

# **M3 Junction 9 Improvement**

**Scheme Number: TR010055**

## **5.1 Consultation Report**

### **Annex 1 – Consultation Compliance Checklist**

**APFP Regulation 5(2)(q)**

**Planning Act 2008**

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

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Planning Act 2008

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

M3 Junction 9 Improvement  
Development Consent Order 202[x]

**5.1 CONSULTATION REPORT  
ANNEX 1 – CONSULTATION COMPLIANCE CHECKLIST**

<b>Regulation Number:</b>	Regulation 5(2)(q)
<b>Planning Inspectorate Scheme Reference:</b>	TR010055
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## Annex 1 – Consultation Compliance Checklist

Ref	Requirement	Compliance
<b>Planning Act 2008</b>		
<b>Section 42</b>	<b>Duty to consult</b>	
	(1) The applicant must consult the following about the proposed application-	
	(a) such persons as may be prescribed,	The prescribed bodies identified under Section 42 of the Planning Act 2008, with reference to the APFP Regulations, were consulted at the commencement of the 2021 statutory consultation period. <b>Section 11.2</b> of this report provides further details of this and <b>Appendix B.1</b> contains the list of prescribed bodies that were consulted by the Applicant and the consultation window each consultee was given.
	(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),	Consultation on the Scheme was not undertaken with the Marine Management Organisation as it is an inland scheme.
	(b) each local authority that is within section 43,	The Applicant undertook statutory consultation under Section 42(1)(b) with local authorities within Section 42 of the Planning Act 2008. The local authorities identified and consulted on the Scheme under Section 42(1)(b) were as follows:  'B' Authorities:

Ref	Requirement	Compliance
		<ul style="list-style-type: none"> <li>• Winchester City Council</li> <li>• South Downs National Park Authority</li> </ul> <p>‘C’ Authorities:</p> <ul style="list-style-type: none"> <li>• Hampshire County Council</li> </ul> <p>‘A’ Authorities:</p> <ul style="list-style-type: none"> <li>• Test Valley Borough Council</li> <li>• Basingstoke and Deane Borough Council</li> <li>• East Hampshire District Council</li> <li>• Havant Borough Council</li> <li>• Portsmouth City Council</li> <li>• Fareham Borough Council</li> <li>• Eastleigh Borough Council</li> </ul> <p>‘D’ Authorities:</p> <ul style="list-style-type: none"> <li>• New Forest National Park Authority</li> <li>• West Sussex County Council</li> <li>• Surrey County Council</li> <li>• Southampton City Council</li> <li>• Portsmouth City Council</li> <li>• Dorset County Council</li> <li>• Wiltshire Council</li> <li>• West Berkshire Council</li> <li>• Wokingham Borough Council</li> <li>• Bracknell Forest Council</li> <li>• New Forest District Council</li> <li>• Bournemouth, Christchurch and Poole Council</li> </ul>

Ref	Requirement	Compliance
		<p><b>Section 11.3</b> of this report provides a description of the statutory consultation undertaken with local authorities in 2021 and <b>Appendix B.1</b> provides details about the consultation window the local authorities were given.</p>
	(c) the Greater London Authority if the land is in Greater London, and,	<p>Consultation on the Scheme was not undertaken with the Greater London Authority as the Scheme is not located within Greater London.</p>
	(d) each person who is within one or more of the categories set out in section 44	<p>The Applicant undertook statutory consultation under Section 42(1)(d) of the Planning Act 2008 with land interests in accordance with section 44 for the purposes of the 2021 statutory consultation.</p> <p>The Applicant also undertook targeted consultation under Section 42(1)(d) of the Planning Act 2008 with new or additional interests that emerged after the 2021 statutory consultation. <b>Chapters 13</b> and <b>15</b> of the Consultation Report provide further details.</p> <p>Any land interests identified through ongoing diligent inquiries up to 21 October 2022 were consulted under Section 42(1)(d).</p> <p><b>Appendices B.2</b> to <b>B.4</b> contain anonymised lists of all Section 42(1)(d) land interests that were consulted and provide details of the consultation window provided for each land interest for the 2021 statutory consultation,</p>

Ref	Requirement	Compliance
		2021 targeted consultation and 2022 targeted consultation.
	(2) The areas are -	
	(a) waters in or adjacent to England up to the seaward limits of the territorial sea;	N/A – the Scheme is an inland scheme.
	(b) an exclusive economic zone, except any part of an exclusive economic zone in relation to which the Scottish Ministers have functions;	N/A – the Scheme is an inland scheme in England.
	(c) a Renewable Energy Zone, except any part of a Renewable Energy Zone in relation to which the Scottish Ministers have functions;	N/A – the Scheme is an inland scheme in England.
	(d) an area designated under section 1(7) of the Continental Shelf Act 1964, except any part of that area which is within a part of an exclusive economic zone or Renewable Energy Zone in relation to which the Scottish Ministers have functions.	N/A – the Scheme is an inland scheme in England.
<b>Section 45</b>	<b>Timetable for consultation under section 42</b>	
	(1) The applicant must, when consulting a person under section 42, notify the person of the deadline for the receipt by the applicant of the person's response to the consultation.	<p>The Section 42 consultees were notified of the deadline for receipt of consultation responses in the letters sent with the consultation materials.</p> <p>Copies of the cover letters sent to Section 42 consultees are provided in <b>Appendix J.2-J.5, Appendix L.1-L.3 and Appendix N.1-N4</b>. All letters contain a clear notification of the deadline for receipt of responses.</p>

Ref	Requirement	Compliance
	<p>(2) A deadline notified under subsection (1) must not be earlier than the end of the period of 28 days that begins with the day after the day on which the person receives the consultation documents.</p>	<p>The Applicant’s statutory consultation under Section 42 commenced on 27 May 2021 and concluded on 8 July 2021, allowing more than the statutory minimum of 28 days.</p> <p>As set out in <b>Appendix B.2</b>, additional land interests were identified as a result of ongoing diligent inquiries after 27 May 2021. Each additional land interest was given a separate consultation period which allowed at least the statutory minimum of 28 days. <b>Appendix B.2</b> contains anonymised lists of all Section 42(1)(d) land interests that were consulted and provide details of the consultation window provided for each land interest for the 2021 statutory consultation.</p> <p>As outlined in <b>Chapter 13</b> and <b>Appendix B.3</b> of this report, additional Section 42(1)(d) consultees were identified as a result of minor refinements to the Application Boundary following the 2021 statutory consultation. The Applicant’s 2021 targeted consultation commenced on 17 November 2021 and concluded on 22 December 2021, allowing more than the statutory minimum of 28 days. <b>Appendix B.3</b> contains an anonymised lists of all Section 42(1)(d) land interests that were consulted on the targeted consultation and provides details of the consultation window provided for each land interest.</p>



Ref	Requirement	Compliance
		<p>As detailed in <b>Chapter 15</b> and <b>Appendix B.4</b> of this report, additional Section 42(1)(d) consultees were identified as a result of updates to the environmental assessment and ongoing diligent inquiries following the 2021 statutory consultation and 2021 targeted consultation. The Applicant’s 2022 targeted consultation commenced on 25 October 2022 and concluded on 21 November 2022. <b>Appendix B.4</b> contains an anonymised lists of all Section 42(1)(d) land interests that were consulted on the targeted consultation and provides details of the consultation window provided for each land interest.</p> <p>The deadline for each consultation period was clearly provided in each cover letter as set out in <b>Section 11.2</b>, <b>Section 13.3</b> and <b>Section 15.2</b> of this report. In regards to the 2022 targeted consultation, 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.</p> <p>Copies of all cover letters are provided in <b>Appendix J.4</b>, <b>Appendix L.1-L.3</b> and <b>Appendix N.1-N.4</b> of this report.</p>

Ref	Requirement	Compliance
	(3) In subsection (2) “the consultation documents” means the documents supplied to the person by the applicant for the purpose of consulting the person.	Copies of the consultation documents were issued with the cover letters in the instances outlined above for the purpose of consulting the person. The consultation documents provided are described in <b>Section 11.2</b> (for 2021 statutory consultation), <b>Section 13.3</b> (for 2021 targeted consultation) and <b>Section 15.2</b> (for 2022 targeted consultation) of this report. <b>Appendix J</b> , <b>Appendix L</b> and <b>Appendix N</b> contain copies of the consultation documents.
<b>Section 46</b>	<b>Duty to notify Secretary of State of proposed application</b>	
	<p>(1) The applicant must supply the Secretary of State with such information in relation to the proposed application as the applicant would supply to the Secretary of State for the purpose of complying with section 42 if the applicant were required by that section to consult the Secretary of State about the proposed application.</p> <p>(2) The applicant must comply with subsection (1) on or before commencing consultation under section 42</p>	<p>The Section 46 notification (dated 25 May 2021) was sent to the Planning Inspectorate notifying the SoS of the proposed application. A copy of the notification letter is provided in <b>Appendix J.6</b> of this report. The information provided in accordance with Section 46 comprised:</p> <ul style="list-style-type: none"> <li>• A covering letter;</li> <li>• Notification pursuant to Section 48 of the Planning Act 2008 and Regulation 13 of the Infrastructure EIA Regulations 2017;</li> <li>• A USB drive containing an electronic copy of the following documents: <ul style="list-style-type: none"> <li>○ Template covering letters sent to consultees under Section 42 of the Planning Act 2008;</li> <li>○ Notification pursuant to Section 48 of the Planning Act 2008 and Regulation 13 of the Infrastructure EIA Regulations 2017;</li> </ul> </li> </ul>

Ref	Requirement	Compliance
		<ul style="list-style-type: none"> <li>○ Consultation Brochure;</li> <li>○ Questionnaire Form;</li> <li>○ PEIR, its technical appendices and non-technical summary; and</li> <li>○ Consultation plans</li> </ul> <p>The Planning Inspectorate sent an acknowledgement of receipt of the Section 46 notification on 27 May 2021 (see <b>Appendix J.7</b>).</p> <p>The notification under Section 46 was provided on 26 May 2021, the commencement of the 2021 statutory consultation period was 27 May 2021. The SoS was therefore notified before statutory consultation under Section 42 of the Planning Act 2008 commenced.</p>
<b>Section 47</b>	<b>Duty to consult local community</b>	
	(1) The applicant must prepare a statement setting out how the applicant proposes to consult, about the proposed application, people living in the vicinity of the land.	<p>The Applicant prepared a Statement of Community Consultation (SoCC) on how it intended to carry out consultation in accordance with Section 47 of the Planning Act 2008 (a copy of the 2021 SoCC is provided in <b>Appendix I.8</b>). <b>Sections 10.4</b> and <b>10.5</b> of this report describe the approach taken to prepare the SoCC. <b>Table 10.1</b> 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 and <b>Appendix I.18</b> sets out the Applicant’s compliance with the SoCC.</p>

Ref	Requirement	Compliance
	<p>(2) Before preparing the statement, the applicant must consult each local authority that is within section 43(1) about what is to be in the statement.</p>	<p>The Applicant consulted with each local authority under Section 43(1) – Winchester City Council and South Downs National Park Authority as the ‘B’ local authorities and Hampshire County Council as the ‘C’ local authority – on the content of the SoCC. The Applicant also engaged with relevant ‘A’ and ‘D’ local authorities on the draft 2021 SoCC on a non-statutory basis, allowing them an opportunity to provide comments.</p> <p><b>Section 10.4</b> of this report outlines the consultations undertaken on the draft 2021 SoCC. <b>Tables 10.2, 10.3</b> and <b>10.4</b> of this report provide a summary of the comments received by local authorities on the draft 2021 SoCC and how the Applicant has had regard to those responses in the preparation of the published 2021 SoCC.</p>
	<p>(3) The deadline for the receipt by the applicant of a local authority's response to consultation under subsection (2) is the end of the period of 28 days that begins with the day after the day on which the local authority receives the consultation documents.</p>	<p>On 10 November 2020, the Applicant emailed the draft 2021 SoCC to Winchester City Council, South Downs National Park Authority and Hampshire County Council for formal statutory consultation in accordance with section 47(3). See <b>Appendix I.3</b> for copies of the covering emails to the local authorities, <b>Appendix I.1</b> for a copy of the draft 2021 SoCC and <b>Appendix I.2</b> for a copy of the draft 2021 SoCC Explanatory Statement.</p> <p>The draft 2021 SoCC Explanatory Statement states that <i>“In accordance with section 47(3) of the PA 2008, local authorities have 28 calendar days in which to respond to this consultation. Therefore, comments must be</i></p>

Ref	Requirement	Compliance
		<p><i>submitted to Highways England by <b>9th December 2020</b> to ensure that they are incorporated in the published version of the SoCC.</i>”, thereby providing the statutory 28 days to respond.</p> <p>Winchester City Council, Hampshire County Council and South Downs National Park Authority submitted individual responses on 9 December 2020 (see <b>Appendix I.4</b> for a summary of responses).</p>
	<p>(4) In subsection (3) “the consultation documents” means the documents supplied to the local authority by the applicant for the purpose of consulting the local authority under subsection (2).</p>	<p>The Applicant issued the draft 2021 SoCC and SoCC Explanatory Statement to Winchester City Council, Hampshire County Council and South Downs National Park Authority for consultation.</p>
	<p>(5) In preparing the statement, the applicant must have regard to any response to consultation under subsection (2) that is received by the applicant before the deadline imposed by subsection (3).</p>	<p><b>Table 10.3</b> of this report sets out the responses received on the draft 2021 SoCC from Winchester City Council, Hampshire County Council and South Downs National Park Authority and explains how the Applicant had regard to the responses when preparing the final 2021 SoCC for publication. The Applicant discussed its responses with Winchester City Council, Hampshire County Council and South Downs National Park Authority at the Engagement Working Group on 18 March 2021 (see <b>Table 4.2</b> 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 <b>Appendix I.5</b>.</p>

Ref	Requirement	Compliance
	<p>(6) Once the applicant has prepared the statement, the applicant must—</p> <p>(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 land,</p> <p>(a) publish, in a newspaper circulating in the vicinity of the land, a notice stating where and when the statement can be inspected, and</p> <p>(b) publish the statement in such manner as may be prescribed.</p>	<p><b>Section 10.5</b> of this report details how the SoCC has been made available for inspection and how a SoCC Notice was published in local newspapers circulating in the vicinity of the land.</p> <p>A SoCC Notice was published in the Mid Hampshire Observer on 12 May 2021 and 19 May 2021; the Hampshire Chronicle on 13 May 2021 and 20 May 2021; and the Hampshire Independent on 14 May 2021 and 21 May 2021. The SoCC Notice provided details of where the final 2021 SoCC could be inspected.</p> <p>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. As stated in <b>Section 2.3</b> 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.</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>

Ref	Requirement	Compliance
	(7) The applicant must carry out consultation in accordance with the proposals set out in the statement.	<p>The final 2021 SoCC and 2021 SoCC Notice are provided in <b>Appendix I.8</b> and <b>Appendix I.9</b> of this report.</p> <p>The Applicant has consulted under Section 47 of the Planning Act 2008 in accordance with the SoCC. Details of the consultation carried out in accordance with the SoCC are set out in <b>Section 11.4</b> of this report as well as in the SoCC Compliance Checklist (see <b>Appendix I.18</b> of this report).</p>
<b>Section 48</b>	<b>Duty to publicise</b>	
	(1) The applicant must publicise the proposed application in the prescribed manner.	<p>The Applicant prepared and published a Section 48 Notice in the manner prescribed Regulation 4 of APFP Regulations and the amendments made to paragraphs (3)(e) and (3)(f) of Regulation 4 (made under Regulation 9A) of the APFP Regulations in light of the COVID Regulations (see details below). The notice was then also issued to the consultation bodies under Regulation 13 of the EIA Infrastructure Regulations 2017 (see <b>Section 11.5</b> of this report).</p> <p>The 2021 Section 48 Notice was published in the following newspapers:</p> <ul style="list-style-type: none"> <li>• Mid Hampshire Observer for two successive weeks (19 May 2021 and 26 May 2021)</li> <li>• Hampshire Chronicle for two successive weeks (20 May 2021 and 27 May 2021)</li> <li>• Hampshire Independent (21 May 2021 and 28 May 2021)</li> </ul>

Ref	Requirement	Compliance
		<ul style="list-style-type: none"> <li>• London Gazette (27 May 2021)</li> <li>• The Times (3 June 2021)</li> </ul> <p>The Scheme does not involve land in Scotland and as such there was no requirement to publish a notice in the Edinburgh Gazette. The Scheme also does not involve offshore development and as such there was no requirement to publish a Section 48 Notice in the Lloyds List or within an appropriate fishing journal.</p> <p>Copies of the 2021 Section 48 Notices as they appeared in papers are provided in <b>Appendices J.21 – J.28</b> of this report.</p>
	(2) Regulations made for the purposes of subsection (1) must, in particular, make provision for publicity under subsection (1) to include a deadline for receipt by the applicant of responses to the publicity.	The 2021 Section 48 Notice included a deadline for receipt of responses to the publicity. The notice was published between 19 May 2021 and 3 June 2021. The deadline for receipt of responses to the publicity provided in the notice was 11.59 PM on 8 July 2021, therefore, allowing more than the statutory minimum of 28 days following the date when the notice was last published.
<b>Section 49</b>	<b>Duty to take account of responses to consultation and publicity</b>	
	(1) Subsection (2) applies where the applicant-	<b>Chapter 12</b> of this report provides a summary of the main issues raised in the 2021 consultation responses and how the Applicant has had regard to the relevant responses received. The following sections in this report
	(a) has complies sections 42, 47 and 48, and	
	(b) proposes to go ahead with making an application for an order granting development	



Ref	Requirement	Compliance
	<p>consent (whether or not in the same terms as the proposed application).</p> <p>(2) The applicant must, when deciding whether the application that the applicant is actually to make should be in the same terms as the proposed application, have regard to any relevant responses.</p> <p>(3) In subsection (2) “relevant response” means—</p> <p>(a) a response from a person consulted under section 42 that is received by the applicant before the deadline imposed by section 45 in that person's case,</p> <p>(b) a response to consultation under section 47(7) that is received by the applicant before any applicable deadline imposed in accordance with the statement prepared under section 47, or</p> <p>(c) a response to publicity under section 48 that is received by the applicant before the deadline imposed in accordance with section 48(2) in relation to that publicity.</p>	<p>summarise the relevant responses received during consultation and the associated appendices provide extracts of the relevant responses and how the Applicant has had regard to relevant responses:</p> <ul style="list-style-type: none"> <li>• Section 42 consultation – <b>Section 12.3</b> and <b>Appendix K.1</b></li> <li>• Section 47 consultation – <b>Section 12.4</b> and <b>Appendix K.2</b></li> <li>• Section 48 consultation – <b>Section 12.4</b> and <b>Appendix K.2</b></li> </ul> <p><b>Appendices K.1 to K.2</b> of this report provide extracts of relevant consultation comments received as part of the 2021 statutory consultation and how the Applicant has had regard to those responses.</p> <p><b>Chapter 13</b> and <b>Appendix K.3</b> provide a summary of the main issues raised in the 2021 targeted consultation responses and how the Applicant has had regard to the relevant responses received.</p> <p>As noted in <b>Chapter 15</b>, due to the imminence of the submission of the Application, the Applicant has not been able to consider any responses received during the 2022 targeted consultation prior to submission. However, to ensure that no person is excluded from presenting their comments the Applicant made it clear that if the</p>

Ref	Requirement	Compliance
		application is accepted for Examination they would be notified and they could participate in the Examination.
<b>Section 50</b>	<b>Guidance about pre-application procedure</b>	
	(1) Guidance may be issued about how to comply with the requirements of this Chapter.	<p><b>Chapter 3</b> of this report sets out the relevant guidance which the Applicant has had regard to in order to comply with the requirements of Chapter 2 of the Planning Act 2008.</p> <p><b>Annex 1</b> of this report (this Annex) sets out how the Applicant has had regard to the DCLG (2015) <i>Guidance on the pre-application process</i>.</p>
	(2) Guidance under this section may be issued by the Commission or the Secretary of State.	
	(3) The applicant must have regard to any guidance under this section.	
<b>Amendments due to COVID-19 restrictions</b>		
<b>The Infrastructure Planning (Publication and Notification of Applications etc.) (Amendment) Regulations 2020</b>		
<b>Reg 2</b>	<p>(1) The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 are amended as follows:</p> <p>(2) In regulation 4 (publicising a proposed application)—</p> <p style="padding-left: 20px;">(a) in paragraph (3)(e), for “at the places (including at least one address in the vicinity of the proposed development) and times set out in the notice” substitute “on a website maintained by or on behalf of the applicant”;</p> <p style="padding-left: 20px;">(b) before paragraph (3)(f) insert—</p>	<p>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.</p> <p>Paragraph 4 of the 2021 Section 48 Notice (see <b>Appendix J.20</b>) states that: “A copy of the consultation documents (including the PEIR and non-technical summary of the PEIR), plans and maps showing the</p>

Ref	Requirement	Compliance
	<p>“(ea) the address of the website where the documents, plans and maps may be inspected; (eb) the place on the website where the documents, plans and maps may be inspected; (ec) a telephone number which can be used to contact the applicant for enquiries in relation to the documents, plans and maps;” and</p> <p>(c) in paragraph (3)(f), after “available for inspection” insert “on the website”.</p>	<p><i>nature and location of the Proposed Scheme will be available to view, free of charge, on the Proposed Scheme webpage from 9am on Thursday 27 May 2021. To view the consultation documents, please visit the documents section on the following website: <a href="http://www.highwaysengland.co.uk/m3junction9">www.highwaysengland.co.uk/m3junction9</a>. The consultation documents will remain on the website for the duration of the consultation period.”</i></p> <p>Paragraph 9 of the 2021 Section 48 Notice (see <b>Appendix J.20</b>) provides a telephone number which can be used to contact the Applicant for enquiries in relation to the documents, plans and maps. Paragraph 9 also includes postal and email details for the Applicant.</p>
<b>The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009</b>		
<b>Reg 3</b>	<b>Prescribed consultees</b>	
	<p>The persons prescribed for the purposes of section 42(a) (duty to consult) are those listed in column 1 of the table in Schedule 1 to these Regulations, who must be consulted in the circumstances specified in relation to each such person in column 2 of that table.</p>	<p>The Applicant consulted all those persons prescribed in column 1 of the table in Schedule 1 who were relevant to this application by the descriptions set out in column 2 of that table. The process that the Applicant adopted to identify all prescribed bodies is included in <b>Section 11.2</b> of this report and <b>Appendix B.1</b>.</p>
<b>Reg 4</b>	<b>Publicising a proposed application</b>	
	<p>(1) This regulation prescribes for the purpose of section 48(1) (duty to publicise), the manner in which an applicant must publicise a proposed application.</p>	<p>The Applicant prepared and published a Section 48 Notice in the manner prescribed by the APFP Regulations and COVID Regulations (which was then also issued under Regulation 13 of the Infrastructure EIA</p>

Ref	Requirement	Compliance
		Regulations 2017). See <b>Appendices J.21 – J.28</b> for copies of the published 2021 Section 48 Notice.
	(2) The applicant must publish a notice, which must include the matters prescribed by paragraph (3) of this regulation, of the proposed application—	The Applicant published a notice which included the matters set out in paragraph (3) of this regulation and the amendments made to paragraphs (3)(e) and (3)(f) in light of the COVID Regulations. See <b>Appendices J.21 – J.28</b> for copies of the published 2021 Section 48 Notice.
	(a) for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated;	The notice was published for two successive weeks in the following local newspapers: <ul style="list-style-type: none"> <li>• Mid Hampshire Observer on 19 May 2021 and 26 May 2021 (see <b>Appendices J.21 – J.22</b>)</li> <li>• Hampshire Chronicle on 20 May 2021 and 27 May 2021 (see <b>Appendices J.23 – J.24</b>)</li> <li>• Hampshire Independent on 21 May 2021 and 28 May 2021 (see <b>Appendices J.25 – J.26</b>)</li> </ul>
	(b) once in a national newspaper;	The notice was published in the Times on 3 June 2021 (see <b>Appendix J.28</b> ).
	(c) once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	The notice was published in the London Gazette on 27 May 2021 (see <b>Appendix J.27</b> ). The Scheme does not affect land in Scotland and as such there was no requirement to publish a notice in the Edinburgh Gazette.
	(d) where the proposed application relates to offshore development – <ul style="list-style-type: none"> <li>(i) once in Lloyd’s List; and</li> <li>(ii) once in an appropriate fishing trade journal.</li> </ul>	The Scheme also does not involve offshore development and as such there was no requirement to publish a Section 48 Notice in the Lloyds List or within an appropriate fishing journal.

Ref	Requirement	Compliance
	<p>(3) The matters which the notice must include are-</p> <p>(a) the name and address of the applicant;</p> <p>(b) a statement that the applicant intends to make an application for development consent to the Commission;</p> <p>(c) a statement as to whether the application is EIA development;</p> <p>(d) a summary of the main proposals, specifying the location or route of the proposed development;</p>	<p>Paragraph 1 of the notice sets out the name and address of the Applicant - Highways England Company Limited (now National Highways Limited) of Bridge House, 1 Walnut Tree Close, Guildford, GU1 4LZ.</p> <p>Paragraph 1 of the notice states that the Applicant intends to make an application to the SoS under Section 37 of the Planning Act 2008 for a Development Consent Order.</p> <p>Paragraph 3 of the notice confirms that the Scheme is 'EIA development' for the purposes of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended).</p> <p>Paragraph 2 of the notice summarises the main proposals, including the location, of the Scheme:</p> <p><i>Highways England is proposing to alter junction 9 of the M3 which connects south Hampshire and the wider sub-region, with London via the M3 and the midlands and the north via the A34. The M3 junction 9 scheme ("the Proposed Scheme") is intended to reduce congestion and improve journeys between the M3 to and from Southampton and the A34 to and from Newbury.</i></p> <p><i>The Proposed Scheme comprises the following key elements:</i></p> <ul style="list-style-type: none"> <li>• <i>Widening of the M3 to form a four lane motorway;</i></li> </ul>

Ref	Requirement	Compliance
	<p>(e) a statement that the documents, plans and maps showing the nature and location of the proposed development are available for inspection free of charge at the places (including at least one address in the vicinity of the proposed development) and times set out in the notice;</p>	<ul style="list-style-type: none"> <li>• <i>Providing a same direction free-flow link between the M3/A34;</i></li> <li>• <i>Rearranging the main junction 9 roundabout;</i></li> <li>• <i>Three new bridges and a number of other structures including new underpasses;</i></li> <li>• <i>Revised walking and cycling routes;</i></li> <li>• <i>New connecting roads from the revised roundabout;</i></li> <li>• <i>Improved motorway slip roads.</i></li> </ul> <p>The COVID Regulations, which came into force on 31 December 2020, amended the requirements under paragraph 3(e) to reflect the need to protect the public during COVID-19. Under amendments made to paragraphs (3)(e) 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.</p> <p>Paragraph 4 of the notice states that “A copy of the consultation documents (including the PEIR and non-technical summary of the PEIR), plans and maps showing the nature and location of the Proposed Scheme will be available to view, free of charge, on the Proposed Scheme webpage from 9am on Thursday 27 May 2021. To view the consultation documents, please visit the documents section on the following website: <a href="http://www.highwaysengland.co.uk/m3junction9">www.highwaysengland.co.uk/m3junction9</a>. The</p>

Ref	Requirement	Compliance
		<p><i>consultation documents will remain on the website for the duration of the consultation period.”</i></p> <p>Paragraph 9 of the notice provides a telephone number which can be used to contact the Applicant for enquiries in relation to the documents, plans and maps.</p>
	<p>(f) the latest date on which those documents, plans and maps will be available for inspection (being a date not earlier than the deadline in sub-paragraph (i));</p>	<p>Paragraph 4 of the notice states that consultation documents will remain on the Scheme webpage for the duration of the consultation period. The consultation documents can still be viewed on the Scheme webpage.</p>
	<p>(g) whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge;</p>	<p>Paragraph 10 of the notice states that electronic and/or paper copies of the consultation documents could be ordered and that a charge of up to £200 (including postage) may apply for a paper copy of the PEIR. Paragraph 10 of the notice also states that all other paper copies of the consultation documents and a digital copy on a USB drive of all the consultation documents would be supplied free of charge.</p>
	<p>(h) details of how to respond to the publicity; and</p>	<p>Details of how to respond to the publicity was included under Paragraph 12 of the notice.</p>
	<p>(i) a deadline for receipt of those responses by the applicant, being not less than 28 days following the date when the notice is last published.</p>	<p>Paragraph 11 of the notice included a deadline for receipt by the Applicant of responses to the publicity. The 2021 Section 48 Notice was published between 19 May 2021 and 3 June 2021. The deadline provided was 8 July 2021, allowing more than the statutory minimum of 28 days following the date when the notice was last published.</p>

Ref	Requirement	Compliance
<b>The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017</b>		
<b>Reg 8</b>	<b>Procedure for establishing whether environmental impact assessment is required</b>	
	<p>(1) A person who proposes to make an application for an order granting development consent must, before carrying out consultation under section 42(1) (duty to consult) either—</p> <p>(a) ask the Secretary of State to adopt a screening opinion in respect of the development to which the application relates; or</p> <p>(b) notify the Secretary of State in writing that the person proposes to provide an environmental statement in respect of that development.</p>	<p>The Applicant made a request to the Planning Inspectorate (acting on behalf of the SoS) for a Scoping Opinion on 19 October 2020, and at the time same time notified the SoS under Regulation 8(1)(b) that the Applicant proposed to provide an Environmental Statement in respect of the Scheme (see <b>Appendix E.4</b> of this report).</p>
	<p>(2) A person who proposes to make a subsequent application may, before submitting that application—</p> <p>(a) ask the relevant authority to adopt a subsequent screening opinion in respect of the proposed development; or</p> <p>(b) notify the relevant authority in writing that the person proposes to provide an updated environmental statement in respect of the proposed development.</p> <p>(3) A person making a request under paragraph (1)(a) must provide the following information—</p> <p>(a) a plan sufficient to identify the land;</p>	<p>N/A</p>



Ref	Requirement	Compliance
	<p>(b) a description of the development, including in particular—</p> <ul style="list-style-type: none"> <li>(i) a description of the physical characteristics of the whole development and, where relevant, of demolition works;</li> <li>(ii) a description of the location of the development, with particular regard to the environmental sensitivity of geographical areas likely to be affected;</li> </ul>	
	<p>(c) a description of the aspects of the environment likely to be significantly affected by the development; and</p>	
	<p>(d) to the extent the information is available, a description of any likely significant effects of the development on the environment resulting from—</p> <ul style="list-style-type: none"> <li>(i) the expected residues and emissions and the production of waste, where relevant; and</li> <li>(ii) the use of natural resources, in particular soil, land, water and biodiversity.</li> </ul>	
	<p>(4) A person making a request under paragraph (2)(a) must provide the following information—</p>	
	<p>(a) the reference number applied by the Secretary of State to the application for an order granting development consent in respect of which the applicant proposes to make a subsequent application;</p>	

Ref	Requirement	Compliance
	<p>(b) a description of any aspects of the environment likely to be significantly affected by the development which were not identified at the time the order granting development consent was made; and</p>	
	<p>(c) to the extent the information is available, a description of any likely significant effects on the environment not identified at the time the order granting development consent was made resulting from—</p> <ul style="list-style-type: none"> <li>(i) the expected residues and emissions and the production of waste, where relevant; and</li> <li>(ii) the use of natural resources, in particular soil, land, water and biodiversity.</li> </ul>	
	<p>(5) A person requesting a screening opinion or subsequent screening opinion may also provide details of any features of the proposed development and any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.</p>	
	<p>(6) A person compiling the information set out in paragraphs (3), (4) and (5) must, where relevant, take into account—</p>	
	<p>(a) the criteria set out in Schedule 3 to these Regulations; and</p>	

Ref	Requirement	Compliance
	<p>(b) the results of any relevant EU environmental assessment which is reasonably available to them.</p> <p>(7) Where-</p> <p>(a) the Secretary of State has received a request under paragraph (1)(a); or</p> <p>(b) the relevant authority has received a request under paragraph (2)(a),</p> <p>the Secretary of State, or, as the case may be, the relevant authority, must, if they consider that they have not been provided with sufficient information to adopt an opinion, notify in writing the person making the request of the points on which they require additional information.</p> <p>(8) The Secretary of State or the relevant authority must adopt a screening opinion or a subsequent screening opinion within 21 days beginning with the date of receipt of a request made pursuant to paragraph (1)(a) or (2)(a), or where the Secretary of State or, as the case may be, the relevant authority, has notified the person making the request that it requires additional information, within 21 days of receiving that information.</p> <p>(9) Where the Secretary of State or the Examining authority adopts a screening opinion, or the Secretary of State makes a screening direction under regulation 7, the Secretary of State or the Examining authority, must—</p> <p>(a) state the main reasons for the conclusion of the Examining authority or the Secretary of State, as</p>	

Ref	Requirement	Compliance
	<p>appropriate, with reference to the relevant criteria listed in Schedule 3 to these Regulations;</p> <p>(b) if it is determined that the proposed development is not EIA development, state in that opinion or direction any features of the proposed development and measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment;</p> <p>(c) send a copy of that opinion or direction and a copy of the written statement required by sub-paragraph (a) to the applicant; and</p> <p>(d) where the Examining authority adopts the opinion, send a copy of the opinion and a copy of the written statement to the Secretary of State.</p> <p>(10) Where the relevant authority adopts a subsequent screening opinion to the effect that an updated environmental statement is required to enable it to determine a subsequent application it must—</p> <p>(a) issue with the opinion a written statement stating the main reasons for the conclusion of the relevant authority, with reference to the relevant criteria listed in Schedule 3 to these Regulations; and</p> <p>(b) send a copy of the opinion and a copy of the written statement required by sub-paragraph (a) to the applicant and to the Secretary of State.</p>	

Ref	Requirement	Compliance
<b>Reg 10</b>	<b>Application for a scoping option</b>	
	<p>(1) A person who proposes to make an application for an order granting development consent may ask the Secretary of State to state in writing their opinion as to the scope, and level of detail, of the information to be provided in the environmental statement.</p>	<p>The Applicant requested a scoping opinion from and notified the Planning Inspectorate (acting on behalf of the SoS) on 19 October 2020 (see <b>Appendix E.4</b>).</p>
	<p>(3) A request under paragraph (1) must include—</p> <ul style="list-style-type: none"> <li>(a) a plan sufficient to identify the land;</li> <li>(b) a description of the proposed development, including its location and technical capacity;</li> <li>(c) an explanation of the likely significant effects of the development on the environment; and</li> <li>(d) such other information or representations as the person making the request may wish to provide or make.</li> </ul>	
<b>Reg 12</b>	<b>Consultation statement requirements</b>	
	<p>(1) The consultation statement prepared under section 47(1) (duty to consult local community) must set out—</p>	<p>The Applicant included the following in the 2021 SoCC:</p> <p><i>“The Proposed Scheme is classified as ‘EIA development’ for the purposes of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (‘EIA Regulations 2017’).</i></p>
	<p>(a) whether the development for which the applicant proposes to make an application for an order granting development consent is EIA development; and</p>	
	<p>(b) if that development is EIA development, how the applicant intends to publicise and consult on the preliminary environmental information.</p>	

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	<p>(2) In this regulation, “preliminary environmental information” means information referred to in regulation 14(2) which—</p> <p>(a) has been compiled by the applicant; and</p> <p>(b) is reasonably required for the consultation bodies to develop an informed view of the likely significant environmental effects of the development (and of any associated development).</p>	<p><i>We are therefore required to undertake an Environmental Impact Assessment (‘EIA’) for the Proposed Scheme. We will publish a Preliminary Environmental Information Report (‘PEIR’) as part of the pre-application consultation and we will be seeking views on this information.</i></p> <p><i>In accordance with Regulation 12 of the EIA Regulations 2017, the PEIR (which will set out the preliminary environmental information collected to date and the potential likely significant environmental effects of the Proposed Scheme as we have ascertained them so far) will be prepared to allow consultees to take an informed view of these matters. A non-technical summary of the PEIR will also be made available.</i></p> <p><i>We will submit an Environmental Statement with the DCO application which will report on the likely significant environmental effects of the Proposed Scheme identified in the EIA and the appropriate mitigation measures to be put in place where necessary. “</i></p> <p>A copy of the 2021 SoCC is enclosed in <b>Appendix I.8</b> of this report.</p>
<b>Reg 13</b>	<b>Pre-application publicity under section 48 (duty to publicise)</b>	
	<p>Where the proposed application for an order granting development consent is an application for EIA development, the applicant must, at the same time as publishing notice of the proposed application under</p>	<p>The Applicant sent paper copies of the 2021 Section 48 Notice to all Section 42(1)(a), (b) and (d) consultees, therefore including the ‘consultation bodies’ for the purposes of Regulation 13 of the Infrastructure EIA</p>

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	<p>section 48(1), send a copy of that notice to the consultation bodies and to any person notified to the applicant in accordance with regulation 11(1)(c).</p>	<p>Regulations 2017, at the time of notifying them of the start of the 2021 section 42 statutory consultation (27 May 2021). This exceeds the requirement in the Infrastructure EIA Regulations 2017 to provide a copy of the Section 48 Notice to the “consultation bodies”, defined in regulation 3 by reference to Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. The notice was published under Section 48 of the Planning Act 2008 between 19 May 2021 and 3 June 2021 (see above in respect of section 48 of the Planning Act 2008).</p> <p>The Applicant was not notified of any persons under regulation 11(1)(c) or non-statutory bodies in the Regulation 11 list.</p>
<b>Reg 14</b>	<b>Environmental statements</b>	
	<p>(1) An application for an order granting development consent for EIA development must be accompanied by an environmental statement.</p> <p>(2) An environmental statement is a statement which includes at least—</p> <p>(a) a description of the proposed development comprising information on the site, design, size and other relevant features of the development;</p> <p>(b) a description of the likely significant effects of the proposed development on the environment;</p>	<p>An Environmental Statement has been prepared and submitted as part of the DCO application (see <b>Document Reference 6.1 to 6.4</b>).</p>

Ref	Requirement	Compliance
	<p>(c) a description of any features of the proposed development, or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment;</p>	
	<p>(d) a description of the reasonable alternatives studied by the applicant, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment;</p>	
	<p>(e) a non-technical summary of the information referred to in sub-paragraphs (a) to (d); and</p>	
	<p>(f) any additional information specified in Schedule 4 relevant to the specific characteristics of the particular development or type of development and to the environmental features likely to be significantly affected.</p>	
	<p>(3) The environmental statement referred to in paragraph (1) must—</p>	
	<p>(a) where a scoping opinion has been adopted, be based on the most recent scoping opinion adopted (so far as the proposed development remains materially the same as the proposed development which was subject to that opinion);</p>	



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	<p>(b) include the information reasonably required for reaching a reasoned conclusion on the significant effects of the development on the environment, taking into account current knowledge and methods of assessment; and</p> <p>(c) be prepared, taking into account the results of any relevant UK environmental assessment, which is reasonably available to the applicant with a view to avoiding duplication of assessment.</p> <p>(4) In order to ensure the completeness and quality of the environmental statement—</p> <p>(a) the applicant must ensure that the environmental statement is prepared by competent experts; and</p> <p>(b) the environmental statement must be accompanied by a statement from the applicant outlining the relevant expertise or qualifications of such experts.</p>	
<b>DCLG (2015) PA 2008 Guidance on the pre-application process</b>		
<b>The pre-application consultation process</b>		
<b>23</b>	<p>In brief, during the pre-application stage, applicants are required to:</p> <ul style="list-style-type: none"> <li>Notify the Secretary of State of the proposed application;</li> </ul>	<p>The Applicant notified the SoS (via the Planning Inspectorate) of the proposed application under Section 46 of the Planning Act 2008 on 26 May 2021. A copy of</p>

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		<p>the notification letter is provided in <b>Appendix J.6</b> of this report. The information provided in accordance with Section</p> <p>The Planning Inspectorate sent an acknowledgement of receipt of the Section 46 notification on 27 May 2021 (see <b>Appendix J.7</b>).</p>
	<ul style="list-style-type: none"> <li>Identify whether the project requires an environmental impact assessment; where it does, confirm that they will be submitting an environmental statement along with the application or that they will be seeking a screening opinion ahead of submitting the application;</li> </ul>	<p>The Scheme is considered to fall within Schedule 1 to the Infrastructure EIA Regulations 2017. As such, the Applicant requested a Scoping Opinion from the Secretary of State on 19 October 2020, which also outlined that the Applicant intended to submit an Environmental Statement in respect of the Scheme (see <b>Appendices E.3</b> and <b>E.4</b> of this report).</p>
	<ul style="list-style-type: none"> <li>Produce a Statement of Community Consultation, in consultation with the relevant local authority or authorities; which describes how the applicant proposes to consult the local community about their project and then carry out consultation in accordance with that Statement;</li> </ul>	<p>In accordance with Section 47 of the Planning Act 2008, the Applicant prepared a SoCC which explained how the Applicant intended to consult with the local community about the proposed application and then carried out pre-application consultation in accordance with the final published 2021 SoCC.</p> <p>In preparing the 2021 SoCC, the Applicant:</p> <ul style="list-style-type: none"> <li>Presented an early version of the draft 2021 SoCC to Winchester City Council, South Downs National Park Authority and Hampshire County Council (being the relevant host authorities in accordance with Section 43(1) of the Planning Act 2008) for informal comments on the content and format on</li> </ul>

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		<p>8 October 2020 (see <b>Section 10.4</b> and <b>Table 10.2</b> of this report for further details)</p> <ul style="list-style-type: none"> <li>In November 2020, the Applicant then issued an updated draft 2021 SoCC to Winchester City Council, South Downs National Park Authority and Hampshire County Council for statutory consultation. The Applicant also provided a SoCC Explanatory Statement to aid the local authorities' understanding of the proposed statutory consultation (see <b>Section 10.4</b> and <b>Table 10.3</b> of this report for further details)</li> </ul> <p>In addition to this, the Applicant gave non-section 43(1) local authorities (i.e. the neighbouring authorities) the opportunity to comment on the content and format of the draft 2021 SoCC (see <b>Section 10.4</b> and <b>Table 10.4</b> of this report for further details).</p> <p>The Applicant published the 2021 SoCC online on 14 May 2021 ahead of the statutory consultation process (see <b>Section 10.5</b>).</p>
	<ul style="list-style-type: none"> <li>Make the Statement of Community Consultation available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the land where the development is proposed, as required by section 47 of the Planning Act and Regulations;</li> </ul>	<p>The 2021 SoCC was published on the Scheme webpage on 14 May 2021. <u>The 2021 SoCC was available to view throughout the 2021 statutory consultation period.</u></p> <p>Paper copies of the published 2021 SoCC could be requested, free of charge, <u>throughout the 2021 statutory</u></p>

Ref	Requirement	Compliance
	<ul style="list-style-type: none"> <li data-bbox="423 408 1229 480">Identify and consult statutory consultees as required by section 42 of the Planning Act and Regulations;</li> <li data-bbox="423 831 1229 903">Publicise the proposed application in accordance with Regulations;</li> <li data-bbox="423 1070 1229 1174">Set a deadline for consultation responses of not less than 28 days from the day after receipt/last publication;</li> </ul>	<p data-bbox="1252 312 2038 384"><u>consultation period. Details were provided on the 2021 SoCC Notice (see <b>Appendix I.9</b> of this report).</u></p> <p data-bbox="1252 408 2038 624">Under section 42(1) of the Planning Act 2008, the Applicant undertook consultation with bodies prescribed under Section 42 of the Planning Act 2008 and by Schedule 1 of the APFP Regulations. Details of how the statutory consultees were identified and consulted are provide in <b>Section 11.2</b> of this report.</p> <p data-bbox="1252 663 2038 807">A full list of consultees identified in accordance with Section 42(1)(a), and (b) is included in <b>Appendix B.1</b> and a list of those parties consulted under Section 42(1)(d) is enclosed in <b>Appendices B.2</b> to <b>B.4</b>.</p> <p data-bbox="1252 831 2038 1046">The Applicant prepared and published a Section 48 Notice in the manner prescribed by the APFP Regulations (which was then also issued to the consultation bodies under Regulation 13 of the EIA Regulations 2017). See <b>Appendix J.20</b> for a copy of the published notice.</p> <p data-bbox="1252 1070 2038 1174">The 2021 statutory consultation period commenced on 27 May 2021 and closed on 8 July 2021, allowing more than the statutory minimum of 28 days.</p> <p data-bbox="1252 1214 2038 1358">The Section 42 consultees were notified of the deadline for receipt of consultation responses in the letters sent with the consultation materials. Copies of the cover letters sent to Section 42 consultees are provided in</p>

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		<p><b>Appendices J.2-J.5.</b> All letters contain a clear notification of the deadline for receipt of responses.</p> <p>The 2021 Section 48 Notice included a deadline for receipt of responses to the publicity. The notice was published between 19 May 2021 and 3 June 2021. The deadline for receipt of responses to the publicity provided in the notice was 11.59 PM on 8 July 2021, therefore, allowing more than the statutory minimum of 28 days following the date when the notice was last published.</p> <p>As outlined in <b>Chapter 13</b> and <b>Appendix B.3</b> of this report, additional Section 42(1)(d) consultees were identified as a result of minor refinements to the Application Boundary following the 2021 statutory consultation. The Applicant’s 2021 targeted consultation commenced on 17 November 2021 and concluded on 22 December 2021, allowing more than the statutory minimum of 28 days.</p> <p><b>Appendix B.3</b> contains and anonymised list of all Section 42(1)(d) land interests that were consulted on the 2021 targeted consultation and provides details of the consultation window provided for each land interest. The deadline for each consultation period was clearly provided in each cover letter as set out in <b>Paragraphs 13.3.5</b> and <b>13.3.6</b> of this report.</p>

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		<p>Furthermore, as set out in <b>Chapter 15</b> of this report, new land interests were identified as a result of ongoing diligent inquiries and updates to the environmental assessment. The Applicant’s 2022 targeted consultation commenced on 25 October 2022 and concluded on 21 November 2022, allowing the statutory minimum of 28 days. Due to the imminence of the submission of the Application, the Applicant has not been able to consider any responses received during the 2022 targeted consultation 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.</p> <p><b>Appendix B.4</b> contains an anonymised list of all Section 42(1)(d) land interests that were consulted on the 2022 targeted consultation and provides details of the consultation window provided for each land interest. The deadline for each consultation period was clearly provided in each cover letter.</p> <p>Copies of all cover letters are provided in <b>Appendix J</b>, <b>Appendix L</b> and <b>Appendix N</b> of this report.</p>
	<ul style="list-style-type: none"> <li>• Have regard to relevant responses to publicity and consultation; and</li> </ul>	<p><b>Chapter 12</b> of this report provides a summary of the main issues raised in the 2021 consultation responses and how the Applicant has had regard to the relevant responses received. The following sections in this report summarise the relevant responses received during</p>

Ref	Requirement	Compliance
		<p>consultation and the associated appendices provide extracts of the relevant responses and how the Applicant has had regard to relevant responses:</p> <ul style="list-style-type: none"> <li>• Section 42 consultation – <b>Section 12.3</b> and <b>Appendix K.1</b></li> <li>• Section 47 consultation – <b>Section 12.4</b> and <b>Appendix K.2</b></li> <li>• Section 48 consultation – <b>Section 12.4</b> and <b>Appendix K.2</b></li> </ul> <p><b>Appendices K.1</b> to <b>K.2</b> of this report provide extracts of relevant consultation comments received as part of the 2021 statutory consultation and how the Applicant has had regard to those responses.</p> <p><b>Chapter 13</b> and <b>Appendix K.3</b> provide a summary of the main issues raised in the 2021 targeted consultation responses and how the Applicant has had regard to the relevant responses received.</p> <p>As set out above and in <b>Chapter 15</b> of this report, due to the imminence of the submission of the Application, the Applicant has not been able to consider any responses received during the 2022 targeted consultation prior to acceptance. However, to ensure that no person is excluded from presenting their comments the Applicant made it clear that if the application is accepted for</p>

Ref	Requirement	Compliance
	<ul style="list-style-type: none"> <li>Prepare a consultation report and submit it to the Secretary of State.</li> </ul>	<p>Examination they would be notified and they could participate in the Examination.</p> <p>The Applicant has prepared a <b>Consultation Report (Document Reference 5.1)</b> (this report) to accompany the DCO application. In preparing the Consultation Report, the Applicant has had regard to the DCLG Guidance, and Advice Note Fourteen: Compiling the Consultation Report (Version 3: February 2021) ('PINS Advice Note 14').</p>
24	<p>The requirements of the Planning Act and associated Regulations form the framework for the pre-application consultation process. The Government recognises that major infrastructure projects and the communities and environment in which they are located will vary considerably. A 'one-size-fits-all' approach is not, therefore, appropriate. Instead, applicants, who are best placed to understand the detail of their specific project, and the relevant local authorities, who have a unique knowledge of their local communities, should as far as possible work together to develop plans for consultation. The aim should be to ensure that consultation is appropriate to the scale and nature of the project and where its impacts will be experienced.</p>	<p>The Applicant and Winchester City Council, Hampshire County Council and South Downs National Park Authority (being the relevant host authorities in accordance with Section 43(1) the Planning Act 2008) have worked together on the approach to consultation with the local community, and the host authorities were provided an early opportunity to comment on a draft 2021 SoCC, ahead of the statutory consultation on the SoCC under Section 47(2) of the Planning Act 2008. The consultation was representative of the scale and nature of Scheme and where potential impacts will be experienced.</p>
25	<p>Consultation should be thorough, effective and proportionate. Some applicants may have their own distinct approaches to consultation, perhaps drawing on their own or relevant sector experience, for example if</p>	<p>The Applicant consulted thoroughly on the application by means of non-statutory engagement, non-statutory consultation, statutory consultation and statutory targeted consultation. This process proved to be an</p>



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	<p>there are industry protocols that can be adapted. Larger, more complex applications are likely to need to go beyond the statutory minimum timescales laid down in the Planning Act to ensure enough time for consultees to understand project proposals and formulate a response. Many proposals will require detailed technical input, especially regarding impacts, so sufficient time will need to be allowed for this. Consultation should also be sufficiently flexible to respond to the needs and requirements of consultees, for example where a consultee has indicated that they would prefer to be consulted via email only, this should be accommodated as far as possible.</p>	<p>effective way to gather and incorporate stakeholder feedback from an early stage and throughout the pre-application stage. In light of the comments received, it is considered that the consultation has been demonstrated to be thorough, effective and proportionate to the nature and scale of the Scheme. All statutory consultation periods under Sections 42, 47 and 48 of the Planning Act 2008 allowed the consultees at least the statutory minimum of 28 days to respond. In addition, the Applicant made best endeavors to give prior notice of statutory consultation periods.</p> <p>The Applicant also accommodated stakeholder requests regarding communication methods, sending out information by post or email as appropriate.</p>
	<p><b>Who should be consulted?</b></p>	
<p><b>26</b></p>	<p>The Planning Act requires certain bodies and groups of people to be consulted at the pre-application stage, but allows for flexibility in the precise form that consultation may take depending on local circumstances and the needs of the project itself. Sections 42 – 44 of the Planning Act and Regulations set out details of who should be consulted, including local authorities, the Marine Management Organisation (where appropriate), other statutory bodies, and persons having an interest in the land to be developed. Section 47 in the Planning Act sets out the applicant’s statutory duty to consult local communities. In addition, applicants may also wish to</p>	<p>The Applicant consulted all prescribed bodies under Sections 42 – 44 of the Planning Act 2008 and relevant regulations including local authorities, other statutory bodies, and persons with an interest in the land to be developed. See <b>Section 11.2</b> of this report.</p> <p>The Applicant also consulted the local community in accordance with Section 47 of the Planning Act 2008. See <b>Section 11.4</b> of this report.</p>

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	strengthen their case by seeking the views of other people who are not statutory consultees, but who may be significantly affected by the project.	
	<b>Statutory bodies and other relevant groups</b>	
27	The Planning Act and Regulations set out the statutory consultees and prescribed people who must be consulted during the pre-application process. Many statutory consultees are responsible for consent regimes where, under Section 120 of the Planning Act, decisions on those consents can be included within the decision on a Development Consent Order. Where an applicant proposes to include non-planning consents within their Development Consent Order, the bodies that would normally be responsible for granting these consents should make every effort to facilitate this. They should only object to the inclusion of such non-planning consents with good reason, and after careful consideration of reasonable alternatives. It is therefore important that such bodies are consulted at an early stage. In addition, there will be a range of national and other interest groups who could make an important contribution during consultation. Applicants are therefore encouraged to consult widely on project proposals.	The Applicant has consulted a variety of statutory consultees and prescribed bodies during the pre-application process. The Applicant notes that the inclusion of some provisions within the <b>draft DCO (Document Reference 3.1)</b> negate the requirement for non-planning consents to be sought from some statutory bodies. The Applicant has engaged with and consulted bodies affected by the Proposed Development in this way and, where appropriate, have commenced communications regarding the inclusion of appropriate Protective Provisions. The Applicant will continue to engage with statutory consultees and prescribed bodies post-submission and during the examination.
28	From time to time a body may cease to exist but, for legislative timetabling reasons, may still be listed as a statutory consultee. In such situations the Secretary of State will not expect strict compliance with the statutory requirements. Applicants should identify any successor	The Applicant was able to comply with statutory requirements and consulted with all relevant prescribed bodies identified under Section 42(1)(a) of the Planning Act 2008. Where the Applicant was required to consult bodies which now cease to exist, the Applicant identified

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	<p>body and consult with them in the same manner as they would have with the original body. Where there is no obvious successor, applicants should seek the advice of the Inspectorate, who may be able to identify an appropriate alternative consultee. Whether or not an alternative is identified, the consultation report should briefly note any cases where compliance with statutory requirements was impossible and the reasons why.</p>	<p>successor bodies and consulted with them accordingly, for example Homes England (successor to The Homes and Communities Agency). The bodies consulted with are set out in <b>Appendix B.1</b> of this report.</p>
<p><b>29</b></p>	<p>Applicants will often need detailed technical input from expert bodies to assist with identifying and mitigating the social, environmental, design and economic impacts of projects, and other important matters. Technical expert input will often be needed in advance of formal compliance with the pre-application requirements. Early engagement with these bodies can help avoid unnecessary delays and the costs of having to make changes at later stages of the process. It is equally important that statutory consultees respond to a request for technical input in a timely manner. Applicants are therefore advised to discuss and agree a timetable with consultees for the provision of such inputs.</p>	<p>The Applicant carried out non-statutory engagement on the technical elements of the Scheme with consultees including the relevant planning authorities, Hampshire Constabulary the Environment Agency, Natural England and Historic England. See <b>Chapter 4</b> and <b>Tables 4.1, 4.2</b> and <b>4.3</b> of this report and the <b>Environmental Statement (Document Reference 6.1-6.4)</b> for further details on the non-statutory engagement with consultees.</p> <p>The Applicant discussed the design, environmental matters and the consultation programme with many of the technical consultees and gave notice of the 2021 statutory consultation period. The Applicant also assisted select consultees with setting out the expectations for required technical inputs or feedback.</p>
	<p><b>Consultation with Local Authorities on the Statement of Community Consultation</b></p>	
<p><b>35</b></p>	<p>The applicant has a duty under section 47 of the Planning Act to prepare a Statement of Community Consultation, and then to conduct its consultation in line with that statement. Before doing so, the applicant must consult on</p>	<p>Before preparing the 2021 SoCC, the Applicant consulted with each local authority that is within Section 43(1) on the content of the statement (<b>Section 10.4</b> and <b>Tables 10.2</b> and <b>10.3</b> of this report for further details).</p>

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	<p>their Statement of Community Consultation with each local authority in whose area the proposed development is situated. This may require consultation with a number of different local authorities, particularly for long, linear projects. In this situation, the local authorities in question should, as far as practicable, co-ordinate their responses to the applicant. This will ensure that the consultation proposals set out in the Statement are coherent, effective, and work across local authority boundaries.</p>	<p>The Applicant also gave non-section 43(1) local authorities the opportunity to comment on the content and format of the draft SoCC (see <b>Section 10.4</b> and <b>Table 10.4</b> of this report for further details).</p>
<p><b>36</b></p>	<p>Even where it is intended that a development would take place within a single local authority area, it is possible that its impacts could be significantly wider than just that local authority's area - for example if the development was located close to a neighbouring authority. Where an applicant decides to consult people living in a wider area who could be affected by the project (e.g. through visual or environmental impacts, or through increased traffic flow), that intention should be reflected in the Statement of Community Consultation.</p>	<p>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 local newspaper advertisements, social media and the Scheme webpage updates, across a wider area outside of the consultation target area.</p>
<p><b>37</b></p>	<p>In its role as a consultee on the Statement of Community Consultation, the local authority should focus on how the applicant should consult people in its area. The comments that a local authority provides on the Statement of Community Consultation are separate from any views that authority may have on the merits of the proposals. They are also distinct from 'adequacy of consultation' responses. The Planning Act requires local authorities to respond to the applicant's consultation on their proposed</p>	<p>The Applicant has engaged with Winchester City Council, Hampshire County Council and South Downs National Park Authority on the content and format of the 2021 SoCC over the period of October 2020 to March 2021, providing an opportunity to raise concerns/comments on the SoCC and community consultation strategy, prior, during and following the statutory consultation on the 2021 SoCC. In preparing the 2021 SoCC, the Applicant:</p>

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	<p>Statement of Community Consultation within 28 days of receipt of the request. However, prior to submitting their draft Statement of Community Consultation applicants may wish to seek to resolve any disagreements or clarifications about the public consultation design. An applicant is therefore likely to need to engage in discussions with local authorities over a longer period than the minimum requirements set out in the Act.</p>	<ul style="list-style-type: none"> <li>• Presented an early version of the draft 2021 SoCC to Winchester City Council, South Downs National Park Authority and Hampshire County Council (being the relevant host authorities in accordance with Section 43(1) of the Planning Act 2008) for informal comments on 8 October 2020 (see <b>Section 10.4</b> and <b>Table 10.2</b> of this report for further details)</li> <li>• In November 2020, the Applicant then issued an updated draft 2021 SoCC to Winchester City Council, South Downs National Park Authority and Hampshire County Council for statutory consultation. The Applicant also provided a SoCC Explanatory Statement to aid the local authorities' understanding of the proposed statutory consultation (see <b>Section 10.4</b> and <b>Table 10.3</b> of this report for further details)</li> </ul> <p>The Applicant then discussed its responses with Winchester City Council, South Downs National Park Authority and Hampshire County Council at the Engagement Working Group on 18 March 2021 (see <b>Table 4.2</b> 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 <b>Appendix I.5</b>.</p>

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		<p>In addition to this, the Applicant gave non-section 43(1) local authorities (i.e. the neighbouring authorities) the opportunity to comment on the content and format of the draft 2021 SoCC (see <b>Section 10.4</b> and <b>Table 10.4</b> of this report for further details).</p>
38	<p>The role of the local authority in such discussions should be to provide expertise about the make-up of its area, including whether people in the area might have particular needs or requirements, whether the authority has identified any groups as difficult to reach and what techniques might be appropriate to overcome barriers to communication. The local authority should also provide advice on the appropriateness of the applicant's suggested consultation techniques and methods. The local authority's aim in such discussions should be to ensure that the people affected by the development can take part in a thorough, accessible and effective consultation exercise about the proposed project.</p>	<p>The Applicant consulted with each local authority that is within Section 43(1) in the preparation of the 2021 SoCC, in order to provide feedback on the content of the SoCC and consultation strategy. Initial engagement with local authorities within Section 43(1) on the content of the draft 2021 SoCC for informal comment took place in October 2020 and statutory consultation with local authorities within Section 43(1) on the content of the draft 2021 SoCC took place in November 2020. Furthermore, the Applicant engaged with non-section 43(1) local authorities on the content of the draft 2021 SoCC for informal comment took place in November 2020.</p> <p>The Applicant has had regard to the local authorities comments on the appropriateness of the proposed consultation techniques and methods contained in the draft 2021 SoCC. For example, Hampshire County Council commented on the early draft 2021 SoCC at the Engagement Working Group (8 October 2020) stating that the 2021 SoCC should include the Hampshire Independent as an additional newspaper title. The Applicant updated the draft 2021 SoCC issued for statutory consultation to include the additional newspaper publication. Full details of the local authorities</p>

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		<p>comments and how the Applicant has considered them within the final 2021 SoCC are set out in <b>Tables 10.2, 10.3 and 10.4</b> of this report.</p>
<p><b>39</b></p>	<p>Topics for consideration at such pre-consultation discussions might include:</p> <ul style="list-style-type: none"> <li>• the size and coverage of the proposed consultation exercise (including, where appropriate, consultation which goes wider than one local authority area);</li> <li>• the appropriateness of various consultation techniques, including electronic-based ones;</li> <li>• the design and format of consultation materials;</li> <li>• issues which could be covered in consultation materials;</li> <li>• suggestions for places/timings of public events as part of the consultation;</li> <li>• local bodies and representative groups who should be consulted; and</li> <li>• timescales for consultation.</li> </ul>	<p>The Applicant consulted with Section 43(1) local authorities in the preparation of the 2021 SoCC and also gave non-section 43(1) local authorities the opportunity to comment on the content and format of the draft 2021 SoCC. Feedback received related to newspaper publications and local venues for posters and consultation documents. Full details of the local authorities' comments and how the Applicant has considered them within the final 2021 SoCC are set out in <b>Tables 10.2, 10.3 and 10.4</b> of this report.</p>
<p><b>40</b></p>	<p>It is expected that in most cases applicants and local authorities will be able to work closely together and agree on the local consultation process. Where significant differences of opinion persist between the applicant and local authority (or authorities) on how the consultation should take place, the Inspectorate may be able to offer further advice or guidance to either party. However, such advice will be without prejudice to any later decision on whether to accept or reject an application for examination.</p>	<p>The Applicant and local authorities worked together to agree on the local consultation process. See <b>Chapter 10</b> of this report for further details.</p>

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41	Where a local authority raises an issue or concern on the Statement of Community Consultation which the applicant feels unable to address, the applicant is advised to explain in their consultation report their course of action to the Secretary of State when they submit their application.	Details of the local authorities comments and how the Applicant has considered them within the final 2021 SoCC are set out in <b>Tables 10.2, 10.3</b> and <b>10.4</b> of this report.
42	Where a local authority decides that it does not wish to respond to a consultation request on the Statement of Community Consultation, the applicant should make reasonable efforts to ensure that all affected communities are consulted. If the applicant is unsure how to proceed, they are encouraged to seek advice from the Inspectorate. However, it is for the applicant to satisfy themselves that their consultation plan allows for as full public involvement as is appropriate for their project and, once satisfied, to proceed with the consultation. Provided that applicants can satisfy themselves that they have made reasonable endeavours to consult with all those who might have a legitimate interest or might be affected by a proposed development, it would be unlikely that their application would be rejected on grounds of inadequate public consultation.	<p>Winchester City Council, Hampshire County Council and South Downs National Park Authority (as the relevant Section 43(1) local authorities) submitted individual responses on the draft 2021 SoCC on 9 December 2020. A copy of the individual responses received can be found in <b>Appendix I.4</b> of this report.</p> <p>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 <b>Table 10.3</b> of this report.</p>
<b>Local authorities as statutory consultees</b>		
43	Local authorities are also themselves statutory consultees for any proposed major infrastructure project which is in or adjacent to their area. Applicants should engage with them as early as possible to ensure that the impacts of the development on the local area are understood and	The Applicant engaged with section 43(1) local authorities from an early stage in the development process. Throughout the pre-application process of the Scheme the Applicant has sought advice from technical officers within relevant section 43(1) local authorities and non-section 43(1) local authorities where appropriate



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	considered prior to the application being submitted to the Secretary of State.	(see further details in <b>Chapter 4</b> of this report and the <b>Environmental Statement (Document Reference 6.1)</b> ).
44	Local authorities will be able to provide an informed opinion on a wide number of matters, including how the project relates to Local Plans. Local authorities may also make suggestions for requirements to be included in the draft Development Consent Order. These may include the later approval by the local authority (after the granting of a Development Consent Order) of detailed project designs or schemes to mitigate adverse impacts. It will be important that any concerns local authorities have on the practicality of enforcing a proposed Development Consent Order are raised at the earliest opportunity.	Local authorities have been consulted from an early stage of the project development on a range of technical planning and EIA matters.  Statutory and non-statutory feedback from the local authorities and their technical officers have informed the preparation of the DCO application documents. The Applicant is continuing to engage with section 43(1) local authorities on a range of matters, including the drafting of the draft DCO, with a view to agreeing a Statement of Common Ground (SoCG).
	<b>Persons with an interest in land</b>	
49	Applicants will also need to identify and consult people who own, occupy or have another interest in the land in question, or who could be affected by a project in such a way that they may be able to make a claim for compensation. This will give such parties early notice of projects, and an opportunity to express their views regarding them.	As required in accordance with the Planning Act 2008, the Applicant undertook diligent inquiry through a land referencing process to identify parties as defined in Sections 42 and 44 of the Planning Act 2008. A description of the process undertaken to identify the land interests is set out in the <b>Statement of Reasons (Document Reference 4.1)</b> . These include owners, lessees, tenants and occupiers of the land within the Order Limits (Category 1), parties that are interested in the land or have the power to sell, convey or release the land within the Order Limits (Category 2), and, if the order sought by the proposed application were to be made and fully implemented, parties who would or might be entitled

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		to make a relevant claim (Category 3). Those parties identified were consulted in accordance with Section 42 of the Planning Act 2008, and as part of ongoing non-statutory engagement throughout the pre-application process. Further details are provided in the <b>Statement of Reasons (Document Reference 4.1)</b> .
50	It is the applicant’s responsibility to demonstrate at submission of the application that due diligence has been undertaken in identifying all land interests and applicants should make every reasonable effort to ensure that the Book of Reference (which records and categorises those land interests) is up to date at the time of submission.	Appropriate due diligence has been undertaken in identifying all land interests and in preparation of the <b>Book of Reference (Document Reference 4.3)</b> . A description of the process undertaken to identify the land interests is set out in the <b>Statement of Reasons (Document Reference 4.1)</b> .
51	However, it is understood 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. In such a situation, the applicant should provide a proportionate opportunity to any new person identified with a land interest to make their views known on the application. 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.	The Applicant reviewed and updated its list of Section 42(1)(d) parties as necessary when new interests were identified through ongoing diligent inquiry. Where new land interests were identified the Applicant provided those interests with the consultation materials, and an opportunity to provide comments on the Scheme allowing a minimum of the statutory 28 days in accordance with Section 42 of the Planning Act 2008. See <b>Chapter 13</b> and <b>15</b> of this report for further details.

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52	Applicants should explain in the consultation report how they have dealt with any new interests in land emerging after conclusion of their statutory consultation having regard to their duties to consult and take account of any responses	<p>The Applicant reviewed and updated its list of Section 42(1)(d) parties as necessary when new interests were identified through ongoing diligent inquiries.</p> <p>Where new land interests were identified through ongoing diligent inquiry the Applicant provided those interests with the 2021 statutory consultation materials and an opportunity to provide comments on the Scheme. All land interests were provided at least a minimum of the statutory 28 days in accordance with Section 42 of the Planning Act 2008.</p> <p>The process of dealing with any new land interests in the land which emerged after the initial statutory consultation is explained in <b>Chapters 13</b> and <b>15</b> of this report.</p>
<b>Local communities</b>		
53	Local people have a vital role to play at the pre application stage. People should have as much influence as is realistic and possible over decisions which shape their lives and communities. It is therefore critical that they are engaged with project proposals at an early stage. Because they live, work and socialise in the affected area, local people are particularly well placed to comment on what the impact of proposals on their local community might be; or what mitigating measures might be appropriate; or what other opportunities might exist for meeting the project's objectives.	The Applicant undertook non-statutory consultation with the local community in 2018 and a public consultation in 2019 enabling them to develop an understanding of the Scheme and to provide feedback at an early stage. Both consultations consolidated what the matters of interest or concern are among the local community, which influenced the latest Scheme design and information consulted on at the 2021 statutory consultation stage.

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54	<p>In consulting on project proposals, an inclusive approach is needed to ensure that different groups have the opportunity to participate and are not disadvantaged in the process. Applicants should use a range of methods and techniques to ensure that they access all sections of the community in question. Local authorities will be able to provide advice on what works best in terms of consulting their local communities given their experience of carrying out consultations in their area.</p>	<p>In response to the current restrictions in place due to the COVID-19 pandemic, the Applicant developed a ‘digital first’ approach to consultation. The Applicant recognised the importance of doing their best to engage with people without internet devices, or with poor internet connections, despite COVID-19 and therefore engaged early with the local authorities on the 2021 SoCC in order to ensure the consultation strategy was inclusive of all members of their communities and sought to confirm whether there were any particular measures needed for hard-to-reach groups.</p> <p>The Applicant employed a range of consultation methods including: a virtual exhibition room (which included an interactive map and 3D flythrough of the Scheme), online webinars, social media posts, posters, a consultation flyer, newspaper articles and site notices (see <b>Section 11.4</b> of this report).</p> <p>The Applicant offered additional support to help the public understand the Proposed Scheme and supplement any face-to-face conversations that they would have had with the project team by providing the opportunity to book an appointment with a project representative to discuss the Scheme over the telephone. Some members of the public expressed difficulty viewing the consultation documents online and therefore the Applicant offered a telephone appointment to discuss how to navigate the website, access</p>

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		<p>consultation documents, populate the questionnaire and to order paper copies of the consultation documents.</p> <p>The Applicant also sent a letter containing information about the Section 47 consultation and an invitation to attend the online webinars and telephone surgery to a number of local community groups, including hard-to-reach groups (see <b>Table 11.5</b>).</p>
55	<p>Applicants must set out clearly what is being consulted on. They must be careful to make it clear to local communities what is settled and why, and what remains to be decided, so that expectations of local communities are properly managed. Applicants could prepare a short document specifically for local communities, summarising the project proposals and outlining the matters on which the view of the local community is sought. This can describe core elements of the project and explain what the potential benefits and impacts may be. Such documents should be written in clear, accessible, and non-technical language. Applicants should consider making it available in formats appropriate to the needs of people with disabilities if requested. There may be cases where documents may need to be bilingual (for example, Welsh and English in some areas), but it is not the policy of the Government to encourage documents to be translated into non-native languages.</p>	<p>During the 2021 Section 47 consultation, key consultation questions were included in the consultation documents, including the Consultation Brochure and questionnaire form and the virtual exhibition panels, making it clear what the Applicant was seeking views on. The consultation flyer was delivered to approximately 25,000 households, businesses and institutions in the 2021 consultation target area and included information on:</p> <ul style="list-style-type: none"> <li>• The Scheme;</li> <li>• Locations of where more information is available, including the virtual exhibition;</li> <li>• Dates and registration details of the online webinars and telephone surgery;</li> <li>• Information on how to get in touch with The Applicant; and</li> <li>• How to submit comments</li> </ul>

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		<p>The consultation documents were clear and included non-technical language (see <b>Appendices J.8-J.15</b>).</p>
<p><b>56</b></p>	<p>Applicants are required to set out in their Statement of Community Consultation how they propose to consult those living in the vicinity of the land. They are encouraged to consider consulting beyond this where they think doing so may provide more information on the impacts of their proposals (e.g. through visual impacts or increased traffic flow).</p>	<p>Table 1 of the 2021 SoCC describes how the Applicant consulted those living within the vicinity of the land. Methods included; virtual exhibition, online webinars, telephone surgery, media adverts and press releases and social media posts.</p> <p>Section 8.3 of the 2021 SoCC also explained how the Applicant aimed to inform those living beyond the 2021 consultation target area. Methods included; newspaper advertisements, social media and website updates.</p> <p><b>Paragraphs 10.5.2-10.5.5</b> of this report provides details on the 2021 consultation target area selected for the section 47 consultation.</p>
<p><b>57</b></p>	<p>The Statement of Community Consultation should act as a framework for the community consultation generally, for example, setting out where details and dates of any events will be published. The Statement of Community Consultation should be made available online, at any exhibitions or other events held by applicants. It should be placed at appropriate local deposit points (e.g. libraries, council offices) and sent to local community groups as appropriate.</p>	<p>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. The 2021 SoCC was made available for inspection online via the Applicant’s dedicated scheme webpage SoCC notices were placed in local circulating newspapers to advertise where the SoCC could be found for inspection.</p>

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		<p>Table 1 of the 2021 SoCC stated where details and dates of consultation events were published. The dates, times and topics of the online webinars and details of the telephone surgery were included on the Scheme webpage, consultation publicity materials including the Section 48 notice (see <b>Appendix J.20</b>), posters in local venues (see <b>Appendix J.14</b>) and the flyer distributed within the consultation target area (see <b>Appendix J.15</b>), and promoted via social media on Twitter (@HighwaysSEAST) and Facebook (National Highways: South East) (see <b>Appendix J.17</b>).</p>
58	<p>Applicants are required to publicise their proposed application under section 48 of the Planning Act and the Regulations and set out the detail of what this publicity must entail. This publicity is an integral part of the public consultation process. Where possible, the first of the two required local newspaper advertisements should coincide approximately with the beginning of the consultation with communities. However, given the detailed information required for the publicity in the Regulations, aligning publicity with consultation may not always be possible, especially where a multi-stage consultation is intended.</p>	<p>The Applicant prepared and published a Section 48 Notice in the manner prescribed Regulation 4 of APFP Regulations and the amendments made to paragraphs (3)(e) and (3)(f) of Regulation 4 (made under Regulation 9A) of the APFP Regulations in light of the COVID Regulations, in local and national press.</p> <p>The 2021 Section 48 Notice was published in the following newspapers:</p> <ul style="list-style-type: none"> <li>• Mid Hampshire Observer for two successive weeks (19 May 2021 and 26 May 2021)</li> <li>• Hampshire Chronicle for two successive weeks (20 May 2021 and 27 May 2021)</li> <li>• Hampshire Independent (21 May 2021 and 28 May 2021)</li> <li>• London Gazette (27 May 2021)</li> <li>• The Times (3 June 2021)</li> </ul>

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		Copies of the 2021 Section 48 Notices as they appeared in papers are provided in <b>Appendices J.21 – J.28</b> of this report.
	<b>When should consultation take place and how much is enough?</b>	
68	To realise the benefits of consultation on a project, it must take place at a sufficiently early stage to allow consultees a real opportunity to influence the proposals. At the same time, consultees will need sufficient information on a project to be able to recognise and understand the impacts.	The Applicant sought to inform and engage with a range of stakeholders about the Scheme from an early stage through non-statutory consultation and engagement, as well as during statutory consultation.
69	Applicants will often also require detailed technical advice from consultees and it is likely that their input will be of the greatest value if they are consulted when project proposals are fluid, followed up by confirmation of the approach as proposals become firmer. In principle, therefore, applicants should undertake initial consultation as soon as there is sufficient detail to allow consultees to understand the nature of the project properly.	The Applicant considered it important to undertake non-statutory engagement with a range of consultees from early in the process, however the Applicant ensured that the proposals were far enough advanced before undertaking more formalised non-statutory consultation (January 2018 to February 2018), to provide consultees with sufficient detail to allow consultees to understand the nature of the Scheme. The Applicant undertook a staged approach to consultation as recommended in Paragraph 70 of the Guidance. The Applicant had regard to the feedback received during both non-statutory engagement and non-statutory consultation and provided further information during the statutory consultation.
70	To manage the tension between consulting early, but also having project proposals that are firm enough to enable consultees to comment, applicants are encouraged to consider an iterative, phased consultation consisting of two (or more) stages, especially for large projects with long development periods. For example, applicants might wish to consider undertaking non-statutory early consultation at a stage where options are still being considered. This will	<b>Section 2.5</b> of this report summarises the Applicant's pre-application consultation stages.



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	<p>be helpful in informing proposals and assisting the applicant in establishing a preferred option on which to undertake statutory consultation.</p>	
<p><b>71</b></p>	<p>Where an iterative consultation is intended, it may be advisable for applicants to carry out the final stage of consultation with persons who have an interest in the land once they have worked up their project proposals in sufficient detail to identify affected land interests.</p>	<p>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.</p> <p>The Applicant had developed the Scheme proposals in sufficient detail to identify affected land interest and engage with affected land interests at the 2021 statutory consultation.</p>
<p><b>72</b></p>	<p>The timing and duration of consultation will be likely to vary from project to project, depending on size and complexity, and the range and scale of the impacts. The Planning Act requires a consultation period of a minimum of 28 days from the day after receipt of the consultation documents. It is expected that this may be sufficient for projects which are straightforward and uncontroversial in nature. But many projects, particularly larger or more controversial ones, may require longer consultation periods than this.</p>	<p>The Applicant considers that the size and complexity and the range and scale of the impacts of the Scheme are such that the statutory minimum 28-day period to respond to statutory consultation is appropriate. However, the Applicant has endeavoured to afford a longer period to respond where permitted by the programme for the Scheme.</p>

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	<p>Applicants should therefore set consultation deadlines that are realistic and proportionate to the proposed project. It is also important that consultees do not withhold information that might affect a project, and that they respond in good time to applicants. Where responses are not received by the deadline, the applicant is not obliged to take those responses into account.</p>	<p>The Applicant allowed more than the statutory 28 days for responses to its 2021 statutory consultation periods.</p> <p>The 2021 statutory consultation period ran from 27 May 2021 to 8 July 2021 (allowing 43 days). However, the Applicant had regard to Paragraph 72 and considered that the statutory minimum requirement was considered sufficient given the size and complexity of the Scheme.</p> <p>The 2021 targeted consultation period ran from 17 November 2021 to 22 December 2021 (allowing 35 days). The Applicant did not consider that the changes to the Scheme had changed <i>“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’</i>. As such the Applicant considered that the statutory minimum requirement was sufficient given the size and complexity of the minor refinements to the Application Boundary.</p> <p>The 2022 targeted consultation period ran from 25 October 2022 to 21 November 2022 (allowing 28 days). The purpose of this consultation was to notify new land interests identified as a result of ongoing diligent inquiries and updates to the environmental assessment prior to submission of the Application, therefore the Applicant considered that the statutory minimum requirement was sufficient. The Applicant has followed up with those consulted where it held contact details. Due to the</p>

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		<p>imminence of the submission of the Application, the Applicant has not been able to consider any responses received during the 2022 targeted consultation prior to acceptance. 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.</p>
73	<p>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.</p>	<p>Through ongoing engineering review and development of the project proposals, minor refinements were made to the Application Boundary that was consulted on between from 27 May 2021 and 8 July 2021.</p> <p>The Applicant did not consider that the changes to the Scheme had changed “<i>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</i>”. Therefore, in the context of the Planning Act 2008 and DCLG pre-application guidance, the Applicant concluded that the project remained the same project as was consulted upon during the earlier 2021 statutory consultation.</p>
74	<p>Where a proposed application changes to such a large degree that the proposals could be considered a new application, the legitimacy of the consultation already carried out could be questioned. In such cases, applicants should undertake further re-consultation on the new proposals, and should supply consultees with sufficient</p>	<p>As a result of this, the Applicant determined that consultation under Sections 42 and 47 of the Planning Act 2008 was not necessary, but instead identified the land interests potentially affected by the changes (who</p>

Ref	Requirement	Compliance
	information to enable them to understand the nature of the change and any likely significant impacts (but not necessarily the full suite of consultation documents), and allow at least 28 days for consultees to respond.	were subsequently consulted under Section 42(1)(d) of the Planning Act 2008 (see <b>Chapter 13</b> of this report)) and consulted with them on a statutory basis. The Applicant also adopted a strategy to inform prescribed bodies, the relevant local authorities and the local community on a non-statutory basis through project update letters and a Scheme webpage update (see <b>Section 4.4</b> and <b>Chapter 13</b> of this report).
75	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.	<p><b>Table 13.1</b> of this report sets out the changes required and the consideration which was given to the degree of change, the effect on the local community and the level of public interest. See <b>Chapter 13</b> of this report for further details.</p>
76	In circumstances where a particular issue has arisen during the preapplication consultation, or where it is localised in nature, it may be appropriate to hold a non-statutory, targeted consultation. A developer’s Statement of Community Consultation should be drafted so that it does not preclude this approach. A more bespoke approach can be adopted, which may allow developers to respond with more agility to the issue at hand. If adopting this approach, the emphasis should be on ensuring that relevant individuals and organisations are included.	<p>Following a ministerial statement on 12 January 2022, the roll out of ALR schemes, not yet constructed, 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.</p> <p>The Applicant did not consider that the changes to the Scheme had changed “<i>to such a large degree that the proposals could be considered a new application</i>’ or that</p>

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		<p><i>it ‘materially change[d] the application or materially changes [changed] its impacts’</i>. Therefore, in the context of the Planning Act 2008 and DCLG pre-application guidance, the Applicant concluded that the project remained the same project.</p> <p>As a result of this, the Applicant determined that consultation under the Planning Act 2008 was not necessary. The Applicant adopted a strategy to inform prescribed bodies, the relevant local authorities and the local community on a non-statutory basis through stakeholder briefings, project update letters, public information events and a Scheme webpage update (see <b>Section 4.4</b> and <b>Chapter 14</b> of this report).</p> <p><b>Table 14.1</b> of this report sets out the changes required and the consideration which was given to the degree of change, the effect on the local community and the level of public interest. See <b>Chapter 14</b> of this report for further details.</p>
77	<p>Consultation should also be fair and reasonable for applicants as well as communities. To ensure that consultation is fair to all parties, applicants should be able to demonstrate that the consultation process is proportionate to the impacts of the project in the area that it affects, takes account of the anticipated level of local interest, and takes account of the views of the relevant local authorities.</p>	<p>The Applicant has carried out a comprehensive pre-application consultation process as described in this report and considers that this has been proportionate to the impacts of the Proposed Development, takes account of the views of the relevant local authorities and the anticipated level of local interest.</p>

Ref	Requirement	Compliance
	<b>The consultation report and responding to consultees</b>	
78	Applicants are required under section 37 of the Planning Act to produce a consultation report alongside their application, which details how they have complied with the consultation requirements set out in the Act.	The Applicant has produced a <b>Consultation Report (Document Reference 5.1)</b> (this report) which details how they have complied with the consultation requirements set out in the Planning Act 2008.
80	Therefore, the consultation report should:	
	<ul style="list-style-type: none"> <li>provide a general description of the consultation process undertaken, which can helpfully include a timeline;</li> </ul>	See <b>Chapter 2</b> of this report.
	<ul style="list-style-type: none"> <li>set out specifically what the applicant has done in compliance with the requirements of the Planning Act, relevant secondary legislation, this guidance, and any relevant policies, guidance or advice published by Government or the Inspectorate;</li> </ul>	See <b>Chapter 3</b> and <b>Annex 1</b> (this Annex) of this report.
	<ul style="list-style-type: none"> <li>set out how the applicant has taken account of any response to consultation with local authorities on what should be in the applicant's statement of community consultation;</li> </ul>	See <b>Chapter 10</b> of this report. Full details of the local authorities comments and how the Applicant has considered them within the final 2021 SoCC are provided in <b>Tables 10.2 to 10.4</b> of this report.
	<ul style="list-style-type: none"> <li>set out a summary of relevant responses to consultation (but not a complete list of responses);</li> </ul>	See <b>Chapter 12, Chapter 13</b> and <b>Appendices K.1-K.3</b> of this report.
	<ul style="list-style-type: none"> <li>provide a description of how the application was informed and influenced by those responses, outlining any changes made as a result and showing how significant relevant responses will be addressed;</li> </ul>	See <b>Chapter 12</b> and <b>Appendices K.1-K.3</b> of this report.

Ref	Requirement	Compliance
	<ul style="list-style-type: none"> <li>provide an explanation as to why responses advising on major changes to a project were not followed, including advice from statutory consultees on impacts;</li> <li>where the applicant has not followed the advice of the local authority or not complied with this guidance or any relevant Advice Note published by the Inspectorate, provide an explanation for the action taken or not taken; and</li> <li>be expressed in terms sufficient to enable the Secretary of State to understand fully how the consultation process has been undertaken and significant effects addressed. However, it need not include full technical explanations of these matters.</li> </ul>	<p>See <b>Chapter 12</b> and <b>Appendices K.1-K.3</b> of this report.</p> <p>The Applicant has aimed to follow all advice of the local authority, DCLG guidance and relevant advice notes issued by the Planning Inspectorate as evidenced in this report.</p> <p>The Applicant has sought to produce the Consultation Report in terms sufficient to allow the Secretary of State, consultees and the local community to fully understand the consultation process.</p>
81	<p>It is good practice that those who have contributed to the consultation are informed of the results of the consultation exercise; how the information received by applicants has been used to shape and influence the project; and how any outstanding issues will be addressed before an application is submitted to the Inspectorate.</p>	<p><b>Chapter 12</b> of this report provides a summary of the main issues raised in the 2021 statutory consultation responses and the regard the Applicant has had to the responses received is included at <b>Appendix K</b> of this report. These appendices have been spilt into separate appendices as follows:</p>
82	<p>As with the consultation itself, it is likely that different audiences will require different levels of information. The local community may be particularly interested in what the collective view of the community is and how this has been taken into account. Consultees with highly technical interests may seek more detailed information on what impacts and risks have been identified, and how they are proposed to be mitigated or managed.</p>	<ul style="list-style-type: none"> <li>Section 42 consultation – <b>Section 12.3</b> and <b>Appendix K.1</b></li> <li>Section 47 consultation – <b>Section 12.4</b> and <b>Appendix K.2</b></li> <li>Section 48 consultation – <b>Section 12.4</b> and <b>Appendix K.2</b></li> </ul>

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83	<p>The consultation report may not be the most appropriate format in which to respond to the points raised by various consultee groups and bodies. Applicants should therefore consider producing a summary note in plain English for the local community setting out headline findings and how they have been addressed, together with a link to the full consultation report for those interested. If helpful, this could be supplemented by events in the local area.</p>	<p>The more detailed responses received as part of the Section 42(1)(a) consultation, have therefore been presented separately to those received by the local community under Section 47 and Section 48, to reflect the differing interests of consultees, as proposed in the guidance.</p> <p>The Applicant also met with or responded in writing to individual consultee responses following the consultation period, as summarised in <b>Section 4.4</b> of this report.</p> <p>The Applicant notes the guidance on providing a summary note in plain English for the local community setting out headline findings. The Applicant published a plain English summary of the findings from the pre-application consultation on the Scheme webpage in November 2021 (see <b>Appendix J.29</b>).</p> <p><b>Chapter 13</b> of this report provides a summary of the main issues raised in the 2021 targeted consultation responses and the regard the Applicant has had to the responses received is included at <b>Appendix K.3</b>.</p>
84	<p>A response to points raised by consultees with technical information is likely to need to focus on the specific impacts for which the body has expertise. The applicant should make a judgement as to whether the consultation report provides sufficient detail on the relevant impacts, or whether a targeted response would be more appropriate. Applicants are also likely to have identified a number of</p>	<p>The Applicant continues to engage with several technical consultees and relevant local authorities. SoCGs have also been initiated with key stakeholders prior to the submission of the DCO application (see <b>Section 4.4</b> of this report and <b>Progress with Statements of Common Ground (Document Reference 7.12)</b>).</p>



Ref	Requirement	Compliance
	key additional bodies for consultation and may need to continue engagement with these bodies on an individual basis.	
	<b>Environmental Impact Assessment</b>	
92	To ensure consultation is meaningful, the pre-application consultation process for major infrastructure projects encourages applicants to give consultees as much information as possible on the characteristics of the proposed project. However, it may not be possible for applicants to share their environmental statements during the consultation process. It may also not be the most appropriate way to present the potential environmental impacts and mitigation steps.	The Applicant provided a Preliminary Environmental Information Report (PEIR) for the purposes of the 2021 statutory consultation. The 2021 PEIR was available on the Scheme webpage throughout the 2021 statutory consultation period. The 2021 PEIR was produced in the same format as the Environmental Statement and provided as much baseline information and preliminary findings of assessments as were available at the time, in order to ensure a meaningful pre-application consultation and detailed responses could be formulated by consultees.
	<b>Preliminary Environmental Information</b>	
93	For the pre-application consultation process, applicants are advised to include sufficient preliminary environmental information to enable consultees to develop an informed view of the project. The information required may be different for different types and sizes of projects. It may also vary depending on the audience of a particular consultation. The preliminary environmental information is not expected to replicate or be a draft of the environmental statement. However, if the applicant considers this to be appropriate (and more cost-effective), it can be presented in this way. The key issue is that the information presented must provide clarity to all consultees. Applicants should be careful not to assume that non-specialist consultees would	Section 4 of the 2021 SoCC outlined how the Applicant intended to consult upon the 2021 PEIR.

Ref	Requirement	Compliance
	not be interested in any technical environmental information. It is therefore advisable to ensure access to such information is provided during all consultations. The applicant's Statement of Community Consultation must include a statement about how the applicant intends to consult on preliminary environmental information.	
	<b>Drafting the Development Consent Order</b>	
98	Applicants may find it helpful to undertake early discussion with a range of parties on the content of the draft Order. Where felt necessary, local authorities may suggest appropriate requirements to be included in the draft Order. These may be similar to conditions attached to a grant of planning permission. They could include the later approval (after the granting of an Order) by the local authority of detailed project designs or schemes to mitigate adverse impacts.	Discussions have commenced with prescribed bodies and statutory undertakers about the integration of licenses and consents into the DCO and with Hampshire County Council in relation to handover proposals. The Applicant intends to issue the draft DCO following submission of the DCO application so that these discussions can be progressed during the pre-examination period.
<b>MHCLG (2020) Guidance on procedural requirements for major infrastructure projects</b>		
	<b>Making documentation available for inspection</b>	
	The 2020 Regulations remove the obligations on applicants (or the Secretary of State, as the case may be) 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 by applicants 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. Applicants	Paragraph 4 of the 2021 SoCC Notice (see <b>Appendix I.9</b> ) states that "... a SoCC in respect of the Proposed Scheme, which can be viewed, free of charge, on our Proposed Scheme webpage from 9 am on 14 May 2021. To view the SoCC, please visit the 'documents section' on the following website: <a href="http://www.highwaysengland.co.uk/m3junction9">www.highwaysengland.co.uk/m3junction9</a> . The SoCC will remain on the website for the duration of the consultation period."

Ref	Requirement	Compliance
	<p>are also required to provide a telephone number for general enquiries on where to find relevant information and on the documentation itself.</p>	<p>Paragraph 8 of the 2021 SoCC Notice (see <b>Appendix I.9</b>) provides a telephone number which can be used to contact the Applicant for enquiries in relation to the SoCC. Paragraph 8 also includes postal and email details for the Applicant.</p> <p>Paragraphs 4 of the 2021 Section 48 Notice (see <b>Appendix J.20</b>) states that: <i>“A copy of the consultation documents (including the PEIR and non-technical summary of the PEIR), plans and maps showing the nature and location of the Proposed Scheme will be available to view, free of charge, on the Proposed Scheme webpage from 9am on Thursday 27 May 2021. To view the consultation documents, please visit the documents section on the following website: <a href="http://www.highwaysengland.co.uk/m3junction9">www.highwaysengland.co.uk/m3junction9</a>. The consultation documents will remain on the website for the duration of the consultation period.”</i></p> <p>Paragraph 9 of the 2021 Section 48 Notice (see <b>Appendix J.20</b>) provides a telephone number which can be used to contact the Applicant for enquiries in relation to the documents, plans and maps. Paragraph 9 also includes postal and email details for the Applicant.</p>
	<p>Applicants should ensure the relevant website is well signposted when publishing their notices and that the documents are readily accessible, i.e. documents should be clearly named and logically structured. Where needing</p>	<p>The 2021 consultation documents were provided under the ‘documents’ tab on the Scheme webpage and were clearly named and logically structured.</p>

Ref	Requirement	Compliance
	<p>to refer to a website maintained by or on behalf of the Secretary of State, we expect applicants to refer to the relevant project webpage on the Planning Inspectorate’s National Infrastructure Planning website.</p>	
	<p>As is currently the case, and subject to any charge that may be made, hard copies of any of the relevant documents must be provided by the applicant or the Secretary of State (as the case may be) on request.</p>	<p>Electronic and/or paper copies of the consultation documents could be ordered. Paragraph 10 of the 2021 Section 48 Notice states that a charge of up to £200 (including postage) may apply for a paper copy of the PEIR and that all other paper copies of the consultation documents and a digital copy on a USB drive of all the consultation documents would be supplied free of charge. These details were also provided in the 2021 consultation documents.</p>
	<p>Applicants should engage proactively with local authorities and local communities to find alternative means to provide access to the documentation where required, to ensure on-going fair participation in the planning process, for example by providing copies of documents on a USB flash drive where parties have access to a computer but have limited or no internet access or, where reasonably practicable, by making copies of documents available for inspection free of charge where a person is unable to access the documentation electronically or finds it difficult to do so.</p>	<p>Electronic and/or paper copies of the consultation documents could be ordered. Paragraph 10 of the 2021 Section 48 Notice states that a charge of up to £200 (including postage) may apply for a paper copy of the PEIR and that all other paper copies of the consultation documents and a digital copy on a USB drive of all the consultation documents would be supplied free of charge. These details were also provided in the 2021 consultation documents.</p> <p>The Applicant also offered additional support to help the public understand the Proposed Scheme and supplement any face-to-face conversations that they would have had with the project team by providing the opportunity to book an appointment with a project</p>

Ref	Requirement	Compliance
		representative to discuss the Scheme over the telephone.
	<b>Statement of Community Consultation</b>	
	Section 47(6) of the Planning Act 2008 requires that at the pre-application stage the Statement of Community Consultation must be made available for inspection. This requirement can be met by making documents available for inspection online. Applicants should take reasonable steps to ensure that anyone wishing to view the documentation can find these documents on their website. Hard copies should be made available by the applicant on request.	The 2021 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. Paper copies of the 2021 SoCC, free of charge, were made available by the Applicant on request.
	<b>Newspaper notices</b>	
	Requirements exist under the Planning Act 2008 to place notices in local newspapers. 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.	<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>Section 48 notices were placed in local circulating newspapers, a national newspaper and the London Gazette to advertise the consultation.</p> <p>The notices included details of the website where documents can be found.</p>
<b>PINS Advice Note Fourteen: Compiling the Consultation Report</b>		

Ref	Requirement	Compliance
<b>1</b>	<b>Introduction</b>	
1.1	<p>An application for a Development Consent Order (DCO) must include a Consultation Report, which describes the consultation process carried out by the Applicant prior to submission of the application. It should demonstrate how the Applicant's pre-application duties set down in the Planning Act 2008 (the PA2008) have been complied with. The Consultation Report should include information and evidence about:</p> <ul style="list-style-type: none"> <li>• who was consulted and how the consultation was carried out;</li> <li>• how, and when, the project was publicised; and</li> <li>• how the responses were taken into account.</li> </ul>	<p><b>Chapters 10</b> and <b>11</b> of the Consultation Report provide an account of the 2021 statutory consultation undertaken under Section 42, Section 47 and Section 48 of the Planning Act 2008.</p> <p>A summary of the responses received as part of the 2021 statutory consultation exercise is included in <b>Chapter 12</b> of the Consultation Report. Further details are provided in <b>Appendix K</b>.</p>
<b>2</b>	<b>Purpose of a Consultation Report</b>	
2.1	<p>The Consultation Report must explain how the Applicant has complied with the pre-application consultation requirements set down in the PA2008; in particular:</p> <ul style="list-style-type: none"> <li>• The requirement to consult with prescribed consultees (section 42);</li> <li>• the requirement to consult with the community (section 47);</li> <li>• the requirement to publicise the proposed application (section 48); and</li> <li>• the requirement to have regard to consultation responses (section 49).</li> </ul>	<p><b>Section 11.2</b> of the Consultation Report and this Annex set out how the Applicant has complied with the requirements to consult with prescribed consultees (section 42). <b>Chapter 13</b> and <b>Chapter 15</b> of the Consultation Report provide details of the targeted consultations undertaken in line with Section 42(1)(d) of the Planning Act 2008.</p> <p><b>Chapter 10</b> and <b>Section 11.4</b> of the Consultation Report and this Annex set out how the Applicant has complied with the requirements to consult the local community (section 47).</p>

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		<p><b>Section 11.5</b> of the Consultation Report and this Annex set out how the Applicant has complied with the requirements to publicise the proposed application (section 48).</p> <p><b>Chapter 12, Chapter 13</b> and <b>Appendix K</b> of the Consultation Report set out how the Applicant has complied with the requirements to have regard to consultation responses (section 49).</p>
2.2	The report should also explain non-statutory consultation that takes place outside the requirements of the PA2008 so that the Secretary of State is given an understanding of all the consultation activity relevant to a particular project.	<p><b>Chapter 4, Chapter 5</b> and <b>Chapter 14</b> of this report provide details of the non-statutory engagement and non-statutory consultation that has taken place. Specifically, <b>Sections 4.2</b> and <b>4.3</b> describe the non-statutory engagement prior to the 2021 statutory consultation, <b>Section 5.2</b> describes the non-statutory consultation undertaken in 2018, <b>Section 4.4</b> describes the continued non-statutory engagement following the 2021 statutory consultation and <b>Section 14.4</b> describes the non-statutory engagement activity undertaken by the Applicant in response to the ALR pause</p>
2.3	Applicants should additionally use the Consultation Report to demonstrate compliance with section 50 of the PA2008 (the duty to have regard to any statutory guidance issued by the Secretary of State) by illustrating how relevant statutory guidance has been followed. Where an applicant has diverged from any guidance this should be robustly justified in the Consultation Report.	As evidenced in this Annex, the Applicant has complied with DCLG guidance and relevant Advice Notes in carrying out the consultation on the Scheme and in the preparation of the Consultation Report.

Ref	Requirement	Compliance
<b>3</b>	<b>Format and content of the Consultation Report</b>	
<b>3.2</b>	Introductory text should provide an overview including: <ul style="list-style-type: none"> <li>• A summary of the consultation activities undertaken; and</li> <li>• A table or timeline summarising both statutory and non-statutory consultation in chronological order.</li> </ul>	<p><b>Section 2.5</b> of the Consultation Report provides an overview of the overall approach to the pre-application consultation.</p> <p><b>Figure 2.1</b> and <b>Tables 2.1-2.2</b> provide a reference guide summarising all engagement and consultation that has been undertaken in chronological order.</p>
<b>3.3</b>	This section should explain the relationship between any initial strategic options stage, any subsequent non-statutory consultation that may have taken place, and the statutory consultation carried out under the PA2008.	
<b>3.4</b>	Many Nationally Significant Infrastructure Projects (NSIP) evolve over an extended period of time with previous proposals that may have been consulted on then abandoned; in which case, a brief description of any historic consultation activity, including any information available about the scale and nature of the response at that time, would be of interest. A detailed planning history of the site is not necessary in this report.	
<b>3.5</b>	Where the pre-application consultation included more than one stage of statutory consultation then it is usually helpful to reflect this in the structure of the report. In this way, each stage of consultation can be presented and explained chronologically in a separate chapter or section of the report, including any non-statutory consultation that took place. This can also include separate summary schedules of consultation responses.	As a result of the design changes and refinements to the Application Boundary that was consulted on during the 2019 statutory 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



Ref	Requirement	Compliance
		<p>the local community, superseding the previous 2019 statutory consultation, in summer 2021.</p> <p>In light of the above, <b>Chapters 7 and 8</b> of the Consultation Report provide an overview of the 2019 consultation exercise and <b>Chapters 10 and 11</b> provide an overview of the 2021 statutory consultation exercise.</p>
3.6	The report should include a list of all persons and bodies that were consulted, and when they were consulted.	<p><b>Appendices B.1 to B.4</b> list the prescribed consultees that have been consulted and clearly identify the dates they were consulted.</p>
3.7	It is helpful if the list is arranged according to the strand of section 42 consultee set out below, alongside the dates they were consulted. Specific advice about the nature of the information to be provided in respect of each strand is also set out below.	
3.8	The list of the prescribed organisations should follow the order they are presented in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations). Any variations between the Applicant’s list of prescribed consultees and the list of organisations set out in Schedule 1 of the APFP Regulations should be robustly justified.	Any variations between the Applicant’s Section 42(1)(a) list and Schedule 1 of the APFP Regulations are clearly set out in <b>Appendix B.1</b> .
3.9	Where relevant, the list of prescribed consultees should also include the Marine Management Organisation – s42(1)(aa) and the Greater London Authority – s42(1)(c).	N/A

Ref	Requirement	Compliance
3.10	A short description of how s43 of the PA2008 has been applied in order to identify the relevant local authorities should be included. This could be supported by a map showing the site and identifying the boundaries of the relevant local authorities.	The application of Section 43 of the Planning Act 2008 and the authorities contacted during statutory consultation is outlined in <b>Section 11.2</b> of the Consultation Report. The administrative boundaries of the local authorities who were consulted are also shown in the plan enclosed in <b>Appendix A.5</b> .
3.11	The Applicant must demonstrate that diligent enquiry was undertaken to identify persons under s44 of the PA 2008 and to ensure that an up to date Book of Reference is submitted. In that context, it is useful to set out the methodology for identifying persons in Category 3 (those who may make a relevant claim).	<p><b>Section 11.2</b> of this report provides an overview of the identification of parties under Section 44 of the Planning Act 2008 that were consulted under Section 42(1)(d) and a description of the methodology adopted to identify Category 1, 2 and 3 parties is set out in the <b>Statement of Reasons (Document Reference 4.1)</b>.</p> <p><b>Appendices B.2-B.4</b> provides a list of those with an interest in the land. An up-to-date <b>Book of Reference (Document Reference 4.3)</b> has been submitted with the DCO application.</p>
3.12	The Consultation Report should explain how many persons with an interest in land were consulted, under which category and when. It is not necessary to list the names of all individuals identified in the Book of Reference.	During the 2021 Statutory Consultation between 27 May 2021 and 8 July 2021 a total of 100 parties were consulted. These included 79 Category 1 interests and 21 Category 2 interests. For the 2021 Targeted Consultation from 17 November until 22 December, 26 Category 1 interests were consulted, in addition to six Category 2 interests. As part of ongoing diligent inquiries, a further 13 Category 2 interests were consulted, in addition to 18 Category 3 interests who were consulted during the 2022 Targeted Consultation from 25 October 2022 to 21 November 2022.

Ref	Requirement	Compliance
3.13	<p>If additional persons with an interest in land were added and consulted following changes to the project boundary during the pre-application stage, it is useful to describe:</p> <ul style="list-style-type: none"> <li>• how many additional persons with an interest in land were consulted;</li> <li>• when they were consulted;</li> <li>• how they were consulted; and</li> <li>• what information they were consulted with.</li> </ul>	<p><b>Chapter 13</b> and <b>Chapter 15</b> of the Consultation Report provides details of the 2021 and 2022 targeted consultations and how additional land interests were consulted as part of this exercise.</p>
3.14	<p>The Secretary of State needs to be satisfied that the Applicant has complied with the Statement of Community Consultation (SoCC) preparation process. Evidence should be submitted as part of the Consultation Report which shows:</p> <ul style="list-style-type: none"> <li>• Which local authorities were consulted about the content of the draft SoCC;</li> <li>• what the local authorities' comments were;</li> <li>• confirmation that the local authorities were given 28 days to provide their comments; and</li> <li>• a description about how the Applicant had regard to the local authorities' comments.</li> </ul>	<p><b>Chapter 10</b> of the Consultation Report provides details of how the 2021 SoCC was prepared, consulted on and published in accordance with Section 47 of the Planning Act. Specifically:</p> <ul style="list-style-type: none"> <li>• <b>Section 10.4</b> sets out which local authorities were consulted about the draft 2021 SoCC;</li> <li>• <b>Tables 4.2</b> to <b>4.4</b> list the local authorities comments on the draft 2021 SoCC and a description of how the Applicant had regard to the comments; and</li> <li>• <b>Paragraph 10.4.9</b> confirms that the local authorities were given 28 days to provide their comments.</li> </ul>
3.15	<p>Following the coming into force of The Infrastructure Planning (Publication and Notification of Applications etc.) (Amendment) Regulations 2020 (the 2020 Regulations) Applicants no longer need to place paper copies of the SoCC on deposit at locations in the vicinity of the Proposed Development. Instead, Applicants should make the SoCC available for inspection online. Evidence that</p>	<p><b>Section 10.3</b> of the Consultation Report 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.</p>

Ref	Requirement	Compliance
	<p>this has been done should be provided in the Consultation Report, for example, a screen shot of the relevant webpage showing the published SoCC (including the full website address and relevant telephone number for enquiries as required by the 2020 Regulations) and confirmation that the public could access the webpage free of charge.</p>	<p>As outlined in <b>Section 10.5</b> of the Consultation Report, the 2021 SoCC was available for inspection online via the Applicant’s dedicated Scheme webpage. The SoCC Notice provided the Applicant’s telephone number for enquiries and confirmed that the public could access the SoCC, free of charge.</p>
<p><b>3.16</b></p>	<p>Copies of the published SoCC notice as it appeared in the local press should be provided along with confirmation of which local newspapers it was published in and when. If a scan of a notice is not clear, then it can be supplemented with a document containing the text of the notice. Where it was not possible to place the SoCC notice in a printed newspaper, then a screen shot of the notice as it was published in an online local newspaper publication should be provided (including the full website address and relevant telephone number for enquiries as required by the 2020 Regulations), ensuring the date of publication is visible.</p>	<p><b>Table 10.5</b> of the Consultation Report provides details of the local newspapers (the Mid Hampshire Observer, Hampshire Chronicle and Hampshire Independent) the 2021 SoCC Notice was published in and the dates of publication. <b>Appendices I.9 to I.15</b> provides copies of the 2021 SoCC Notice as it was published in the local newspapers.</p>
<p><b>3.17</b></p>	<p>Where more than one SoCC was prepared for a project, eg where a SoCC was subject to one or more updates, the updated SoCC or SoCCs should be included together with a narrative about why the preceding SoCC was reviewed and updated.</p>	<p><b>Paragraph 1.3</b> of the 2021 SoCC provides narrative about why the 2019 SoCC was reviewed and updated:</p> <p><i>“This SoCC replaces the earlier one and updates our proposals to set out our next stage of consultation and to take account of the unique circumstances that have come about due to the COVID-19 pandemic”</i></p> <p>See <b>Appendix I.8.</b></p>

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3.18	Where there are any inconsistencies between the SoCC and the consultation carried out this should be clearly explained and justified eg where additional consultation took place that was not included in the SoCC or SoCCs.	A checklist for 2021 SoCC compliance is provided in <b>Appendix I.8</b> . The checklist confirms that the Applicant undertook the 2021 statutory consultation in accordance with the 2021 SoCC. <b>Appendix I.8</b> also identifies further promotional and communications activities undertaken by the Applicant in addition to those committed to in the published 2021 SoCC.
3.19	A scanned copy of the s48 notice as it appeared in the local and national newspapers and journals, clearly showing the publication's name and date of publication, should be included in the report. If the scan is of poor quality this should be supplemented with a copy of the text. A description of where the notice was published, and confirmation of the time period given for responses should be included in the report.	<b>Table 11.6</b> of the Consultation Report provides details of the publication and date for the 2021 Section 48 notice. <b>Appendices J.20 to J.28</b> provide copies of the 2021 Section 48 Notice.
3.20	Where it was not possible to place the notice in printed newspapers, then screen shots of the notice as it was published in online newspaper publications should be provided (including the full website address and relevant telephone number for enquiries as required by the 2020 Regulations), ensuring the date of publication is visible.	
3.21	Applicants should provide confirmation that the s48 notice was sent to the Environmental Impact Assessment (EIA) consultation bodies at the same time as the notice was published. See Regulation 13 of the <u>The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017</u> (the EIA Regulations).	<b>Section 11.2</b> of the Consultation Report confirms that the Applicant sent the Section 48 Notice to all consultees identified under Section 42, therefore going beyond the statutory minimum by also sending it to Section 42(1)(d) consultees. Evidence of this is provided in <b>Appendices J.2 – J.4</b> .

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3.22	Applicants may have been engaged in non-statutory consultation eg early consultation with statutory bodies may have been undertaken when identifying options and in advance of statutory consultation under the provisions of the PA2008. Applicants may also have been engaged in non-statutory consultation that takes place after the statutory consultation following changes made to the project.	<p><b>Section 4.2</b> of the Consultation Report describes the non-statutory engagement undertaken prior to the 2019 consultation. <b>Section 4.3</b> of the Consultation Report describes the non-statutory engagement undertaken prior to the 2021 consultation. <b>Section 4.4</b> and <b>Section 14.4</b> of the Consultation Report describe the non-statutory engagement undertaken during and after the 2021 consultation.</p> <p><b>Chapter 5</b> of the Consultation Report provides details of the non-statutory consultation undertaken by the Applicant between 9 January 2018 to 20 February 2018. <b>Section 5.3</b> provides a summary of the responses received during the 2018 non-statutory consultation.</p>	
3.23	In circumstances where statutory consultees were informed of non-material changes to the project, this should also be reported. It would also be helpful to provide a brief rationale about why the changes were considered to be non-material and an explanation of how consultees were informed. Where only some consultees were selected to be informed about a change, please justify the approach taken.		
3.24	Any consultation not carried out under the provisions of the PA2008 should be clearly indicated and identified separately. Applicants should describe the non-statutory consultation that took place to the same level of detail as the statutory consultation. While it is not necessary for an Applicant to demonstrate how it has had regard to the consultees' comments made in response to non-statutory consultation, it is useful to understand how comments received influenced the project.		
3.25	If targeted consultation takes place, please explain the nature and purpose of the consultation. For example, if it was geographically focused what consultees were	<p><b>Chapter 13</b> of the Consultation Report provides details of the targeted consultation undertaken by the Applicant</p>	

Ref	Requirement	Compliance
	<p>included and the rationale for the geographic extent of the consultation. If a reduced number of prescribed consultees were consulted, please explain the rationale for the selection.</p>	<p>between 17 November 2021 and 22 December 2021, following the 2021 statutory consultation.</p> <p><b>Chapter 15</b> of the report provides details of the targeted consultation undertaken by the Applicant between 25 October 2022 and 21 November 2022.</p>
<p><b>3.26</b></p>	<p><i>EIA Regulations consultation</i> Consultation undertaken as part of the EIA process is separate to that required under the PA2008 eg statutory consultation on a Scoping Report following a Scoping Request to the Secretary of State. Applicants may wish to draw attention to consultation responses received under the EIA process, but any reference to that consultation should be addressed separately from the statutory consultation carried out under the provisions of the PA2008.</p>	<p><b>Chapter 6</b> of the Consultation Report describes the consultation undertaken pursuant to the Infrastructure EIA Regulations 2017.</p>
<p><b>3.27</b></p>	<p><i>Report appendices</i> Appendices should be used to provide evidence that demonstrates compliance with the requirements of the PA2008. Careful consideration should be given to the structure and logic of the appendices so that they can be clearly signposted in the main body of the report. A helpful approach is to have separate appendices for each element of statutory consultation and publicity. Where multiple stages of consultation took place then it may be helpful to</p>	<p>A full list of appendices accompanying the Consultation Report is included in the contents page. The list describes the content of each appendix, which have been subdivided into the different strands of consultation undertaken.</p>

Ref	Requirement	Compliance
	have a separate appendix for each stage, subdivided into the different strands of consultation.	
3.28	Evidence of non-statutory consultation should be assembled chronologically in a separate appendix.	<b>Chapter 5</b> of the Consultation Report provides details of the non-statutory consultation undertaken by the Applicant between 9 January 2018 to 20 February 2018.
3.29	Using a referencing system that corresponds to the chapter or section headings in the report is also helpful.	Noted.
3.30	If a large volume of consultation responses were received and reported on, then it usually makes sense to include the summary response tables in an appendix or appendices. A chronological approach which demonstrates the journey through the consultation is usually easier for the reader to understand and navigate.	<b>Appendices K.1 – K.3</b> provide extracts of responses received along with comments on how the Applicant has had regard to those relevant responses
<b>4</b>	<b>Reporting statutory consultation responses</b>	
4.1	It is necessary to demonstrate compliance with section 49 of the PA2008 by providing evidence that consultation responses have been taken into account during the preparation of the application.	<b>Appendices K.1 – K.3</b> provide extracts of responses received along with comments on how the Applicant has had regard to those relevant responses.
4.2	<i>Issues-led approach</i> If the level of response was significant it may be appropriate to group responses under headline issues. Care must be taken to ensure that in doing this the responses are not presented in a misleading way or out of context from the original views of the consultee. An explanation of the process by which consultation responses were grouped and organised (coded) is helpful,	<b>Section 12.2</b> of this report provides details of how the analysis of consultation responses has been undertaken by the Applicant. As noted within <b>Section 12.2</b> of this report, the Applicant has had regard to PINS Advice Note 14 and followed an ‘issues led approach’ by grouping responses under the key themes arising from the consultation where levels of responses are significant.



Ref	Requirement	Compliance
	including any safeguards and cross checking that took place to ensure that the responses were grouped appropriately.	<p>The Applicant has therefore structured <b>Appendices K.1-K.3</b> to follow an issues led approach in order to capture and summarise each relevant issue from online or written questionnaires, letters and emails. These appendices clearly identify under which strand of consultation the responses were received and whether or not the Applicant change the Scheme as a result of the comments.</p> <p><b>Section 12.3</b> of the Consultation Report analyses the feedback received during the 2021 Section 42 statutory consultation. <b>Appendix K.1</b> outlines the responses received and how the Applicant has had regard to the responses received.</p> <p><b>Section 12.4</b> of the Consultation Report analyses the feedback received during the 2021 Section 47 statutory consultation and Section 48 publicity. <b>Appendix K.2</b> sets out relevant responses received during Section 47 and Section 48 consultation and how the Applicant has had regard to the responses. Note that the Applicant did not receive any consultation responses that identified themselves as responding to Section 47 consultation or Section 48 publicity, therefore <b>Section 12.3</b> and <b>Appendix K.2</b> discuss the relevant responses from non-section 42 consultees which includes both section 47 and section 48 respondents collectively.</p>
4.3	<p><i>Summary of responses</i> A summary of the individual responses received should be provided and categorised in an appropriate way.</p>	
4.4	The summary of responses, if done well, can save a significant amount of explanatory text.	
4.5	The summary of the responses should identify comments that are relevant (directly or indirectly) to changes made to the project during the Pre-application stage. For example, changes to siting, route, design, form or scale of the scheme itself, or to mitigation or compensatory measures proposed.	
4.6	It is also necessary to explain why responses have led to no change, including where responses have been received after deadlines set by the Applicant.	

Ref	Requirement	Compliance
		<p><b>Section 13.4</b> of the Consultation Report provides an analysis of the feedback received during the 2021 targeted consultation with land interests, following the 2021 statutory consultation. <b>Appendix K.3</b> outlines the responses received and how the Applicant has had regard to the responses received.</p> <p><b>Section 12.6</b> of the Consultation Report provides a summary of how the Applicant has had regard to consultation responses in accordance with Section 49 of the Planning Act 2008, and describes the evolution of the Scheme in response to consultation feedback.</p>
<b>5</b>	<b>Virtual consultation methods</b>	
<b>5.1</b>	If virtual consultation methods were planned, then this should be reflected in the SoCC. In the usual way, the relevant local authorities will have been consulted about this and their feedback reported in the Consultation Report.	<b>Table 1</b> of the 2021 SoCC details the consultation methods planned by the Applicant for the 2021 statutory consultation, including a virtual exhibition, online webinars and a telephone appointment surgery (see <b>Appendix I.8</b> ).
<b>5.2</b>	Where virtual consultation methods were deployed as a reaction to external circumstances then it is important that the views of the relevant local authorities are captured in the Consultation Report. If no review and update of the SoCC took place under the provisions of the PA2008, then this should be justified in the Consultation Report with reference to the views of the relevant local authorities about the approach adopted.	<b>Sections 10.4</b> and <b>10.5</b> of this report describe the approach taken to prepare the SoCC and <b>Table 10.1</b> 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.

Ref	Requirement	Compliance
		<p>The Applicant consulted with each local authority under Section 43(1) – Winchester City Council and South Downs National Park Authority as the ‘B’ local authorities and Hampshire County Council as the ‘C’ local authority – on the content of the SoCC. The Applicant also engaged with relevant ‘A’ and ‘D’ local authorities on the draft 2021 SoCC on a non-statutory basis, allowing them an opportunity to provide comments.</p> <p><b>Section 10.4</b> of this report outlines the consultations undertaken on the draft 2021 SoCC. <b>Tables 10.2, 10.3 and 10.4</b> of this report provide a summary of the comments received by local authorities on the draft 2021 SoCC and how the Applicant has had regard to those responses in the preparation of the published 2021 SoCC.</p> <p><b>Table 10.3</b> of the report sets out the responses received on the draft 2021 SoCC from Winchester City Council, Hampshire County Council and South Downs National Park Authority and explains how the Applicant had regard to the responses when preparing the final 2021 SoCC for publication. The Applicant discussed its responses with Winchester City Council, Hampshire County Council and South Downs National Park Authority at the Engagement Working Group on 18 March 2021 (see <b>Table 4.2</b> of this report for further details). The host authorities verbally agreed with the Applicant’s responses at the</p>

Ref	Requirement	Compliance
		Engagement Working Group. A copy of the agreed meeting minutes can be found in <b>Appendix I.5</b> .
5.3	In general, where virtual consultation methods are planned then the SoCC should explain any mitigation measures put in place for digitally disadvantaged members of the community e.g., the use of telephone surgeries.	<p>The Applicant offered 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 by providing the opportunity to book an appointment with a project representative to discuss the Scheme over the telephone. This service was detailed in <b>Table 1</b> of the 2021 SoCC (see <b>Appendix I.8</b>) and advertised in consultation publicity (including the Section 48 Notice, site notices, posters and media adverts).</p> <p>The Applicant also offered to send paper copies of the consultation documents to members of the public, on request. Further details are provided at <b>Paragraph 11.4</b> of the 2021 SoCC (see <b>Appendix I.8</b>).</p>
7	<b>Data Protection and redaction guidelines</b>	
7.1	Applicants must ensure that the Consultation Report complies with data protection legislation eg personal data of individuals is treated appropriately. This may include redaction of personal data, sensitive/special category data and/or obtaining informed consent from the individuals concerned as appropriate.	All details of private individuals have been redacted in the Consultation Report and the associated appendices. For section 42(1)(d) consultees a code has been used in the Consultation Report and <b>Appendices B.2-B.4</b> in place of the consultee's name in the interest of confidentiality
7.2	As a general guideline, applicants should avoid including the following items in a Consultation Report or redact them in advance of submission:	

Ref	Requirement	Compliance
	<ul style="list-style-type: none"> <li>• Private home addresses of individuals or information that could lead to the identification of the location of a private individual.</li> <li>• Private email addresses and telephone numbers of individuals.</li> <li>• Sensitive or special category data within the meaning of the Data Protection Act 2018 and UK General Data Protection Regulation.</li> <li>• Written signatures.</li> <li>• Photographs of the faces of individuals who have not given consent to have their image published, including images taken at consultation events.</li> <li>• Information that could lead to the identification of a specific location of a protected species.</li> </ul>	