

M3 Junction 9 Improvement

Scheme Number: TR010055

7.12 Progress with Statements of Common Ground

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Procedure) Regulations 2009**

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7.12 PROGRESS WITH STATEMENTS OF COMMON GROUND

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1 Introduction

1.1 Purpose of this document

- 1.1.1 This document has been prepared by National Highways (as the 'Applicant') to accompany an application for a Development Consent Order (DCO) for the M3 Junction 9 Improvement Scheme (the Scheme).
- 1.1.2 This document has been prepared to provide the Examining Authority (ExA) with the current position on Statements of Common Ground (SoCG) between National Highways and prescribed bodies and other interested parties in relation to the Scheme.
- 1.1.3 This document will be updated at each deadline during the Examination of the Scheme to reflect the current position of the SoCGs.
- 1.1.4 This document has been prepared and submitted in accordance with Regulation 5(2)(q) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations) which states:
- “The application must be accompanied by...any other documents considered necessary to support the application”.*
- 1.1.5 A detailed description of the Scheme can be found in **Chapter 2 (The Scheme and its Surroundings)** of the **Environmental Statement (ES) (Document Reference 6.1)**.

2 Structure of Statements of Common Ground

2.1.1 To ensure consistency in the approach taken to documenting matters agreed, matters subject to further negotiation or matters not agreed, each of the SoCGs will adopt a standard format in order to provide clarity to other parties and ultimately the ExA.

2.1.2 Each SoCG will have the following structure:

- **Section 1:** provides an introduction to the SoCG and a description of its purpose.
- **Section 2:** states the engagement that has occurred between the Applicant and the party (or parties).
- **Section 3:** sets out any issues that have arisen, reporting on the status of each issue, i.e., whether it is agreed, still under discussion or not agreed, and any remaining actions.

2.1.3 Additional appendices may be provided in the SoCG containing any relevant documents or information that are referenced in the SoCG and do not otherwise form part of the DCO application.

3 List of Statements of Common Ground

- 3.1.1 The Applicant is preparing SoCGs with a number of parties. Where possible, the Applicant has endeavoured to make early progress in preparing SoCGs with stakeholders, such that agreed SoCGs can be submitted in a timely manner to the examination process to assist the ExA in understanding which matters have been agreed and which remain unresolved.
- 3.1.2 The parties with which the Applicant is in the process of pursuing SoCGs with are listed in **Table 3.1** below.

Table 3.1: List of parties

Stakeholder
Local authorities
<ul style="list-style-type: none">Winchester City CouncilSouth Downs National Park AuthorityHampshire County Council
Prescribed bodies
<ul style="list-style-type: none">Natural EnglandEnvironment AgencyHistoric England

3.2 Engagement with SoCG parties

- 3.2.1 As set out in the **Consultation Report (Document Reference 5.1)** submitted with the DCO application, the Applicant has sought to engage with the parties listed in **Table 3.1** throughout the development of the Scheme. This has included the following activities:
- Non-statutory engagement between 2017 and 2022 (see **Chapter 4** and **Chapter 14** of the **Consultation Report (Document Reference 5.1)**)
 - Non-statutory consultation in 2018 on the preferred design option (see **Chapter 5** of the **Consultation Report (Document Reference 5.1)**)
 - Statutory consultation between July 2019 and August 2019 (see **Chapter 8** of the **Consultation Report (Document Reference 5.1)**)

- Statutory consultation between May 2021 and July 2021 (see **Chapter 11** of the **Consultation Report (Document Reference 5.1)**)
- Targeted consultation between November 2021 and December 2021 (see **Chapter 13** of the **Consultation Report (Document Reference 5.1)**)
- Targeted consultation between October 2022 and November 2022 (see **Chapter 15** of the **Consultation Report (Document Reference 5.1)**)

4 Summary of current position

4.1.1 This section provides the current position of each SoCG.

4.1.2 **Table 4.1** provides a high-level position and where necessary includes further detail to aid understanding. The high-level positions used in the table are:

- **SoCG in draft** – The SoCG has been drafted by the Applicant, it has been shared with the other party and comments have been provided. Discussion is ongoing to reach a ‘Final Signed SoCG all matters agreed’ or ‘Final Signed SoCG with matters outstanding’.
- **Final Signed SoCG all matters agreed** – The final SoCG has been signed by both parties and all matters are agreed.
- **Final Signed SoCG with matters outstanding** – The final SoCG has been signed by both parties, and there remain matters outstanding that the Applicant and the other party agree will not be resolved during the Examination of the Scheme.

4.1.3 Where SoCGs have been submitted with matters subject to further discussion (‘SoCG in draft’), all parties will continue to review these matters in order that a final update can be provided during the Examination.

4.1.4 **Table 4.1** also provides a document reference which will be used for each SoCG once signed and submitted to the ExA.

Table 4.1: SoCG high level position

Document Reference	Party (or Parties)	Position at time of DCO submission	Position at Deadline 1	Position at Deadline 2	Position at Deadline 3	Position at Deadline 4
Local authorities						
7.12.1	Winchester City Council	SoCG in draft				
7.12.2	South Downs National Park Authority	SoCG in draft				
7.12.3	Hampshire County Council	SoCG in draft				
Prescribed bodies						
7.12.4	Environment Agency	SoCG in draft				
7.12.5	Natural England	SoCG in draft				
7.12.6	Historic England	SoCG in draft				

5 Commonality

- 5.1.1 This section of the Statement provides a summary of principal issues covered in the SoCG and demonstrates where there is commonality in the topics or matters.
- 5.1.2 The summary in **Table 5.1** is presented in such a way to show topics covered within the various SoCGs and any position for each topics. The topics are defined at a high-level to enable overview and comparison and may not reflect the structure of each individual SoCG. The topics have been defined where possible to broadly align with those of the **ES (Document Reference 6.1)**. **Table 5.1** shows topics covered within the various SoCGs and how these are relevant to each other party. It provides a position for each topic as follows:

	Matter agreed
	Matter subject to further discussion
	Matter not agreed
	Matter not relevant to party / not included in SoCG

Table 5.1 Table of Commonality at DCO submission

		Party and SoCG Reference					
		Winchester City Council (7.12.1)	South Downs National Park Authority (7.12.2)	Hampshire County Council (7.12.3)	Environment Agency (7.12.4)	Natural England (7.12.5)	Historic England (7.12.6)
Topics	Consideration of Alternatives						
	EIA Methodology						
	Air Quality						
	Cultural Heritage						
	Landscape and Visual						
	Biodiversity						
	Geology and Soils						
	Material Assets and Waste						
	Noise and Vibration						
	Population and Human Health						
	Road Drainage and the Water Environment						
	Climate						
	Cumulative Effects						
	Habitats Regulations Assessment						
	Environmental Management Plan						
	Traffic Management Plan						
Walking, Cycling and Horse-riding							

		Party and SoCG Reference					
		Winchester City Council (7.12.1)	South Downs National Park Authority (7.12.2)	Hampshire County Council (7.12.3)	Environment Agency (7.12.4)	Natural England (7.12.5)	Historic England (7.12.6)
	Traffic and Transport						
	Engineering Design						
	Draft DCO						
	Principle of Development						
	Planning Policy						
	Asset Handover and Maintenance						
	Protective Provisions						
	Flood Risk Assessment						

6 Current position

6.1 Introduction

6.1.1 This section provides a summary of the current position between the Applicant and each other party. The individual SoCG should be referred to for the full detail on specific matters.

6.2 Winchester City Council

6.2.1 The Applicant is having monthly meetings with Winchester City Council and a draft SoCG has been issued for comment. Discussions are progressing with Winchester City Council in relation to the SoCG and the parties are working towards a draft which will be submitted early in the Examination (see **Chapter 4** of the **Consultation Report (Document Reference 5.1)**).

6.2.2 The principal matters that are currently outstanding are:

- Environmental protection – including air quality, noise and vibration
- Landscape and visual
- Landscape and ecological management
- Biodiversity – including biodiversity net gain
- Geology and soils
- Economic development and tourism
- Sustainability and climate
- Strategic planning
- Design – including discussions regarding the ‘Cart and Horses junction’
- Walking, cycling and horse-riding provisions
- Road drainage and the water environment
- Construction impacts including working hours
- In combination and cumulative effects

6.2.3 There are a number of matters upon which Winchester City Council's position is pending upon the publication of the full suite of DCO application documents, in particularly those relating to the **ES (Document Reference 6.1)**.

6.2.4 The Applicant and Winchester City Council will therefore continue to review the matters detailed in the SoCG. Discussions will be aided by Winchester City

Council being able to review the full suite of DCO application documents on the National Infrastructure Planning website (after acceptance).

6.2.5 It is the intention of both parties that a draft version of the SoCG will be provided early in the Examination.

6.3 South Downs National Park Authority

6.3.1 The Applicant is having monthly meetings with South Downs National Park Authority and a draft SoCG has been issued for comment.. The Applicant has received comments from South Downs National Park Authority on a first draft of their SoCG and is working towards submitting a draft early in the Examination (see **Chapter 4** of the **Consultation Report (Document Reference 5.1)** for further details).

6.3.2 The principal matters that are currently outstanding are:

- Landscape and ecological design
- Outline Landscape and Ecology Management Plan
- Walking, cycling and horse-riding provision, including access to and from the National Park
- Drainage strategy
- Location for construction compounds, in particular the central construction compound. South Downs National Park Authority welcomes the reduction to the area proposed for the main construction compound but is still concerned with the location.
- Cultural Heritage
- Biodiversity
- Geology and soils

6.3.3 There are a number of matters upon which South Downs National Park Authority's position is pending upon the publication of the full suite of DCO application documents, in particularly those relating to the **ES (Document Reference 6.1)**.

6.3.4 The Applicant and South Downs National Park Authority will therefore continue to review the matters detailed in the SoCG. Discussions will be aided by South Downs National Park Authority being able to review the full suite of DCO application documents on the National Infrastructure Planning website (after acceptance).

6.3.5 It is the intention of both parties that a draft version of the SoCG will be provided early in the Examination.

6.4 Hampshire County Council

6.4.1 The Applicant is having monthly meetings with Hampshire County Council and a draft SoCG has been issued to Hampshire County Council for comment (see **Chapter 4 of the Consultation Report (Document Reference 5.1)** for further details). The Applicant has received some comments from Hampshire County Council on a first draft of their SoCG.

6.4.2 The principal matters that are currently outstanding are:

- The **draft DCO (Document Reference 3.1)**
- Design – including discussions regarding the ‘Cart and Horses junction’
- Public Rights of Way provision, adoption / maintenance and temporary diversions
- Asset management and adoption
- Arboriculture requirements, including valuation methodology and mitigation planting, within **Chapter 7 (Landscape and Visual) of the ES (Document Reference 6.1)**
- Flood Risk Management and **Chapter 13 (Road Drainage and the Water Environment) of the ES (Document Reference 6.1)**
- Traffic modelling and management, including the **Outline Traffic Management Plan (Document Reference 7.8)** and the **Transport Assessment Report (Document Reference 7.13)**
- Travel plans for staff and contractors during construction phase
- Access to the compound
- Regulatory powers and approval requirements to be formalised

6.4.3 There are a number of matters upon which Hampshire County Council’s position is pending upon the publication of the full suite of DCO application documents, in particularly those relating to the **ES (Document Reference 6.1)** and the **draft DCO (Document Reference 3.1)**.

6.4.4 The Applicant and Hampshire County Council will therefore continue to review the matters detailed in the SoCG. Discussions will be aided by Hampshire County Council being able to review the full suite of DCO application documents on the National Infrastructure Planning website (after acceptance).

6.4.5 It is the intention of both parties that a draft version of the SoCG will be provided early in the Examination.

6.5 Environment Agency

- 6.5.1 The Applicant is having regular meetings with the Environment Agency and a draft SoCG has been issued to the Environment Agency for comment (see **Chapter 4 of the Consultation Report (Document Reference 5.1)** for further details). The Environment Agency has provided comments and the Applicant is working towards submitting a draft early in the Examination.
- 6.5.2 The Environment Agency has provided confirmation that they agree with the methods and conclusions of **Chapter 8 (Biodiversity)** of the **ES (Document Reference 6.1)**, the **fiEMP (Document Reference 7.3)**, and the **Flood Risk Assessment (Document Reference 7.4)**.
- 6.5.3 The principal matters / documents currently outstanding include:
- The **draft DCO (Document Reference 3.1)**
 - **Chapter 13 (Road Drainage and the Water Environment)** of the **ES (Document Reference 6.1)**
 - The Drainage Strategy Report (**Appendix 13.1 (Drainage Strategy Report)**) of the **ES (Document Reference 6.3)**
 - The Hydrogeological Risk Assessment (**Appendix 13.2 (Hydrogeological Risk Assessment)**) of the **ES (Document Reference 6.3)**
 - The **Habitats Regulations Assessment (Document Reference 7.5)**
 - The **Water Framework Directive Assessment (Document Reference 7.7)**
- 6.5.4 The Environment Agency's position is pending upon the publication of the full suite of DCO application documents.
- 6.5.5 The Applicant and the Environment Agency will therefore continue to review the matters detailed in the SoCG. Discussions will be aided by the Environment Agency being able to review the full suite of DCO application documents on the National Infrastructure Planning website (after acceptance).
- 6.5.6 It is the intention of both parties that a draft version of the SoCG will be provided early in the Examination.

6.6 Natural England

- 6.6.1 The Applicant is having regular meetings with Natural England and a draft SoCG has been issued to Natural England for comment (see **Chapter 4 of the Consultation Report (Document Reference 5.1)** for further details).
- 6.6.2 The principal matters / documents currently outstanding include:

- The draft **DCO (Document Reference 3.1)**
- **Chapter 8 (Biodiversity)** of the **ES (Document Reference 6.1)** and associate appendices
- The **Habitats Regulations Assessment (Document Reference 7.5)**
- The **fiEMP (Document Reference 7.3)**

6.6.3 Natural England's position is pending upon the publication of the full suite of DCO application documents.

6.6.4 The Applicant and Natural England will therefore continue to review the matters detailed in the SoCG. Discussions will be aided by Natural England being able to review the full suite of DCO application documents on the National Infrastructure Planning website (after acceptance).

6.6.5 It is the intention of both parties that a draft version of the SoCG will be provided early in the Examination.

6.7 Historic England

6.7.1 The Applicant is having regular meetings with Historic England and have issued a draft SoCG to Historic England.

6.7.2 No concerns have been raised to date by Historic England and the Applicant has issued a suite of draft documents to them for review and agreement.

6.7.3 The principal matters / documents currently outstanding include:

- The draft **DCO (Document Reference 3.1)**
- **Chapter 6 (Cultural Heritage)** of the **ES (Document Reference 6.1)**
- The Detailed Cultural Heritage Baseline (**Appendix 6.1 (Detailed Cultural Heritage Baseline)** of the **ES (Document Reference 6.3)**)
- The Archaeology and Heritage Outline Mitigation Strategy (**Appendix 6.8 (Archaeology and Heritage Outline Mitigation Strategy)** of the **ES (Document Reference 6.3)**)
- The **fiEMP (Document Reference 7.3)**

6.7.4 The above documents, which had been previously agreed, have been amended in light of changes to Scheme following postponement of All Lane Running (ALR) schemes. Historic England's position following confirmation of the changes to the Scheme without the ALR scheme is pending upon the publication of the full suite of DCO application documents.

6.7.5 The Applicant and Historic England will therefore continue to review the matters detailed in the SoCG. Discussions will be aided by Historic England being able

to review the full suite of DCO application documents on the National Infrastructure Planning website (after acceptance).

- 6.7.6 It is the intention of both parties that a signed SoCG will be provided early in the Examination.