	Date of second notice	Deadline provided	Copy reference
Hampshire Chronicle	27/06/2019	04/07/2021	27/08/2019	See Appendix H.2 and Appendix H.3

Publication title	Date of first notice	Date of second notice	Deadline provided	Copy reference
London Gazette	04/07/2021	N/A	27/08/2019	See Appendix H.4
The Times	04/07/2021	N/A	27/08/2019	See Appendix H.5

8.5.4 The Section 48 notice was sent to all Section 42(1)(a) and 42(1)(b) consultees on 27 June 2019.

8.5.5 The Section 48 notice was also posted on the Scheme webpage.

Content of the Section 48 notice

8.5.6 As required by Regulation 4(3) of the APFP Regulations, the content of the notice included:

- The name and address of Highways England (as the Applicant)
- A statement that the Applicant intends to make a DCO application of development consent to the SoS
- A statement that the application is EIA development
- A summary of the main proposals, specifying the location or route of the proposed development
- A statement that the documents, plans and maps showing the nature and location of the Scheme were available for inspection free of charge at the places (including at least one address in the vicinity of the Scheme) and times set out in the notice
- The latest date (27 August 2019) on which those documents, plans and maps were available for inspection
- Whether a charge would be made for copies of any of the documents, plans or maps and the amount of any charge
- Details of how to respond to the publicity
- The deadline of 27 August 2019 for receipt of those responses by the Applicant, being not less than 28 days following the date when the notice was last published (i.e. 4 July 2021).

8.5.7 A copy of the Section 48 notice is included in **Appendix H.1**.

Responses to Section 48 publicity

- 8.5.8 As respondents did not identify if they were responding to Section 47 consultation or Section 48 publicity, **Chapter 9** discusses the relevant responses from non-section 42 consultees which includes both Section 47 and Section 48 respondents.

9 Summary of responses received to 2019 consultation

9.1 Overview

9.1.1 This chapter provides details of the relevant responses received to the 2019 consultation and provides an account of how the Applicant has had regard to those responses. This chapter is structured as follows:

- **Section 9.2** summarises the consultation analysis method undertaken by the Applicant
- **Section 9.3** analyses the feedback received during the 2019 consultation from Section 42 consultees
- **Section 9.4** analyses the feedback received during the 2019 consultation from the local community
- **Section 9.5** provides a summary of how the Applicant has had regard to consultation responses received and describes the evolution of the Scheme in response to consultation feedback.

9.2 Consultation analysis method

Number and format of responses

9.2.1 A total of 482 relevant responses were submitted to the Applicant in response to the 2019 consultation held between 2 July 2019 and 27 August 2019.

9.2.2 Responses were received through the submission of feedback questionnaires either online or via Freepost, by email, or by letter.

9.2.3 **Table 9.1** provides a breakdown of the number of responses per consultee category. As respondents online did not identify if they were responding to Section 47 consultation or Section 48 publicity, this chapter discusses the relevant responses from non-section 42 consultees as both Section 47 and Section 48 respondents.

Table 9.1: Number of responses per consultee category

Consultee category	Number of responses
Section 42 consultees	10
Non-section 42 consultees (the local community)	472

Consultation analysis method

- 9.2.4 Paragraph 4.2 of PINS Advice Note 14 considers it appropriate to follow an “*issues led approach*” grouping responses under the key themes arising from the consultation where levels of responses are significant.
- 9.2.5 For coding consultation responses, 29 topics were created. Of these 29 topics, 11 topics related directly to the published 2019 PEIR chapters. These topics are listed in **Table 9.2**.

Table 9.2: 2019 consultation coding topics

Topics	
PEIR related topics	Additional topics
Air quality	Design
Cultural heritage	Environment - general
Landscape and visual	Safety
Biodiversity	Permits and consents
Geology and soils	Assets
Material assets and waste	Mitigation
Noise and vibration	Utilities
Population and health	Land ownership
Road drainage and the water environment	Aviation
Climate	Protective provisions
In-combination and cumulative effects	Consultation
	Traffic and transport
	Walkers, cyclists and horse-riders
	Legislation and policy
	Lighting
	Principle of development
	Construction – general
	Construction – compound locations

9.2.6 The following method was applied to the coding of responses:

Section 42

9.2.7 The Section 42 feedback was not coded with the public responses. Feedback was analysed according to the topic that represent the comments. Each separate theme was counted once per consultee. Where a comment covers more than one topic, this has been accounted for.

Non-section 42

9.2.8 Each response was assigned a unique code. The comments were read and the matters raised were coded by topics. Each separate matter raised was counted once per question in the questionnaire. This means that if they raised the same matter against different questions, this was still counted each time. If an email or letter was being coded, a matter raised was counted once per email or letter, provided they had not used the questionnaire format.

9.3 Section 42 consultation feedback

9.3.1 This section provides a summary of the feedback received from Section 42 consultees during the 2019 consultation undertaken between 2 July 2019 and 27 August 2019.

9.3.2 The Applicant has reviewed each of the responses and coded them into topics. As stated in **Section 9.2** above, each separate topic was consulted once per response. **Figure 9.1** illustrates the number of Section 42 consultation responses received in respect of each topic theme. The most common topics for comment related to:

- Noise and vibration
- Environmental mitigation and monitoring
- Design
- Biodiversity.

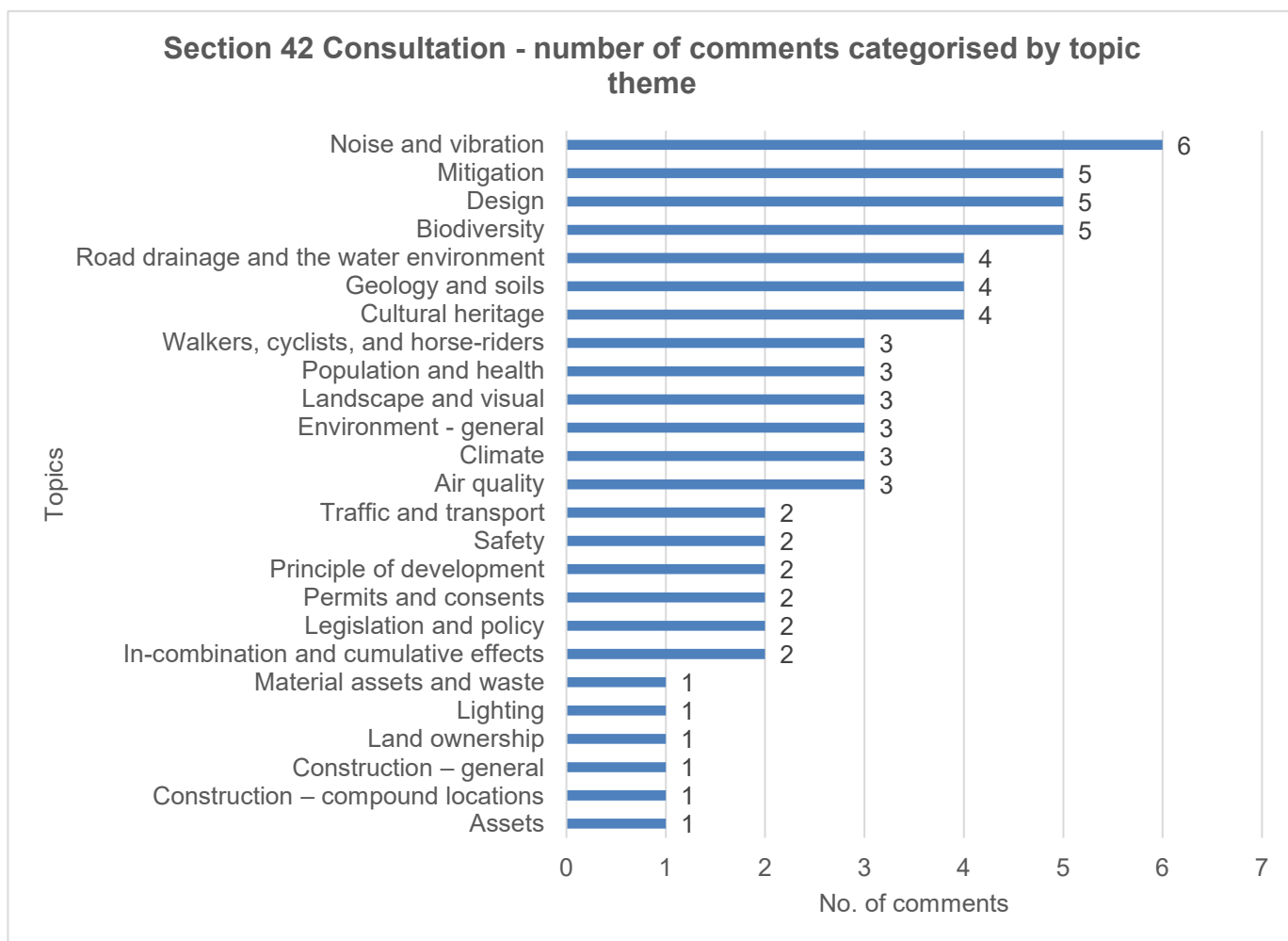


Figure 9.1: 2019 section 42 consultation – number of comments categorised by topic theme

Noise and vibration

9.3.3 A number of comments expressed concerns over potential noise impacts from construction-related activities and operational road traffic on receptors, with particular reference to biodiversity, PRow users and local residential properties. Respondents suggested potential mitigation measures that the Applicant could consider to reduce potential impacts, including the incorporation of noise barriers along the route.

9.3.4 The Applicant has considered comments received in relation to noise, including proposed mitigation measures, in the preparation of the 2021 PEIR, and subsequently in the preparation of the **ES (Document Reference 6.1)** and the DCO application documents. The effects of the Scheme in relation to noise (during both construction and operation) have been assessed and is presented in **Chapter 11 (Noise and Vibration)** of the **ES (Document Reference 6.1)**. This chapter also sets out the measures the Application proposes to mitigate potential noise effects, including the implementation of an Environmental

Management Plan during construction and using low noise roads surfaces where new roads surfaces are to be laid. The commitments set out in the **first iteration Environmental Management Plan (fiEMP) (Document Reference 7.3)** are secured through a requirement in the **draft DCO (Document Reference 3.1)**. As set out in **Table 12.11** of this report, further mitigation in the form of noise barriers is not required for the Scheme.

Mitigation

- 9.3.5 A number of respondents raised concerns that the mitigation proposals presented at the 2019 consultation did not deliver overall environmental improvements nor addressed potential adverse effects. Respondents provided advice in respect of future mitigation and monitoring measures for the environmental impact assessment and requested that the Applicant makes it explicitly clear in the ES and supporting documents what mitigation is proposed.
- 9.3.6 The Applicant has considered comments received in relation to environmental mitigation and monitoring in the preparation of the 2021 PEIR and subsequently in the preparation of the **Environmental Masterplan (Figure 2.3 of the ES (Document Reference 6.2))**, the **ES (Document Reference 6.1)** and supporting documents including the **Outline Landscape and Ecological Management Plan (OLEMP) (Appendix 7.6 of the ES (Document Reference 6.3))** and the **fiEMP (Document Reference 7.3)**.

Design

- 9.3.7 Some respondents raised concerns with certain aspects of the proposed design, with particular reference to the A33/A34 links and safety. Respondents were concerned about the weaving length for vehicles joining the A34 from Junction 9 and then heading onto the A33/Kings Worthy and speed of traffic through Junction 9. Respondents also commented on access from the A272 Spitfire Link. Some welcomed the proposals to help reduce congestion along this route, others were concerned that the proposals would affect access to nearby residential properties and suggested that the Applicant considered a bellmouth and ghost island arrangement.
- 9.3.8 Following the 2019 consultation, a review was undertaken to address the key design issues that were raised. **Section 9.5** of this report provides further details on the evolution of the Scheme in response to the 2019 consultation.

Biodiversity

- 9.3.9 Respondents raised concerns in respect of the potential impact of the Scheme on South Downs National Park and the River Itchen Special Areas of Conservation Area (SAC) / Site of Special Scientific Interest (SSSI) and the resultant effects on local biodiversity. A number of respondents suggested additional mitigation and compensation measures that the Applicant could incorporate into design principles to secure measurable net gains for biodiversity. In particular, some respondents suggested that the Proposed

Development could provide an opportunity to reduce habitat fragmentation through the incorporation of green bridges and tunnels designed into the Scheme along the highway network.

9.3.10 The Applicant has considered comments received in relation to biodiversity, including proposed mitigation measures, in the preparation of the 2021 PEIR, and subsequently in the preparation of the **ES (Document Reference 6.1)** and the DCO application documents. The Applicant is working hard to maximise biodiversity improvements on the land available and has been working collaboratively with Natural England and other environmental bodies. Further details in relation to biodiversity net gain and green bridges are provided in **Table 12.10** and **Table 12.11** of this report.

9.4 Section 47 consultation and Section 48 publicity feedback

9.4.1 The Applicant wanted to seek the local community and key stakeholder's views on the Scheme since the 2018 non-statutory consultation. The 2019 questionnaire (see **Appendix G.10**) included closed-ended questions on the matters listed below, as well as free text boxes for the public to provide further comments. The 2019 questionnaire was structured as follows:

- Section A – questions about travel habits around M3 Junction 9
- Section B – questions on the Scheme
- Section C – questions on the environmental aspects of the Scheme
- Section D – questions on other considerations, such as construction and its potential effects
- Section E – questions on the consultation materials for the Scheme.

9.4.2 This section of the report follows the structure of the 2019 questionnaire. Comments from emails and letters received have been analysed separately and reported in a general comments section below.

9.4.3 A copy of the 2019 questionnaire was available online at the Scheme webpage and paper copies were available at local deposit points (see **Table 8.7**) and could be posted upon request to consultees. Completed questionnaires and/or separate comments from consultees were accepted through the following methods:

- Completing the online response form at the Scheme webpage
- Completing a paper copy of the response form and returning it using the Freepost address
- Emailing a digital copy of the response form to M3junction9Improvements@highwaysengland.co.uk

- Emailing or posting separate comments

9.4.4 The methods in which consultees could respond to the consultation and the deadline for submission were widely publicised and made clear in the 2019 consultation documents.

9.4.5 Out of the 472 responses received, 398 of these responses were returned questionnaires and 74 were emails and letters. As responders to the 2019 consultation did not identify if they were responding to Section 47 consultation or Section 48 publicity, this section provides a summary of the feedback received from the Section 47 consultation and Section 48 publicity.

Section A - travel habits around M3 Junction 9

9.4.6 Section A of the 2019 questionnaire included questions about respondents' travel habits around M3 junction 9.

Response to A1 'Which routes do you take through M3 Junction 9 and how often?'

9.4.7 The feedback received showed that 20% of respondents travel on the M3 most days, with 34% of respondents travelling on the M3 at least once a week, 42% travelling on the M3 less than once a week and 4% of respondents do not travel on the M3 (see **Table 9.3**). 15% of respondents travel on the A34, 28% travel on the A33 and A34 and 7% travel on the A272 most days. Further details of the routes respondents take through M3 Junction 9 are presented in **Table 9.3** below.

Table 9.3: Response to A1 'Which routes do you take through M3 Junction 9 and how often?'

	Travel on the M3	Travel on the A34	Travel on the A33 and A34	Travel on the A272
Most days	20%	15%	28%	7%
At least once a week	34%	32%	33%	25%
Less than once a week	42%	50%	34%	62%
Never	4%	3%	5%	5%

Response to A2 'When do you usually travel'

9.4.8 The feedback received showed that the majority of respondents either travel at weekends (36%) or weekdays off peak (35%) (see **Figure 9.2**). 15% of respondents travel between 5pm to 7pm on weekdays and 14% travel between 7am to 9am on weekdays.

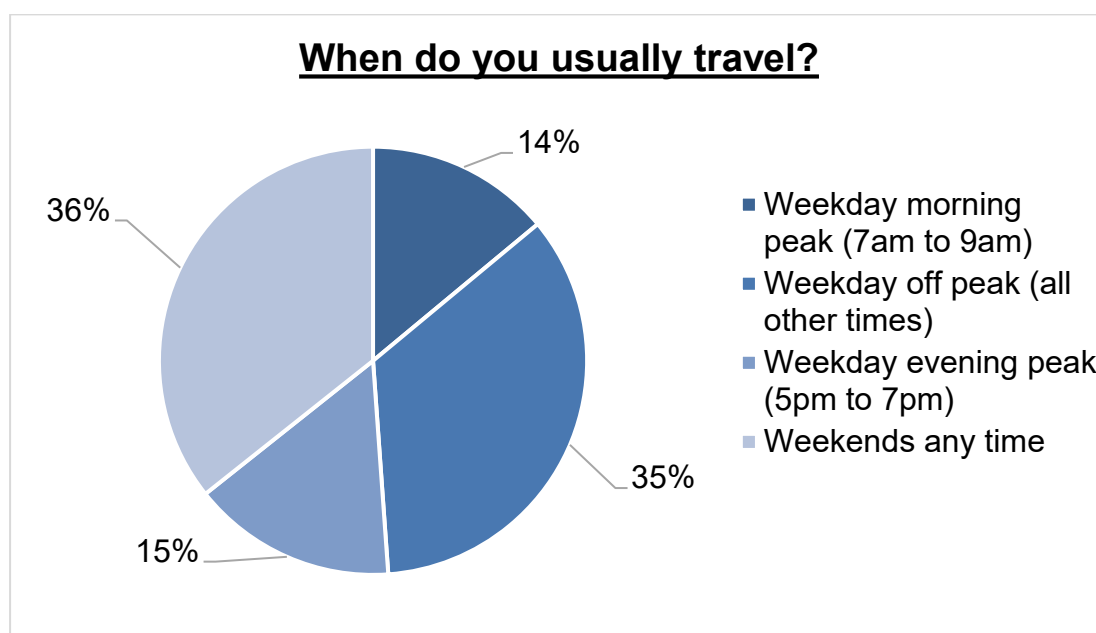


Figure 9.2: Response to A2 'When do you usually travel'

Response to A3 'How do you usually travel when you use M3 Junction 9?'

9.4.9 As illustrated in **Figure 9.3** below, the majority of respondents use a car/van when using Junction 9 (80%). Respondents also cycle (11%), walk (4%) or use a bus/coach (3%), motorcycle (2%) and HGV (1%) when travelling through Junction 9. A small number of the respondents who selected 'other' commented that they travel by freight, tractor and motorhome.

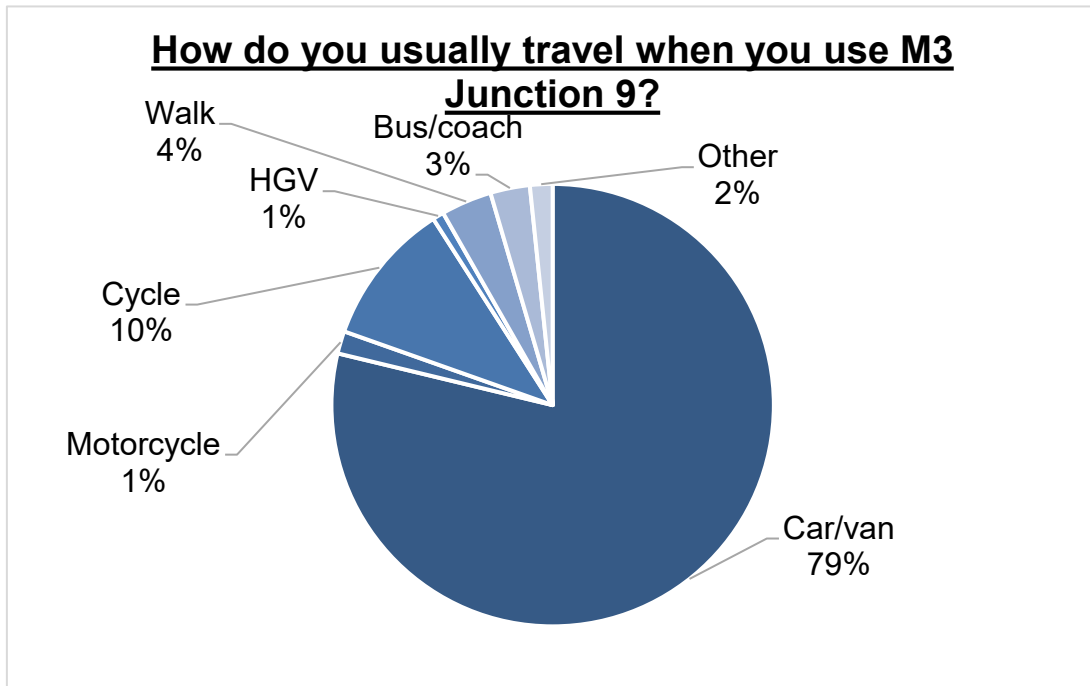


Figure 9.3: Response to A3 'How do you usually travel when you use M3 Junction 9?'

Response to A4 'What do you usually use the M3 Junction 9 for?'

9.4.10 As presented on **Figure 9.4** below, the majority of respondents use M3 Junction 9 for leisure/recreation (28%), long distance travel (27%) and shopping (23%). A small proportion of respondents use the junction for travelling for business (9%), commuting to work (8%) and the school drop off/pick up (2%). 3% of respondents who selected 'other' noted that they use M3 Junction 9 to travel to university, visit family, attend medical appointments, visit the recycling depot and visit the Royal Mail Depot in Winnall.

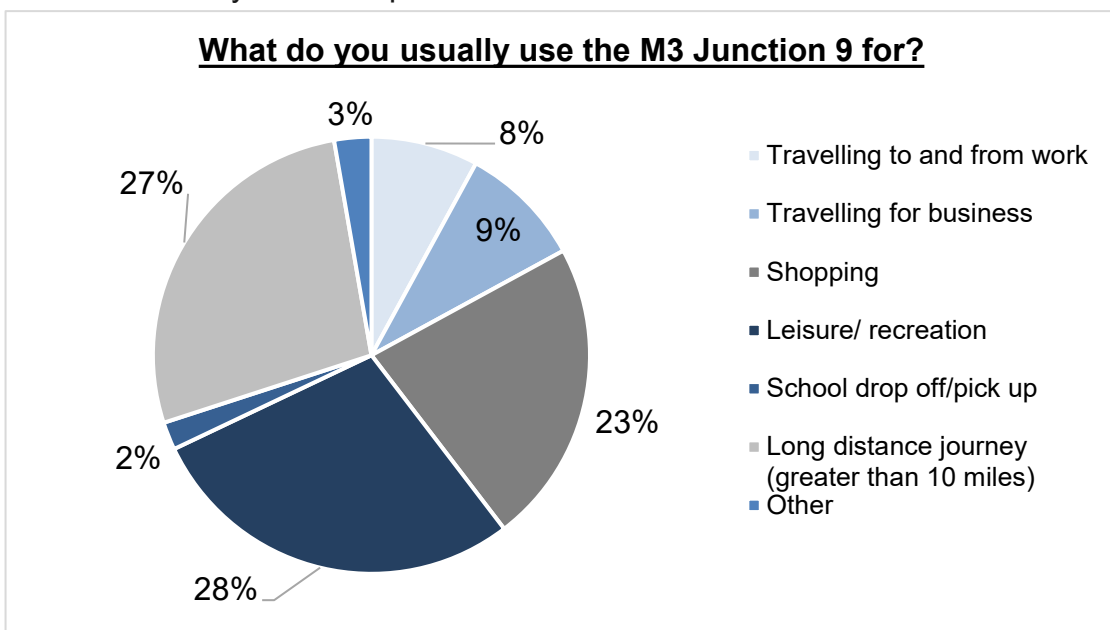


Figure 9.4: Response to A4 'What do you usually use the M3 Junction 9 for?'

Response to A5: Do you experience any of the following when you use Junction 9 of the M3?

9.4.11 Question A5 of the 2019 questionnaire aimed to understand if respondents experienced the following when using M3 Junction 9:

- Frequent delays
- Unpredictable journey times
- Frequent incidents that result in injury
- Frequent incidents that result in delays
- Air and noise pollution
- Unsafe and inconvenient walking conditions

9.4.12 As presented on **Figure 9.5** below, the majority of respondents experience frequent delays (37%), unpredictable journey times (32%), air and noise pollution (13%) and frequent incidents that result in delays (10%) when using Junction 9. A small proportion of respondents experience unsafe and inconvenient walking conditions (5%) and frequent incidents that result in injury (3%).

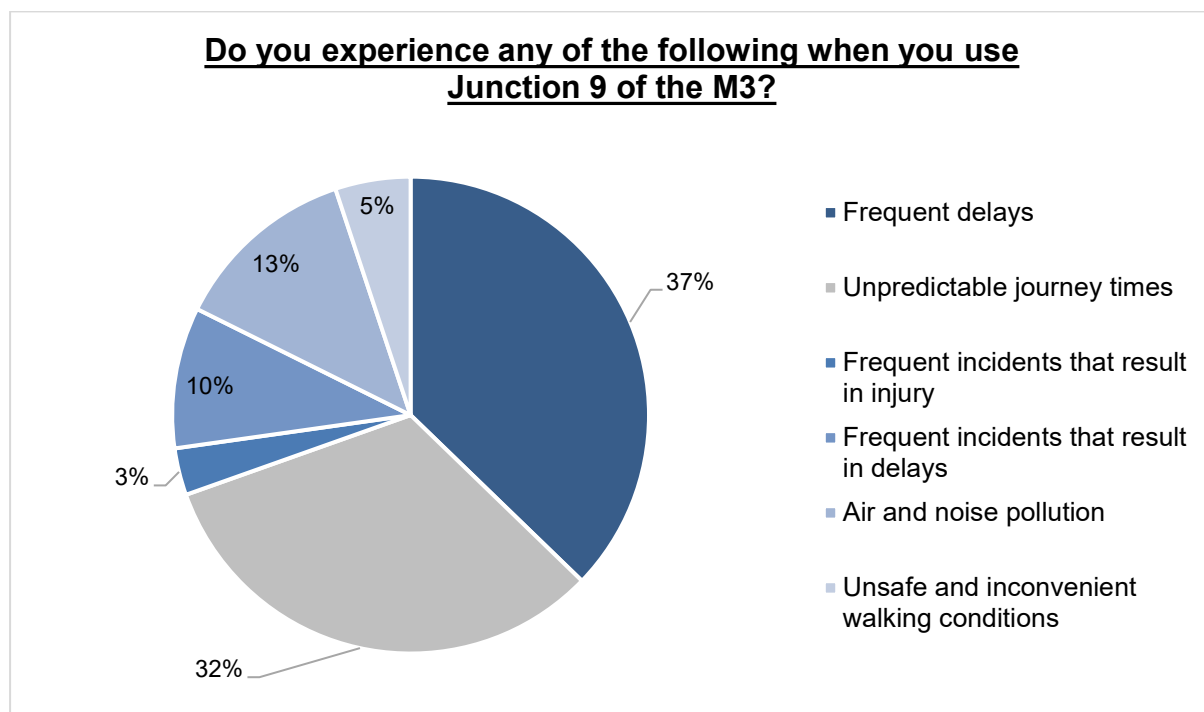


Figure 9.5: Response to A5 Do you experience any of the following when you use Junction 9 of the M3?

Response to A6 'How close do you live to the proposed improvements?'

9.4.13 As presented on **Figure 9.6**, the majority of respondents (39%) live 2-5 miles from the proposed improvements, 33% live over 5 miles away and 28% live under 2 miles away.

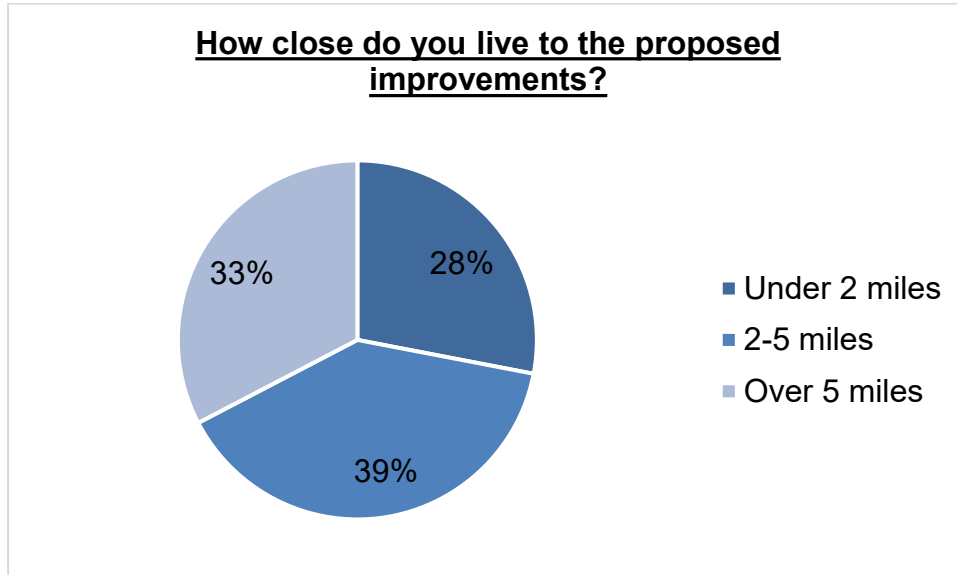


Figure 9.6: Response to A6 'How close do you live to the proposed improvements?'

Response to A7 'How close do you work to the proposed improvements?'

9.4.14 As presented on **Figure 9.7**, 15% of respondents work within 2 miles of the proposed improvements, 13% work 2-5 miles away and 25% work over 5 miles away.

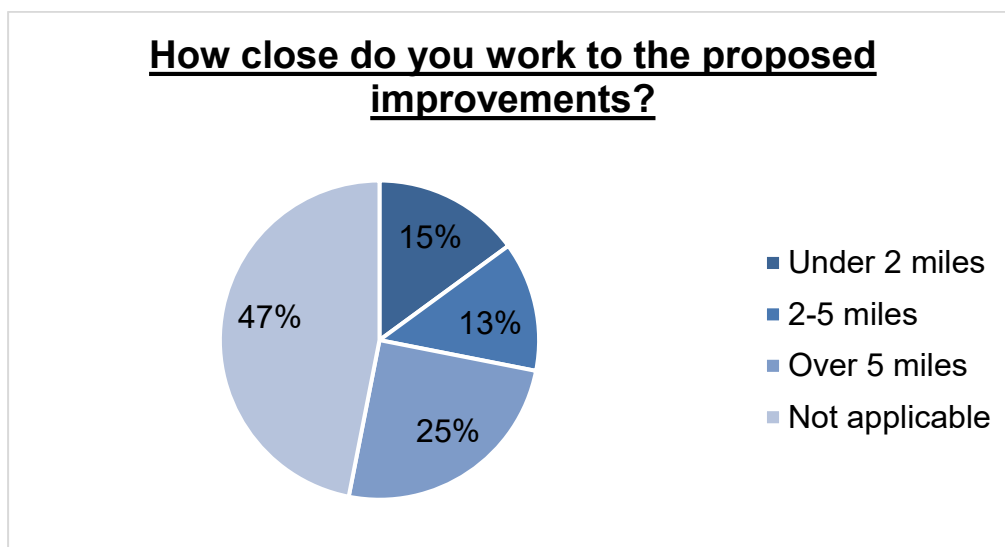


Figure 9.7: Response to A7 'How close do you work to the proposed improvements?'

Section B – the Scheme

9.4.15 Section B of the 2019 questionnaire included questions about the Scheme design.

Response to B1 ‘Which routes do you take through M3 Junction 9 and how often?’

9.4.16 The feedback received demonstrated that nearly all of the respondents did agree that the proposed works are needed, with 88% of respondents agreeing that there is a need to improve the junction (see **Figure 9.8**). Many cited congestion as the reason why the improvements are needed. 10% of respondents disagreed that improvements are needed at Junction 9 of the M3.

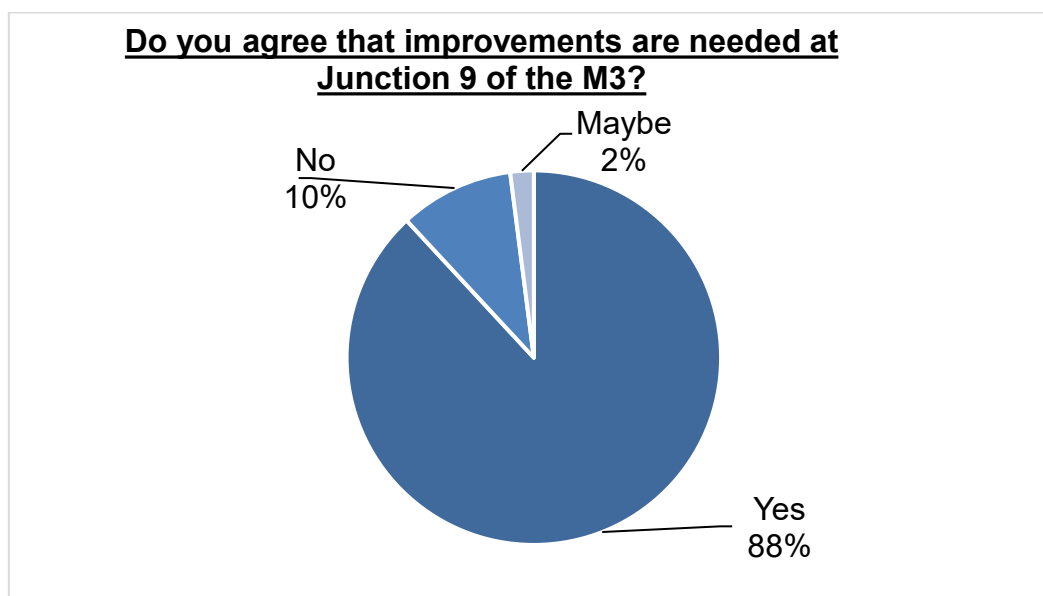


Figure 9.8: Response to B.1 “What extent do you agree or disagree that the works are needed at Junction 9 of the M3?”

Response to B.2 ‘Does our scheme address the problems you identified in question A5?’

9.4.17 Question B2 of the 2019 questionnaire aimed to understand if the Scheme proposals address the matters respondents identified in Question A5 (see **Figure 9.5**).

9.4.18 As presented on **Figure 9.9**, the feedback received demonstrated that most of the respondents agreed that the Scheme addresses frequent delays (85%), unpredictable journey times (86%), frequent incidents that result in injury (50%), frequent incidents that result in delays (66%), air and noise pollution (57%) and unsafe and inconvenient walking conditions (56%). In comparison:

- 12% of respondents disagreed that the Scheme addresses the issue of unsafe and inconvenient walking conditions, whilst 33% felt this was not applicable to them.
- 25% of respondents disagreed that the Scheme addresses the issue of air and noise pollution, whilst 17% felt this was not applicable to them.
- 16% of respondents disagreed that the Scheme addresses the issue of frequent incidents that result in delays, whilst 18% felt this was not applicable to them.
- 23% of respondents disagreed that the Scheme addresses the issue of frequent incidents that result in injuries, whilst 27% felt this was not applicable to them.
- 8% of respondents disagreed that the Scheme addresses the issue of unpredictable journey times, whilst 6% felt this was not applicable to them.
- 9% of respondents disagreed that the Scheme addresses the issue of frequent delays, whilst 6% felt this was not applicable to them.

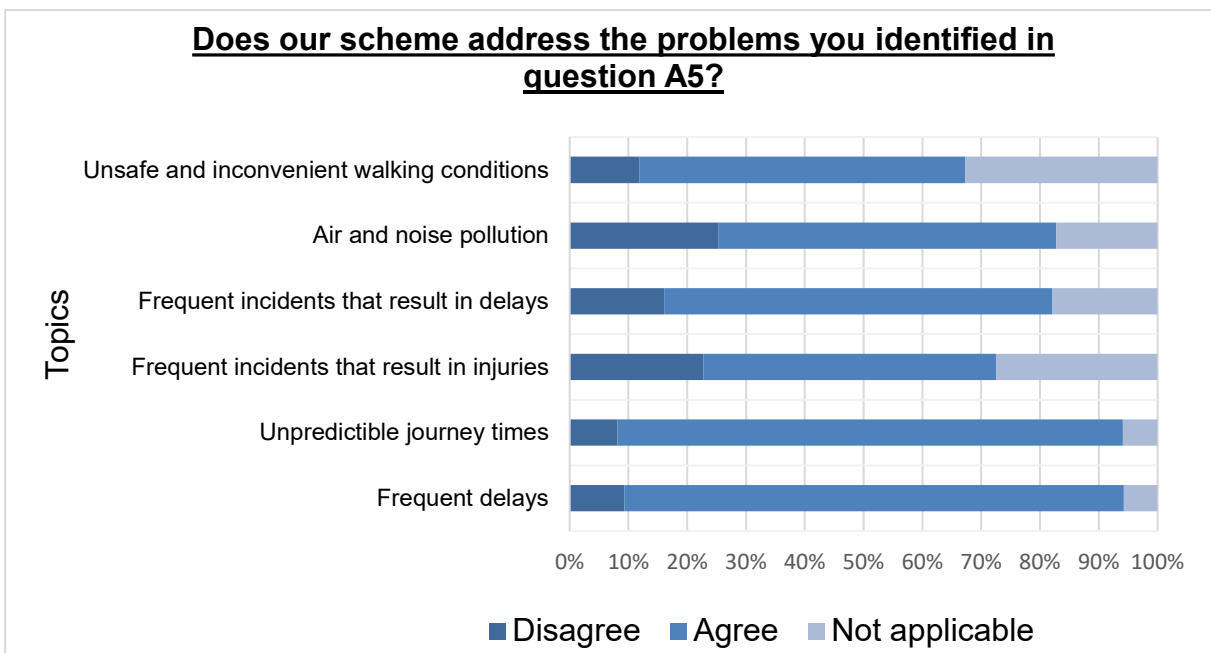


Figure 9.9: Response to B.2 “Does our scheme address the problems you identified in question A5?”

Response to B.3 ‘Do you think the proposed improvement scheme would worsen, improve or make no difference to any of the following?’

9.4.19 Question B3 of the 2019 questionnaire aimed to understand if respondents thought the proposed improvements would improve, worsen or make no difference to the following matters:

- Road safety
- Congestion
- Limited capacity
- Economic growth
- Noise
- Air quality
- Landscape and visual effects
- Biodiversity
- Water environment and drainage
- Flood risk
- Footpaths, cycle routes and bridleways
- Historic environment.

9.4.20 As illustrated on **Figure 9.10**:

- 69% of respondents felt that the proposed changes in the Scheme would make no difference to the historic environment, with only 12% stating the Scheme would improve it. 19% stated the Scheme would worsen it
- 75% of respondents felt that the proposed changes in the Scheme would improve the footpaths, cycle routes and bridleways, with 19% stating the Scheme would make no difference. 7% stated the Scheme would worsen them
- 75% of respondents felt that the proposed changes in the Scheme would make no difference to flood risk, with 16% stating the Scheme would improve it. 9% stated the Scheme would worsen it
- 63% of respondents felt that the proposed changes in the Scheme would make no difference to the water environment and drainage, with 22% stating the Scheme would improve it. 15% stated the Scheme would worsen it

- 52% of respondents felt that the proposed changes in the Scheme would make no difference to the local biodiversity, with 26% stating the Scheme would worsen it. 22% stated the Scheme would improve it
- 42% of respondents felt that the proposed changes in the Scheme would make no difference to the landscape and visual effects of the area, with 33% stating the Scheme would improve it. 25% stated the Scheme would worsen it
- 55% of respondents felt that the proposed changes in the Scheme improve the air quality of the area, with 26% stating the Scheme would make no difference to it. 19% stated the Scheme would worsen it
- 41% of respondents felt that the proposed changes in the Scheme would make no difference to the noise in the area, with 33% stating the Scheme would improve it. 26% stated the Scheme would worsen it
- 55% of respondents felt that the proposed changes in the Scheme improve the economic growth of the area, with 41% stating the Scheme would make no difference to it. 4% stated the Scheme would worsen it
- 76% of respondents felt that the proposed changes in the Scheme would improve the limited capacity of the area, with 20% stating the Scheme would make no difference to it. 3% stated the Scheme would worsen it
- 85% of respondents felt that the proposed changes in the Scheme would improve congestion in the area, with 9% stating the Scheme would make no difference to it. 6% stated the Scheme would worsen it
- 62% of respondents felt that the proposed changes in the Scheme would improve road safety in the area, with 13% stating the Scheme would make no difference to it. 25% stated the Scheme would worsen it.

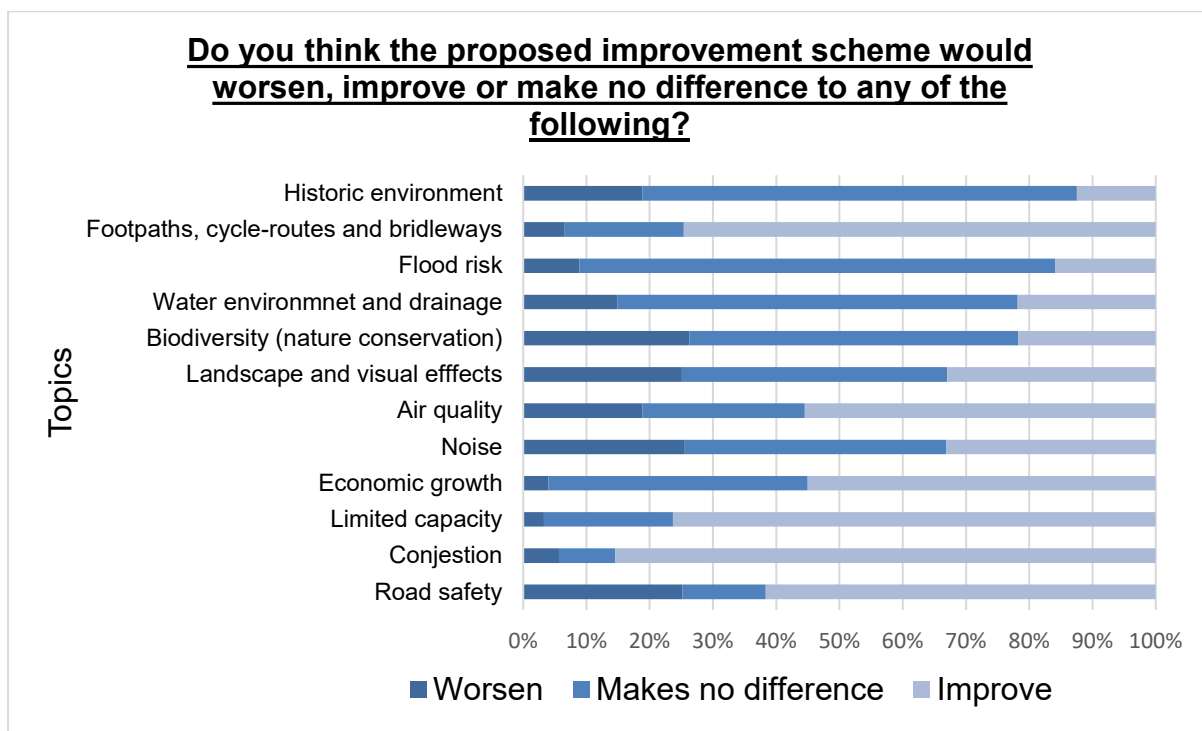


Figure 9.10: Response to B.3 “Do you think the proposed improvement scheme would worsen, improve or make no difference to any of the following?”

Section C – the environmental aspects of the Scheme

9.4.21 Section C of the 2019 questionnaire asked respondents to provide feedback on the potential environmental impacts of the Scheme.

Response to C.1 ‘Do you agree with the way we are addressing the potential environmental impacts of the Scheme?’

9.4.22 **Table 9.4** below sets out the percentage of respondents who agreed with how the Applicant was addressing potential environmental impacts:

Figure 9.4: Response to C.1 “Do you agree with the way we are addressing the potential environmental impacts of the Scheme?”

Topic	Agree	Disagree
Air quality	77%	23%
Noise and vibration	77%	23%
Biodiversity	72%	28%
Road drainage and the water environment	82%	18%
Landscape and visual	75%	25%
Geology and soils	79%	21%

Topic	Agree	Disagree
Cultural heritage	71%	29%
Materials and waste	79%	21%
People and communities	72%	28%
Climate	72%	28%
Cumulative effects	74%	26%

Section D – other considerations

9.4.23 Section D of the 2019 question asked respondents to provide feedback on any other considerations.

Response to D.1 ‘As we develop our plans for construction, is there anything specific you think we should consider?’

9.4.24 The feedback received showed that 75% of the respondents considered that the Applicant should take into account specific matters as they developed their plans for construction, which included design, construction and safety.

Design

9.4.25 A number of respondents provided comments in respect of safety, local congestion and suggested alternative layouts of the Scheme. Despite most respondents acknowledging that the design presented in the 2019 consultation was an improved solution to the problem that already exists at this junction, many respondents suggested Scheme updates should include further and safer provisions for cyclists and horse-riders. Respondents also cited the need for greater signage associated with the A34 to provide greater clarity for road users.

Construction - general

9.4.26 Many respondents raised concern over the impacts to congestion in the local area during the construction period, requesting as many measures as possible to minimise the impact on the local traffic network during the Scheme’s construction period.

Safety

9.4.27 Several respondents raised concerns for the safety of local traffic using this junction, particularly in respect of the local traffic merging from the A33/A34 northbound to the M3. Whilst respondents acknowledged the improved weaving length (increased from the design put forward in the 2018 public consultation), many commented on how the Scheme still mixes local traffic with vehicles in the fast lane on the M3, leading to suggestions that the design needs

to be altered to improve the safety of this section of the M3, and that speed limits should be put in place.

Response to D.2 ‘Do you have any other comments about the proposed scheme or its potential effects?’

9.4.28 The feedback received showed that most of the respondents (52%) agreed with the proposals to improve connections to/from the A33 at the 2019 consultation (see **Figure 9.11**) and 48% of respondents disagreed with the proposed changes.

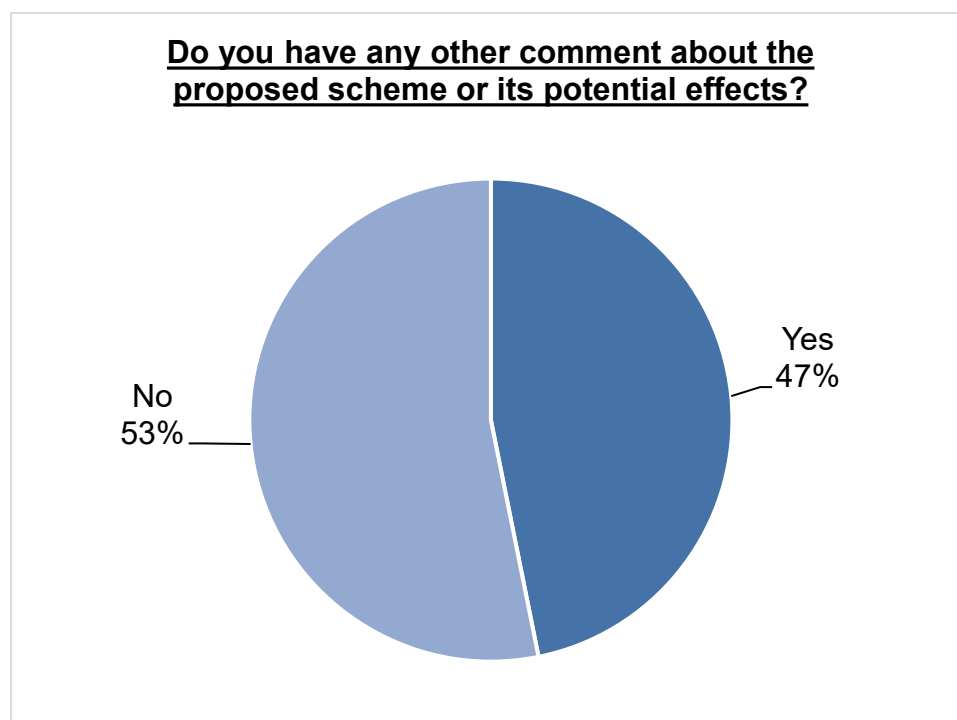


Figure 9.11: Response to D.2 “Do you have any other comment about the proposed scheme or it’s potential effects?”

General comments

9.4.29 The Applicant received 74 responses via emails and letters. Comments related to:

- Objections to the Scheme as a result of the Government’s declaration to a climate emergency
- Concerns over design safety, including weaving and slip roads
- Potential environmental impacts of the Scheme and ensuring they are appropriately mitigated
- The provisions for cyclists and horse-riders

- Use of the Cart and Horses junction.

9.5 Evolution of the Scheme following the 2019 consultation

9.5.1 As set out in **Chapter 3** of this report, Section 49 of the Planning Act 2008 requires the Applicant to have regard to relevant responses received in response to consultation and publicity undertaken pursuant to Section 42, Section 47 and Section 48. This sub-section provides details of how the relevant responses (summarised and analysed above) have influenced the evolution of the Scheme.

9.5.2 The pre-application consultation for the Scheme informed the on-going process of developing the proposals and influenced the iterative nature of the consultation approach and mitigation commitments. Further details are provided in **Chapter 3 (Assessment of Alternatives)** of the **ES (Document Reference 6.1)**.

9.5.3 At each stage of consultation, the Applicant has reviewed feedback received. Where appropriate, the Applicant has sought to refine its proposals in response to the feedback from the consultation processes. The Applicant has, in other cases, taken account of the responses in the preparation of the **ES (Document Reference 6.1)**, the **draft DCO (Document Reference 3.1)** and other DCO application documents.

9.5.4 Feedback from the 2019 consultation showed that there was a high level of support for the Scheme. However, some important comments were provided at that time which informed the development of the Scheme, including:

- The weaving length for vehicles joining the A34 from Junction 9 and then heading onto the A33/Kings Worthy
- Speed of traffic through Junction 9
- Length of the construction period and potential impacts.

Development of design

9.5.5 After the 2019 consultation, a decision review was undertaken of the Scheme presented at the consultation to address key issues that were raised during the consultation. Two further design solutions to those proposed at the 2019 consultation were assessed against a set of multi-disciplinary criteria including economic impacts and value for money. This information allowed the Applicant to make an informed decision and conclude a preferred design solution to take forward.

9.5.6 The changes included:

- Removal of the A33 merge/ diverge from the A34, Junction 9 link to the A33 now provided through the M3 northbound on slip with new roundabout north of A34 underpass and contraflow arrangement up to the roundabout.
- Dumbbell gyratory arrangement proposed at the 2019 consultation design revised to oval shaped 2 lane gyratory accompanied with provision of free-flowing turns to increase capacity.

9.5.7 After completion of the above, the Applicant instructed further design reviews of the Scheme which commenced in 2020 and led to the submission of a second Scoping Opinion request and a further statutory consultation in summer 2021 (see **Chapters 6** and **11**, respectively).

9.6 Summary

9.6.1 Following the 2019 consultation, the Applicant evolved the design further and determined that a further consultation pursuant to Section 42, Section 47 and Section 48 of the Planning Act 2008 was required for the Scheme. Accordingly, the Applicant undertook a further statutory consultation with prescribed bodies, local authorities and the local community, superseding the previous 2019 consultation, held on 2 July 2019 to 27 August 2019.

10 2021 Statement of Community Consultation

10.1 Introduction

10.1.1 This chapter provides details of how the 2021 Statement of Community Consultation (the '2021 SoCC') was prepared, consulted on and published in accordance with Section 47 of the Planning Act 2008 prior to commencing the 2021 statutory consultation for the Scheme.

10.2 2021 SoCC rationale

10.2.1 The purpose of the 2021 SoCC was to set out how the Applicant would consult with the local communities likely to be affected by the Scheme in light of the COVID-19 restrictions and resultant changes by the COVID Regulations (made permanent by the 2020 Regulations), and then carry out the 2021 statutory consultation in accordance with the final published 2021 SoCC. It sought to set out a consultation methodology that was effective and appropriate to the local context, and which fully complied with the statutory requirements and government guidance on pre-application consultations for NSIPs. The 2021 SoCC supersedes the previous 2019 SoCC.

10.3 Compliance with the 2021 SoCC within the context of COVID-19

10.3.1 At the time of developing the 2021 SoCC, temporary amendments to the statutory requirements for consultation on NSIPs were in force through the Infrastructure Planning (Publication and Notification of Applications etc.) (Coronavirus) (Amendment) Regulations 2020 which were introduced on 22 July 2020.

10.3.2 As stated in **Section 2.3** of this report, those temporary amendments were later made permanent by the Infrastructure Planning (Publication and Notification of Applications etc.) (Amendment) Regulations 2020, which came into force on 31 December 2020.

10.3.3 The amendments reflected the need to protect the public during COVID-19 and adjusted the requirement for developers to provide materials in hard copy in publicly accessible locations, placing greater emphasis on ensuring that materials relevant to a consultation are available in alternative formats.

10.3.4 **Table 10.1** sets out how the Applicant amended its approach to the statutory requirements of the Planning Act 2008 as a result of the legislative amendment introduced and taking into account the social distancing laws and guidance in England at the time.

Table 10.1: Regulatory requirements affected by COVID-19

Statutory requirement	Details as relevant to this Scheme	Change in approach due to COVID-19 and amended regulations
Section 47 of the Planning Act 2008	Prepare a SoCC about how the promoter will consult with the local community and consult each local authority within Section 43(1) about what is in the statement.	The provisions for public information points, deposit locations for documents and public information events were delivered digitally rather than physically in accordance with latest Government guidance associated with COVID-19. SoCC notices were placed in local circulating newspapers to advertise where the SoCC could be found for inspection.
Section 47(6)(a) and Section 47 (6)(za) of the Planning Act 2008	<p>Publish a notice in a newspaper circulating in the vicinity of the land stating when and where the SoCC can be inspected.</p> <p>Make the SoCC available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the land.</p>	<p>SoCC notices were placed in local circulating newspapers to advertise where the SoCC could be found for inspection. The notice included details of the Applicant's dedicated Scheme webpage where documents can be found.</p> <p>The SoCC was made available for inspection online via the Applicant's dedicated Scheme webpage, to address the limitations of COVID-19 measures and support the digital first approach.</p>
Section 48 of the Planning Act 2008	Publish notices in the prescribed manner which publicises the consultation. The prescribed manner is set out in regulation 4 of the APFP Regulations.	Under amendments made to paragraphs (3)(e) and (3)(f) of Regulation 4 (made under Regulation 9A) of the APFP Regulations, documents were to be provided on a website maintained by or on behalf of the Applicant, with a telephone number provided in order to contact the Applicant.

Statutory requirement	Details as relevant to this Scheme	Change in approach due to COVID-19 and amended regulations
		<p>The consultation documents were therefore made available for inspection online via the Applicant's dedicated Scheme webpage, to address the amended regulations, the limitations of COVID-19 and support the digital first approach. A telephone number was provided on the website and consultation materials.</p> <p>Section 48 notices were placed in local circulating newspapers, a national newspaper and the London Gazette to advertise the consultation. The notices included details of the website where documents can be found.</p>

10.3.5 The Applicant therefore adopted a 'digital first' approach to the 2021 statutory consultation and engagement. The Applicant also endeavoured to consult using traditional methods where safe and practical to do so including using post and telephone communication methods.

10.3.6 The Applicant also sought to provide further publicity and promotion of the 2021 statutory consultation prior to its commencement, in addition to those committed to in the published 2021 SoCC, including posting and maintaining 15 site notices at key locations around the Application Boundary, parking an 'Engagement Van' outside local venues and placing posters in local venues.

10.3.7 It is therefore considered that the Applicant made all reasonable endeavours to consult the community within the context of COVID-19 restrictions. **Chapter 11** of this report provides further details about how the Applicant carried out the 2021 statutory consultation.

10.4 Consultation on the draft 2021 SoCC

10.4.1 Section 47(2) of the Planning Act 2008 states that the Applicant must consult each local authority that is within Section 43(1) about the content of the SoCC. Winchester City Council, Hampshire County Council and South Downs National Park Authority are the relevant Section 43(1) host local authorities in relation to

the Scheme (hereafter referred to as ‘the host authorities’ in this chapter). As such, the Applicant has had regard to the consultation feedback received from the host authorities.

10.4.2 As described in **Annex 1**, the Applicant has had regard to Paragraphs 34 to 42 of the DCLG pre-application guidance in undertaking the consultation on the content of the SoCC.

10.4.3 The Applicant has also discussed the community consultation strategy with the host authorities at the Engagement Working Groups (see **Table 4.2** of this report for further details) and provided a SoCC Explanatory Statement to aid the host authorities understanding of the proposed 2021 statutory consultation. A copy of the draft 2021 SoCC Explanatory Statement is provided in **Appendix I.2**.

Early informal comment

10.4.4 Further to the 2019 SoCC, the Applicant met with the host authorities to discuss the preparation of the 2021 SoCC and to allow for early input into the content, including a review of how previous consultations had been undertaken and any lessons learned from the host authorities on undertaking local consultations in light of COVID-19 restrictions.

10.4.5 As noted in **Table 4.2** of this report, the Applicant presented an early version of the draft 2021 SoCC to the host authorities on 9 October 2020 at the Engagement Working Group. During this meeting, the host authorities provided informal comments on the early draft 2021 SoCC.

10.4.6 The Applicant has had regard to the comments raised at the Engagement Working Group on 9 October 2020. **Table 10.2** provides details of the comments made by the host authorities on the early draft 2021 SoCC and the Applicant’s response.

10.4.7 The comments were incorporated into the draft 2021 SoCC produced for statutory consultation under Section 47(2) of the Planning Act 2008.

Table 10.2: Comments from the host authorities on the early draft 2021 SoCC

Local authority	Amendment/comment made by local authority	Regard had by the Applicant in accordance with Section 47(5) of the Planning Act 2008	Amendments to the SoCC:
Winchester City Council, Hampshire County Council and South Downs National Park Authority	The host authorities suggested that the consultation zone should be extended to include communities in South Wonston and Sparsholt	The Applicant decided to extend the consultation target area to a 5km radius around the Application Boundary to include more communities in the vicinity of the Scheme including South Wonston and Sparsholt (see Figure 1 in the 2021 SoCC (Appendix I.8))	The consultation target area was extended and included in the draft 2021 SoCC
Winchester City Council, Hampshire County Council and South Downs National Park Authority	The host authorities confirmed that the elderly and those without access to the internet would require specific attention in light of a digital first approach consultation. No other hard-to-reach groups identified	As set out in Table 1 of the 2021 draft SoCC and the final 2021 SoCC, additional support to help the public understand the Scheme and supplement any face-to-face conversations that they would have had with the project team was available during the 2021 statutory consultation. When the consultation launched, there was an opportunity to book an appointment with a project representative to discuss the Scheme over the telephone and paper copies of	No amendment was required

Local authority	Amendment/comment made by local authority	Regard had by the Applicant in accordance with Section 47(5) of the Planning Act 2008	Amendments to the SoCC:
		the consultation documents were made available on request	
Hampshire County Council	Hampshire County Council suggested that the Hampshire Independent should also be used as an additional local newspaper to publicise the public consultation	The Applicant decided to include the Hampshire Independent as an additional local newspaper to publicise the public consultation	Table 1 of the draft 2021 SoCC was updated to include the Hampshire Independent as a newspaper to be used for the statutory notices

Statutory consultation on the 2021 SoCC

- 10.4.8 Following the Engagement Working Group on 9 October 2020, the draft 2021 SoCC was sent to the host authorities for statutory consultation on 10 November 2020. The Applicant also provided a draft 2021 SoCC Explanatory Statement to aid the host authorities understanding of the proposed 2021 statutory consultation. A copy of the draft 2021 SoCC can be found at **Appendix I.1** and draft 2021 SoCC Explanatory Statement can be found at **Appendix I.2**.
- 10.4.9 It was requested that the host authorities respond by 9 December 2020, giving a 28-day response period from the day after receipt of the draft 2021 SoCC, allowing the minimum period as required by Section 47(3) of the Planning Act 2008. A copy of the covering email sent to the host authorities is provided at **Appendix I.3**.
- 10.4.10 Winchester City Council, Hampshire County Council and South Downs National Park Authority submitted individual responses on 9 December 2020. A copy of the individual responses received can be found in **Appendix I.4**.
- 10.4.11 The Applicant has had regard to the responses submitted by Winchester City Council, Hampshire County Council and South Downs National Park Authority. This is demonstrated in **Table 10.3** below.
- 10.4.12 The Applicant discussed its responses with the host authorities at the Engagement Working Group on 18 March 2021 (see **Table 4.2** of this report for further details). The host authorities verbally agreed with the Applicant's responses at the Engagement Working Group. A copy of the agreed meeting minutes can be found in **Appendix I.5**.

Table 10.3: Comments received from the host authorities on the draft 2021 SoCC

Local Authority	Amendment/comment made by Local Authority	Regard had by the Applicant in accordance with Section 47(5) of the Planning Act 2008	Amendments to the SoCC
Winchester City Council	Winchester City Council explained that visual presentations were important to assist consultees and residents in understanding the proposals. The Council suggested that differences between the previous and current consultations should be clearly demonstrated in an overall site plan.	<p>The Applicant confirmed that a 3D flythrough of the Scheme and Scheme plans would be available for the 2021 statutory consultation period.</p> <p>Regarding the point about the ‘<i>differences between the previous and current consultations</i>’, the Applicant explained at the Engagement Working Group on 18 March 2021 and stated in the meeting minutes (see Appendix I.5) that the “<i>project team did not want to labour on the visual changes since 2019 and would like consultees to treat this as a new scheme and not get confused by comparisons</i>”. However, the Applicant explained the key design changes since the 2019 consultation at the online webinars.</p>	No amendment was required.
	The Council noted that the visual ‘drive-through’ video used in the 2019 consultation was effective and suggested that this method should be	As per comment above	No amendment was required.

Local Authority	Amendment/comment made by Local Authority	Regard had by the Applicant in accordance with Section 47(5) of the Planning Act 2008	Amendments to the SoCC
	used again to show the differences between schemes.		
	The Council welcomed the alternative consultation techniques presented in the SoCC and noted how targeted advertising on social media networks would be an effective method to attract views from residents in the wider area such as Eastleigh, Basingstoke, Southampton and other settlements in the Winchester district who are highly likely to use the M3 but are outside of the flyer catchment area. The Council also noted that contact with local news stations would also an effective method.	The Applicant confirmed that social media platforms and press releases would be used to advertise the 2021 statutory consultation to attract wider interest. Details of the Applicant's Facebook and Twitter accounts were provided in the draft and published 2021 SoCC.	No amendment was required.
	The Council welcomed the use of telephone surgeries as an additional consultation method as a result of COVID-19. The Council suggested the use of virtual meeting technology as well.	The Applicant acknowledged Winchester City Council's comment that the inclusion of telephone surgeries " <i>is welcomed</i> ". The Applicant also confirmed that online webinars and stakeholder briefings would be held during the 2021 statutory consultation period.	Table 1 of the 2021 SoCC was updated to confirm that stakeholder briefings would be held for local authorities, parish councils and local businesses to advise them of how we intended to undertake the

Local Authority	Amendment/comment made by Local Authority	Regard had by the Applicant in accordance with Section 47(5) of the Planning Act 2008	Amendments to the SoCC
			2021 statutory consultation
	Winchester City Council suggested that the Mid Hampshire Observer was used to advertise the Scheme.	The Applicant noted Winchester City Council's comment and reviewed the area coverage of the Mid-Hampshire Observer. The Applicant decided to publish the statutory notices in the Mid Hampshire Observer as well as the Hampshire Chronicle and Hampshire Independent.	Table 1 of the 2021 SoCC was updated to include the Mid-Hampshire Observer as an additional local newspaper publication.
	Should COVID-19 restrictions have allowed in-person events, Winchester City Council welcomed the opportunity to comment on the revised proposals for consultation and suggested that a venue in the Winnall Industrial Area should be considered.	The Applicant confirmed that due to the ongoing uncertainties of COVID-19 restrictions it would not be feasible to run physical events and that the 2021 statutory consultation would be virtual. The Applicant confirmed that online webinars and a telephone surgery would be held during the 2021 statutory consultation period to supplement any face-to-face conversations that they would have had with the project team.	No amendment was required
	The Council recommended that the Applicant used USB sticks to distribute consultation documents.	The Applicant confirmed that prescribed consultees would receive electronic copies of the consultation documents by a USB drive, in the post or via email.	No amendment was required.

Local Authority	Amendment/comment made by Local Authority	Regard had by the Applicant in accordance with Section 47(5) of the Planning Act 2008	Amendments to the SoCC
		<p>The Applicant reiterated that Paragraph 11.4 of the draft 2021 SoCC explained that paper copies of the consultation documents could be requested by contacting the Applicant and included details of any charges for paper copies. Paragraph 11.5 of the draft 2021 SoCC explained that <i>'a digital copy on a USB of all the consultation documents...can be supplied upon request, free of charge'</i>.</p>	
	<p>The Council felt it would be valuable to contact the larger house builders in the area with a general notification of the Scheme and recommended the following house builders:</p> <ul style="list-style-type: none"> • Cala Homes • Taylor Wimpey • Crest Nicholson • Alfred Homes • Seaward Properties • Bovis Homes • David Wilson Homes 	<p>The Applicant agreed to include the list of house builders provided by Winchester City Council to the non-statutory stakeholder list. A number of developers were sent the consultation flyer via email at the start of the 2021 statutory consultation.</p>	<p>No amendment was required.</p>

Local Authority	Amendment/comment made by Local Authority	Regard had by the Applicant in accordance with Section 47(5) of the Planning Act 2008	Amendments to the SoCC
	<p>The Council also advised that contact should be made to developers of the applications below:</p> <ul style="list-style-type: none"> • Land East of A272 Solar Farm (Applicant: Enviromena Asset Management UK Ltd) • Three Maids Hill Waste Centre (Applicant: TMR South Coast Ltd) 	<p>The Applicant agreed to include the developers provided by Winchester City Council to the non-statutory stakeholder list. A number of developers were sent the consultation flyer via email at the start of the 2021 statutory consultation.</p> <p>The planning applications were considered when finalising the cumulative assessment for the EIA (see Chapter 15 (Cumulative Effects)) of the ES (Document Reference 6.1). It should be noted that since EIA Scoping the Three Maids Hill Waste Centre application has been refused and no appeal has been made so this application has not been assessed in the cumulative effects assessment.</p>	<p>No amendment was required.</p>
	<p>The Council suggested that the Applicant considers more specific support for residents and landowners close to the proposed planning and soil management areas.</p>	<p>The Applicant confirmed that landowners with an address in the consultation target area would receive a consultation flyer providing details of the 2021 statutory consultation and how to contact the Applicant for further information/support. The Applicant added that details of telephone appointment for affected</p>	<p>No amendment was required.</p>

Local Authority	Amendment/comment made by Local Authority	Regard had by the Applicant in accordance with Section 47(5) of the Planning Act 2008	Amendments to the SoCC
		landowners to discuss the proposals would be added to the statutory covering letter sent to them as part of the Applicant's duties under Section 42 of the Planning Act 2008.	
	The Council welcomed the inclusion of the entire Winnall Industrial Estate in the flyer drop. The Council suggested that the Applicant should have considered offering a more precise consultation for businesses in the Estate.	The Applicant noted Winchester City Council's comment and confirmed that the Applicant would consider a stakeholder briefing with local businesses during the 2021 statutory consultation.	Table 1 of the 2021 SoCC was updated to confirm that stakeholder briefings would be held for local authorities, parish councils and local businesses to advise them of how we intended to undertake the 2021 statutory consultation
	The Council suggested that the Applicant notified national and local haulage companies to seek their views.	The Applicant confirmed that relevant haulage associations are included on the Applicant's non-statutory stakeholder list and would receive the consultation flyer via email at the start of the 2021 statutory consultation.	No amendment was required.
	The Council requested that the Applicant placed notices in the	The Applicant had regard to this comment and considered that it did not justify publishing the statutory notices in Winchester City Council's news bulletin. The Applicant confirmed that the	No amendment was required

Local Authority	Amendment/comment made by Local Authority	Regard had by the Applicant in accordance with Section 47(5) of the Planning Act 2008	Amendments to the SoCC
	Council's news bulletin to registered residents titled 'Your Council'.	statutory notices would only be placed in the local newspapers listed in the SoCC.	
	<p>In general terms, the Council reminded the Applicant of its comments to the 2019 consultation: <i>'When the options have been considered it appears that they have focused on the various merits between different traffic management outcomes. The PEIR document reads as if this focus on traffic management has continued to dominate considerations relating to the project. In the context of the location and the landscape and ecological sensitivities of the surrounding area, it is considered that greater effort needs to be applied to identifying tangible positive benefits for both the environment and the wider population including in relation to the local context of the scheme and the priorities of the Council to achieve Carbon Neutral across the whole district by 2030. This is considered fully compatible with both</i></p>	<p>The Applicant noted this comment and explained that a new PEIR (see Appendix J.10) would be produced for the 2021 statutory consultation.</p>	<p>No amendment was required.</p>

Local Authority	Amendment/comment made by Local Authority	Regard had by the Applicant in accordance with Section 47(5) of the Planning Act 2008	Amendments to the SoCC
	<p><i>the UK government and WCCs declarations of a Climate Emergency. To achieve these outcomes WCC is ready to engage in meaningful discussions on a range of issues.'</i></p>		
<p>South Downs National Park Authority</p>	<p>South Downs National Park Authority queried alternative methods of engagement for those with poor internet connection.</p>	<p>The Applicant explained that the project team were looking at ways to make documents more accessible for stakeholders with lower internet speeds. The Applicant confirmed that stakeholders would be able to request paper or electronic copies via a USB of all the 2021 consultation documents throughout the 2021 statutory consultation period.</p> <p>A telephone appointment surgery would be offered during the 2021 statutory consultation to help members of the public understand the Scheme, access consultation documents and supplement any face-to-face conversations that they would have had with the project team.</p>	<p>No amendment was required.</p>
	<p>South Downs National Park Authority suggested that the Applicant</p>	<p>The Applicant confirmed that an interactive map would be available for the 2021 statutory consultation.</p>	<p>Table 1 of the 2021 SoCC was amended to include a reference to where the</p>

Local Authority	Amendment/comment made by Local Authority	Regard had by the Applicant in accordance with Section 47(5) of the Planning Act 2008	Amendments to the SoCC
	considered having an interactive map as part of its consultation documents.		interactive map could be accessed.
	South Downs National Park Authority commented on its experience of webinars.	<p>The Applicant confirmed that the online webinars would be held towards the beginning of the consultation period and details about the content would be advertise in advance.</p> <p>The online webinars would be recorded and retained on the Scheme webpage for those who could not attend the live version.</p>	No amendment was required.
	South Downs National Park Authority suggested that emails / letters should be promoted as an appropriate method for responding to the consultation.	The Applicant confirmed that the consultation documents and Section 48 notice would state that consultation responses could be submitted using the formal questionnaire or by sending comments via email or post.	No amendment was required.
	South Downs National Park Authority explained the benefits of having a telephone surgery and explained that the Applicant would need to anticipate people booking an appointment to get better understanding of the scheme	The Applicant noted this comment	No amendment was required.

Local Authority	Amendment/comment made by Local Authority	Regard had by the Applicant in accordance with Section 47(5) of the Planning Act 2008	Amendments to the SoCC
	then booking another to discuss specific concerns.		
	South Downs National Park Authority suggested that local parish magazines should be used as an additional publication for statutory notices.	The Applicant had regard to this comment and considered that it did not justify publishing the statutory notices in local parish magazines. The Applicant confirmed that the statutory notices would only be placed in the local newspapers listed in the SoCC and would seek to place posters advertising the consultation in local parish magazines, dependent upon publication dates.	No amendment was required.
	South Downs National Park Authority suggested that local parish notice boards and webpages should be used to promote the consultation through the use of posters.	The Applicant confirmed that posters would be placed in local venues and would seek to place posters in local parish magazines, dependent upon publication dates.	No amendment was required.
	South Downs National Park Authority suggested that media adverts and press releases should be promoted via local parish notice boards and webpages.	The Applicant confirmed that media adverts and press releases would be published in the Hampshire Chronicle (as per Table 1 of the 2021 SoCC) and would seek to place posters in local parish magazines, dependent upon publication dates.	No amendment was required.

Local Authority	Amendment/comment made by Local Authority	Regard had by the Applicant in accordance with Section 47(5) of the Planning Act 2008	Amendments to the SoCC
	<p>South Downs National Park Authority suggested that Local Council for Voluntary Services (CVS) could be used to disseminate information to their members.</p>	<p>The Applicant noted this comment and explained that Hampshire CVS Network, Action Hampshire and Community First would be included on the Applicant's non-statutory stakeholder list and would receive the consultation flyer via email at the start of the 2021 statutory consultation.</p>	<p>No amendment was required.</p>
	<p>Subject to COVID-19 restrictions, South Downs National Park Authority suggested that the Applicant should hold surgeries as part of Parish Council meetings or events.</p>	<p>The Applicant confirmed that due to the ongoing uncertainties of COVID-19 restrictions it would not be feasible to run physical events and that the 2021 statutory consultation would be virtual. The Applicant noted that a stakeholder briefing with locally elected representatives would be held towards the start of the 2021 consultation period.</p>	<p>Table 1 of the 2021 SoCC was updated to confirm that stakeholder briefings would be held for local authorities, parish councils and local businesses to advise them of how we intended to undertake the 2021 statutory consultation</p>
	<p>South Downs National Park suggested that the Winchester Science Centre and Planetarium should be used as a deposit location for consultation documents.</p>	<p>The Applicant noted South Downs National Park Authority's comment. The Applicant stated that it would liaise with the venue but would only place consultation documents at venues if it was considered safe and appropriate for each party involved.</p>	<p>The 2021 SoCC was updated to remove reference to local venues proposed to hold consultation documents</p>

Local Authority	Amendment/comment made by Local Authority	Regard had by the Applicant in accordance with Section 47(5) of the Planning Act 2008	Amendments to the SoCC
		On 7 May 2021 the Applicant informed the Host Authorities that it would not be placing copies of the consultation documents in local venues for inspection due to the ongoing uncertainties related to COVID-19.	
	South Downs National Park Authority suggested that the Premier Inn in Winnall could be used as a location to display notices.	The Applicant noted this comment	No amendment was required.
Hampshire County Council	Hampshire County Council confirmed that the submitted Draft Statement of Community Consultation (Highways England, November 2020) was considered to be an appropriate and acceptable framework.	The Applicant welcomed Hampshire County Council's comment	No amendment was required.
	In terms of the natural environment, the County Council stated that in technical terms it would be expected that the consultation contained sufficient information to allow consultees to understand the existing ecological baseline; the location, magnitude and	The Applicant noted this comment and explained that new PEIR (see Appendix J.10) would be produced for the 2021 statutory consultation.	No amendment was required.

Local Authority	Amendment/comment made by Local Authority	Regard had by the Applicant in accordance with Section 47(5) of the Planning Act 2008	Amendments to the SoCC
	<p>permanence of any identified ecological impacts; and the location and predicted efficacy of any proposed ecological mitigation, compensation and enhancement measures such that biodiversity net gain can be demonstrated.</p>		

Non-statutory consultation on the draft 2021 SoCC

10.4.13 The Applicant also gave the neighbouring authorities the opportunity to comment on the content and format of the draft 2021 SoCC. The neighbouring authorities for the Scheme that received the draft 2021 SoCC were:

- Test Valley Borough Council
- Basingstoke and Deane Borough Council
- East Hampshire District Council
- Havant Borough Council
- Portsmouth City Council
- Fareham Borough Council
- Eastleigh Borough Council
- West Sussex County Council
- Surrey County Council
- Southampton City Council
- Dorset Council
- Bournemouth, Christchurch and Poole Council
- Wiltshire Council
- West Berkshire Council
- Wokingham Borough Council
- Bracknell Forest Council
- New Forest District Council
- New Forest National Park Authority

10.4.14 The neighbouring authorities were sent the draft 2021 SoCC on 10 November 2020. It was requested that the neighbouring authorities responded by 9 December 2020. A copy of the covering email sent to the neighbouring authorities is provided at **Appendix I.6**.

10.4.15 Eastleigh Borough Council and East Hampshire District Council submitted responses on 7 December 2020 and 2 December 2020, respectively. A copy of the individual responses received can be found in **Appendix I.7**.

10.4.16 The Applicant considered the responses submitted by Eastleigh Borough Council and East Hampshire District Council. This is demonstrated in **Table 10.4** below.

Table 10.4: Comments received from the neighbouring authorities on the draft 2021 SoCC

Local Authority	Amendment/comment made by Local Authority	Regard had by the Applicant in accordance with Section 47(5) of the Planning Act 2008	Amendments to the SoCC
Eastleigh Borough Council	Eastleigh Borough Council considered that the draft Statement of Community Consultation described appropriate methods of informing and inviting comment from relevant communities in relation to the proposed development. The Council suggested that it should be made explicit within the document what measures will be adopted to demonstrate that the consultation will be compliant with the public sector equality duty imposed under the Equality Act 2010	The Applicant has noted this comment. The 2021 SoCC has been developed in consultation with the host authorities who confirmed hard-to-reach groups relevant to the Scheme. Table 1 of the 2021 SoCC states that additional support to help the public, particularly the elderly and those without internet, understand the Scheme and supplement any face-to-face conversations would be available during the public consultation (for example telephone appointment surgeries and paper copies of the consultation documents)	No amendment was required
East Hampshire District Council	East Hampshire District Council had no comments to add in respect of the draft Statement of Community Consultation	The Applicant has noted this comment	No amendment was required

10.5 Publication of the 2021 SoCC

2021 SoCC content

10.5.1 The published 2021 SoCC set out:

- Details about the Scheme
- Key consultation activities and dates
- How the Applicant was publishing preliminary environmental information relating to the Scheme
- How the Applicant was going to consult local people and communities about the Scheme and what activities would be undertaken to give them access to information about the proposals
- How people could provide feedback to the Applicant from the consultation activities and ensure that they are informed about the Scheme

2021 consultation target area

10.5.2 The 2021 SoCC explains that the Applicant developed a 'consultation target area' for the purposes of engaging with the local community. The Applicant focused its primary 2021 consultation activities, for example the flyer distribution and poster displays, within the consultation target area and carried out less intensive consultation activities, for example media coverage, across a wider area outside of the consultation target area.

10.5.3 As noted in **Section 7.3** and **Section 10.4** of this report, different consultation target areas were used by the Applicant for the 2019 consultation and 2021 statutory consultation. The 2021 consultation target area was extended to include communities in South Wonston and Sparsholt as requested by the Host Authorities at the Engagement Working Group on 9 October 2002 (see **Table 10.2**).

10.5.4 The 2021 consultation target area was defined as a 5km radius around the Application Boundary for the Scheme. This radius was agreed in consultation with the Host Authorities as being an area proportionate to the Scheme to capture local communities who may be affected by the potential impacts arising from the construction and operation of the Scheme.

10.5.5 A map of the consultation target area that was included in the final version of the 2021 SoCC can be found in **Appendix A.3**.

Publicity under Section 47 of the Planning Act 2008

- 10.5.6 The final 2021 SoCC, which took account of the comments received from relevant local authorities, was published online on 14 May 2021. A copy of the final 2021 SoCC, as published, can be found in **Appendix I.8**.
- 10.5.7 The 2021 SoCC was made available for viewing online for the duration of the 2021 statutory consultation via the Applicant's dedicated Scheme webpage.
- 10.5.8 The 2021 SoCC Notice confirmed that the SoCC was available to view online, free of charge, and provided the Applicant's contact details for enquiries. The Applicant's dedicated Scheme webpage also clearly sets out the Applicant's contact details for enquiries. This approach is consistent with the MHCLG's guidance on procedural requirements for major infrastructure projects (December 2020) and the COVID Regulations which confirm that the requirement under Section 47(6)(za) of the Planning Act 2008 can be met by making documents available for inspection online.
- 10.5.9 Paper copies of the 2021 SoCC were made available, upon request, free of charge throughout the 2021 statutory consultation period (27 May 2021 to 8 July 2021).
- 10.5.10 Pursuant to Section 47(6) of the Planning Act 2008, a notice relating to where and when the published 2021 SoCC was available to be viewed was published in local newspapers, as described in **Table 10.5**.

Table 10.5: 2021 SoCC notice

Publication	Date of notice
Mid Hampshire Observer	12/05/2021
	19/05/2021
Hampshire Chronicle	13/05/2021
	20/05/2021
Hampshire Independent	14/05/2021
	21/05/2021

- 10.5.11A copy of the SoCC notice and scanned copies of the SoCC notice as published in the local newspapers can be found in **Appendices I.9 to I.15**.

10.6 Summary

10.6.1 The overarching timetable for the preparation of the 2021 SoCC is summarised in **Table 10.6** below.

Table 10.6: Timetable for the preparation of the 2021 SoCC

Date	Milestone
09/10/2020	Early draft 2021 SoCC shared with the Host authorities for informal comment at the Engagement Working Group.
10/11/2020	Draft 2021 SoCC and Explanatory Statement issued to host authorities for 2021 SoCC statutory consultation. A copy of the draft 2021 SoCC can be found at Appendix I.1 , the Explanatory Statement can be found at Appendix I.2 and the covering emails issued to host authorities can be found at Appendix I.3 .
11/11/2020	<p>Draft 2021 SoCC issued to the following local authorities as 'neighbouring authorities' for the Scheme inviting comments on a non-statutory basis:</p> <ul style="list-style-type: none"> • Test Valley Borough Council • Basingstoke and Deane Borough Council • East Hampshire District Council • Havant Borough Council • Portsmouth City Council • Fareham Borough Council • Eastleigh Borough Council • West Sussex County Council • Surrey County Council • Southampton City Council • Dorset Council • Bournemouth, Christchurch and Poole Council • Wiltshire Council • West Berkshire Council • Wokingham Borough Council • Bracknell Forest Council • New Forest District Council • New Forest National Park Authority.

Date	Milestone
	See Appendix I.6 for cover emails issued to the neighbouring authorities
11/11/2020	Start of statutory consultation on draft 2021 SoCC with the host authorities
09/12/2020	Deadline for submission of statutory comments from host authorities and any comments from neighbouring authorities to the Applicant on the draft 2021 SoCC
18/03/2021	SoCC consultation responses discussed with host authorities at the Engagement Working Group. A record of the discussions is enclosed in Appendix I.5
22/03/2021- 07/05/2021	Draft 2021 SoCC updated in light of comments received and finalised for publication (see Tables 10.3 and 10.4 of this report for a summary of the responses on the draft 2021 SoCC and the Applicant's responses)
07/05/2021	Updates to the draft 2021 SoCC and 2021 statutory consultation approach raised with the host authorities (see Appendix I.16)
17/05/2021	Updates to the draft 2021 SoCC and 2021 statutory consultation approach raised on 07/05/2021 discussed with the host authorities at the Engagement Working Group
12/05/2021 - 14/05/2021	2021 SoCC notice published in three local newspapers – the Mid Hampshire Observer, the Hampshire Chronicle and the Hampshire Independent (see Appendices I.10 to I.12). Table 10.5 of this report provides further details
14/05/2021	2021 SoCC published on scheme webpage for public inspection (see Appendix I.17)
19/05/2021- 21/05/2021	2021 SoCC notice published in three local newspapers – the Mid Hampshire Observer, the Hampshire Chronicle and the Hampshire Independent (see Appendices I.13 to I.15). Table 10.5 of this report provides further details

10.6.2 **Chapter 11** of this report provides details of how the 2021 statutory consultation was undertaken in compliance with the final 2021 SoCC, as per the requirements of Section 47(7) of the Planning Act 2008.

10.6.3 A checklist for 2021 SoCC compliance is provided in **Appendix I.18**. The checklist confirms that the Applicant undertook the 2021 statutory consultation in accordance with the 2021 SoCC. **Appendix I.18** also identifies further promotional, and communications activities undertaken by the Applicant in addition to those committed to in the published 2021 SoCC.

11 Approach to 2021 statutory consultation

11.1 Introduction

11.1.1 This chapter explains how the Applicant undertook statutory consultation to comply with Sections 42, 45, 46, 47 and 48 of the Planning Act 2008 for the 2021 statutory consultation.

11.2 Section 42 consultation

11.2.1 This section provides an overview of the consultation undertaken by the Applicant in compliance with Section 42 of the Planning Act 2008 carried out between 27 May 2021 and 8 July 2021 ('the 2021 statutory consultation'). It does not consider the Section 42(1)(d) consultation undertaken by the Applicant in connection with the 2021 targeted consultation or the 2022 targeted consultation, which is detailed in **Chapter 13** and **Chapter 15** of this report.

Section 42(1)(a): identification of prescribed bodies

11.2.2 As set out in **Chapter 8** of this report, the Applicant has compiled a list of consultees prescribed under Section 42(1)(a) of the Planning Act 2008 in order to consult them as part of the 2019 consultation. As stated in **Chapter 8**, this list was principally derived from the prescribed bodies listed in column 1 of the table in Schedule 1 of the APFP Regulations. The Applicant also had regard to the information in PINS Advice Note 3.

11.2.3 In preparing for the 2021 statutory consultation, the Applicant reviewed the Section 42(1)(a) list that had been used for the 2019 consultation and updated the list where relevant and necessary to ensure compliance with the Planning Act 2008. In particular, the Applicant carried out the following activities to review and update the Section 42(1)(a) list:

- Reviewed the 2019 Section 42(1)(a) list against the APFP Regulations, PINS Advice Note 3 and the 2020 Scoping Opinion to ensure all relevant consultees were listed, taking into account design changes to the Scheme since the 2019 consultation
- Had regard to advice contained in PINS Advice Note 3 when determining categories of persons as prescribed, in particular:
 - A2: Applying the 'relevance test' of the APFP Regulations
 - A3: Applying the 'circumstance test' of the APFP Regulations.
- Checked for any relevant updates to the APFP Regulations and PINS Advice Note 3

- Reviewed the list of consultees notified of the Scheme by the Planning Inspectorate (under Regulation 11(1)(a) of the Infrastructure EIA Regulations 2017), as part of the 2020 scoping exercise
- Reviewed and checked the contact details of the consultees, updating where necessary. In some instances, the contact address or person used in the consultation differs from the Regulation 11 list provided by the Planning Inspectorate. This is the result of further inquiries that led to a change in address or person, or notification by the consultee that a differing address or person should be used.

11.2.4 As a result of this exercise, new Section 42(1)(a) consultees were identified and no existing Section 42(1)(a) consultees who had previously been consulted were removed from the list. Additional bodies to those identified for the 2019 consultation and the Planning Inspectorate's 2020 Regulation 11 list include Clinical Commissioning Groups, NHS Foundation Trusts and the Joint Nature Conservation Committee.

11.2.5 In addition, a precautionary approach was taken for the 2021 statutory consultation, in which some consultees remained in the Section 42(1)(a) list because there was not a clear or evidenced reason to discount them. This is particularly applicable to the statutory undertakers, in which licence holders listed in PINS Advice Note 3 were not discounted unless it could be ruled that their licence was limited geographically or where it would not be relevant to the Scheme.

11.2.6 The prescribed bodies consulted on the Scheme under Section 42(1)(a) of the Planning Act 2008, as part of the 2021 statutory consultation, are contained in **Appendix B.1**.

Identification of parish councils

11.2.7 At the time of the 2019 consultation, the Scheme was identified as being within the boundaries of the following parish councils:

- Headbourne Worthy Parish Council
- Kings Worthy Parish Council
- Itchen Valley Parish Council
- Chilcomb Parish Council

- 11.2.8 In preparation for the 2021 statutory consultation, the Applicant reviewed whether design changes to the Scheme, or administrative changes to parish council boundaries since the 2019 consultation had resulted in the Scheme being located within additional or different parish council boundaries. It was determined that there had been no changes.
- 11.2.9 The contact details of the parish councils were checked and updated where appropriate. In addition, all reasonable efforts were made to help ensure that each parish council had an appropriate email contact address as well as a postal address. This was in recognition that due to COVID-19, many parish council halls or offices were not open or had limited access, in line with Government guidance to work from home wherever possible.
- 11.2.10 In accordance with Schedule 1 to the APFP Regulations, which lists ‘the relevant parish council’ as a prescribed consultee, these parish councils were included in the list of prescribed consultees that is found in **Appendix B.1**.
- 11.2.11 As part of the 2021 section 47 statutory consultation (see further details in **Section 11.4** below), the Applicant also consulted adjoining parish councils as requested by Winchester City Council.

Section 42(1)(b): identification of the relevant local authorities

- 11.2.12 Pursuant to Section 42(1)(b) of the Planning Act 2008, the Applicant has a duty to consult local authorities identified within Section 43 of the Planning Act 2008. There are ‘A’, ‘B’, ‘C’ and ‘D’ category local authorities. As set out in **Chapter 8** of this report, these authorities were identified and consulted as part of the 2019 consultation.
- 11.2.13 The Scheme lies within Winchester City Council and South Downs National Park Authority administrative boundaries and, as a result, these are category ‘B’ authorities for the purposes of Section 43(1) of the Planning Act 2008. The Scheme partly falls within Hampshire County Council’s administrative boundary which, as an upper-tier county council, means Hampshire County Council is a category ‘C’ authority.
- 11.2.14 In preparation for the 2021 statutory consultation, the Applicant reviewed the list of Section 42(1)(b) consultees to ensure that no administrative changes had occurred which would result in a local authority no longer being relevant to the Scheme or would result in the identification of a new local authority that would require consultation under the Planning Act 2008.
- 11.2.15 In addition, reasonable efforts were made to ensure that each Section 42(1)(b) consultee has an appropriate email address and postal address. Again, this was in recognition that due to COVID-19, many local authority offices were not open or had limited access, in line with the Government’s guidance to work from home wherever possible.

11.2.16 Due to administrative changes, it was determined that Bournemouth, Christchurch and Poole Council should be added to the list of Section 42(1)(b) consultees for the 2021 statutory consultation as a category 'D' authority as the Council shares a boundary with Hampshire County Council. The list of Section 42(1)(b) consultees for the 2021 statutory consultation are listed in **Table 11.1** below. Where a row is highlighted blue, this denotes a local authority that has been added to the list of Section 42(1)(b) consultees for the 2021 statutory consultation and SoCC consultation since the 2019 consultation.

Table 11.1: Local authorities categorised in accordance with Section 43 of the Planning Act 2008 – 2021 statutory consultation

Local authority	Provision	Category	Description
Winchester City Council	s.43(1)	B	The Scheme lies within the local authority boundary
South Downs National Park Authority	s.43(1)	B	The Scheme lies within the local authority boundary
Hampshire County Council	s.43(1)	C	The Scheme lies within the local authority boundary and the authority is an upper-tier county council
Test Valley Borough Council	s.43(2)	A	Shares a boundary with Winchester City Council and is a lower tier local authority
Basingstoke and Deane Borough Council	s.43(2)	A	Shares a boundary with Winchester City Council and is a lower tier local authority
East Hampshire District Council	s.43(2)	A	Shares a boundary with Winchester City Council and is a lower tier local authority
Havant Borough Council	s.43(2)	A	Shares a boundary with Winchester City Council and is a lower tier local authority
Portsmouth City Council	s.43(2)	A	Shares a boundary with Winchester City Council and is a lower tier local authority
Fareham Borough Council	s.43(2)	A	Shares a boundary with Winchester City Council and is a lower tier local authority

Local authority	Provision	Category	Description
Eastleigh Borough Council	s.43(2)	A	Shares a boundary with Winchester City Council and is a lower tier local authority
New Forest National Park Authority	s.43(2)	D	Shares a boundary with Hampshire County Council, which is a category 'C' authority
West Sussex County Council	s.43(2)	D	Shares a boundary with Hampshire County Council, which is a category 'C' authority
Surrey County Council	s.43(2)	D	Shares a boundary with Hampshire County Council, which is a category 'C' authority
Southampton City Council	s.43(2)	D	Shares a boundary with Hampshire County Council, which is a category 'C' authority
Dorset County Council	s.43(2)	D	Shares a boundary with Hampshire County Council, which is a category 'C' authority
Wiltshire Council	s.43(2)	D	Shares a boundary with Hampshire County Council, which is a category 'C' authority
West Berkshire Council	s.43(2)	D	Shares a boundary with Hampshire County Council, which is a category 'C' authority
Wokingham Borough Council	s.43(2)	D	Shares a boundary with Hampshire County Council, which is a category 'C' authority
Bracknell Forest Council	s.43(2)	D	Shares a boundary with Hampshire County Council,

Local authority	Provision	Category	Description
			which is a category 'C' authority
Bournemouth, Christchurch and Poole Council	s.43(2)	D	Shares a boundary with Hampshire County Council, which is a category 'C' authority
New Forest District Council	N/A	Non-statutory	The Applicant also consulted New Forest District Council on a non-statutory basis due to New Forest National Park Authority being a 'D' authority

11.2.17 The administrative boundaries of the local authorities who were consulted under Section 42(1)(b) of the Planning Act 2008 are shown in the plan enclosed in **Appendix A.5**.

Section 42(1)(d): identification of the relevant section 44 persons with an interest in the land

11.2.18 This sub-section considers how the Applicant has identified Section 42(1)(d) consultees for the 2021 statutory consultation. It considers relevant legislation, the Applicant's approach to land referencing and how the Applicant has managed its ongoing diligent inquiries following on from the close of the 2021 statutory consultation.

Land referencing

11.2.19 The interests which have been consulted under Section 42(1)(d) have been identified through a process of ongoing diligent inquiries known as land referencing. This comprised initial desktop referencing using information obtained from the Land Registry and other online resources (such as Experian, TracelQ and Companies House). Following this initial desktop exercise, the Applicant issued letters and forms requesting further information (see **Appendix J.1**) from the parties identified to confirm the interests in the land held by those parties and requesting information on any other persons with interests in the land. Further inquiries were made by way of further written correspondence, site visits, telephone calls, emails and landowner engagement meetings.

11.2.20 The Applicant also investigated unregistered land during site visits. These investigations included inspection of the land, where accessible, to ascertain the presence of an interest and the erection of site notices on, or in the vicinity

of, the unregistered land inviting persons to contact the Applicant and its Land Agents.

11.2.21A detailed description of the methodology as well as a description of communications and negotiations with landowners is set out in the **Statement of Reasons (Document Reference 4.1)**.

11.2.22**Appendix B.2** contains a list of all persons that the Applicant identified as being Section 42(1)(d) consultees and who were consulted under that section during the 2021 statutory consultation which commenced on 27 May 2021 and closed on 8 July 2021.

Ongoing diligent inquiries and newly arising interests

11.2.23The land referencing process was ongoing throughout the pre-application period and in some instances diligent inquiries led to new interests being identified after the initial issue of Section 42(1)(d) consultation materials in May 2021. New interests arose for a number of reasons such as changes in ownership or occupancy, delays from Land Registry and the late receipt of responses to requests for information. Further details about targeted consultations under Section 42 (1)(d) of the Planning Act 2008 are provided in **Chapter 13** and **Chapter 15** of this report.

Conformity with the Book of Reference

11.2.24 In accordance with PINS Advice Note 14, the lists of Section 42(1)(d) consultees has been cross checked against the **Book of Reference (Document Reference 4.3)**. **Appendix B.2** to **B.4** identify Section 42(1)(d) consultees and notes against that interest in the 'comments' column:

- Persons consulted in accordance with Section 42(1)(d) who are included in the Book of Reference
- Persons consulted in accordance with Section 42(1)(d) who are not included in the Book of Reference

Carrying out the 2021 statutory consultation under Section 42

11.2.25Having identified the persons under Section 42 of the Planning Act 2008, this sub-section explains how the Applicant carried out consultation with them.

Consultation documents

11.2.26The Applicant prepared the following documents which comprised the '2021 consultation documents' for the purposes of the statutory consultation under Section 42 carried out between 27 May 2021 and 8 July 2021:

- A covering letter providing an overview of the Scheme and details of the consultation process (see **Appendices J.2 – J.4**)

- A copy of the notice pursuant to Section 48 of the Planning Act 2008 (see **Appendix J.20**)
- Copies of the Application Boundary Plan (see **Appendix A.2**) and the Indicative General Arrangements Plan (see **Appendix A.7**)
- A USB drive containing a copy of the full PEIR, its technical appendices and the non-technical summary.

11.2.27 In addition to the above, Section 42(1)(d) parties also received the following:

- A copy of the questionnaire (see **Appendix J.9**)
- A copy of the Public Consultation Brochure (see **Appendix J.8**)
- A copy of the Individual Land Ownership Plan.

11.2.28 As noted in **Chapter 3** of this report, the Applicant is required by Regulation 13 of the Infrastructure EIA Regulations 2017, to send a copy of the Section 48 notice to the consultation bodies (as defined in Regulation 3). The Applicant elected to include that notice in the consultation documents which were issued to all consultees identified under Section 42, going beyond the statutory minimum by also sending it to Section 42(1)(d) consultees.

11.2.29 The Section 48 notice was sent to all Section 42(1)(a), (b) and (d) consultees on 25 May 2021 (for those who received section 42 consultation documents by post) and on 26 May 2021 (for those who received section 42 consultation documents by email). **Appendix B.1** outlines which consultees received section 42 consultation documents by email and/or post.

Issue of consultation documents

11.2.30 The Applicant commenced issuing the section 42 consultation documents on 25 May 2021 to the following Section 42 consultees:

- Section 42(1)(a) prescribed bodies – **Appendix B.1**
- Section 42(1)(b) the relevant local authorities – **Appendix B.1**
- Section 42(1)(d) land interests – **Appendix B.2**

Method of delivery – post

11.2.31 The consultation documents were delivered in a range of formats depending on the type of consultee.

11.2.32 Generally, all Section 42(1)(a), (b) and (d) consultees listed in **Appendix B** were initially issued the consultation documents by way of Royal Mail Special Delivery which allowed for tracking of packages and proof of delivery. The only exceptions relate to a small number of bodies listed in **Appendix B.1**, shown in

blue highlight, which were issued the consultation documents by email only. In those cases, the consultee was issued information electronically because they had previously requested to receive information electronically only. The initial postal issue of consultation documents was dispatched on 25 May 2021 for delivery on 26 May 2021, ahead of the start of the 2021 statutory consultation.

11.2.33 The format of the consultation documents when issued by post were as follows:

- A paper copy of the covering letter providing an overview of the Scheme and details of the consultation process (see **Appendix J.2 – J.4**)
- A paper copy of the notice pursuant to Section 48 of the Planning Act 2008 (see **Appendix J.20**)
- Paper copies of the Application Boundary Plan (see **Appendix A.2**) and the Indicative General Arrangements Plan (see **Appendix A.7**)
- A USB drive containing a copy of the full PEIR, its technical appendices and the non-technical summary.

11.2.34 In addition to the above, the consultation documents when issued by post to Section 42(1)(d) parties also included:

- A USB drive containing an electronic copy of the questionnaire and Public Consultation Brochure
- A paper copy of the Individual Land Ownership Plan.

Method of delivery – email

11.2.35 In addition to postal copies, the Applicant also issued the consultation documents in electronic format to some Section 42(1)(a) and (b) consultees by email. Consultees who received both postal and electronic copies are highlighted in orange in **Appendix B**. This was in recognition that due to COVID-19, many prescribed bodies and local authority offices were not open or had limited access, in line with the Government's guidance to work from home wherever possible.

11.2.36 In a small number of cases, the Applicant issued the consultation materials to consultees listed in **Appendix B** by email only. Where this has occurred those consultees are highlighted in blue in **Appendix B**.

11.2.37 The format of the consultation documents when issued electronically was as follows:

- An electronic copy of the covering letter providing an overview of the Scheme and details of the consultation process (see **Appendix J.5**)
- An electronic copy of the notice pursuant to Section 48 of the Planning Act 2008

- A one-drive link containing an electronic copy of the PEIR, its technical appendices and the non-technical summary.

11.2.38 As standard, Section 42(1)(d) consultees were not emailed the consultation documents, as email addresses are not provided through Land Registry records and it is considered preferable to avoid sending sensitive information such as land ownership records via email.

Deadline for response – Section 45 of the Planning Act 2008

11.2.39 In accordance with Section 45 of the Planning Act 2008, all of the covering letters (see **Appendices J.2-J.4**) and emails (see **Appendix J.5**) stated that the consultation commenced on 27 May 2021 and that responses needed to be returned by 11.59 PM on 8 July 2021, a period of 43 days.

11.2.40 The tables in **Appendices B.1 to B.2** also list, for each statutory consultee, the date by which the Applicant obtained proof of receipt of the consultation documents and the corresponding deadline specified. The vast majority of section 42 consultees received the consultation documents on 26 May 2021.

11.2.41 As would be expected in a consultation of the scale carried out by the Applicant, there were a small number of instances where mail was not accepted by the recipient, was returned to the sender or otherwise undeliverable. **Appendices B.1 to B.2** note each consultee where this was the case and detail the actions taken by the Applicant to ensure the consultation documents were delivered in a timely manner.

11.2.42 The Applicant confirms that all persons initially consulted under Section 42 received the consultation documents with sufficient time to observe the minimum 28-day period, running from the day after receipt of the documents, prescribed by Section 45 of the Planning Act 2008.

Responses to the 2021 Section 42 consultation

11.2.43 Following the consultation deadlines, the Applicant recorded and considered all relevant responses in finalising the DCO application. These are included in **Appendices K.1**. More information on how responses were taken into account can be found in **Chapter 12** of this report.

Conclusion

11.2.44 The above explains and evidences that the Applicant complied with the statutory requirements for consultation under Section 42 of the Planning Act 2008 during the 2021 statutory consultation. Further details of compliance are set out in **Annex 1** of this report.

11.3 Section 46 notification

11.3.1 The Applicant wrote to the Planning Inspectorate (acting on behalf of the SoS) on 26 May 2021 by letter and email setting out its intention under Section 46 of the Planning Act 2008 to submit an application for development consent. In accordance with Section 46(1) of the Planning Act 2008, the letter enclosed the same information issued to section 42 consultees:

- the section 42 cover letters (see **Appendix J.2 – J.4**)
- a paper copy of a notice pursuant to Section 48 of the Planning Act 2008 and Regulation 4 of the APFP Regulations (see **Appendix J.20**)
- a USB drive containing an electronic copy of the Public Consultation Brochure, Questionnaire Form, PEIR, its technical appendices and the non-technical summary and consultation plans.

11.3.2 A copy of the Section 46 notification letter is provided in **Appendix J.6**.

11.3.3 In accordance with Section 46(2) of the Planning Act 2008, this letter was sent at the same time as the issuing the consultation documents to Section 42 consultees, and prior to the commencement of the statutory section 42 consultation on 27 May 2021

11.3.4 A formal acknowledgement of the Section 46 notification was issued by the Planning Inspectorate on 28 May 2021 (see **Appendix J.7**) confirming receipt of the consultation documents.

Conclusion

11.3.5 The above explains and evidences that the Applicant complied with the statutory requirements to notify the SoS under Section 46 of the Planning Act 2008 during the 2021 statutory consultation. Further details of compliance are set out in **Annex 1** of this report.

11.4 Section 47 consultation

11.4.1 The Applicant undertook Section 47 consultation with the local community and key stakeholders in accordance with the published 2021 SoCC. The 2021 SoCC Compliance Checklist (see **Appendix I.18**) demonstrates how the Applicant undertook the Section 47 consultation in accordance with the published 2021 SoCC (see **Appendix I.8**).

11.4.2 **Table 11.2** outlines the key Section 47 consultation dates.

Table 11.2: Key Section 47 consultation dates for the 2021 statutory consultation

Date	Consultation Activity
14.05.2021	2021 SoCC available to view online on the Scheme webpage
25.05.2021	Consultation flyer distributed to residents, businesses and institutions with an address in the 2021 consultation target area
26.05.2021	<p>Stakeholder Briefing 1 (Statutory Environmental Bodies and Host Local Authorities)</p> <p>This briefing covered the following:</p> <ul style="list-style-type: none"> • Details about the history of the Scheme and indicative programme • Overview of the need for the Scheme and Scheme objectives • An introduction to the Scheme and details about how the Scheme had changed since the 2019 consultation • Details about the Scheme design, including the general arrangements, the highways design details, the new footbridge over the River Itchen and environmental design mitigation proposals • An update on the environmental work undertaken since the 2019 consultation, including surveys; engagement with statutory environmental bodies, responses to environmental queries from the 2020 scoping opinion, and proposed mitigation • Details about the 2021 statutory consultation, including how stakeholders could engage with the process.
27.05.2021	2021 statutory consultation period starts
27.05.2021	Consultation documents available to view online on the Scheme webpage. Paper copies of the consultation documents also available to order from the Applicant
27.05.2021	Telephone surgery opens
27.05.2021	<p>Stakeholder Briefing 2 (Walking, Cycling and Horse-Riding Groups)</p> <p>This briefing covered the following:</p>

Date	Consultation Activity
	<ul style="list-style-type: none"> • Details about the history of the Scheme and indicative programme • Overview of the need for the Scheme and Scheme objectives • An introduction to the Scheme and details about how the Scheme had changed since the 2019 consultation • Details about the Scheme design, including the general arrangements, the highways design details, and environmental design mitigation proposals • Details about the walking and cycling proposals • Details of the 2021 statutory consultation, including how stakeholders could engage with the process.
28.05.2021	<p>Stakeholder Briefing 3 (Local Businesses)</p> <p>This briefing covered the following:</p> <ul style="list-style-type: none"> • Details about the history of the Scheme and indicative programme • Overview of the need for the Scheme and Scheme objectives • An introduction to the Scheme and details about how the Scheme had changed since the 2019 consultation • Details about the Scheme design, including the general arrangements, the highways design details, the new footbridge over the River Itchen and environmental design mitigation proposals • Details of the 2021 statutory consultation, including how stakeholders could engage with the process.
02.06.2021	<p>Online Webinar 1 (Introduction to the M3 Junction 9 Improvement Scheme and next steps)</p> <p>This webinar provided:</p> <ul style="list-style-type: none"> • An introduction to the Scheme • Details about the history of the Scheme • An overview of the Applicant's consultation, including what has changed since the 2019 consultation • An explanation of the DCO process • An overview of the M3 Junction 9 to 14 Motorway Upgrade Project.
03.06.2021	<p>Stakeholder Briefing 4 (Locally Elected Representatives).</p>

Date	Consultation Activity
	<p>This briefing covered the following:</p> <ul style="list-style-type: none"> • Details about the history of the Scheme and indicative programme • Overview of the need for the Scheme and Scheme objectives • An introduction to the Scheme and details about how the Scheme had changed since the 2019 consultation • Details about the Scheme design, including the general arrangements, the highways design details, the new footbridge over the River Itchen and environmental design mitigation proposals • Details of the 2021 statutory consultation, including how stakeholders could engage with the process.
05.06.2021	<p>Online Webinar 2 (Introduction to the M3 Junction 9 Improvement Scheme and next steps).</p> <p>As above, this webinar provided:</p> <ul style="list-style-type: none"> • An introduction to the Scheme • Details about the history of the Scheme • An overview of the Applicant's consultation, including what has changed since the 2019 consultation • An explanation of the DCO process • An overview of the M3 Junction 9 to 14 Motorway Upgrade Project.
08.06.2021	<p>Online Webinar 3 (Our proposals – what we are planning to do).</p> <p>This webinar provided:</p> <ul style="list-style-type: none"> • An introduction to the Scheme • Details about the Scheme design, including the general arrangements, the highways design details, the new footbridge over the River Itchen and environmental design mitigation proposals • An overview of the proposed construction activities.
10.06.2021	<p>Online Webinar 4 (Our effect on the environment: overview). This provided an introduction to the Scheme, explanation of the EIA process and an overview of the PEIR and potential effects of the Scheme on the different environmental topics.</p>

Date	Consultation Activity
14.06.2021	Online Webinar 5 (Our effect on the environment: landscape, visual impacts, wildlife, and habitats). This provided an overview of the effects on landscape, visual effects, wildlife and habitats from the Scheme.
15.06.2021	Online Webinar 6 (Our effect on the environment: air quality and noise). This provided an overview of the effects on air quality and noise and vibration from the Scheme.
17.06.2021	<p>Online Webinar 7 (Our proposals – what we are planning to do).</p> <p>This webinar provided:</p> <ul style="list-style-type: none"> • An introduction to the Scheme • Details about the Scheme design, including the general arrangements, the highways design details, the new footbridge over the River Itchen and environmental design mitigation proposals • An overview of the proposed construction activities.
08.07.2021	Telephone surgery closes.
08.07.2021	2021 statutory consultation period closes

11.4.3 The 2021 Section 47 consultation phase commenced on 27 May 2021 and closed on 8 July 2021, allowing more than the statutory minimum of 28 days. This consultation phase ran concurrently with the 2021 Section 42 consultation phase.

11.4.4 The aim of the 2021 Section 47 consultation was to seek the views of the local community and key stakeholders on all aspects of the proposal and specifically invited comments on the design changes made to the Scheme since the 2019 consultation:

- New highway and roundabout design
- Extra space to build the Scheme in a safe, efficient and sensitive manner while keeping vehicles running through the Junction
- New areas for environmental works and deposition areas
- New areas for temporary construction compounds
- New footbridge over the River Itchen

- Revised walking and cycling routes.

11.4.5 The local community and key stakeholders were able to comment on other elements of the Scheme that were of concern to them.

11.4.6 During the 2021 Section 47 consultation, the consultation documents were made available to the public to view on the Scheme webpage. In light of COVID-19, the Government confirmed that placing consultation materials online meets the requirement to place information on public deposit as confirmed in the 2020 COVID Regulations. The following documents were available to be viewed:

- Public Consultation Brochure (see **Appendix J.8**)
- Questionnaire (see **Appendix J.9**)
- Statutory Notices
 - Section 47 Notice (see **Appendix I.9**)
 - Section 48 Notice (see **Appendix J.20**)
- Maps and plans of the Scheme:
 - Indicative Application Boundary (see **Appendix A.2**)
 - Indicative General Arrangements Plan (see **Appendix A.7**)
 - Indicative Land Use Plan (see **Appendix A.7**)
 - Environmental Mitigation Design Plan (see **Appendix A.7**)
 - Walking and Cycling Proposals Plan (see **Appendix A.7**)
- PEIR and its technical appendices
- PEIR non-technical summary (see **Appendix J.10**)
- Virtual consultation Exhibition Boards (see **Appendix J.11**)
- Consultation Poster (see **Appendix J.14**)
- 2021 SoCC (see **Appendix I.8**)

11.4.7 Previous public consultation reports and public consultation summary documents were also available to view online.

11.4.8 The 3D flythrough of the Scheme and interactive map were available to view online via the virtual exhibition room.

11.4.9 Paper copies and/or digital copies on a USB drive were also supplied to the public upon request to ensure those who did not have access or had limited access to the internet were able to view the consultation documents.

Virtual exhibition

11.4.10 The Applicant hosted a virtual exhibition, which included an interactive map of the Scheme, access to the consultation documents, exhibition boards and a 3D flythrough video showing key routes of the Scheme. The virtual exhibition was open throughout the 2021 Section 47 consultation (27 May 2021 and 8 July 2021).

11.4.11 Copies of the exhibition boards are enclosed at **Appendix J.11** and images taken from the virtual exhibition room, interactive map and 3D flythrough video are included in **Appendix J.12**.

Stakeholder briefings

11.4.12 The Applicant held four stakeholder briefing sessions between 26 May 2021 and 3 June 2021. The briefings were hosted via Microsoft Teams and covered details about how the Scheme had changed since the 2019 consultation and provided details of the 2021 statutory consultation, including how stakeholders could engage with the process. At the briefings, members of the project team gave a presentation and then took questions from attendees. **Table 11.3** provides further details about the stakeholder briefing sessions.

Table 11.3: Stakeholder briefing sessions

Stakeholder Briefing Session	Date
Briefing to Statutory Environmental Bodies and Host Local Authorities	26/05/2021
Briefing to Walking, Cycling and Horse-riding Groups	27/05/2021
Briefing to Local Businesses	28/05/2021
Briefing to Locally Elected Representatives	03/06/2021

Online webinars

11.4.13 Online webinars were held on the dates and times identified in **Table 11.4**. The online webinars were hosted via Microsoft Teams and covered different topics and specialist areas at a range of times and days. At the online webinars, members of the project team gave a presentation and then took questions from attendees. The online webinars were recorded and retained on the Scheme webpage for those who could not attend the live version.

11.4.14 While it was not possible to submit a relevant response to the 2021 statutory consultation in this manner, the online webinars provided an option for consultees to ask further information about the Scheme, the consultation or the consultation materials.

Table 11.4: Online webinars

Webinar description		Date	Time	Number of attendees	View of recordings as of September 2021
Introduction to the M3 Junction 9 Improvement Scheme and next steps	This webinar provided an introduction to the Scheme and the Applicant's consultation, including what has changed since the 2019 consultation (see Table 11.2 for further details)	02/06/2021	7.00 pm to 8.00 pm	13	309
		05/06/2021	3.30 pm to 4.30 pm	8	
Our proposals – what we are planning to do	This webinar provided details about the design, including the Scheme layout and environmental design mitigation proposals, and proposed construction activities (see Table 11.2 for further details)	08/06/2021	9.30 am to 10.30am	18	417
		17/06/2021	7.00 pm to 8.00 pm	18	
Our effect on the environment: overview	This webinar provided details about the EIA process and potential effects of the Scheme on the different environmental topics (see Table 11.2 for further details).	10/06/2021	7.00 pm to 8.00 pm	8	44
Our effect on the environment: landscape, visual	This webinar provided an overview of the effects on landscape, visual effects, wildlife and habitats from the Scheme.	14/06/2021	7.00 pm to 8.00 pm	21	44

Webinar description		Date	Time	Number of attendees	View of recordings as of September 2021
impacts, wildlife, and habitats					
Our effect on the environment: air quality and noise	This webinar provided an overview of the effects on air quality and noise and vibration from the Scheme	15/06/2021	7.00 pm to 8.00 pm	15	28

Telephone surgery

- 11.4.15 The Applicant also offered a telephone appointment surgery during the 2021 Section 47 consultation period to help members of the public understand the Scheme and supplement any face-to-face conversations that they would have had with the project team.
- 11.4.16 Appointments were available Monday to Friday between 12pm to 7pm and Saturday between 10am to 4pm. Registration details were advertised in consultation materials and publicity.
- 11.4.17 While it was not possible to submit a relevant response to the 2021 statutory consultation in this manner, the telephone surgery provided an option for consultees to request further information about the Scheme, the consultation or the consultation materials and to discuss an issue about the Scheme with a technical specialist.
- 11.4.18 In total, the Applicant carried out 12 telephone appointments during the 2021 statutory consultation period.
- 11.4.19 The Applicant also responded to individual queries and information requests from consultees via email, letter and phone call.

Advertising and publicity

- 11.4.20 **Table 11.5** summarises the range of methods used to advertise the Scheme and the 2021 Section 47 consultation to the public.

Table 11.5: Methods of publication for 2021 statutory consultation events

Publication	Date	Details
Media adverts and press releases	13/05/2021	Media adverts and press releases were published in the Mid Hampshire Observer, the Hampshire Independent and the Hampshire Chronicle providing details of the Proposed Scheme and consultation. Copies of the articles are enclosed in Appendix J.13 .
Posters (online)	June – July 2021	<p>Posters advertising the statutory consultation (see Appendix J.14) were sent out by the Applicant to be displayed online. Online papers and parish council websites displaying the poster included:</p> <ul style="list-style-type: none"> • News & Star with the Cumberland Times • Times & Star • The Argus • York Press • Worcester News • Bracknell News • Burnham and Highbridge Weekly News • Leigh Journal • Ledbury Reporter • The Westmorland Gazette • Falmouth Packet

Publication	Date	Details
		<ul style="list-style-type: none"> • Northwich Guardian • Evesham Journal • Lancashire Telegraph • Wharfedale Observer • Border Telegraph • Dorset Echo • This is Oxfordshire • Knutsford Guardian • Malvern Gazette • Littleton and Harestock Parish Council • Compton and Shawford Parish Council • Headbourne Worthy Parish Council
Posters (paper)	June 2021	<p>Posters advertising the statutory consultation (see Appendix J.14) were sent out by the Applicant to be displayed at community venues within the 2021 consultation target area. Venues comprised:</p> <ul style="list-style-type: none"> • Homebase, Winnall • Sutton Scotney Services • Tesco Extra, Winnall • M3 Winchester Services

Publication	Date	Details
		<ul style="list-style-type: none"> <li data-bbox="1016 368 1659 400">Kings Worthy Parish Council notice board
Flyer	25/06/2021	<p data-bbox="965 437 2049 619">The flyer containing an invitation to attend the online webinars and arrange a telephone appointment was delivered to approximately 25,000 households, businesses and institutions in the 2021 consultation zone, including those groups that are defined as ‘hard to reach’ reach’ (e.g. the elderly, those with limited/no access to the internet).</p> <p data-bbox="965 635 1630 667">The flyer included information on the following:</p> <ul data-bbox="1016 740 2049 1011" style="list-style-type: none"> <li data-bbox="1016 740 1249 772">The Scheme <li data-bbox="1016 788 1749 820">Locations of where more information is available <li data-bbox="1016 836 2049 916">Dates and registration details of the online webinars and telephone surgery <li data-bbox="1016 932 1809 963">Information on how to get in touch with the Applicant <li data-bbox="1016 979 1429 1011">How to submit comments <p data-bbox="965 1082 1666 1114">A copy of the flyer is enclosed in Appendix J.15.</p>
Letter	27/05/2021	<p data-bbox="965 1155 2049 1267">A letter containing information about the Section 47 consultation and an invitation to attend the online webinars and arrange a telephone appointment was emailed to local stakeholders, including:</p> <ul data-bbox="1016 1331 1912 1362" style="list-style-type: none"> <li data-bbox="1016 1331 1912 1362">Local businesses (such as Enterprise M3 LEP; Solent LEP)

Publication	Date	Details
		<ul style="list-style-type: none"> • Walking, cycling and horse-riding groups (such as Winchester Ramblers, Winchester Cycling Touring Club, Winchester Health Walks) • Local community groups (such as Winnall Community Association, Winchester Area Access for All, Hampshire Parent Carer Network) • Local emergency service groups (such as Winchester Central Police) • Local environmental groups (such as South Downs National Park Trust, South Downs Society – Friends of the South Downs, Winchester Friends of the Earth, Hampshire and Isle of Wight Wildlife Trust) • Local traffic generators (such as local haulage companies and schools) • Locally elected representatives (such as; City of Winchester Trust; South Wonston Parish Council; Wonston Parish Council; Northington Parish Council; Bighton Parish Council; Itchen Stoke & Ovington Parish Council; New Alresford Town Council; Micheldever Parish Council; MP for Winchester and MEPs for the South East) • Hard-to-reach groups (such as; Age Concern Hampshire, Disability Rights UK, Disabled Persons’ Transport Advisory Committee, Stonewall) • Other groups (including developers such as Cala Homes; Taylor Wimpey; Crest Nicholson; Alfred Homes; Seaward Properties; Bovis Homes; TMR South Coast Ltd; Enviromena Asset Management Ltd)

Publication	Date	Details
		<p>These stakeholders also received an emailed copy of the flyer. A copy of the letter is enclosed in Appendix J.16.</p>
<p>Newspaper notices (published in accordance with Section 48 of the Planning Act 2008)</p>	<p>May – June 2021</p>	<p>The Applicant placed the Section 48 notice in the local and national press to publicise the 2021 statutory consultation. Publishing details for the Section 48 notices are set out in Section 11.5 of this report.</p>
<p>Social media</p>	<p>May – July 2021</p>	<p>The Applicant publicised details of the 2021 statutory consultation, including reminders when and where events were taking place via The Applicant' Southeast Twitter account (@HighwaysSEAST) and Facebook account.</p> <p>A summary of the Twitter and Facebook posts were as follows:</p> <ul style="list-style-type: none"> • Link to the Scheme webpage and virtual consultation posted on 27/05/2021 • Reminder of online webinar 1 and registration details posted on 01/06/2021 • Reminder of online webinar 2 and registration details posted on 04/06/2021 • Reminder of online webinar 4 and registration details posted on 09/06/2021 • Reminder of the telephone surgery posted on 10/06/2021; • Reminder of online webinar 5 and registration details posted on 13/06/2021

Publication	Date	Details
		<ul style="list-style-type: none"> • Reminder of online webinar 6 and registration details posted on 14/06/2021 • Reminder of online webinar 7 and registration details posted on 16/06/2021 • Reminder of the telephone surgery posted on 10/06/2021 • Reminder of the telephone surgery posted on 17/06/2021 • Reminder of the telephone surgery posted on 24/06/2021 • Reminder of the telephone surgery posted on 01/07/2021 • Reminder of the consultation end date posted on 06/07/2021 <p>Copies of the Twitter and Facebook posts are enclosed in Appendix J.17.</p>
Site notices	May – July 2021	<p>Although there is no statutory requirement for the Applicant to post and maintain site notices at the site to advertise a public consultation under the Planning Act 2008, due to the restrictions imposed by COVID-19, the Applicant posted and maintained 15 notices at key locations around the Application Boundary. The site notices contained the same information as the Section 48 notice. The site notices were erected on 25 May 2021 and checked weekly until removed on 8 July 2021. Details of the locations of the notices are provided at Appendix J.18.</p>
The Applicant's Engagement Van	May – June 2021	<p>The Applicant parked its Engagement Van outside local venues within the 2021 consultation target area to advertise the consultation. Locations included:</p>

Publication	Date	Details
		<ul style="list-style-type: none">• M3 Junction 9 Winchester South Services on 27/05/2021• Cobbs Farm Shop car park on 28/05/2021• Guildhall, Winchester, on 29/05/2021• Tesco, Winnall, on 02/06/2021• M3 Junction 9 Winchester North Services on 03/06/2021• A34 Sutton Scotney Services on 04/06/2021• HSBC, Winchester City Centre, on 05/06/2021 <p>An example of the Engagement Van outside one of the local venues is included in Appendix J.19.</p>

Responses to Section 47 consultation

- 11.4.21 Following the consultation deadlines, the Applicant recorded and considered all relevant responses in finalising the DCO application. A record of the feedback received during the 2021 Section 47 consultation with the Applicant's response is presented in **Appendix K.2**.
- 11.4.22 **Chapter 12** summarises details of the relevant responses received from Section 47 consultees during the 2021 statutory consultation period. As respondents online did not identify if they were responding to Section 47 consultation or Section 48 publicity, **Chapter 12** discusses the relevant responses from non-section 42 consultees which includes both Section 47 and Section 48 respondents.
- 11.4.23 A summary of the responses received, together with details of how the Applicant has considered those responses in finalising its DCO application in accordance with its duty under Section 49 of the Planning Act 2008, is provided in **Appendix K.2**. This is also considered in **Chapter 12** of this report.

Conclusion

- 11.4.24 The above, **Chapter 11** and **Annex 1** of this report explain and evidence that the Applicant complied with the statutory requirements for consultation under Section 47 of the Planning Act 2008 during the 2021 statutory consultation.

11.5 Section 48 publicity

- 11.5.1 This section provides an overview of how the Applicant publicised the Scheme pursuant to Section 48 of the Planning Act 2008 and complied with Regulation 13 of the Infrastructure EIA Regulations 2017.

Publications and timings

- 11.5.2 As required by Section 48 of the Planning Act 2008 and Regulation 4 of the APFP Regulations, a notice publicising the proposed application for development consent for the Scheme was published between 19 May 2021 and 3 June 2021, in the London Gazette, once in a national newspaper (The Times) and for two successive weeks in a local newspaper (Hampshire Chronicle, Hampshire Independent and Mid Hampshire Observer). Copies of the notices, as published, are enclosed in **Appendices J.20– J.28**.
- 11.5.3 **Table 11.6** sets out details of the publications and date for the Section 48 notice.

Table 11.6: Publication of Section 48 notices

Publication title	Date of first notice	Date of second notice	Deadline provided	Copy reference
Mid Hampshire Observer	19/05/2021	26/05/2021	08/07/2021	See Appendices J.21 – J.22
Hampshire Chronicle	20/05/2021	27/05/2021	08/07/2021	See Appendices J.23 – J.24
Hampshire Independent	21/05/2021	28/05/2021	08/07/2021	See Appendices J.25 – J.26
London Gazette	27/05/2021	N/A	08/07/2021	See Appendix J.27
The Times	03/06/2021	N/A	08/07/2021	See Appendix J.28

11.5.4 The Section 48 notice was sent to all Section 42(1)(a), (b) and (d) consultees on 25 May 2021 (for those who received section 42 consultation documents by post) and on 26 May 2021 (for those who received section 42 consultation document by email).

11.5.5 The Section 48 notice was also provided on the Scheme webpage.

Content of the Section 48 notice

11.5.6 As required by Regulation 4(3) of the APFP Regulations and the 2020 Regulations, the content of the notice included:

- The name and address of National Highways (as the Applicant)
- A statement that The Applicant intends to make a DCO application of development consent to the SoS
- A statement that the application is EIA development
- A summary of the main proposals, specifying the location or route of the proposed development

- The address of the website where the documents, plans and maps may be inspected
- Details of the online webinars and telephone surgery and how consultees were able to register for these events
- The place on the website where the documents, plans and maps may be inspected
- A telephone number (0300 123 5000) which can be used to contact the applicant for enquiries in relation to the documents, plans and maps
- The latest date (8 July 2021) on which those documents, plans and maps were available on the website
- Whether a charge would be made for copies of any of the documents, plans or maps and the amount of any charge
- Details of how to respond to the publicity
- The deadline of 8 July 2021 for receipt of those responses by the Applicant, being not less than 28 days following the date when the notice was last published (i.e. 3 June 2021).

11.5.7 A copy of the Section 48 notice is included in **Appendix J.20**.

Responses to Section 48 publicity

11.5.8 As respondents did not identify if they were responding to Section 47 consultation or Section 48 publicity, **Chapter 12** discusses the relevant responses from non-section 42 consultees which includes both Section 47 and Section 48 respondents.

11.5.9 For detailed summaries of all relevant responses from both Section 47 and Section 48 respondents, see **Appendix K.2**.

Conclusion

11.5.10 The above explains and evidences that the Applicant complied with the statutory requirements for consultation under Section 48 of the Act during the 2021 statutory consultation.

12 Summary of responses received to 2021 statutory consultation

12.1 Introduction

12.1.1 As set out in **Chapter 3** of this report, Section 49 of the Planning Act 2008 sets out the duty upon the Applicant to take account of responses to consultation and publicity. Under Section 49(2) of the Planning Act 2008, the Applicant must have regard to any relevant responses, whilst Section 49(3) clarifies the meaning of 'relevant responses'.

12.1.2 This chapter provides an overview of the relevant responses received to the 2021 statutory consultation and provides an account of how the Applicant has had regard to those responses. It therefore evidences that the Applicant has complied with its duty under Section 49 of the Planning Act 2008, with regard to the 2021 statutory consultation. This chapter is structured as follows:

- **Section 12.2** summarises the consultation analysis method undertaken by the Applicant
- **Section 12.3** analyses the feedback received during the 2021 statutory consultation under Section 42 of the Planning Act 2008
- **Section 12.4** analyses the feedback received during the 2021 statutory consultation under Section 47 and Section 48 of the Planning Act 2008
- **Section 12.5** provides a summary of how the Applicant has had regard to consultation responses in accordance with Section 49 of the Planning Act 2008
- **Section 12.6** describes the evolution of the Scheme in response to consultation feedback.

12.1.3 **Appendices K.1 to K.3** provide relevant extracts of all relevant responses received during the 2021 statutory consultation and 2021 targeted consultation and how the Applicant has had regard to the responses as follows:

- **Appendix K.1** – 2021 Section 42 statutory consultation
- **Appendix K.2** – 2021 Section 47 and Section 48 statutory consultation
- **Appendix K.3** – 2021 targeted consultation.

12.1.4 **Section 13.4** of this report analyses the feedback received during the 2021 targeted consultation under Section 42(1)(d) of the Planning Act 2008.

12.2 Consultation analysis method

Number and format of responses

- 12.2.1 A total of 386 relevant responses were submitted to the Applicant in response to the 2021 statutory consultation held between 27 May 2021 and 8 July 2021. That number includes responses received after the deadline, which were accepted by the Applicant on a discretionary basis.
- 12.2.2 Consultees who participated in the Q&A at the end of the online webinars or spoke to members of the project team via telephone were informed that they should submit their relevant response to the 2021 statutory consultation, if they wished to do so, via the feedback mechanisms set out in the publicity materials and consultation documents for them to be considered a relevant response and taken into account accordingly.
- 12.2.3 As such, any verbal comments or feedback provided via telephone or a virtual meeting or via other channels such as social media, were not considered as a relevant response and have therefore not been taken into account in the analysis. If comments on the Scheme were provided by email and it was not clear if the comments were intended to be a formal submission of feedback, the Applicant sought to contact that person and seek clarity. The Applicant took a precautionary approach in which such comments were treated as formal feedback if confirmation was not forthcoming.
- 12.2.4 Responses were therefore received through the submission of feedback questionnaires either online or via Freepost, by email, or by letter.
- 12.2.5 **Table 12.1** provides a breakdown of the number of responses per consultee category. As respondents online did not identify if they were responding to Section 47 consultation or Section 48 publicity, this chapter discusses the relevant responses from non-section 42 consultees as both Section 47 and Section 48 respondents.
- 12.2.6 It should also be noted that some consultees were notified of the 2021 statutory consultation under two different sections of the Planning Act 2008 (e.g. they are both a Section 42(1)(a) or (b) and Section 42(1)(d) party, such as Hampshire County Council). For the purposes of this analysis, where such consultees submitted only one response, they have been counted under one category only in **Table 12.1** below, to avoid double counting. In such circumstances, the response has been assigned to the relevant category under Section 42 in the first instance.

Table 12.1: Number of responses per consultee category

Consultee category	Number of responses
Section 42(1)(a) statutory consultees (including statutory undertakers)	16
Section 42(1)(b) relevant local authorities	5
Section 42(1)(d) people with an interest in the land	6
Section 47 and Section 48 consultees	359

Consultation analysis method

12.2.7 Paragraph 4.2 of PINS Advice Note 14 considers it appropriate to follow an “*issues led approach*” grouping responses under the key themes arising from the consultation where levels of responses are significant. The Applicant has therefore structured **Appendices K.1-K.3** to follow an issues led approach in order to capture and summarise each relevant issue from online or written questionnaires, letters and emails.

12.2.8 For coding consultation responses, 30 topics were created. Of these 30 topics, 12 topics related directly to the published 2021 PEIR chapters. These topics are listed in **Table 12.2**.

Table 12.2: 2021 consultation coding topics

Topics	
PEIR related topics	Additional topics
Air quality	Design
Cultural heritage	Environment – general
Landscape and visual	Safety
Biodiversity	Permits and consents
Geology and soils	Assets
Material assets and waste	Mitigation
Noise and vibration	Utilities
Population and health	Land ownership
Road drainage and the water environment	Aviation
Climate	Protective provisions
In-combination and cumulative effects	Consultation

Topics	
PEIR related topics	Additional topics
	Traffic and transport
	Walkers, cyclists and horse-riders
	Legislation and policy
	Lighting
	Principle of development
	Construction – general
	Construction – deposition areas
	Construction – compound locations

12.2.9 The following method was applied to the coding of responses:

Section 42

12.2.10 The Section 42 feedback was not coded with the public responses. Feedback was analysed according to the topic that represent the comments. For relevant extracts of the Section 42 feedback and the Applicant’s responses, see **Appendix K.1**.

Section 47 and Section 48

12.2.11 Each response was assigned a unique code. The comments were read and the matters raised were coded by topics.

12.2.12 Each separate matter raised was counted once per question in the questionnaire. This means that if they raised the same matter against different questions, this was still counted each time. If an email or letter was being coded, a matter raised was counted once per email or letter, provided they had not used the questionnaire format.

12.2.13 For relevant extracts of the Section 47 and Section 48 feedback and the Applicant’s responses, see **Appendix K.2**.

12.3 Section 42 consultation feedback

12.3.1 This section analyses the feedback received from Section 42 parties during the 2021 statutory consultation undertaken between 27 May 2021 and 8 July 2021.

12.3.2 The Applicant issued statutory consultation documents to a total of 251 consultees and received 27 responses, equivalent to a response rate of approximately 11%. The responses were received predominantly from Section 42(1)(a) parties. **Table 12.2** provides the number of responses in respect of Section 42(1)(a), Section 42(1)(b) and Section 42(1)(d) parties.

12.3.3 The Applicant has reviewed each of the Section 42 consultation responses and coded them into topics.

12.3.4 It should be noted that each response is considered on its own merit and thus the number of responses in respect of one individual topic may not correlate directly to the importance of that individual topic.

12.3.5 The most common topics for comment related to:

- Environmental mitigation and monitoring
- Design
- Road drainage and the water environment
- Walkers, cyclists and horse-riders
- Noise and vibration
- Landscape and visual
- Biodiversity.

12.3.6 Relevant extracts of responses received from Section 42 consultees during statutory consultation, together with details of how the Applicant has considered those responses in finalising its application for development consent in accordance with its duty under Section 49 of the Planning Act 2008, is provided in **Appendix K.1**.

Environmental mitigation and monitoring

12.3.7 Respondents raised concerns in respect of the Applicant's proposals to provide the appropriateness of the indicative mitigation and compensation measures presented in the 2021 PEIR. A number of respondents suggested additional mitigation measures that the Applicant could incorporate into the design to secure measurable net gains for biodiversity. In particular, some respondents suggested that the Scheme could provide an opportunity to reduce habitat fragmentation through the incorporation for wildlife crossings along the motorway (such as a green bridge to reconnect Twyford Down and St Catherine's Hill) and habitats along the River Itchen (including for the safe passage of otters), the creation and restoration of areas of priority habitats and the inclusion of 'living walls' to bridges that are to be reconfigured. It was also suggested that any associated habitat creation works (whether for species or

habitats) would need to be timetabled such as to allow sufficient maturation time in order for the habitats created.

12.3.8 The Applicant considered comments received in relation to environmental mitigation measures and monitoring in the preparation of the **ES (Document Reference 6.1)** and supporting documents such as the **Environmental Masterplan** (see **Figure 2.3** of the **ES (Document Reference 6.2)**) and the **Outline Landscape and Ecological Management Plan** (see **Appendix 7.6** of the **ES (Document Reference 6.3)**). Since the 2021 statutory consultation the Applicant has revised the landscape strategy and **Environmental Masterplan** (see **Figure 2.3** of the **ES (Document Reference 6.2)**) to respond to the environmental constraints presented by statutory and non-statutory designations and receptors. A summary of the key design changes that the Applicant made following the 2021 statutory consultation is provided in **Table 12.10** of this report. **Table 12.11** provides the Applicant's justification for why design changes suggested by respondents were not carried forward, including the provision of green bridges.

Design

12.3.9 A number of respondents supported the revised road layout presented at the 2021 statutory consultation and commended the removal of the A33 merge/diverge from the A34. Kings Worthy Parish Council and Itchen Valley Parish Council confirmed that their concerns on road safety raised at the 2019 consultation had been addressed as a result of the revised layout.

12.3.10 Respondents also suggested that the Applicant should consider the inclusion of the Cart and Horses junction into the Scheme, enhance the provisions for cyclists and horse-riders presented at the 2021 statutory consultation and provide further details on road signage and traffic lights.

12.3.11 Following the responses received from the 2021 statutory consultation, the Applicant has had regard to comments relating to the design of the Scheme, including the exclusion of the Cart and Horses junction and the walking, cycling and horse-riding provisions. A summary of the key design changes that the Applicant made following the 2021 statutory consultation is provided in **Table 12.10** of this report. **Table 12.11** provides the Applicant's justification for why design changes suggested by respondents were not carried forward including the incorporation of the Cart and Horses junction.

Road drainage and the water environment

12.3.12 A number of comments related to the protection of groundwater and protection/enhancement of the ecological balance and species within the River Itchen and surrounding areas.

12.3.13 Respondents also commented on the potential impacts from surface water drainage arising from the Scheme that could damage features of interest for which the River Itchen SAC and SSSI have been designated via poor water

quality. Some respondents provided suggestions on the matters that should be covered in the drainage strategy and requested that the Applicant considers the incorporation of 'naturalised' sustainable urban drainage systems to reduce the volume of run-off from the Scheme.

12.3.14 The Environment Agency noted that Unit 107 of the River Itchen SSSI is in 'unfavourable' condition under the Water Framework Directive and suggested that the Scheme could present an opportunity, through river restoration, to help this unit recover and move towards favourable condition.

12.3.15 The Applicant considered comments received in relation to road drainage and the water environment in preparation of the **ES (Document Reference 6.1)**, the **Flood Risk Assessment (Document Reference 7.4)**, **Water Framework Directive (Document Reference 7.7)** and the **fiEMP (Document Reference 7.3)**. A summary of the key design changes that the Applicant has made following the 2021 statutory consultation is provided in **Table 12.10** of this report, including consideration of the restoration of the River Itchen. **Table 12.11** provides the Applicant's justification for why design changes suggested by respondents were not carried forward.

Walking, cycling and horse-riders

12.3.16 The Applicant received general support for the walking and cycling proposals presented at the 2021 statutory consultation because it was considered that the provisions would improve local connectivity and accessibility. A number of these respondents provided suggestions on how the Applicant could further enhance its provision of a multi-use network for walkers, cyclists and horse-riders on the existing and proposed routes to make the surrounding area more widely accessible and to further encourage the use of active travel. Suggestions included:

- Revising the footpath on the western side of the junction linking the A33/B3047 junction to Winnall Trading Estate on Easton Lane to include provisions for walkers and cyclists
- Revising the footpath on the eastern side of the junction linking Easton Lane with Long Walk to include provisions for walkers, cyclists and horse-riders
- Horse-riding provisions to be designed be in line with current standards for bridleway provisions
- Any upgrades to walking, cycling and horse-riding facilities to be designed to accommodate sufficient headroom so that horse riders do not need to dismount at any point and sufficient width for two-way walking/cycling/equestrian traffic is provided.

12.3.17 Respondents also raised concerns over the safety for users of the walking, cycling and horse-riding provisions. In particular, parish councils expressed concerns about the position of the footpath along the western side of the

Scheme which links the A33/B3047 junction to Tesco's and the Winnall Trading Estate on Easton Lane and proposed that the Applicant considered utilising some of the existing footpaths lying to the west of the existing carriageway. Furthermore, Hampshire Constabulary felt users of the proposed walking and cycling provisions would be vulnerable to crime and suggested that planting along the routes should not obstruct natural surveillance, routes should be as straight as possible and subways should be lit.

12.3.18 In addition, respondents requested that information about closures/diversions of walking, cycling and horse-riding routes during the construction phase is considered in the application documents.

12.3.19 The Applicant considered all comments received in relation to walking, cycling and horse-riding provisions as part of ongoing engineering review and the development of the Scheme proposals, as well as in the preparation of the application documents including the **ES (Document Reference 6.1)** and outline **Traffic Management Plan (Document Reference 7.8)**. Following the 2021 statutory consultation, the Applicant continued to engage with the host authorities, parish councils and walking, cycling and horse-riding interest groups to consider their suggestions for improved provisions to help address the concerns raised during the 2021 statutory consultation and decided to amend the proposed walking, cycling and horse-riding provisions for the Scheme. A summary of the key walking, cycling and horse-riding design changes that the Applicant made following the 2021 statutory consultation is provided in **Table 12.10** of this report. **Table 12.11** provides the Applicant's justification for why design changes suggested by respondents were not carried forward, including the position of the footpath along the western side of the Scheme which links the A33/B3047 junction and the horse-riding design principles.

Noise and vibration

12.3.20 The Applicant received general support for the methodology of the noise and vibration assessment presented in the 2021 PEIR. However, respondents raised concerns in respect of the potential noise impacts on local residents, the setting of heritage assets, on biodiversity and nearby designated sites and PRow users. In particular, Winchester City Council stated that a key concern was the potential noise impacts to the wider local population from diversions required during the construction phase.

12.3.21 Respondents acknowledged the Applicant's proposals for the implementation of noise and vibration mitigation measures during the construction phase. A number of comments related to the implementation of a Code of Construction Practise or Construction Environmental Management Plan and for specific measures to be included to ensure there is no adverse impact from construction on adjacent designated sites such as the River Itchen SSSI/SAC. Comments were also made regarding operational mitigation measures to reduce the

effects of noise. Many respondents suggested the provision of low noise road surfacing and landscape screening.

12.3.22 The Applicant considered comments received in relation to noise and vibration impacts in the preparation of **Chapter 11 (Noise and Vibration)** of the **ES (Document Reference 6.1)** and **fiEMP (Document Reference 7.3)**. **Table 12.10** of this report provides a summary of the key design changes that the Applicant has made following the 2021 statutory consultation and **Table 12.11** provides the Applicant's justification for why design changes suggested by respondents were not carried forward. As set out in **Table 12.11**, the Applicant proposes to use low noise road surfaces where new road surfaces are to be laid to reduce noise impacts associated with the operation of the Scheme and the surface shall be specified to achieve a Road Surface Influence (RSI) of ~3.5dB. However, no further mitigation is required.

Landscape and visual

12.3.23 A number of respondents raised concerns in respect of the potential impacts of the Scheme's proposals on the special qualities of the South Downs National Park. In particular, South Downs National Park Authority believes that the Applicant should consider four key principles in developing mitigation and compensation measures to reduce the direct impacts of the Scheme on the special qualities of the National Park. These are landscape setting; water; chalk grassland and access to the National Park for walkers, cyclists and other users. Respondents also requested that application documents acknowledge that the Scheme constitutes a 'major development' and provide further details about the compliance of the Scheme with the NPSNN in relation to development within the South Downs National Park.

12.3.24 Several respondents considered the landscape mitigation measures presented in the 2021 PEIR were inadequate. In particular, respondents raised concerns about the (1) location of the proposed attenuation ponds noting that some locations were 'uncharacteristic' of the chalk geology and landscape; (2) the re-profiling earthworks noting that some of the sections were 'artificial', would interrupt views and would not be beneficial as a screening function; and (3) the adverse impacts on the perceptual qualities of the National Park, such as tranquillity, requesting further clarity on the mitigation measures proposed to address these impacts and likely timescales for any proposed mitigation planting. Furthermore, respondents requested that information on monitoring and management of landscape and biodiversity mitigation measures are considered in the application documents and that a landscape strategy is submitted as part of the DCO application.

12.3.25 In addition, respondents suggested that the landscape and visual impact assessment should include further details about the lighting required and the locations, heights and appearance of gantries and signage proposed as part of the Scheme design. In particular, respondents wished to understand the impact of these design features from longer distance viewpoints and on designated

cultural heritage assets. Respondents also requested for the Zone of Theoretical Visibility assessment to be reviewed to ensure all potential locations at a higher level are included in the final assessment and for additional Zone of Theoretical Visibility modelling to be undertaken.

12.3.26 The Applicant considered comments received in relation to landscape and visual impacts as part of the development of the Scheme design proposals and in the preparation of the application documents including the **ES (Document Reference 6.1)**, **Environmental Masterplan** (see **Figure 2.3** of the **ES (Document Reference 6.2)**), **Outline Landscape and Ecological Management Plan (OLEMP)** (see **Appendix 7.6** of the **ES (Document Reference 6.3)**), the **Case for the Scheme (Document Reference 7.1)** and the **Design and Access Statement (Document Reference 7.9)**. Following the 2021 statutory consultation, the design of the earthworks between Easton Lane and Long Walk were revisited and redesigned to create a more sympathetic feature and reinforce the existing characteristics of the South Downs National Park whilst balancing visual screening requirements. A summary of the key design changes that the Applicant has made following the 2021 statutory consultation is provided in **Table 12.10** of this report, including the improvements to maximise biodiversity net gain and re-profiling the landform. **Table 12.11** provides the Applicant's justification for why design changes suggested by respondents were not carried forward.

Biodiversity

12.3.27 Respondents raised concerns in respect of the Applicant's proposals to provide biodiversity net gain in light of the Government's announcement that the Environment Bill is to be amended to extend the requirements of biodiversity net gain to include Nationally Significant Infrastructure Projects. A number of respondents suggested additional mitigation measures that the Applicant could incorporate into the design to secure measurable net gains for biodiversity. In particular, some respondents suggested that the Scheme could provide an opportunity to reduce habitat fragmentation through the incorporation for wildlife crossings along the motorway (such as a green bridge to reconnect Twyford Down and St Catherine's Hill) and habitats along the River Itchen (including for the safe passage of otters), the creation and restoration of areas of priority habitats and the inclusion of 'living walls' to bridges that are to be reconfigured. Respondents also requested for a Biodiversity Net Gain Assessment to be undertaken and submitted as part of the DCO application.

12.3.28 Respondents also raised concerns regarding the potential direct and indirect impacts to designated sites, including the River Itchen SAC/SSSI, Winnall Moors Nature Reserve, South Downs National Park and St Catherine's Hill SSSI, and the resultant effects on local biodiversity. Respondents also suggested the inclusion of additional baseline ecological survey work, including water vole surveys and otter surveys.

12.3.29 The Applicant considered all comments received in relation to biodiversity impacts in the preparation of **Chapter 8 (Biodiversity)** of the **ES (Document Reference 6.1)** and supporting application documents including the **Outline Landscape and Ecological Management Plan (OLEMP)** (see **Appendix 7.6** of the **ES (Document Reference 6.3)**) and the **Environmental Masterplan** (see **Figure 2.3** of the **ES (Document Reference 6.2)**). Following the 2021 statutory consultation, the Applicant continued to engage with key stakeholders, including the host authorities, the Environment Agency and Natural England, to help maximise biodiversity improvements on the land available. A summary of the key design changes that the Applicant made following the 2021 statutory consultation, including revisions to the landscape strategy and **Environmental Masterplan** (see **Figure 2.3** of the **ES (Document Reference 6.2)**), is provided in **Table 12.10** of this report. **Table 12.11** provides the Applicant's justification for why design changes suggested by respondents were not carried forward, including the provision of green bridges.

12.4 Section 47 consultation and Section 48 publicity feedback

12.4.1 As outlined in **Section 11.4** of this report, the Applicant wanted to seek the local community and key stakeholder's views on all aspects of the proposal and specifically invited comments on the design changes made to the Scheme since the 2019 consultation:

- New highway and roundabout design
- Extra space to build the Scheme in a safe, efficient and sensitive manner while keeping vehicles running through the Junction
- New areas for environmental works and deposition areas
- New areas for temporary construction compounds
- New footbridge over the River Itchen
- Revised walking and cycling routes.

12.4.2 The 2021 questionnaire (see **Appendix J.9**) included a range of open-ended and closed-ended questions on the matters listed above, as well as free text boxes for the public to provide comments. The 2021 questionnaire was structured as follows:

- Box A – questions about the use of M3 Junction 9
- Box B – questions on the new highway and roundabout design
- Box C – questions on construction
- Box D – questions on the environmental aspects of the Scheme

- Box E – questions on walkers, cyclists and other users provisions
- Box F – questions on locations for deposition areas
- Box G – questions on locations for temporary construction compounds
- Box H – general comments.

12.4.3 This section of the report follows the structure of the 2021 questionnaire. Comments from emails and letters received have been analysed with responses to Box H of the questionnaire.

12.4.4 A copy of the questionnaire was available online at the Scheme webpage and paper copies could be sent upon request for consultees to submit their comments about the Scheme. Completed questionnaires and/or separate comments from consultees were accepted through the following methods:

- Completing the online response form
- Completing a paper copy of the response form and returning it using the Freepost address
- Emailing a digital copy of the response form to M3junction9Improvements@highwaysengland.co.uk
- Emailing or posting separate comments

12.4.5 The methods in which consultees could respond to the consultation and the deadline for submission were widely publicised and made clear in the 2021 consultation documents.

12.4.6 Out of the 359 responses received, 246 of these responses were returned questions and 113 were emails and letters. A summary of the relevant responses received from questionnaires, emails and letters is presented in the sub-sections below. Relevant extracts of the responses received, with full details of the Applicant's response, is presented in **Appendix K.2**.

12.4.7 As responders to the 2021 statutory consultation did not identify if they were responding to Section 47 consultation or Section 48 publicity, this section provides a summary of the feedback received from the Section 47 consultation and Section 48 publicity.

Box B – updated layout of the roads and junction

Response to B.1 'What extent do you agree or disagree that the works are needed at junction 9 of the M3?'

12.4.8 The feedback received demonstrated that nearly half of the respondents did not agree that the proposed works are needed, with 47% of respondents disagreeing that there is a need to improve the junction (see **Figure 12.1**).

Despite this, 41% of respondents agreed that there is a need to improve the junction, with many citing that the works would improve safety and congestion in the supporting text.

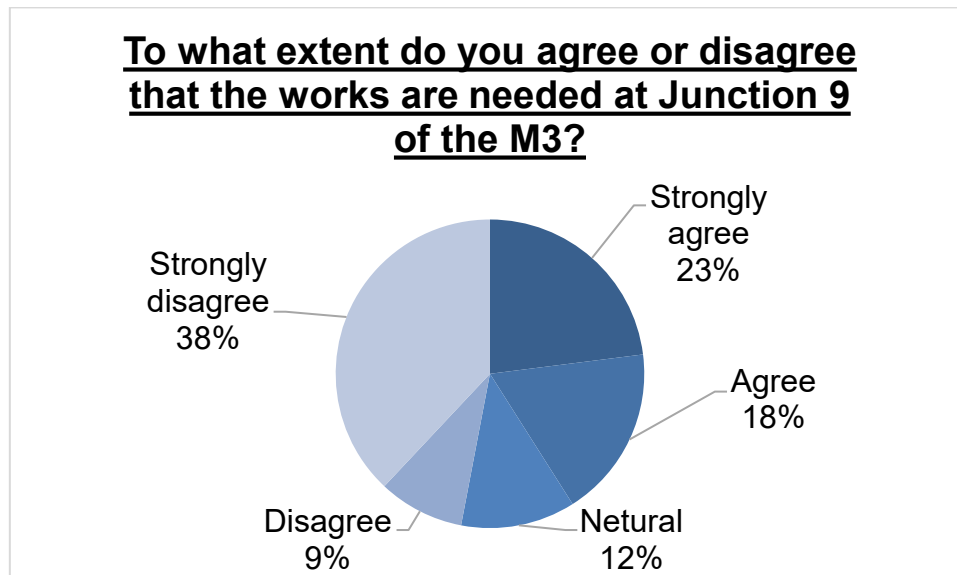


Figure 12.1: Response to B.1 'what extent do you agree or disagree that the works are needed at Junction 9 of the M3?'

Response to B.2 'To what extent do you agree or disagree with our overall design for the Proposed Scheme?'

12.4.9 The feedback received demonstrated that 33% of respondents agreed with the proposed Scheme design presented at the 2021 statutory consultation (see **Figure 12.2**). However, the majority of respondents disagreed with the overall design (53%), with many explaining that the proposals did not provide enough provisions for cyclists and horse-riders in the supporting text.

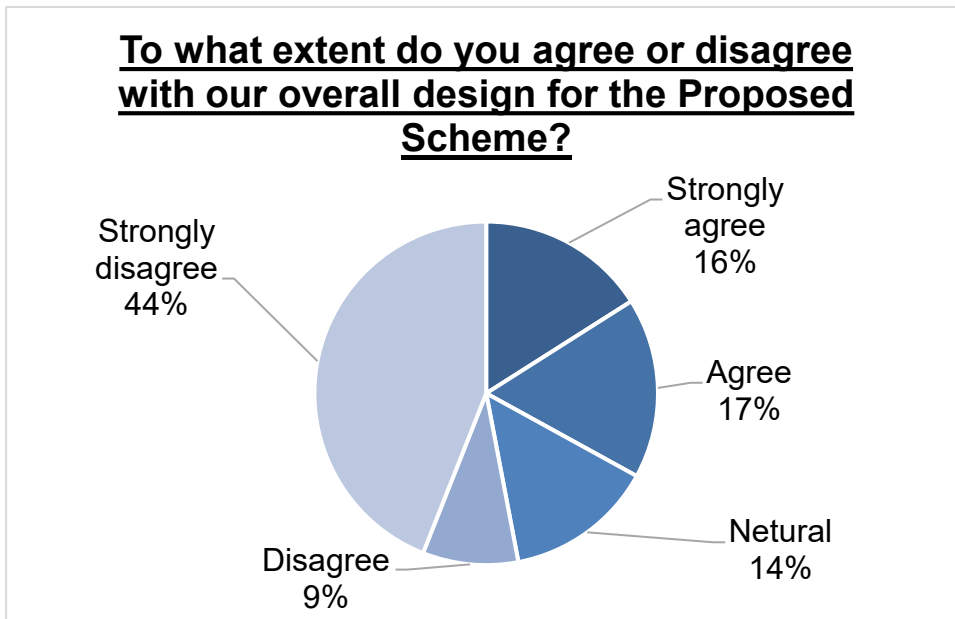


Figure 12.2: Response to B.2 “To what extent do you agree or disagree with our overall design for the Proposed Scheme?”

Response to B.3 ‘To what extent do you agree or disagree with the changes proposed to the M3 Junction 9 roundabout?’

12.4.10 The majority of respondents disagreed with the changes proposed to the M3 Junction 9 roundabout (49%), with only 34% supporting the amendments (see **Figure 12.3**).

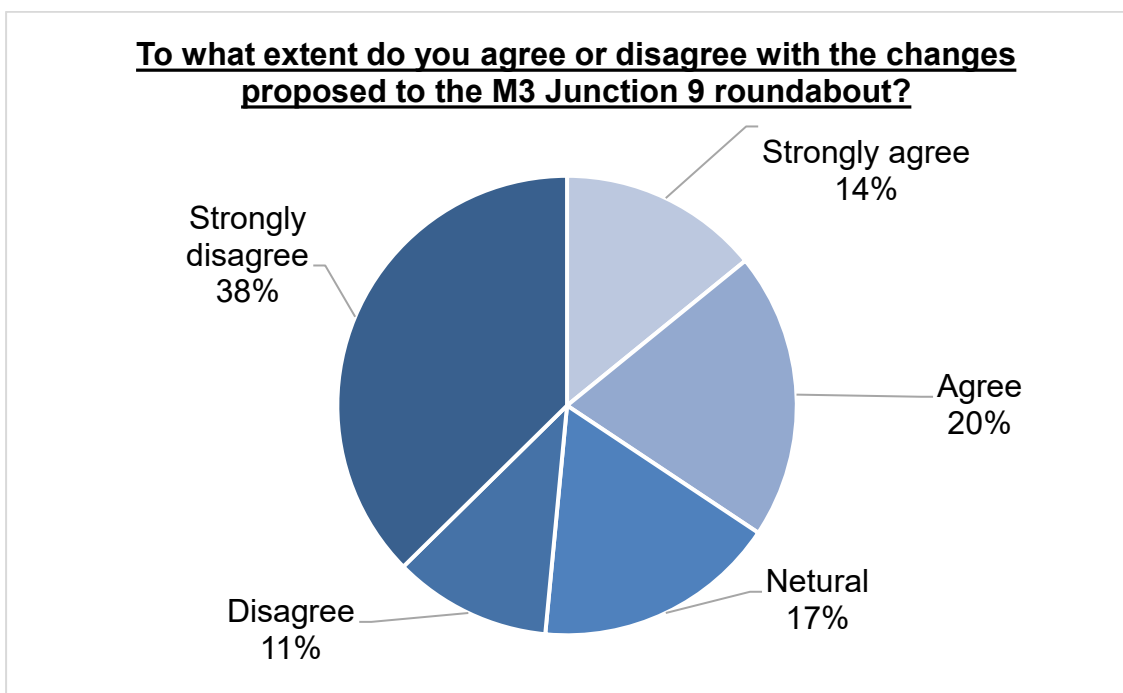


Figure 12.3: Response to B.3 'To what extent do you agree or disagree with the changes proposed to the M3 Junction 9 roundabout?'

Response to B.4 'To what extent do you agree or disagree with the changes proposed to the A34 northbound route from the M3?'

12.4.11 The feedback received demonstrated that 38% of respondents agreed with the proposed changes to the A34 northbound route from the M3 presented at the 2021 statutory consultation (see **Figure 12.4**) and 47% of respondents disagreed with the proposed changes.

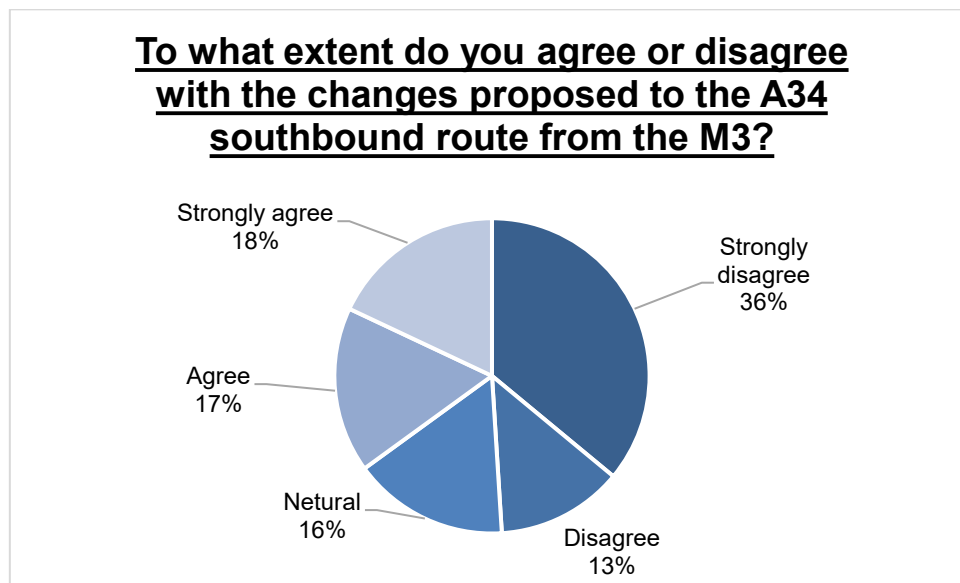


Figure 12.4: Response to B.4 "To what extent do you agree or disagree with the changes proposed to the A34 northbound route from the M3?'

Response to B.5 'To what extent do you agree or disagree with the changes proposed to the A34 southbound route from the M3?'

12.4.12 The feedback received showed that 35% of respondents agreed with the proposed changes to the A34 southbound route from the M3 presented at the 2021 statutory consultation (see **Figure 12.5**) and 49% of respondents disagreed with the proposed changes.

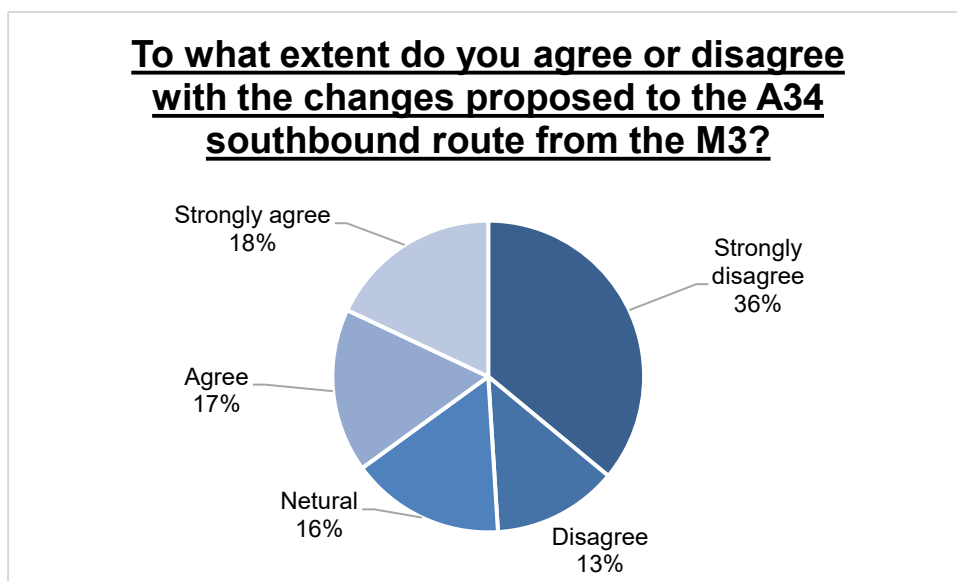


Figure 12.5: Response to B.5 “To what extent do you agree or disagree with the changes proposed to the A34 southbound route from the M3?”

Response to B.6 ‘To what extent do you agree or disagree with our proposals to improve connections to/from the A33?’

12.4.13 The feedback received showed that 32% of respondents agreed with the proposals to improve connections to/from the A33 at the 2021 statutory consultation (see **Figure 12.6**) and 46% of respondents disagreed with the proposed changes.

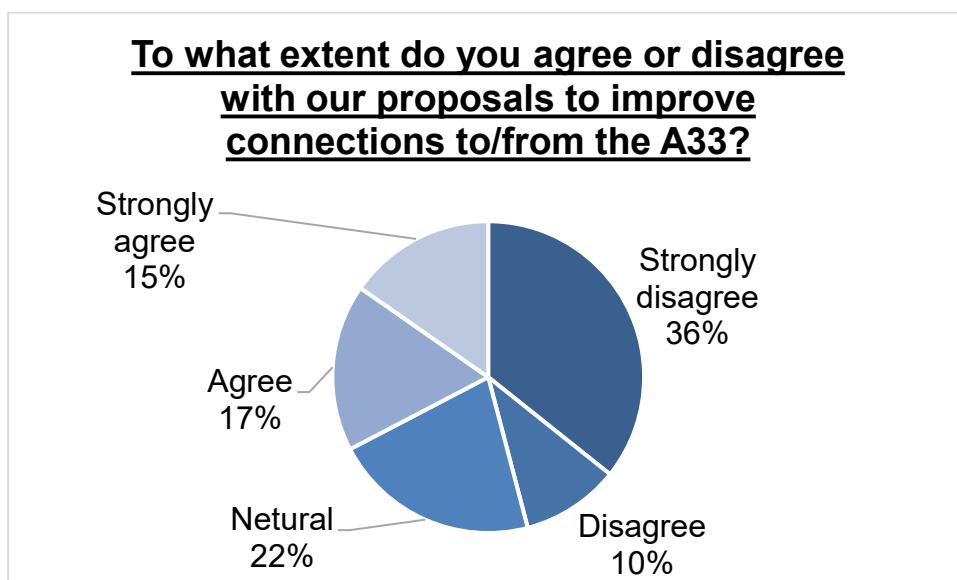


Figure 12.6: Response to B.6 “To what extent do you agree or disagree with our proposals to improve connections to/from the A33?”

Response to B.7 – General commentary about the design

12.4.14 The Applicant received 156 individual responses to this question. In order to identify respondents' opinions on the design of the Scheme presented at the 2021 statutory consultation, the Applicant reviewed each response and categorised them into the topics listed in **Table 12.2**. The themes that attracted the most comments were:

- Design (56)
- Biodiversity (38)
- Walkers, cyclists and horse-rider provisions (33).

12.4.15 **Table 12.3** sets out the number of responses received in respect of each topic theme.

Table 12.3: Key themes from responses to B.7 – General commentary about the design

Topics	Number of comments
Design	56
Biodiversity	38
Walkers, cyclists and horse-riders	33
Climate	23
Safety	20
Principle of development	15
Mitigation	11
Traffic and transport	10
Environment – general	9
Noise and vibration	7
Air quality	5
Landscape and visual	5
Cultural heritage	4
Consultation	4
Population and health	2
Construction – general	2
Road drainage and the water environment	1
Land ownership	1

Topics	Number of comments
Legislation and policy	1

Design

12.4.16A number of respondents provided comments in respect of safety, access and the Scheme layout. It was suggested, in particular, that the designs presented at the 2021 statutory consultation improved safety on the road network in comparison to the design presented at the 2019 consultation. Respondents suggested Scheme updates could include further provisions for cyclists and horse-riders, the inclusion of the Cart and Horses junction into the Scheme, further details on road signage and clarity on access onto the A34.

12.4.17Following the responses received from the 2021 statutory consultation, the Applicant has had regard to comments relating to the design of the Scheme, including the exclusion of the Cart and Horses junction and the walking, cycling and horse-riding provisions. A summary of the key design changes that the Applicant made following the 2021 statutory consultation is provided in **Table 12.10** of this report. **Table 12.11** provides the Applicant's justification for why design changes suggested by respondents were not carried forward including the incorporation of the Cart and Horses junction.

12.4.18The Applicant has also developed a **Design and Access Statement (Document Reference 7.9)** which summarises the design principles of the Scheme, sets out how the Scheme has evolved through engagement with stakeholders and demonstrates how the high-quality design solution responds to opportunities and meets design challenges presented by the site and its setting.

Biodiversity

12.4.19Several respondents raised concerns in respect of the potential impact of the Scheme on South Downs National Park and Winnall Moors Nature Reserve and the resultant effects on local biodiversity. A number of respondents made suggestions for future monitoring, additional mitigation and compensation measures that respondents believed the Applicant could incorporate into design proposals. As such respondents requested additional information on the potential impacts on biodiversity during construction and opportunities for mitigation, such as the creation of green bridges, and understanding the Applicant's commitments to biodiversity net gain targets. Other respondents also referenced the history of the Twyford Down.

12.4.20The Applicant has considered comments, including proposed mitigation measures, received in relation to biodiversity in the preparation of the **ES (Document Reference 6.1)** and other DCO application documents. The Applicant is working hard to maximise biodiversity improvements on the land

available and has been working collaboratively with Natural England and other environmental bodies. Further details in relation to biodiversity net gain and green bridges are provided in **Table 12.10** and **Table 12.11** of this report.

Walking, cycling and horse-riding

12.4.21 While respondents welcomed the provisions for walkers presented at the 2021 statutory consultation, the majority of respondents expressed concerns in respect of a lack of provisions for cyclists and horse-riders.

12.4.22 Taking into account this feedback, the Applicant decided to amend the proposed walking, cycling and horse-riding provisions for the Scheme. The footpath on the western side of the junction, linking the A33/B3047 junction to Winnall Trading Estate on Easton Lane was revised to include a cycling route. In addition, the footpath on the eastern side of the junction, linking Easton Lane with Long Walk, was revised to include cycling and horse-riding provisions at a 1:20 gradient to enable use by all users. Further details are provided in **Table 12.10** below.

Box C – construction

Response to C.1 ‘As we develop our plans for construction, is there anything specific you think we should consider?’

12.4.23 The Applicant received 179 individual responses to this question. In order to identify respondents’ opinions on the design of the Scheme presented at the 2021 statutory consultation, the Applicant reviewed each response and categorised them into the topics listed in **Table 12.2**. The themes that attracted the most comments were:

- Biodiversity (47)
- Walkers, cyclists and horse-riders (including concerns about potential disruption to users and lack of provisions proposed) (39)
- General environmental impacts (37).

12.4.24 **Table 12.4** sets out the number of responses received in respect of each topic theme.

Table 12.4: Key themes from responses to C.1 – construction

Topics	Number of comments
Biodiversity	47
Walkers, cyclists and horse-riders	39
Environment – general	37

Topics	Number of comments
Mitigation	22
Construction – general	22
Traffic and transport	21
Noise and vibration	20
Climate	12
Principle of development	10
Air quality	9
Landscape and visual	6
Safety	4
Construction – deposition areas	4
Consultation	3
Road drainage and the water environment	3
Construction – compound locations	3
Design	2
Population and health	2
Material assets and waste	1
Cultural heritage	1

Feedback to Box D – effect on the environment

Response to D1 and D2 – ‘To what extent do you agree or disagree with how we are considering the environmental impacts of the Proposed Scheme?’

12.4.25 The feedback received showed that 23% of respondents agreed with how the Applicant was assessing the potential environmental impacts of the Scheme (see **Figure 12.7**). However over 50% of respondents disagreed with how the Applicant is considering the environmental impacts of the Scheme.

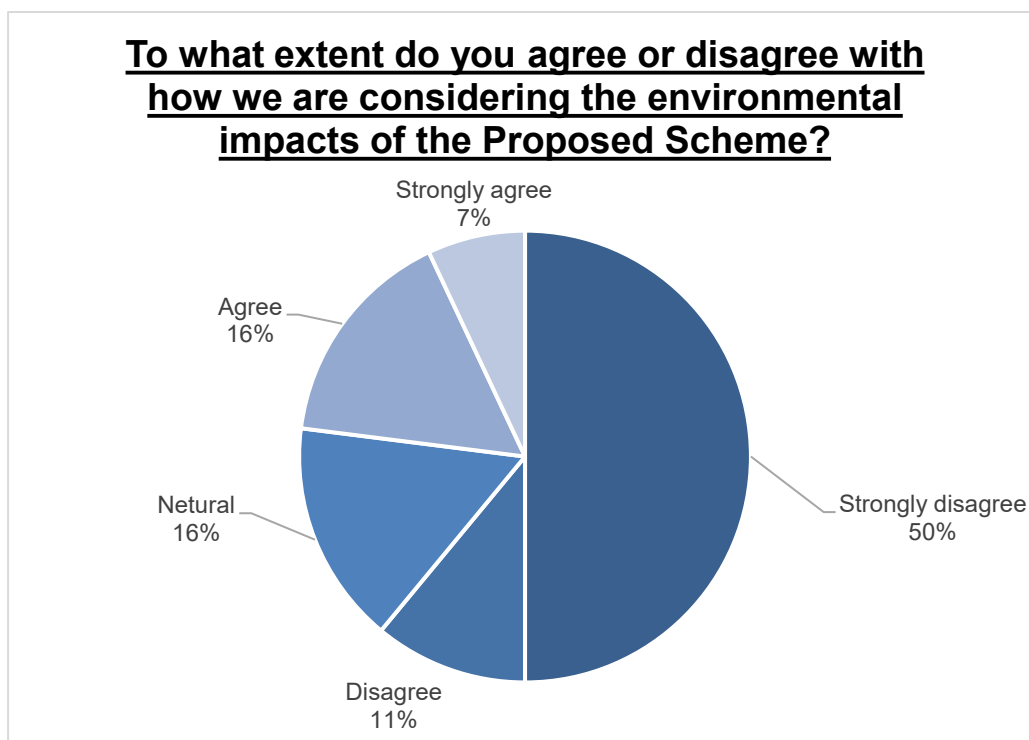


Figure 12.7: Response to D1 – ‘To what extent do you agree or disagree with how we are considering the environmental impacts of the Proposed Scheme?’

12.4.26 The Applicant included a free text box to allow respondents to expand on their responses to D.1. From this the Applicant received 160 individual responses.

12.4.27 **Table 12.5** sets out the number of responses received in respect of each topic theme.

Table 12.5: Key themes from responses to D.2 – to what extent do you agree or disagree with how we are considering the environmental impacts of the Proposed Scheme?

Topics	Number of comments
Biodiversity	77
Landscape and visual	46
Cultural heritage	38
Land ownership	35
Environment – general	31
Mitigation	24
Climate	13
Noise and vibration	11

Topics	Number of comments
Air quality	10
Walkers, cyclists and horse-riders	7
Principle of development	6
Traffic and transport	5
Road drainage and the water environment	4
Design	4
Policy and legislation	3
Consultation	3
Construction – deposition areas	3
Population and health	2
Construction – general	2
Safety	1
Material assets and waste	1
Geology and soils	1
Construction – compound locations	1

12.4.28 The themes that attracted the most comments were:

- Biodiversity (77)
- Landscape and visual (46)
- Cultural heritage (38)
- Landownership (35).

12.4.29 The majority of respondents raised concerns on the effects on local biodiversity as a result of the construction and operation of the Scheme. A number of these respondents made suggestions for future monitoring, additional mitigation and compensation measures that respondent believed the Applicant could incorporate into design proposals, including the creation of green bridges and understanding the Applicant's commitments to biodiversity net gain targets.

12.4.30 The Applicant has considered comments, including proposed mitigation measures, received in relation to biodiversity in the preparation of the **ES (Document Reference 6.1)** and other DCO application documents. The Applicant is working hard to maximise biodiversity improvements on the land

available and has been working collaboratively with Natural England and other environmental bodies. Further details in relation to biodiversity net gain and green bridges are provided in **Table 12.10** and **Table 12.11** of this report.

12.4.31 Out of the 160 individual responses received to D2, over 25% of the respondents commented on the proposed acquisition of parts of the Winnall Moors Nature Reserve and expressed concerns over the environmental impacts this would cause. These respondents also discussed their experiences with the creation of the M3 through the Twyford Down and explained that the 'damage' hadn't been adequately addressed.

12.4.32 The Applicant has also considered comments regarding the Winnall Moors Nature Reserve in the preparation of the **ES (Document Reference 6.1)** and Scheme development. Since the 2021 statutory consultation, the Applicant has removed parts of the A34 Northbound and A34 Southbound from the Application Boundary meaning the Winnall Moors Nature Reserve is outside the Application Boundary.

12.4.33 Furthermore, the Applicant has considered the Winnall Moors Nature Reserve in **Chapter 8 (Biodiversity)** of the **ES (Document Reference 6.1)**. The biodiversity assessment concludes that the construction of the Scheme would not result in direct effects through habitat loss or fragmentation to SSSI habitats, including habitats within the Winnall Moors Nature Reserve.

Response to D3 and D4 – 'To what extent do you agree or disagree with the measures we've proposed in our Preliminary Environmental Mitigation Design Plan?'

12.4.34 The feedback received showed that the majority of respondents disagreed with the mitigation measures the Applicant presented at the 2021 statutory consultation, with over 50% disagreeing with the proposals (see **Figure 12.8**). 20% of respondents agreed with the mitigation measures presented, stating that the Applicant's proposals were appropriate.

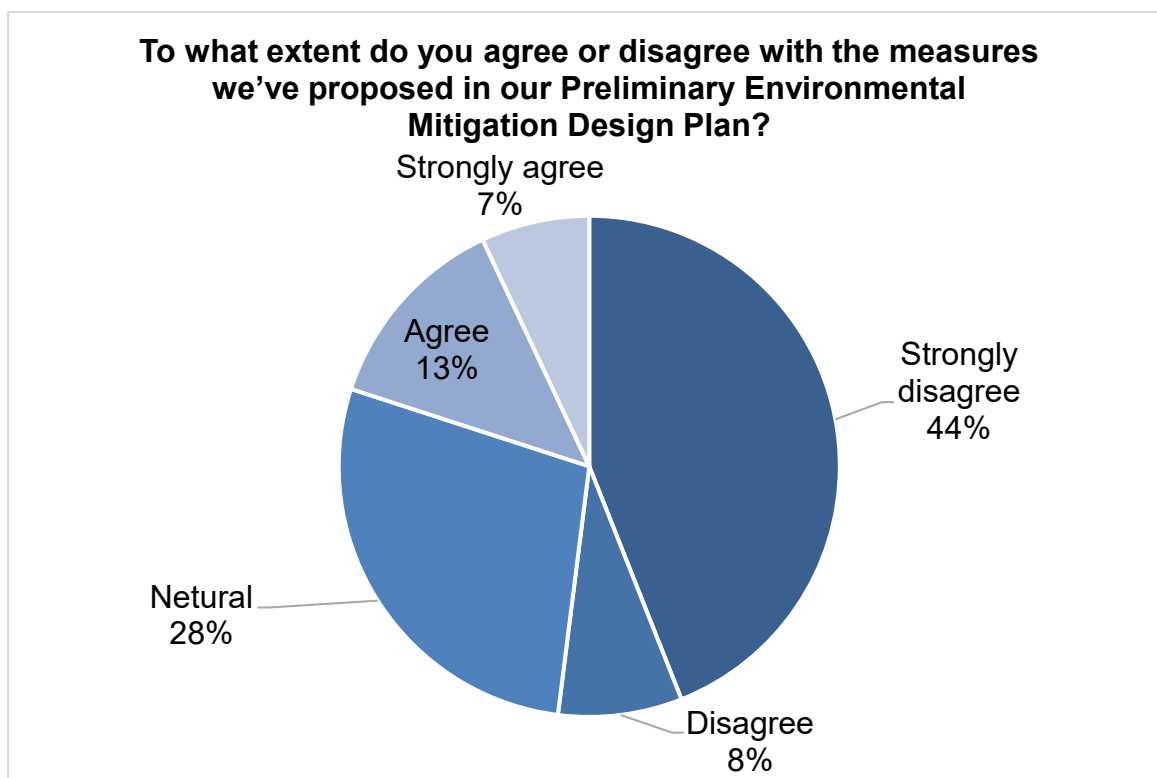


Figure 12.8: Response to D3 – ‘To what extent do you agree or disagree with the measures we’ve proposed in our Preliminary Environmental Mitigation Design Plan?’

12.4.35 The Applicant included a free text box to allow respondents to expand on their responses to D.3. From this the Applicant received 124 individual responses. **Table 12.6** sets out the number of responses received in respect of each topic theme.

Table 12.6: Key themes from responses to D.4 – to what extent do you agree or disagree with the measures we’ve proposed in our Preliminary Environmental Mitigation Design Plan?

Topics	Number of comments
Biodiversity	61
Landscape and visual	41
Mitigation	18
Environment – general	11
Climate	6
Noise and vibration	5
Air quality	5
Design	4

Topics	Number of comments
Consultation	4
Walkers, cyclists and horse-riders	3
Traffic and transport	2
Road drainage and the water environment	2
Principle of development	1
Population and health	1
Policy and legislation	1
Construction – general	1
Construction – deposition areas	1

12.4.36 The themes that attracted the most comments were:

- Biodiversity (61)
- Landscape and visual (41).

12.4.37 A number of respondents supporting the Applicant's mitigation proposals explained that the plans presented at the 2021 statutory consultation would "*contribute to enhancing biodiversity of the entire site*". Other respondents expressed concerns that the proposed mitigation measures were "*shockingly weak when it comes to mitigating and restoring the ecological damage done the scheme and the historical severance of the landscape*", with some offering suggestions for additional mitigation and compensation measures. Several of these respondents noted that they would like the Applicant to consider large-scale habitat creation and the restoration of woodland, trees and hedgerows in the surrounding areas to help improve air quality and landscaping effects.

12.4.38 As explained in **Table 12.10** below, since the 2021 statutory consultation, the Applicant has revised the landscape strategy and **Environmental Masterplan** (see **Figure 2.3** of the **ES (Document Reference 6.3)**). The landscape strategy includes the use of native species of local provenance, to reflect the character of the local landscape, however the selected species mix will be as diverse as reasonably practicable to ensure resilience against potential future diseases and climate change whilst providing functional habitat for wildlife present in the local area. Opportunity for maximising biodiversity benefit has also been provided for with the use of scrub planting throughout the Scheme and species rich grasslands (including chalk grassland).

Response to D5 and D6 – ‘To what extent do you agree or disagree with our landscape proposals?’

12.4.39 The feedback received showed that nearly 50% of respondents disagreed with the landscape designs presented at the 2021 statutory consultation (see **Figure 12.9**). 25% of respondents agreed with the landscape design presented and 30% of respondents were neutral.

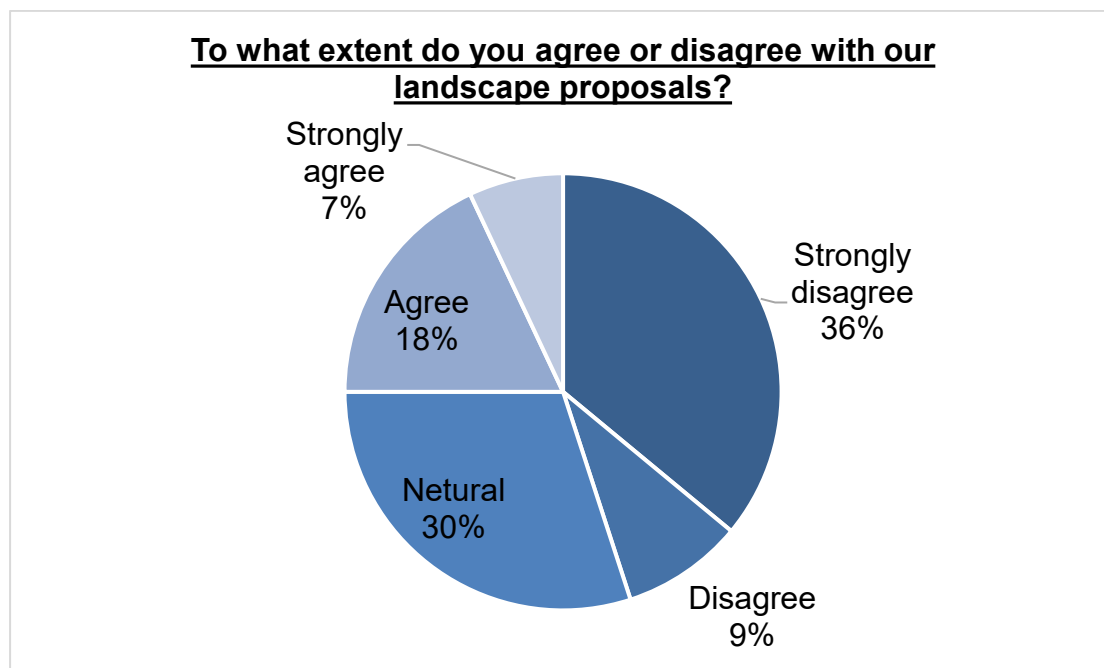


Figure 12.9: Response to D5 – ‘To what extent do you agree or disagree with our landscape proposals?’

12.4.40 The Applicant included a free text box to allow respondents to expand on their responses to D.5. From this the Applicant received 72 individual responses. **Table 12.7** sets out the number of responses received in respect of each topic theme.

Table 12.7: Key themes from responses to D.6 – to what extent do you agree or disagree with our landscape proposals?

Topics	Number of comments
Biodiversity	20
Design	20
Landscape and visual	13
Environment – general	9
Noise and vibration	5
Consultation	5
Construction – deposition areas	5
Principle of development	4
Construction – general	4
Mitigation	3
Air quality	3
Walkers, cyclists and horse-riders	3
Climate	1
Road drainage and the water environment	1
Population and health	1

12.4.41 The themes that attracted the most comments were:

- Biodiversity (20)
- Design (20)
- Landscape and visual (13).

12.4.42 The majority of respondents felt that the general design of the landscaping proposals could be improved to help mitigate potential impacts on local biodiversity and landscape and visual for road and non-road users. Many respondents suggested the inclusion of more greenspace and green bridges could improve the proposals.

12.4.43 As outlined in **Table 12.10**, following the review of the consultation responses, the Applicant revised the landscape strategy and **Environmental Masterplan** (see **Figure 2.3** of the **ES (Document Reference 6.3)**) for the Scheme.

Feedback to Box E – walkers, cyclists and other users provisions

Response to E1 and E2 – ‘To what extent do you agree or disagree with our proposals for people who are not travelling through the area by vehicle?’

12.4.44 The feedback received showed that nearly 50% of respondents disagreed with the walkers, cyclists and other user provisions presented at the 2021 statutory consultation (see **Figure 12.10**). 21% of respondents agreed with the proposals and 31% of respondents were neutral.

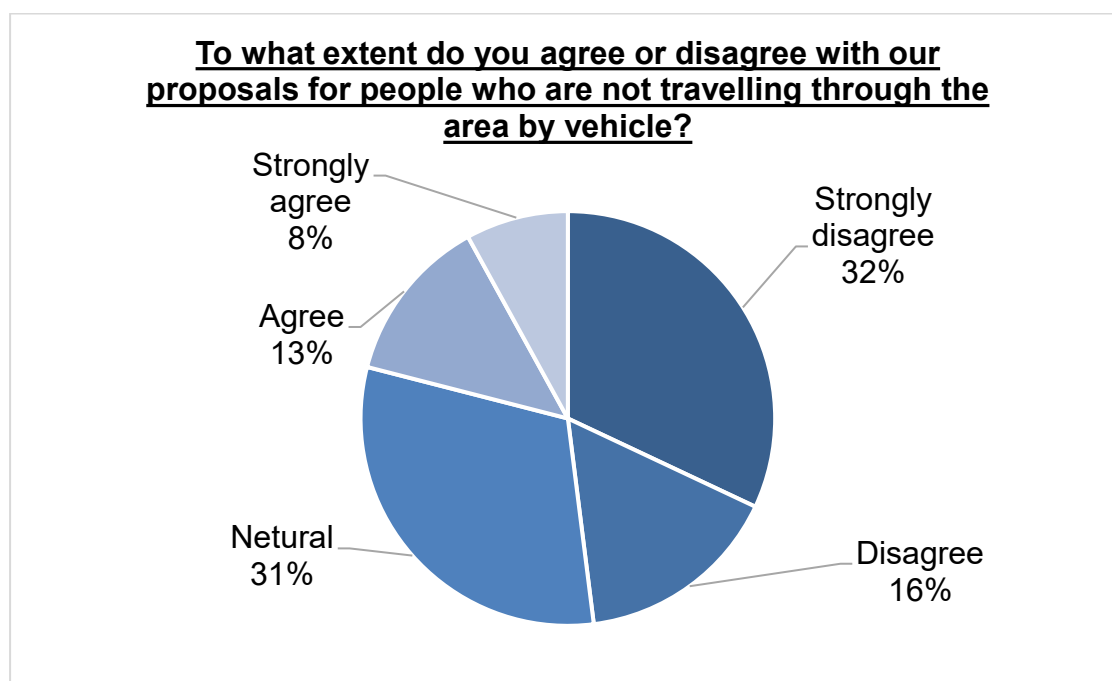


Figure 12.10: Response to E1 – ‘To what extent do you agree or disagree with our proposals for people who are not travelling through the area by vehicle?’

12.4.45 The Applicant included a free text box to allow respondents to expand on their responses to E.1. The Applicant received 118 individual responses from respondents sharing their views on the walkers, cyclists and other user provisions presented at the 2021 statutory consultation. Respondents welcomed the provisions presented, however the majority felt the Applicant did not provide enough provisions for cyclists and horse-riders. A number of respondents suggested that the footpath on the western side of the junction, linking the A33/B3047 junction to Winnall Trading Estate on Easton Lane, should include a cycling route and the footpath on the eastern side of the junction, linking Easton Lane with Long Walk, should include cycling and horse-riding provisions.

12.4.46 Taking into account this feedback, the Applicant decided to amend the proposed walking, cycling and horse-riding provisions for the Scheme. The footpath on the western side of the junction, linking the A33/B3047 junction to

Winnall Trading Estate on Easton Lane was revised to include a cycling route. In addition, the footpath on the eastern side of the junction, linking Easton Lane with Long Walk, was revised to include cycling and horse-riding provisions. Further details are provided in **Table 12.10** below.

Box F – locations for deposition areas

Response to F1 and F2 – ‘To what extent do you agree or disagree with our plans for how we deal with spare soil from our works?’

12.4.47 The feedback received showed that 50% of respondents neither agreed nor disagreed with the Applicant’s proposals for dealing with spare spoil from construction works (see **Figure 12.11**). 32% of respondents disagreed with the proposals, while 14% of respondents agreed.

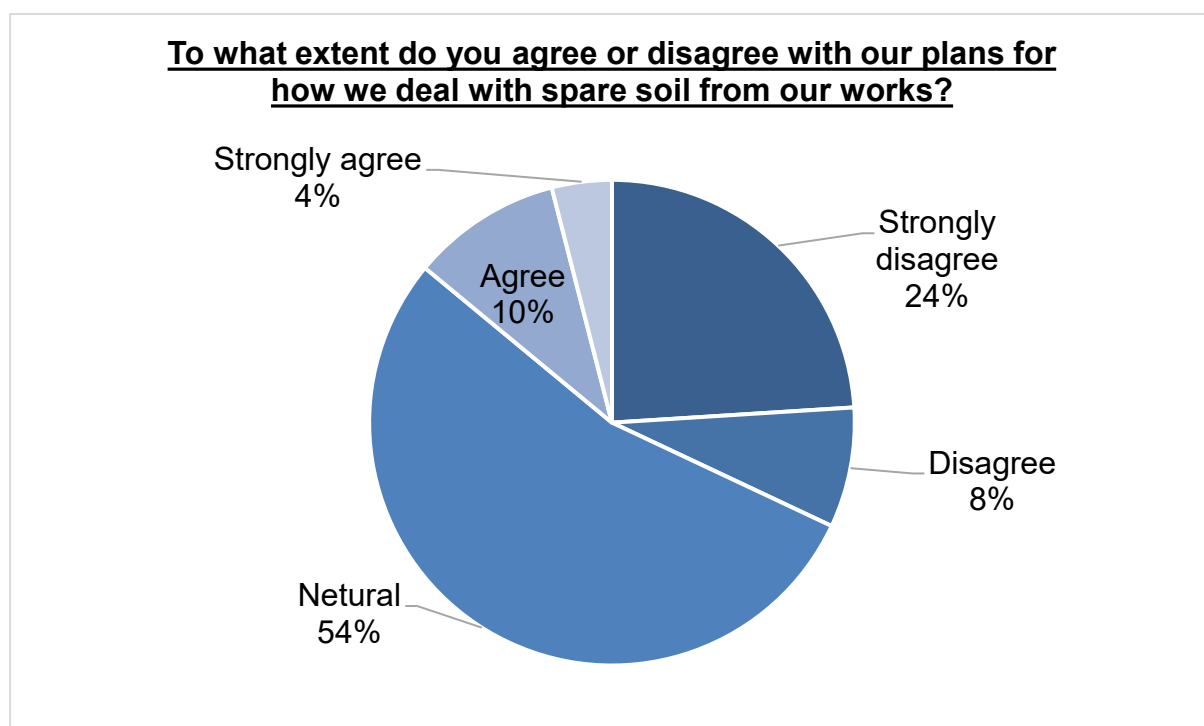


Figure 12.11: Response to F1 – ‘To what extent do you agree or disagree with our plans for how we deal with spare soil from our works?’

12.4.48 The Applicant included a free text box to allow respondents to expand on their responses to F.1. The Applicant received 73 individual responses from respondents sharing their views on the Applicant’s plans on dealing with spare spoil from the construction works. The majority of respondents expressed concern in relation to the potential effects the spoil deposition areas would have on the environment and local biodiversity. Some respondents requested that the distances transferring spoil should be kept to a minimum. A number of respondents suggested that the spare spoil could be used to restore chalkland or build environmental corridors.

12.4.49 As outlined in **Table 12.10**, following the review of the consultation responses, the Applicant amended the Scheme design which prevented the need for the areas of search for excess spoil deposition. Therefore, all three deposition areas were removed from the Scheme proposals.

Response to F3 and F4 – ‘To what extent do you agree or disagree with the locations we’ve identified to place our spare soil?’

12.4.50 Feedback received showed no strong preference towards a particular location for placing spare soil (see **Figure 12.12**), with:

- 62% of respondents neither agreeing nor disagreeing with the southern deposition area
- 60% of respondents neither agreeing nor disagreeing with the central deposition area
- 59% of respondents neither agreeing nor disagreeing with the northern deposition area.

12.4.51 The feedback received showed that the majority of respondents agreed with the central deposition area (13%) in comparison to the northern area (11%) and the central area (9%). Feedback also showed that the majority of respondents disagreed with the northern deposition area (30%) compared to the central deposition area (27%) and the southern deposition area (29%).

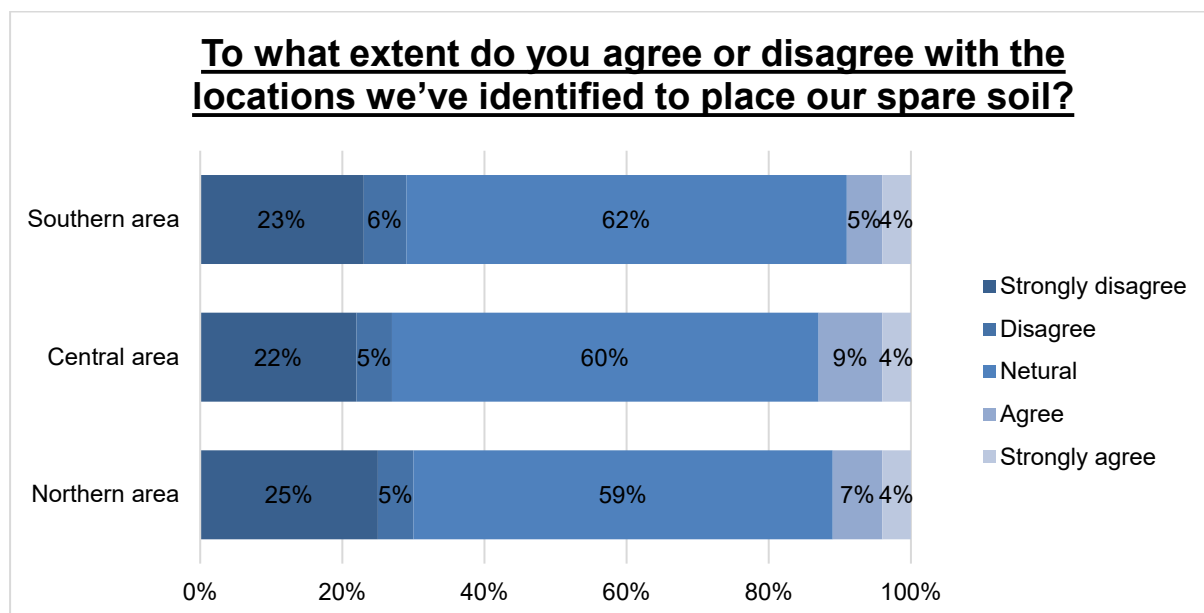


Figure 12.12: Response to F3 – ‘To what extent do you agree or disagree with the locations we’ve identified to place our spare soil?’

12.4.52 The Applicant included a free text box to allow respondents to expand on their responses to F.3. From this the Applicant received 45 detailed responses.

Table 12.8 sets out the number of responses received in respect of each topic theme.

Table 12.8: Key themes from responses to F.4 – to what extent do you agree or disagree with the locations we've identified to place our spare soil?

Topics	Number of comments
Construction – deposition areas	16
Environment – general	5
Consultation	5
Principle of development	5
Landscape and visual	4
Traffic and transport	4
Biodiversity	2
Mitigation	2
Road drainage and the water environment	2
Design	1
Noise and vibration	1
Air quality	1

12.4.53 The themes that attracted the most comments were:

- Construction – deposition areas (16)
- Environment – general (5)
- Consultation (5)
- Principle of development (5).

12.4.54 Several respondents supported the need for the deposition areas and reiterated their location preference. One respondent noted that the central deposition area was within close proximity to a school and expressed concern over the potential disruption the construction works would have on school pupils, whilst the majority of respondents expressed concern over the southern and northern deposition areas due to potential environmental impacts.

12.4.55 As outlined in **Table 12.10**, following the review of the consultation responses, the Applicant amended the Scheme design which prevented the need for the

areas of search for excess spoil deposition. Therefore, all three deposition areas were removed from the Scheme proposals.

Box G – locations for temporary construction compounds

Response to G1 and G2 – ‘To what extent do you agree or disagree with our locations for possible construction compounds?’

12.4.56 Feedback received showed no strong preference towards a particular location for the temporary construction compounds (see **Figure 12.13**), with:

- 55% of respondents neither agreeing nor disagreeing to the northern construction compound
- 53% of respondents neither agreeing nor disagreeing to the Junction 9 construction compound
- 55% of respondents neither agreeing nor disagreeing to the A33/A34 construction compound
- 55% of respondents neither agreeing nor disagreeing to the central construction compound.

12.4.57 The feedback received showed that the majority of respondents agreed with Junction 9 construction compound (15%) in comparison to the other locations proposed. Feedback also showed that the majority of respondents disagreed with the northern construction compound location (33%) compared to the other locations proposed.

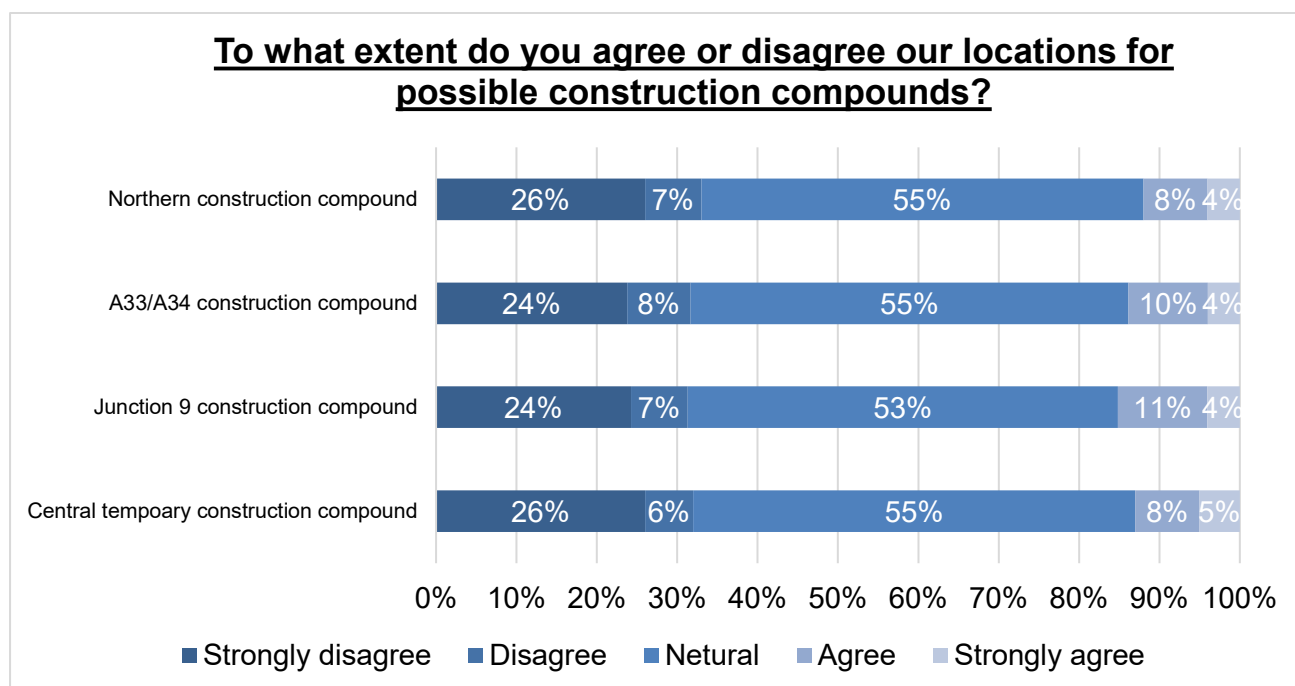


Figure 12.13: Response to G1 – ‘To what extent do you agree or disagree with our locations for possible construction compounds?’

12.4.58 The Applicant included a free text box to allow respondents to expand on their responses to G.1. From this the Applicant received 55 detailed responses. **Table 12.9** sets out the number of responses received in respect of each topic theme.

Table 12.9: Key themes from responses to G.2 – to what extent do you agree or disagree with our locations for possible construction compounds?

Topics	Number of comments
Construction – compound locations	14
Environment – general	14
Construction – general	9
Biodiversity	7
Principle of development	3
Landscape and visual	3
Noise and vibration	3
Safety	2
Consultation	2

Topics	Number of comments
Mitigation	2
Road drainage and the water environment	2
Traffic and transport	2
Climate	1
Air quality	1
Walkers, cyclists and horse-riders	1

12.4.59 The themes that attracted the most comments were:

- Construction – compound locations (14)
- Environment – general (14)
- Construction – general (9)
- Biodiversity (7).

12.4.60 Following the review of the consultation responses, the Application considered the potential impacts of the locations of the construction compounds in relation to carbon emissions. The findings resulted in the northern compound at Christmas Hill being removed from the Scheme proposals. Further details are presented in **Table 12.10** below and **Chapter 3 (Assessment of Alternatives)** of the **ES (Document Reference 6.1)**. The Applicant has also reduced the impact of the central construction compound by reducing its footprint and selecting a location within the defined area that would maximise visual screening and would be viewed in context of / absorbed into the wider construction works.

General comments

12.4.61 The Applicant received 113 responses via emails and letters and 166 responses to 'Box H – general comments' via the questionnaire. Comments related to:

- Concerns over road schemes effects on the climate and the climate emergency.
- Recognising the need for the Scheme to help improve the safety of the junction.

- Concerns over the potential environmental impacts of the Scheme, in particular on the local landscape, local cultural heritage, biodiversity, noise and air quality.
- Concerns over the provisions for cyclists and horse-riders.
- Suggestions for the Cart and Horses junction to be included in the Scheme design, promotion of sustainable transport and improved provisions for walkers, cyclists and horse-riders.

12.5 Responding to feedback

12.5.1 In accordance with Section 49 of the Planning Act, this section demonstrates how the Applicant has had regard to the matters raised within the relevant responses submitted to the 2021 statutory consultation.

12.5.2 The tables contained in **Appendices K.1 to K.3** and referenced within this chapter provide:

- A record of the responses received by Section 42(1)(a) prescribed bodies, Section 42(1)(b) local authorities and Section 42(1)(d) land interests to the Applicant's 2021 statutory consultation, and the Applicant's response to these matters, in accordance with Section 49 of the Planning Act 2008 (see **Appendix K.1**)
- A record of the relevant responses to the Applicant's 2021 statutory consultation carried out under Sections 47 and 48 of the Planning Act 2008, together with details of how the Applicant has had regard to those relevant responses, in accordance with Section 49 of the Planning Act 2008 (see **Appendix K.2**)
- A record of the responses received by Section 42(1)(d) land interests to the Applicant's 2021 targeted consultation, and the Applicant's response to these matters, in accordance with Section 49 of the Planning Act 2008 (see **Appendix K.3**). **Chapter 13** provides further details on the 2021 targeted consultation.

12.5.3 Following the 2021 statutory consultation, some further design changes were made to the Scheme (see **Table 12.10** below). They were made in response to feedback from the consultation and ongoing engagement with stakeholders and landowners, as well as results from ongoing engineering reviews. Where matters raised during the 2021 consultation feedback have not resulted in a design change, the Applicant has provided justification for this decision and a summary is presented in **Table 12.11** below.

12.5.4 The Applicant also published a Consultation Summary Report on the Scheme webpage which summarised the feedback received and outlined the key themes from the 2021 Section 47 and Section 48 consultation (see **Appendix J.29**).

12.6 Evolution of the Scheme in response to 2021 consultation feedback

12.6.1 As set out in **Chapter 3** of this report, Section 49 of the Planning Act 2008 requires the Applicant to have regard to relevant responses received in response to consultation and publicity undertaken pursuant to Section 42, Section 47 and Section 48. This section of the report provides details of how the relevant responses have influenced the evolution of the Scheme.

12.6.2 The pre-application consultation for the Scheme informed the ongoing process of developing the proposals and influenced the iterative nature of the consultation approach and mitigation commitments. Further details are provided in **Chapter 3 (Assessment of Alternatives)** of the **ES (Document Reference 6.1)**.

12.6.3 At each stage of consultation, the Applicant has reviewed feedback received. Where appropriate, the Applicant has sought to refine its proposals in response to the feedback from the consultation processes. The Applicant has, in other cases, taken account of the responses in the preparation of the **Environmental Statement (Document Reference 6.1)**, the **draft DCO (Document Reference 3.1)** and other DCO application documents.

12.6.4 In summary, feedback received during the 2021 statutory consultation informed the development of the Scheme in the following ways:

- Development of design
- Approach to assessment scenarios/methodologies and commitment to mitigation and enhancement measures in the EIA.

Development of design

12.6.5 Following responses received from the 2021 statutory consultation, the Applicant has had regard to several comments relating to the design of the Scheme, including potential impacts on the South Downs National Park and walking, cycling and horse-riding provisions.

12.6.6 The Applicant, in response to the 2021 statutory consultation, has developed a **Design and Access Statement (Document Reference 7.9)**. The **Design and Access Statement (Document Reference 7.9)** summarises the design principles of the Scheme, sets out how the Scheme has evolved through engagement with stakeholders and demonstrates how the high-quality design solution responds to opportunities and meets design challenges presented by the site and its setting. In response to comments made by South Downs National Park Authority, the document also sets out the landscape strategy for the Scheme.

12.6.7 A summary of the key design changes made following the 2021 statutory consultation is provided in **Table 12.10** below.

Table 12.10: Summary of the key design changes made following the 2021 statutory consultation

Element of the Scheme and issue raised in 2021 consultation	Design change as a result of 2021 consultation response
<p>Landscaping: comments received from South Downs National Park Authority and Natural England were considered to result in the need to revisit the design of the earthwork profile along the eastern side of the scheme parallel to the M3 and north-east of the gyratory, as well as the approach to planting of woodland across the River Itchen valley floor. South Downs National Park Authority considered that the design would interrupt and truncate views to the higher ground to the east, and Natural England considered that the Scheme could be much more ambitious in providing landscape enhancements.</p>	<p>The design of the earthworks between Easton Lane and Long Walk has been revisited and redesigned to create a more sympathetic feature and reinforce the existing characteristics of the South Downs National Park whilst balancing visual screening requirements. This design has progressed in consultation with South Downs National Park Authority who confirmed they were generally content with the progress the design was showing to respond to some of the concerns, specifically changes to landform and topography.</p> <p>In re-profiling the landform in this area, it was calculated that the excess spoil predicted to be raised during the construction phase was sufficient to construct the new earthworks. This, in turn, has prevented the need for the areas of search for excess spoil deposition.</p> <p>The re-profiled landform is acknowledged to affect a larger area in the immediate vicinity of the M3 corridor, however on balance this is still considered to result in more environmental benefits as identified above and fewer negative environmental impacts as a result of the removal of deposition areas. It would also require spoil to be transported over a shorter distance, resulting in lower carbon emissions and less vegetation affected by fewer entry points through vegetated field boundaries.</p>
<p>Areas of search for excess spoil deposition: while feedback received did not show a strong</p>	<p>The Applicant decided to remove all three deposition areas from its proposals. As described above, in re-</p>

Element of the Scheme and issue raised in 2021 consultation	Design change as a result of 2021 consultation response
<p>preference on the location of the deposition area, some concerns were raised about congestion on the local road network and environmental impacts, including impacts on noise, air quality, visual intrusion and local archaeology.</p>	<p>profiling the landform between Easton Lane and Long Walk, in response to South Downs National Park Authority and Natural England’s comments, it was calculated that the excess spoil predicted to be raised during the construction phase would be sufficient to construct the new earthworks. This, in turn, prevented the need for the areas of search for excess spoil deposition. The removal of these areas resulted in a reduction to the Application Boundary, reduced visual and acoustic intrusion into the South Downs National Park and the need to affect a smaller area of best and most versatile (BMV) agricultural land.</p>
<p>Walking, cycling and horse-riding provisions: respondents felt that the Applicant should reconsider the “needs” and “interests” of people walking, cycling and horse-riding close to the Scheme and were disappointed by the latest proposals.</p>	<p>The Applicant engaged with the host authorities and parish councils as well as walking, cycling and horse-riding interest groups to consider their suggestions for improved provisions to help address the concerns raised during the 2021 statutory consultation. Taking into account this feedback, the Applicant decided to amend the proposed walking, cycling and horse-riding provisions for the Scheme.</p> <p>The footpath on the western side of the junction, linking the A33/B3047 junction to Winnall Trading Estate on Easton Lane was revised to include a cycling route. In addition, the footpath on the eastern side of the junction, linking Easton Lane with Long Walk, was revised to include cycling and horse-riding provisions at a 1:20 gradient to enable use by all users.</p> <p>In summary, the following new walking, cycling and horse-riding provisions have been included since the 2021 statutory consultation:</p> <ul style="list-style-type: none"> • Proposed walking and cycling route to the west of the Scheme

Element of the Scheme and issue raised in 2021 consultation	Design change as a result of 2021 consultation response
	<ul style="list-style-type: none"> – approximately 3,151m in length • Proposed walking, cycling and horse-riding route to the east of the Scheme – approximately 1,717m in length
<p>Northern construction compound location: respondents expressed concerns about the proposed locations for construction compounds, particularly the central and northern locations. Many deemed the northern construction compound on Christmas Hill ‘unsuitable’ due to the distance from the works and expressed concerns over subsequent noise, dust and congestion impacts in the area.</p>	<p>Following the 2021 statutory consultation, the Applicant considered the potential impacts of the locations of the construction compounds in relation to carbon emissions. The assessment predicted 135 tonnes of CO₂ emissions over the construction period associated with travelling to the site from the northern construction compound at Christmas Hill in comparison to 0.6 tonnes of CO₂ emissions over the construction period associated with travelling to the site from the central construction compound. The lesser distance also reduces congestion on the surrounding local road network and the local communities. As a result, the northern construction compound at Christmas Hill was removed from the Scheme.</p>
<p>Central construction compound location: respondents expressed concerns about the proposed locations for construction compounds, particularly the central and northern locations. South Downs National Park Authority noted their concern that the central construction compound was inside the National Park and subsequent landscape and visual impacts this would have.</p>	<p>The Applicant reduced the impact of the central construction compound by reducing its footprint and selecting a location within the defined area that would maximise visual screening and would be viewed in context of / absorbed into the wider construction works. The Applicant reduced the impact on the newly planted tree line by moving and reducing the main compound and routed the haul road to the main compound through a small area of the tree line.</p> <p>By locating the compound close to construction activities associated with</p>

Element of the Scheme and issue raised in 2021 consultation	Design change as a result of 2021 consultation response
	<p>the junction improvement, the Applicant is minimising impacts on tranquillity from a wider area within South Downs National Park and reducing the need for additional vehicle travel. Concentrating activity also minimises the potential for impacts of the diverse views from within and towards the South Downs National Park. Collectively these help retain enjoyment of the special qualities of the South Downs National Park.</p>
<p>Winnall Moors Nature Reserve: several respondents raised concerns about the proximity of the Scheme to the Winnall Moors Nature Reserve, land loss and habitat disturbance during construction.</p>	<p>The Applicant has removed parts of the A34 Northbound and A34 Southbound from the Application Boundary meaning the Winnall Moors Nature Reserve is outside the Application Boundary and is not affected by the proposals.</p> <p>The Applicant has considered the Winnall Moors Nature Reserve in Chapter 8 (Biodiversity) of the ES (Document Reference 6.1). The biodiversity assessment concludes that the construction of the Scheme would not result in direct effects through habitat loss or fragmentation to SSSI habitats, including habitats within the Winnall Moors Nature Reserve.</p>
<p>Walking and cycling route on the western side of Junction 9: members of the local community raised concerns about how the existing walking and cycling route which links both parts of Easton Lane would descend to a subway route provided beneath the gyratory roundabout. Many suggested that steps should be incorporated into the design to improve accessibility for walkers.</p>	<p>The Applicant has reduced the size of the loop and incorporated the provision of steps within the loop to enable a more direct and quicker route for walkers. The loop provides a connection enabling appropriate gradients for pedestrians / cyclists to be achieved.</p>

Element of the Scheme and issue raised in 2021 consultation	Design change as a result of 2021 consultation response
<p>Biodiversity net gain: respondents noted that the Scheme presented at the 2021 statutory consultation was a missed opportunity to provide habitat connectivity/enhancements and biodiversity net gain through the design.</p>	<p>The Applicant is working to maximise biodiversity improvements on the land available and has been working collaboratively with Natural England and other environmental bodies.</p> <p>Since the 2021 statutory consultation the Applicant revised the landscape strategy and Environmental Masterplan (see Figure 2.3 of the ES (Document Reference 6.2)) to respond to the environmental constraints presented by statutory and non-statutory designations and receptors.</p> <p>The Scheme design has been ecologically informed, such that ‘embedded avoidance and mitigation measures’ for ecology were contained within the Scheme design as it has evolved. These measures include the provision of habitats of ecological value which are appropriate for the local environment.</p> <p>Habitat provision would enhance connectivity for wildlife within the Scheme. New areas of woodland and scrub towards the north of the Scheme, mostly located adjacent to existing habitats, would enhance connectivity for bats and dormice and other wildlife. The provision of substantial areas of chalk grassland, woodland and scrub along the eastern boundary of the Scheme would improve connectivity for a range of wildlife including bats, dormice, and terrestrial invertebrates in a north-south direction. The proposed habitat provision would enhance connectivity for wildlife within the Scheme and the Scheme would result in a predicted net gain in biodiversity.</p>

Element of the Scheme and issue raised in 2021 consultation	Design change as a result of 2021 consultation response
<p>River restoration: the Environment Agency noted that as part of the Scheme proposals, remedial works to improve historic damage to the River Itchen should be undertaken in addition to mitigation measures.</p>	<p>Restoration of the River Itchen within the Application Boundary has been included within the Scheme design to align within the Environment Agency’s River Itchen Restoration Strategy. Measures are likely to include riparian planting and/or channel narrowing by marginal planting. Further details are presented on Figure 2.3 (Environmental masterplan) of the ES (Document Reference 6.2).</p>
<p>Dedicated left turn lane to A272: respondents raised safety concerns about the link to the A272 from the M3 and A34 Southbound link.</p>	<p>The Applicant reassessed the dedicated left turn lane and traffic flows. The modelling showed that the dedicated left turn lane to the A272 was not required and has therefore been removed from the Scheme’s proposals.</p>
<p>Scheme planting: respondents suggested that some mitigation measures, such as planting, could be delivered in advance of construction to help minimise impacts on, and help resilience of, species and habitats impacted as a result of the Scheme.</p>	<p>Advanced planting, where possible, would be undertaken at the start of construction works to provide an opportunity for establishment during the construction period to provide improved mitigation at the opening of the Scheme. Opportunities for advanced planting as part of an early stage of the construction programme are presented in Figure 2.3 (Environmental Masterplan) of the ES (Document Reference 6.2) and the fiEMP (Document Reference 7.3).</p>
<p>Attenuation ponds: South Downs National Park Authority raised concerns regarding the location of the attenuation ponds in sensitive areas and questioned if the form and locations would be uncharacteristic of chalk geology and landscape.</p>	<p>Since the 2021 statutory consultation the Applicant has carried out further work to understand the visual impact of the balancing ponds. The site is very constrained, and the topographic form of the land is high on the east side to low on the west where the River Itchen is located. The principal of the design is that it is gravity fed, discharging at a controlled rate into</p>

Element of the Scheme and issue raised in 2021 consultation	Design change as a result of 2021 consultation response
	the river. To reduce the extent of cut into the hill side the design incorporates filling on the downward side of the basins to create increased storage volume. Screening in the form of planting will be provided to the south and east of the ponds to ensure that the views to the balancing ponds are limited.

Design changes not made and why

12.6.8 Some matters raised in response to the 2021 statutory consultation related to proposed changes to the Scheme design. Due consideration was given by the Applicant but ultimately these suggestions did not result in a design change.

12.6.9 A summary of the principal matters raised that did not result in a design change in response to the 2021 statutory consultation are provided in **Table 12.11** below.

Table 12.11: Summary of principal matters raised that did not result in a design change

Element of the Scheme and issue raised in 2021 consultation	Justification for no change to design
Lighting: provision of lighting on the Junction 9 roundabout and new junctions.	Due to the Scheme's location with the South Downs National Park (which is sensitive to new lighting arrangements), avoiding and minimising light pollution has been a key consideration for the Scheme. The carriageways, junction and the slip roads will not be lit. Lighting will be required within the underpasses and subways due to the length of these facilities and gantry-mounted signage which will be designed in accordance with the South Downs National Park <i>Dark Skies Technical Advice Note</i> .
Noise pollution: members of the local community raised concerns about an increase in traffic noise during the Scheme's operation, with	An operational noise assessment has been undertaken and is presented in Chapter 11 (Noise and Vibration) of the ES (Document Reference 6.1) .

Element of the Scheme and issue raised in 2021 consultation	Justification for no change to design
<p>many suggesting noise barriers as an appropriate mitigation measure.</p>	<p>To reduce noise impacts associated with the operation of the Scheme, low noise road surfaces are proposed to be embedded as part of the Scheme where new road surfaces are to be laid. The surface shall be specified to achieve a Road Surface Influence (RSI) of ~3.5dB. Based on the findings reported in Chapter 11 (Noise and Vibration) of the ES (Document Reference 6.1), further mitigation in the form of noise barriers is not required for the Scheme.</p>
<p>Air pollution: members of the local community raised concerns about an increase in air pollution during the Scheme's operation, with some proposing pollution barriers and air quality monitoring as an appropriate mitigation measure.</p>	<p>Chapter 5 (Air Quality) of the ES (Document Reference 6.1) presents an assessment of the potential impacts from the operation of the Scheme on air quality. Based on the findings reported in Chapter 5 (Air Quality) of the ES (Document Reference 6.1), the Scheme's operation does not have a significant air quality impact and therefore, in accordance with DMRB LA 105, no mitigation during the Scheme's operation is required.</p>
<p>Horse-riding provisions: South Downs National Park Authority raised concerns about the design of the horse-riding provisions along the eastern side of the junction, linking Easton Lane with Long Walk. South Downs National Park Authority suggested that the horse-riding provisions should be a 5- metre route to be in line with current standards for bridleway provisions (<i>in accordance with guidance from DMRB, Interim Advice Note 195/16 – Cycle, Traffic and the Strategic Road Network and the British Horse Society</i>).</p>	<p>The existing provision for horse-riders is being retained and as part of the Scheme would be improved with a widened 3m route (with 4m wide underpasses).</p> <p>DMRB CD 195 (Designing for cycle traffic) is not applicable to this Scheme as the proposed bridleway is not on the trunk road or motorway network. As such, the provisions have been designed in accordance with LTN 1/20. Furthermore, Hampshire County Council's Design Standards Path Widths clarifies that the desirable path width and heights for vegetation clearances are to be a minimum width of 2.5m and height of 3.5m for bridleways (or paths which</p>

Element of the Scheme and issue raised in 2021 consultation	Justification for no change to design
	<p>are also open to cyclists and/or horse-riders). Therefore, the proposed 3m wide bridleway on the eastern side of the Scheme to link Easton Lane with Long Walk is considered appropriate. The horse-riding provisions proposed have been discussed with the British Horse Society.</p>
<p>Horse-riding provisions: South Downs National Park Authority suggested that any upgrade to walking, cycling and horse-riding facilities should be designed to accommodate sufficient headroom so that horse riders do not need to dismount at any point and sufficient width for two-way walking/cycling/equestrian traffic is provided.</p>	<p>A subway route with a ridden horse requires 3.7m headroom which is 1m more than a route with a horse being led. Due to a combination of the space available within the M3 Junction 9 gyratory and the increased depth of subway tie-in levels to the Scheme, it is not feasible to provide a compliant design for a ridden horse-route in the proposed subways at the gyratory roundabout. 4m wide subways are provided within the design which are compliant with DMRB CD 143 (Designing for Walking, Cycling and Horse Riding) (also compliant to non-trunk road scheme guidance LTN 1/20) and suitable space provided for mounting blocks. The provisions have been discussed with the British Horse Society.</p>
<p>Walking provisions: parish councillors raised concerns about the position of the footpath for the western side of the Scheme which links the A33 / B3047 Junction to Tesco's situated on Easton Lane. Councillors expressed safety concerns and requested that the Applicant considered utilising some of the existing footpaths lying to the west of the existing carriageway.</p>	<p>As noted in Table 12.10 above, the footpath on the western side of the junction, linking the A33/B3047 junction to Winnall Trading Estate on Easton Lane has been revised to include a cycling route.</p> <p>In the early stages of preliminary design, a walking, cycling and horse-riding optioneering exercise was carried out by the Applicant and the contractor to assess the buildability, routing feasibility against the existing site constraints which include the River Itchen SSSI and floodplain. The outcome of this exercise clearly defined the optimum route as</p>

Element of the Scheme and issue raised in 2021 consultation	Justification for no change to design
	<p>illustrated within the 2021 statutory consultation.</p> <p>The route level will be at existing ground where feasible. Information on proposed and existing levels for the Scheme are shown in the Engineering Plans and Sections (Document Reference 2.6). The footway / cycling route along the entirety of the A34 section will be protected by a Vehicle Restraint System (VRS).</p>
<p>Cart and Horses Junction: several respondents raised concerns over the exclusion of any improvements to the junction between the A33 'Winchester Bypass' and London Road (locally called the 'Cart and Horses junction').</p>	<p>The Cart and Horses junction is owned by Hampshire County Council and lies outside the Application Boundary. The M3 Junction 9 strategic model includes the Cart and Horses junction. The 2047 traffic forecasts predicts an increase in traffic flow along the A33, a decrease in traffic flow along the B3047 and a reduction in delay at the B3047 approaches with the introduction of the Scheme. It is not considered a requirement within this Scheme to undertake improvements at this junction.</p>
<p>Green bridges: members of the local community and statutory bodies, such as the Environment Agency, considered that the Scheme should include a green bridge as part of its design to enhance connectivity between Winchester and the South Downs National Park, as well as to improve ecological connectivity.</p>	<p>Green bridges are not part of the Scheme design because there are no instances of new severance produced by the proposed works that would cause them to be needed.</p> <p>A number of mitigation measures have been incorporated into the Scheme design. New areas of woodland and scrub within the landscape design have been located to maintain and enhance connectivity for wildlife (including bats and dormice) within the Scheme and wider landscape. Much of the additional woodland and scrub planting is adjacent to existing</p>

Element of the Scheme and issue raised in 2021 consultation	Justification for no change to design
	<p>woodlands, or provides habitat links, which would enhance their ecological function. The provision of substantial areas of chalk grassland, woodland and scrub along the eastern boundary of the Scheme would improve connectivity for wildlife in a north-south direction.</p> <p>Furthermore, the Scheme increases accessibility via the new walking, cycling and horse-riding routes. The Scheme is enhancing the National Cycle Network (NCN) 23 through the gyratory, enhancing the footway along the west of the Scheme through the provision of a segregated footway and cycleway, and adding a new bridleway link to the east of the Scheme connecting Long Walk and Easton Lane. In total, an additional 4.8km of public rights of way are to be provided as part of the Scheme.</p>
<p>Access to National Highways' depot: some respondents disagree with the new roundabout proposed for access to the Applicant's depot. Some suggested the use of a simple priority T-junction or retaining the current access arrangements.</p>	<p>The Applicant considered a 'left in/left out' junction configuration during the preliminary design, which has the following disbenefits:</p> <ol style="list-style-type: none"> 1) The introduction of a left in/left out junction could encourage higher speeds within the proposed A33 link road which could lead to enforcement issues. 2) With the left in/left out arrangement, vehicles exiting at Junction 9 wanting to enter National Highways' depot would need to travel to the proposed A33 roundabout and back on themselves. This would be an additional 1,200m (0.7 mile) journey for vehicles. Furthermore, if a left in/left out junction was introduced, a

Element of the Scheme and issue raised in 2021 consultation	Justification for no change to design
	<p>central reserve would be required to prevent vehicles from attempting to make a right turn into National Highways' depot which would result in an increase of the Scheme footprint.</p> <p>3) With the left in/left out arrangement, vehicles exiting from National Highways' depot who intended to travel north via the M3 would need to circumnavigate the proposed Junction 9 roundabout and travel back on themselves. This would be an additional 1025m (0.6 mile) journey for vehicles.</p> <p>Following design reviews, the Applicant considered that the proposed roundabout to the depot was most appropriate.</p>
<p>Double lane gain: respondents suggested that the A34 southbound should be a double lane gain (mirroring the double lane drop northbound) due to traffic volumes and the southbound merge from the proposed roundabout doesn't require a lane gain.</p>	<p>DMRB CD 122 (Geometric Design of Grade Separated Junctions), defines several options for merge layouts. These options are dependent upon forecasted traffic flows. Using a combination of the annual average daily traffic flow (AADT) in vehicles per hour (VPH) for a mainline flow of traffic and the AADT in VPH for a merge flow of traffic, a required layout option type for a merge layout can be determined within DMRB CD 122. From an assessment of the forecasted traffic flows (contained within the Scheme transport model), the layout 237pprox.tly shown, follows the requirements of DMRB CD 122 and that a double lane gain is not required.</p>
<p>Traffic signals: provision of traffic signals at the roundabout where the</p>	<p>The Scheme has been subject to transport modelling which provides a</p>

Element of the Scheme and issue raised in 2021 consultation	Justification for no change to design
<p>A33 southbound joins the A33 link road from the Junction 9 roundabout.</p>	<p>forward forecast to 2046. This modelling, demonstrates that traffic signals are not required for this roundabout and due to the main flow of traffic (M3/A34 merge/diverge) being separated, the traffic flows here will not merit the use of signals (which would, if implemented potentially add to unnecessary delay to road users).</p>
<p>Traffic signals: provision of traffic signals on the Junction 9 roundabout.</p>	<p>The Scheme has been subject to transport modelling which provides a forward forecast to 2046, demonstrating that traffic signals are not required. Most of the traffic using the existing gyratory roundabout is vehicles exiting the M3 to travel via the A34 Northbound and A34 southbound traffic utilising the gyratory to travel south via the M3. These flows are to be removed from the gyratory via the proposed dedicated lane gain and lane drop arrangements. Therefore, the proposed traffic flows for the revised Junction 9 roundabout will be lower than existing.</p>
<p>Underpasses: some respondents requested the use of bridges instead of underpasses to route walking and cycling provisions over roads due to safety concerns.</p>	<p>The Scheme has been designed with careful consideration to the surrounding environment, including South Downs National Park. The provision of foot/cycle bridges (as opposed to underpasses) would be visually intrusive to the surrounding environment. In addition, foot/cycle bridges require shallow gradients on the approach/departure ramps to the actual bridge span. These approach/departure ramps require a considerable amount of space and due to the constrained Scheme footprint and reconfiguration of the A34, foot/cycle bridges would not be feasible.</p>

Element of the Scheme and issue raised in 2021 consultation	Justification for no change to design
	All proposed underpasses are to be 4m in width and shall be lit. In addition, visibility to and from the underpasses will not be constrained.
<p>Spitfire Link: several respondents raised concerns over the exclusion of any improvements to the Spitfire Link.</p>	<p>In the existing junction layout, all traffic travelling northbound on the M3 wishing to join the A34 northbound, must exit the motorway and use the main Junction 9 gyratory. This is the same for traffic travelling southbound via the A34 wishing to travel south via the M3. These flows of traffic currently lead to congestion on the M3 Junction 9 gyratory and all approaches (including Spitfire Link). With the proposed Scheme layout, these traffic movements are separated away from the gyratory roundabout by the introduction of a dedicated lane drop/lane gain arrangement (M3 to A34 and A34 to M3). This enables a smaller M3 Junction 9 gyratory to be constructed. The revised layout has been subjected to transport modelling, which demonstrates that queuing on the Spitfire Link will reduce.</p>

Approach to assessment and proposed mitigation measures

- 12.6.10 Throughout the Scheme development the Applicant has sought views from a range of prescribed bodies, relevant local authorities and statutory undertakers in order to prepare a robust Environmental Impact Assessment.
- 12.6.11 Following receipt of the 2021 statutory consultation responses, the Applicant, in accordance with Section 49 of the Planning Act 2008, had regard to the relevant responses received and has provided comments on these within **Appendices K.1-K.3.**
- 12.6.12 The approach to assessment and commitment to mitigation measures for a number of disciplines has been informed by the feedback received from consultees, for example: additional Zone Theoretical Visibility modelling undertaken as part of the landscape and visual impact assessment; identification of opportunities and timeframes for advanced planting during the

construction programme and commitments to an **Outline Landscape and Ecological Management Plan (Appendix 7.6 of the ES (Document Reference 6.3))** and an updated **Environmental Masterplan (Figure 2.3 of the ES (Document Reference 6.3))**.

12.7 Summary

12.7.1 Following the 2021 statutory consultation, the Applicant has had regard to the responses received in accordance with Section 49 of the Planning Act 2008. Relevant extracts of the responses received and the Applicant's detailed comments on these are contained in **Appendices K.1-K.3**.

13 Approach to 2021 targeted consultation

13.1 Introduction

13.1.1 Through ongoing engineering review and development of the Scheme proposals, several minor refinements were made to the Application Boundary that had been consulted on between 27 May 2021 and 8 July 2021. The minor refinements of the Application Boundary relate to a small amount of land being added to the Application Boundary and also the removal of land that is no longer required for the Scheme.

13.1.2 The additional land included in the Application Boundary is shaded green on the Comparison Plan enclosed in **Appendix A.6** and comprised:

- Provision for an additional area for landscaping
- Minor increase in the works area required for the construction of the sustainable drainage systems (SuDS) and attenuation features
- Provision for signage and traffic management measures
- Provision for required utilities diversions.

13.1.3 The details of the above changes are listed in **Table 13.1** below.

13.1.4 In addition, the land removed from the Application Boundary is shaded in orange on the Comparison Plan enclosed in **Appendix A.6** and comprised:

- Removal of the northern construction compound located adjacent to the A34/A282 roundabout near Christmas Hill
- Removal of the northern, central and southern deposition areas
- Reduction in the area required for the central construction compound
- Removal of parts of the A34 Northbound and A34 Southbound and Cart and Horses Junction as these areas are not part of the Scheme proposals.

13.1.5 As outlined in **Section 12.6** of this report, the Applicant decided to remove the deposition areas from the Scheme and reduce the area required for the central construction compound in response to comments received in the 2021 statutory consultation.

13.1.6 It was not considered that these amendments materially change the information provided in the PEIR presented at the 2021 statutory consultation.

13.1.7 This chapter provides details of the targeted consultation undertaken by the Applicant following the 2021 statutory consultation.

13.2 The approach to 2021 targeted consultation

13.2.1 In light of the above, the Applicant considered how best to consult upon the minor refinements to the Application Boundary.

13.2.2 Paragraph 73 of the DCLG pre-application guidance states: ‘applicants are not expected to repeat consultation rounds set out in their Statement of Community Consultation unless the project proposals have changed very substantially. However, where proposals change to such a large degree that what is being taken forward is fundamentally different from what was consulted on, further consultation may well be needed. This may be necessary if, for example, new information arises which renders all previous options unworkable or invalid for some reason. When considering the need for additional consultation, applicants should use the degree of change, the effect on the local community and the level of public interest as guiding factors.’

13.2.3 **Table 13.1** sets out the changes required and the consideration which was given to the degree of change, the effect on local community and the level of public interest.

13.2.4 Paragraph 75 of the DCLG pre-application guidance states: *‘if the application only changes to a small degree, or if the change only affects part of the development, then it is not necessary for an applicant to undertake a full re-consultation. Where a proposed application is amended in light of consultation responses then, unless those amendments materially change the application or materially changes its impacts, the amendments themselves should not trigger a need for further consultation. Instead, the applicant should ensure that all affected statutory consultees and local communities are informed of the changes’.*

13.2.5 Given the nature of the minor refinements, and in the context of the DCLG pre-application guidance, the Applicant did not consider that the *‘proposed application changes [had changed] to such a large degree that the proposals could be considered a new application’* or that it *‘materially change[d] the application or materially changes [changed] its impacts’.*

13.2.6 The Applicant therefore determined that consultation under Section 47 of the Planning Act 2008 was not necessary, but instead identified the land interests potentially affected to be consulted under Section 42(1)(d) of the Planning Act 2008 and adopted a strategy to inform previously consulted prescribed bodies, relevant local authorities and the local community on a non-statutory basis.

Table 13.1: Changes to the Application Boundary

New areas	Description of change	How change came about	Is there a change to the land required?	Will the change result in significant adverse effects?	Is there a significant level of public interest in the change?	Is the 'degree of change' significant?	Comments
1	Provision for an additional area for landscaping in the immediate vicinity of the M3 corridor between Easton Lane and Long Walk as a result of re-profiling the landscape (see Sheet 2 of Appendix A.6).	Responses from the 2021 statutory consultation. South Downs National Park Authority considered that the proposed reprofiled earthworks and undulating chalk grassland screening feature along the eastern flank of the M3 between Easton Lane and Long Walk would interrupt and truncate views to the higher ground to the east, and Natural England considered	Yes – additional 6720 m ² required.	No	No	No	It was considered that the changes primarily affected those with an interest in the land and that these amendments do not materially change the information provided in the PEIR presented at the 2021 statutory consultation. A targeted consultation with relevant Section 42(1)(d) parties was therefore deemed appropriate.

New areas	Description of change	How change came about	Is there a change to the land required?	Will the change result in significant adverse effects?	Is there a significant level of public interest in the change?	Is the 'degree of change' significant?	Comments
		that the Scheme could be much more ambitious in providing landscape enhancements.					
2	Minor increase in the works area required for the construction of the SuDS and attenuation features between the A34 northbound (see Sheet 3 of Appendix A.6).	On-going engineering review and development of the Scheme proposals.	Yes – additional 4250 m ² required.	No	No	No	
3	Provision for signage and traffic management measures towards the M3 southbound	On-going engineering review and development of	Yes – additional 290 m ² required.	No	No	No	

New areas	Description of change	How change came about	Is there a change to the land required?	Will the change result in significant adverse effects?	Is there a significant level of public interest in the change?	Is the 'degree of change' significant?	Comments
	(see Sheet 4 of Appendix A.6).	the Scheme proposals.					
4	Provision for required utilities diversions of approximately 269 metres in length of power cables off Easton Lane (see Sheet 5 of Appendix A.6).	On-going engineering review and development of the Scheme proposals.	Yes – additional 200 m ² required.	No	No	No	

13.2.7 In the context of the DCLG pre-application guidance it was therefore considered that the Scheme remained the same Scheme as was consulted upon during the 2021 statutory consultation.

13.3 2021 targeted consultation with Section 42(1)(d) parties

Identification of Section 42(1)(d) parties

13.3.1 In advance of the targeted consultation, the Applicant carried out diligent inquiries on the additional land required (see shaded green areas on the Comparison Plan enclosed in **Appendix A.6**). The diligent inquiries identified persons who were not previously consulted under Section 42(1)(d) during the 2021 statutory consultation carried out between 27 May 2021 and 8 July 2021. These persons are listed in **Appendix B.3**. Diligent inquiries also identified persons with interests in the additional land required who had previously been consulted under Section 42(1)(d) during the 2021 statutory consultation carried out between 27 May 2021 and 8 July 2021. These persons are listed in **Appendix B.3**.

13.3.2 The Applicant also identified one land interest whose land or property could have been affected by the proposals presented at the 2021 statutory consultation but was not consulted under Section 42(1)(d) of the Planning Act 2008 at the time. However, as a result of the minor refinements to the Application Boundary, this interest's land or property is no longer required for the Scheme. In light of this, the Applicant sent a letter (see **Appendix L.3**) to the land interest explaining that their land or property was previously affected by the Scheme proposals but is no longer required. The area of land was captured in the 2021 target consultation area, however for completeness, the Applicant enclosed the 2021 Section 42 consultation documents with the letter and afforded the opportunity for the interest to provide comments on the Scheme between 17 November 2021 and 22 December 2021, allowing more than 28 days.

2021 targeted consultation documents

13.3.3 The Applicant prepared the following documents to carry out the targeted consultation:

- A covering letter and information sheet providing an overview of the minor refinements and the consultation process. Different versions of this letter were prepared for:
 - Letter 1 (see **Appendix L.1**) for persons identified as having an interest in the additional land required who were previously consulted during the 2021 statutory consultation (see **Appendix B.3**), which did not enclose the consultation documents from the 2021 statutory consultation because those parties had already received the documents

- Letter 2 (see **Appendix L.2**) for persons identified as having an interest in the additional land required who had not previously been consulted during the 2021 statutory consultation (see **Appendix B.3**), that also enclosed the consultation documents from the 2021 statutory consultation.

- An Individual Land Ownership Plan
- The updated Application Boundary Plan

13.3.4 The Applicant undertook the targeted consultation between 17 November 2021 and 22 December 2021.

Deadline for responses

13.3.5 The covering letters accompanying the targeted consultation clearly state that the deadline for responses was to be received was 22 December 2021. **Appendix B.3** lists for each Section 42(1)(d) person consulted on the targeted consultation, when the Applicant obtained proof of receipt of the consultation documents. With one exception all parties received the consultation documents on 17 November 2021. The one exception was an additional land interest who was identified following the start of the targeted consultation. This land interest was sent the consultation documents on 1 December 2021 (received on 2 December 2021) and was therefore given a deadline of 14 January 2022 for comments.

13.3.6 The Applicant can demonstrate that more than the 28-day minimum period was afforded to all those consulted, in accordance with Section 45 of the Planning Act 2008.

13.4 Responding to feedback from 2021 targeted consultation

13.4.1 The Applicant sent targeted consultation documents to 31 Section 42(1)(d) parties and received 8 responses.

13.4.2 All responses received were carefully considered by the Applicant and any specific requests relating to land acquisition or the implementation of the construction works were passed to the relevant specialists within the project team. Such requests were addressed or incorporated into the Scheme where appropriate and feasible, for example the inclusion of additional commitments within the Register of Environmental Actions and Commitments in the **fiEMP (Document Reference 7.3)**. Further details provided in **Appendix K.3**.

13.4.3 The most common topics arising from the target consultation related to:

- Access
- Land ownership and acquisition.

Access

13.4.4 Respondents expressed concerns over access in and out of their land due to the proposals. Some respondents were concerned that this could affect business operations and trading. Other respondents queried whether a 'turning' could be configured as part of the Scheme proposals to improve pre-existing safety concerns accessing the land or if the Application Boundary could be reduced.

Land ownership and acquisition

13.4.5 A number of comments related to land rights and acquisition powers. One land interest explained that whilst they would prefer to retain full ownership of land and grant use through lease agreements, they would be open to negotiations if the land is to be used for environmental mitigation or biodiversity net gain requirements. Another land interest requested an area of land to be removed from the Application Boundary or for the area of land to be reduced to minimise the effects on business operations. As part of its ongoing engagement with land interest, the Applicant will continue to engage with affected landowners, leaseholders and occupiers with regards to the acquisition of land and interests by agreement. **Annex B of the Statement of Reasons (Document Reference 4.1)** submitted with the DCO application sets out how the Applicant has engaged with affected landowners in relation to compulsory acquisition and temporary possession of land. Negotiations will be ongoing throughout the DCO process.

13.4.6 Relevant extracts of the responses received from the targeted consultation are provided in **Appendix K.3**, together with details of how the Applicant has considered those responses in finalising its DCO application in accordance with its duty under Section 49 of the Planning Act 2008.

13.5 Non-statutory engagement

13.5.1 As set out in **Section 4.4** of this report, the Applicant informed prescribed bodies, relevant local authorities and the local community about the minor refinements to the Application Boundary presented in the 2021 statutory consultation on a non-statutory basis.

13.5.2 In determining how to consult upon the minor refinements, the Applicant had regard to Paragraphs 73 – 75 of the DCLG pre-application guidance. Given the nature of the refinements the Applicant did not consider that the '*proposed application changes [had changed] to such a large degree that the proposals could be considered a new application*' or that it '*materially change[d] the application or materially changes [changed] its impacts*'. The Applicant therefore did not undertake a full statutory re-consultation with prescribed bodies, relevant local authorities and the local community, but instead ensured they were informed of the refinements.

- 13.5.3 The Applicant sent an information letter (see **Appendix C.6**) and the Comparison Plan (see **Appendix A.6**) to prescribed bodies, local authorities and parish councils consulted during the 2021 statutory consultation.
- 13.5.4 The Applicant also published an update on its Scheme webpage to inform the local community about the minor refinements to the Application Boundary (see **Appendix C.7**).
- 13.5.5 As part of this exercise, the Applicant received 6 responses from prescribed bodies, including; South Downs National Park Authority, Crown Estate and statutory undertakers. Responses received from Crown Estate and statutory undertakers confirmed that they had no assets or interests affected by the Scheme, whilst South Downs National Park Authority welcomed the removal of the deposition areas and the reduction to the area required for the central construction compound.

14 Non-statutory engagement - 2022 'Scheme update' activity

14.1 Introduction

14.1.1 As noted in **Chapter 4**, the Applicant has sought to ensure stakeholders are kept up to date throughout the development of the Scheme, including outside of the formal statutory consultation periods.

14.1.2 Following a ministerial statement on 12 January 2022, the roll out of ALR schemes, not yet in construction, was paused. Prior to the ministerial statement, the Scheme tied into a proposed ALR scheme known as the 'M3 Junction 9 to 14 Motorway Upgrade Project', which was independent of the Scheme. As the M3 Junction 9 to 14 Motorway Upgrade Project tied into the Scheme on the south facing slips of the gyratory roundabout, some minor design development was undertaken to ensure the Scheme could tie-in to the existing highway. As a result, the Applicant provided a Scheme update to provide further information about the design development and proposed timescales following the ALR pause on a non-statutory basis.

14.1.3 The Applicant also used the Scheme update to notify stakeholders of how the relevant responses received from the 2021 statutory consultation had influenced the evolution of the Scheme design.

14.1.4 This chapter provides details of the design changes to the Scheme since the ALR pause, together with a summary of a Scheme update activity undertaken in September 2022. No responses were requested during the Scheme Update.

14.1.5 Details of how the Scheme has evolved in response to the comments received from the 2021 statutory consultation is detailed in **Section 12.6** of this report.

14.2 Design changes following the All Lane Running pause

14.2.1 Although the M3 Junction 9 to 14 Motorway Upgrade Project is independent from the Scheme, there was an interface where the schemes diverge and therefore minor amendments to the Scheme design were required. The minor amendments relate to the reconfiguration of slip roads and merge lanes, the introduction of a new retaining wall, a new portal gantry and signage.

Southbound amendments

- M3 Junction 9 southbound on-slip arrangement amended from a lane gain perspective to a merge arrangement to tie into the existing southbound lanes
- Localised widening into the existing southbound verge which requires a low-level retaining wall (maximum 1.2m high).

Northbound amendments

- Proposed alignment amended to tie into the existing four northbound lanes on the approach to Junction 9
- 1-mile Verge Mounted Advance Direction Sign to be erected on the approach to Junction 9
- ½-mile Verge Mounted Advance Direction Sign to be erected on the approach to Junction 9
- MS4 Digital Variable Message Sign to be erected between the proposed ½-mile Advance Direction Sign and the off-slip road to Winchester
- Portal gantry to be erected across both carriageways to provide Final Direction Signage to Junction 9
- Removal of the Position of Safety originally proposed on the M3 Junction 9 northbound off-slip.

14.2.2 The resulting changes did not require any changes to the Application Boundary.

14.2.3 The traffic model was re-run to align with the revised design and this showed that the Scheme continued to meet its Scheme objectives.

14.3 The approach to the ‘Scheme update’ activity

14.3.1 In light of the above, the Applicant considered how best to inform stakeholders about the minor amendments to the Scheme.

14.3.2 In determining how to inform stakeholders of the minor design changes, the Applicant had regard to Paragraphs 73 to 75 of the DCLG pre-application guidance.

14.3.3 As noted in **Section 13.2** of this report, Paragraph 73 of the DCLG pre-application guidance states that “*When considering the need for additional consultation, applicants should use the degree of change, the effect on the local community and the level of public interest as guiding factors*”.

14.3.4 **Table 14.1** sets out the change required and the consideration which was given to the degree of change, the effect on local community and the level of public interest.

14.3.5 Paragraph 75 of the DCLG guidance states: *‘if the application only changes to a small degree, or if the change only affects part of the development, then it is not necessary for an applicant to undertake a full re-consultation. Where a proposed application is amended in light of consultation responses then, unless those amendments materially change the application or materially changes its impacts, the amendments themselves should not trigger a need for further*

consultation. Instead, the applicant should ensure that all affected statutory consultees and local communities are informed of the changes’.

14.3.6 Given the nature of the minor amendments, and in the context of the DCLG pre-application guidance, the Applicant considered that the proposed changes were not large enough to be considered a new application and did not materially change the application or its impacts.

14.3.7 The Applicant therefore determined that a full statutory consultation under the Planning Act 2008 was not necessary but instead ensured that stakeholders, including relevant local authorities, landowners and the local community, affected by the refinements were informed on a non-statutory basis.

Table 14.1: Design changes following All Lane Running pause

Description of change	How change came about	Is there a change to the land required?	Will the change result in significant adverse effects?	Is there a significant level of public interest in the change?	Is the 'degree of change' significant?	Comments
Southbound amendments						
M3 Junction 9 southbound on-slip arrangement amended from a lane gain perspective to a merge arrangement to tie into the existing three southbound lanes	To ensure the Scheme could tie-in to the existing highway configuration on the south facing slips of the M3.	No	No	No	No	It was considered that the design refinements are to a small degree and do not materially change the Scheme or its impacts. A statutory consultation was therefore deemed not appropriate.
Localised widening into the existing southbound verge which requires a low level (maximum		No	No	No	No	

Description of change	How change came about	Is there a change to the land required?	Will the change result in significant adverse effects?	Is there a significant level of public interest in the change?	Is the 'degree of change' significant?	Comments
1.2m high) retaining wall						
Northbound amendments						
Alignment amended to tie into the existing four northbound lanes on the approach to Junction 9	To ensure the Scheme could tie-in to the existing highway configuration on the south facing slips of the M3.	No	No	No	No	It was considered that the design refinements are to a small degree and do not materially change the Scheme or its impacts. A statutory consultation therefore deemed not appropriate.
1-mile Verge Mounted Advance Direction Sign to be erected on the approach to Junction 9	Signage amendment to ensure the proposed revised northbound amendments tie-in to existing M3 alignment.	No	No	No	No	

Description of change	How change came about	Is there a change to the land required?	Will the change result in significant adverse effects?	Is there a significant level of public interest in the change?	Is the 'degree of change' significant?	Comments
½-mile Verge Mounted Advance Direction Sign to be erected on the approach to Junction 9	Signage amendment to ensure the proposed revised northbound amendments tie-in to existing M3 alignment.	No	No	No	No	
MS4 Digital Variable Message Sign to be erected between the proposed ½-mile Advance Direction Sign and the off-slip road to Winchester	Signage amendment to ensure the proposed revised northbound amendments tie-in to existing M3 alignment.	No	No	No	No	
Portal gantry to be erected across both carriageways to provide Final	To ensure the Scheme could tie-in to the existing highway	No	No	No	No	

Description of change	How change came about	Is there a change to the land required?	Will the change result in significant adverse effects?	Is there a significant level of public interest in the change?	Is the 'degree of change' significant?	Comments
Direction Signage to Junction 9	configuration on the south facing slips of the M3.					
Removal of the Position of Safety originally proposed on the M3 Junction 9 northbound off-slip	To ensure the Scheme could tie-in to the existing highway configuration on the south facing slips of the M3.	No	No	No	No	

14.3.8 Furthermore, in line with Paragraph 75 of the DCLG pre-application guidance, the Applicant used the Scheme update activity to inform the local community about the design changes made following the responses received from the 2021 statutory consultation.

14.4 ‘Scheme update’ activities

14.4.1 The Applicant provided a Scheme update in September 2022 to provide further information about the minor design amendments and proposed timescales following the ALR pause. The Applicant also used the Scheme update to notify stakeholders about the design changes following the responses received from the 2021 statutory consultation.

14.4.2 The update was disseminated to stakeholders through various methods, including public information events, an online information portal and stakeholder briefings. Further details are provided below.

14.4.3 During the period of the Scheme update, engagement with prescribed bodies, relevant local authorities and landowners, as detailed in **Section 4.4** of this report, was ongoing.

Engagement with the local community

Public information events

14.4.4 Public information events were held on 25 September 2022 and 26 September 2022 (see **Table 14.2** for further details). The public information events were staffed by members of the Applicant’s project team who were able to discuss the minor design amendments and proposed application timeline. The Applicant’s project team proactively sought to engage with attendees in order to provide information and answer questions.

Table 14.2: 2022 Public Information Events

Date	Time	Venue	Number of attendees
25/09/2022	10.00 am to 4.00 pm	Tesco Extra Easton Lane, Winchester, SO23 7RS	225
26/09/2022	10.00 am to 4.00 pm		195

14.4.5 At the public information events, display boards were set up containing information about the Scheme in a clear and accessible format. The display boards included information on:

- Overview of the Scheme

- Design updates
- Environmental work updates
- Programme and next steps.

14.4.6 The Applicant also had print outs of the general arrangement drawings showing the Scheme design. Copies of the display boards and general arrangement drawings presented at the public information events can be found in **Appendix M.7** and **Appendix M.8**, respectively.

14.4.7 The main themes raised at the public information events were:

- Support for the design changes to the walking, cycling and horse-riding provisions since the 2021 statutory consultation
- The Cart and Horses junction (outside the Application Boundary)
- Concerns relating to traffic diversions during construction
- The timing of scheme delivery.

Online information portal

14.4.8 The Applicant used an online information portal to provide details about the updates to the Scheme and the proposed application timeline (see **Appendix M.1**). The online portal included information on:

- General overview of the Scheme
- The design changes in response to comments received at the 2021 statutory consultation
- The design amendments in response to the pause of ALR schemes
- Environmental work updates, including survey details
- Programme and next steps.

14.4.9 The online information portal was launched on 20 September 2022 and could be accessed via the Scheme webpage.

14.4.10 The online information portal was launched ahead of the public information events to allow stakeholders to review the information and prepare any questions for the project team.

Stakeholder briefings

14.4.11 The Applicant held stakeholder briefing sessions in September 2022 and October 2022 via Microsoft Teams. The briefings covered details about how the

Scheme had changed in response to comments received at the 2021 statutory consultation and how the Scheme has been affected by the ALR pause, including minor design amendments and programme delays. At the briefings, members of the project team gave a presentation and then took questions from attendees. **Table 14.3** provides further details about the stakeholder briefing sessions.

Table 14.3: Stakeholder briefing sessions

Stakeholder briefing session	Date
Briefing to Walking, Cycling and Horse-riding groups	07/09/2022
Briefing to Locally Elected Representatives	22/09/2022
Briefing to Itchen Valley Parish Council	29/09/2022
Briefing to Winchester City Council members	03/10/2022

14.4.12 The Applicant circulated the stakeholder briefing presentation to Hampshire County Council, South Downs National Park Authority, Winchester City Council, Natural England, Historic England and the Environment Agency for information.

Advertising and publicity

14.4.13 **Table 14.4** summarises the range of methods used to advertise the Scheme update.

Table 14.4: Methods of publication for the 2022 'Scheme update'

Awareness raising activity	Details
Scheme webpage	Information about the Scheme update and opportunities to engage, including details about the public information events and a link to the online information portal, was shared on the Applicant's dedicated Scheme webpage (see Appendix M.2).
Press release	A press release providing details about the public information events held on 25 September 2022 and 26 September 2022 was issued to local media outlets.

Awareness raising activity	Details
Social media	The Applicant publicised details of the online information portal and public information events via the Applicant's South East Twitter account (@HighwaysSEAST) and Facebook account (see Appendix M.3).
Newsletter	An e-newsletter containing information about the design development of the Scheme and an invitation to attend the public information events was sent to over 5,000 stakeholders that registered online to receive Scheme updates. A copy of the newsletter is enclosed in Appendix M.4 .
Posters	Posters advertising the online information portal and public information events were sent out by the Applicant to be displayed in local venues. A copy of the poster is enclosed in Appendix M.5 .
Letter and emails	Written correspondence was sent to stakeholders, including landowners, parish councils, community groups and locally elected representatives, to inform them of the upcoming Scheme update and the public information events. A copy of the written correspondence is enclosed in Appendix M.6 and Appendix M.10 .

Engagement with land interests

14.4.14As set out in **Section 4.4** of this report, the Applicant informed land interests about the Scheme update on a non-statutory basis. The Applicant sent an information letter (see **Appendix M.6**) to landowners between 21 September 2022 and 23 September 2022, which provided an overview of the design changes, details about the online information portal and an invite to the public information events.

Engagement with relevant prescribed bodies and local authorities

14.4.15 As part of its ongoing engagement with the host authorities and statutory environmental bodies, the Applicant provided details about the minor design amendments and proposed timescales following the ALR pause, as well as the design changes following the responses received from the 2021 statutory consultation to Winchester City Council, Hampshire County Council, South

Downs National Park Authority, Historic England, Natural England, and the Environment Agency during regular Scheme update meetings and written correspondence. Further details are provided in **Section 4.4** of this report.

15 Approach to 2022 targeted consultation

15.1 Introduction

- 15.1.1 The Applicant has had regard to Paragraphs 49 to 52 of the DCLG pre-application guidance which urges applicants to make every reasonable effort to ensure that the Book of Reference is up to date at the time of submission. However, the guidance at Paragraph 51, acknowledges that land interests change over time and that new or additional interests may emerge after an applicant has concluded statutory consultation but just before an application is submitted.
- 15.1.2 The Applicant selected the 21 October 2022 as the “cut-off” for consulting newly arising land interests in light of the Applicant’s interest to submit its application for development consent in November 2022. After 21 October 2022 the Applicant considered that there would not be sufficient time to afford those persons the minimum period of 28 days to review the consultation materials. In addition, it would be difficult for the Applicant to have regard to any new issues raised in any responses received at this stage but the Applicant will consider any responses received and will provide an update should the application be accepted for Examination. Any new land interests that emerge after 21 October 2022 will be included in the of the Section 56 consultation, if the Scheme is accepted.
- 15.1.3 As a result of ongoing diligent inquiries and updates to the environmental assessment the Applicant identified new land interests ahead of DCO submission. This chapter provides details of the targeted consultation undertaken by the Applicant between October and November 2022.

15.2 The approach to 2022 targeted consultation

The need for additional targeted consultation

- 15.2.1 As the Scheme has developed, there have been changes made that have meant that the number of land interests affected by the Scheme has changed and/or the type and extent of proposed acquisition has changed. Furthermore, some changes have led to new or different likely effects to land and property. Therefore, as part of ongoing land referencing exercises and diligent inquiries, new interests were identified in regard to rights of access. These persons are listed in **Appendix B.4**.
- 15.2.2 Furthermore, at the time of the 2021 statutory consultation (see **Chapter 11** of this report) and 2021 targeted consultation (see **Chapter 13** of this report), no Category 3 interests were identified. However, as a result of ongoing assessments as part of the EIA process, the Applicant subsequently identified there were parties that would have a “relevant claim” as a Category 3 interest pursuant to Part 1 of the Land Compensation Act 1973 (that is, people who live outside the Order limits but whose property may be sufficiently close to be

depreciated in value due to noise, vibration, smells, smoke or light emissions caused by the use of the Proposed Scheme once it is in operation). Details of how Category 3 interests were identified is provided in the sub-section below. These persons are listed in **Appendix B.4**.

15.2.3 The Applicant has therefore carried out a targeted consultation with these interests under Section 42(1)(d) of the Planning Act 2008.

2022 targeted consultation

15.2.4 The Applicant consulted these parties under Section 42(1)(d) of the Planning Act 2008 between 25 October 2022 to 21 November 2022. This provided a consultation period of 28 days.

15.2.5 31 land interests received a letter sent by the Applicant to arrive on 24 October 2022 before the start of the consultation. The letter provided an overview of the Scheme and consultation details. Different versions of the letter were prepared for:

- Letter 1 (see **Appendix N.1**) for persons identified that might be entitled to make a relevant claim for compensation due to the effects of construction or when the new or altered road is in use as a Category 3 interest who were not consulted during the 2021 statutory consultation or 2021 targeted consultation.
- Letter 2 (see **Appendix N.2**) for persons consulted during the 2021 statutory consultation or 2021 targeted consultation that the Applicant now understands might be entitled to make a relevant claim for compensation due to the effects of construction or when the new or altered road is in use as a Category 3 interest.
- Letter 3 (see **Appendix N.3**) for persons identified as having a right of access who had not previously been consulted during the 2021 statutory consultation or 2021 targeted consultation. This letter also contained an information sheet.
- Letter 4 (see **Appendix N.4**) for a land interest who was previously informed at the 2021 targeted consultation that its land or property would no longer be required for the Scheme (see **paragraph 13.3.2** of this report) but the Applicant now understands has a right of access. This letter also contained an information sheet.

15.2.6 The letters provided a link to the Scheme webpage where the 2021 statutory consultation documents, including the full PEIR, its technical appendices and the non-technical summary, could be reviewed. The letters also explained that USB copies of the 2021 statutory consultation documents could be supplied upon request, free of charge.

- 15.2.7 An Individual Land Ownership Plan and the Application Boundary Plan were also enclosed with Letter 3 and Letter 4.
- 15.2.8 The Applicant has followed up with those consulted where it held contact details. Due to the imminence of the submission of the Application, the Applicant has not been able to consider any responses received prior to submission. However, to ensure that no person is excluded from presenting their comments the Applicant made it clear that if the application is accepted for Examination they would be notified and they could participate in the Examination. Should any further new interests arise, the Applicant will notify new interests of the opportunity to engage in the process should the application be accepted for Examination.
- 15.2.9 The Applicant considers this approach to align with Paragraph 51 of the DCLG pre-application guidance that states *“...where new interests in land are identified very shortly before the intended submission of an application, despite diligent efforts earlier in the process it may be difficult at that stage for applicants to consult and take account of any responses from those new interests before submitting their application as intended. If this situation arises applicants should be proactive and helpful in ensuring that the person understands how they can, if they so wish, engage with the process if the application is accepted for examination”*.
- 15.2.10 Taken together with the extensive consultation the Applicant carried out under Section 47 (see **Section 11.4** of this report), the Applicant considers that the newly identified land interests have been afforded an opportunity to make their views on the Scheme known and were not prejudiced by the stage that the Applicant became aware of their interest in the land or right of access.

16 Conclusion

16.1.1 This report has been submitted in accordance with Section 37(3)(c) of the Planning Act 2008 which requires that any application for an order granting development consent must be accompanied by a consultation report.

16.1.2 In accordance with the requirements of Section 37(7) of the Planning Act 2008, it has provided details of:

- How the Applicant has carried out consultation in compliance with statutory requirements, namely Sections 42, 47, and 48 of the Planning Act 2008, in relation to the 2021 statutory consultation and 2021 targeted consultation
- A summary of any relevant responses received by the Applicant in response to those consultations
- How the Applicant had regard to those relevant responses, in accordance with Section 49 of the Planning Act 2008.

16.1.3 In addition, this report has provided an overview of how the Applicant has carried out non-statutory consultation and engagement with stakeholders, and how the feedback received through such activities has also been taken into account by the Applicant in developing the Scheme design and assessing its effects on the environment.

16.1.4 Finally, this report has set out how the Applicant has carried out pre-application consultation on preliminary environmental information in accordance with the Infrastructure EIA Regulations.

16.1.5 In this report, the Applicant has demonstrated that a staged and iterative approach to consultation has been undertaken in relation to the Scheme, reflecting the DCLG pre-application guidance on consultation. This approach has been taken to provide the opportunity for consultees to help influence the developing proposals.

16.1.6 It is therefore concluded that, as evidenced in this report and **Annex 1**, the Applicant has complied with all statutory requirements of the Planning Act 2008 in relation to carrying out pre-application consultation.