

# **M3 Junction 9 Improvement**

**Scheme Number: TR010055**

## **7.12 Progress with Statements of Common Ground (Rev 1)**

**APFP Regulations 5(2)(a)**

**Planning Act 2008**

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

**Volume 7**

M3 J9\_7.12\_Progress with Statements of Common Ground

## Infrastructure Planning

Planning Act 2008

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

M3 Junction 9 Improvement  
Development Consent Order 202[x]

## **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 was initially 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 updated to in response the Rule 8 Letter dated 25 May 2023. It has been amended 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 at Deadline 1 on 6 June 2023.
- 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 A detailed description of the Scheme can be found in **Chapter 2 (The Scheme and its Surroundings)** of the **Environmental Statement (ES) (6.1, APP-043)**.

## 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
<b>Local authorities</b>
<ul style="list-style-type: none"> <li>■ Winchester City Council</li> <li>■ South Downs National Park Authority</li> <li>■ Hampshire County Council</li> </ul>
<b>Prescribed bodies</b>
<ul style="list-style-type: none"> <li>■ Natural England</li> <li>■ Environment Agency</li> <li>■ Historic England</li> </ul>
<b>Interested Parties</b>
<ul style="list-style-type: none"> <li>■ Cycle Winchester</li> </ul>

### 3.2 Engagement with SoCG parties

3.2.1 As set out in the **Consultation Report (5.1, APP-025)** 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. During pre-application consultation, the Applicant has engaged with Cycle Winchester as part of a wider walking, cycling and horse-riding group. Engagement with parties has included the following activities:

- Non-statutory engagement between 2017 and 2022 (see **Chapter 4** and **Chapter 14** of the **Consultation Report (5.1, APP-025)**)

- Non-statutory consultation in 2018 on the preferred design option (see **Chapter 5** of the **Consultation Report (5.1, APP-025)**)
- Statutory consultation between July 2019 and August 2019 (see **Chapter 8** of the **Consultation Report (5.1, APP-025)**)
- Statutory consultation between May 2021 and July 2021 (see **Chapter 11** of the **Consultation Report (5.1, APP-025)**)
- Targeted consultation between November 2021 and December 2021 (see **Chapter 13** of the **Consultation Report (5.1, APP-025)**)



## 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 9
<b>Local authorities</b>						
7.12.1	Winchester City Council	SoCG in draft	SoCG in draft			
7.12.2	South Downs National Park Authority	SoCG in draft	SoCG in draft			
7.12.3	Hampshire County Council	SoCG in draft	SoCG in draft			
<b>Prescribed bodies</b>						
7.12.4	Environment Agency	SoCG in draft	SoCG in draft			
7.12.5	Natural England	SoCG in draft	SoCG in draft			
7.12.6	Historic England	SoCG in draft	No matters outstanding			
<b>Interested Parties</b>						
7.12.7	Cycle Winchester	N/A	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 (6.1, APP-042-APP-153)**. **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 Deadline 1

		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)	Cycle Winchester (7.12.7)
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							

	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)	Cycle Winchester (7.12.7)
Walking, Cycling and Horse-riding							
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 Following review of the full suite of DCO application documents post acceptance, Winchester City Council have been able to confirm agreement on certain matters relating to the SoCG.

6.2.2 The principal matters /documents that are currently outstanding are:

- Environmental protection – including air quality, noise and vibration
- **Chapter 7 (Landscape and Visual) of the ES (6.1, APP-048)**
- **Chapter 8 (Biodiversity) of the ES (6.1, APP-049)**
- Sustainability and **Chapter 14 (Climate) of the ES (6.1, APP-055)**
- Design – including discussions regarding the ‘Cart and Horses junction’
- Walking, cycling and horse-riding provisions
- Construction impacts

6.2.3 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 has received comments from the South Downs National Park Authority on a first draft of their SoCG. Having review the full suite of DCO application documents post acceptance, the South Downs National Park Authority has provided the Applicant with comments on **Chapter 6 (Cultural Heritage) of the ES (6.1, APP-047)** and **Chapter 7 (Landscape and Visual) of the ES (6.1, APP-048)**, and the **first iteration Environmental Management Plan (fiEMP) (7.3, APP-156)**. Comments on other topics from the South Downs National Parth Authority relating to the SoCG are awaited by the Applicant.

6.3.2 The principal matters / documents that are currently outstanding are:

- The **draft DCO (3.1, APP-019)**
- Landscape and ecological design

- **Appendix 7.6 (Outline Landscape and Ecology Management Plan (OLEMP)) of the ES (6.3, APP-102)**
- 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.
- **Chapter 6 (Cultural Heritage) of the ES (6.1, APP-047)**
- **Chapter 8 (Biodiversity) of the ES (6.1, APP-049)**
- **Chapter 9 (Geology and Soils) of the ES (6.1, APP-050)**

6.3.3 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 Prior to the full suite of DCO planning documents being available to stakeholders, the Applicant has received some comments from Hampshire County Council on a first draft of their SoCG.

6.4.2 Since the DCO application has been accepted by the Planning Inspectorate, Hampshire County Council have confirmed their priority list for discussion. Progress on these items in the SoCG are ongoing. The priority list includes:

- Design – including discussions regarding the ‘Cart and Horses junction’
- The **draft DCO (3.1, APP-019)**
- Traffic modelling and management, including the **Outline Traffic Management Plan (7.8, APP-161)** and the **Transport Assessment Report (7.13, APP-166)**
- Travel plans for staff and contractors during construction phase
- Asset management and adoption
- Regulatory powers and approval requirements to be formalised
- Public Rights of Way provision, adoption / maintenance and temporary diversions
- Flood Risk Management and **Chapter 13 (Road Drainage and the Water Environment) of the ES (6.1, APP-054)**

6.4.3 Other matters / documents included in the SoCG that remain under discussion, further to Hampshire County Council comment in relation to the SoCG, include:

- **Chapter 5 (Air Quality) of the ES (6.1, APP-046)**
- Arboriculture requirements, including valuation methodology and mitigation planting, within **Chapter 7 (Landscape and Visual) of the ES (6.1, APP-048)**
- **Chapter 8 (Biodiversity) of the ES (6.1, APP-049)**
- **Chapter 9 (Geology and Soils) of the ES (6.1, APP-050)**
- **Chapter 10 (Material Assets and Waste) of the ES (6.1, APP-051)**
- **Chapter 11 (Noise and Vibration) of the ES (6.1, APP-052)**
- **Chapter 12 (Population and Human Health) of the ES (6.1, APP-053)**
- **Chapter 14 (Climate) of the ES (6.1, APP-055)**
- **Chapter 15 (Cumulative Effects) of the ES (6.1, APP-056)**

6.4.4 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 Following review of the full suite of DCO application documents post acceptance, the Environment Agency have been able to confirm agreement on certain matters relating to the SoCG.

6.5.2 The principal matters / documents currently outstanding include:

- The **draft DCO (3.1, APP-019)**, including the disapplication of legislative provision and protective provisions.
- **Chapter 8 (Biodiversity) of the ES (6.1, APP-049)**
- **Chapter 9 (Geology and Soils) of the ES (6.1, APP-050)**
- **Chapter 13 (Road Drainage and the Water Environment) of the ES (6.1, APP-054)**

6.5.3 It is the intention of both parties that a draft version of the SoCG will be provided at Deadline 2.



## 6.6 Natural England

6.6.1 Following review of the full suite of DCO application documents post acceptance, the Natural England have been able to confirm agreement on certain matters relating to the SoCG.

6.6.2 The principal matters / documents currently outstanding include:

- **Chapter 8 (Biodiversity) of the ES (6.1, APP-049) and Appendix 8.3 (Assessment of Operational Air Quality Impacts on Biodiversity) of the ES (6.3, APP-132)**
- **The Habitats Regulations Assessment (7.5, APP-158)**
- **The fiEMP (7.3, APP-156)**

6.6.3 It is the intention of both parties that a draft version of the SoCG will be provided at Deadline 2.

## 6.7 Historic England

6.7.1 Historic England have confirmed no matters remain outstanding and that all matters are agreed.

6.7.2 A final signed SoCG will aim to be submitted at Deadline 2.

## 6.8 Cycle Winchester

6.8.1 At the request of the Examining Authority, an SoCG is being drafted with Cycle Winchester. The Applicant has met regularly with Cycle Winchester as part of a wider walking, cycling and horse-riding group during pre-application consultation.

6.8.2 The principal matters / documents currently outstanding include:

- Walking, cycling and horse-riding provisions
- Construction impacts on walking, cycling and horse-riding routes
- **Chapter 12 (Population and Human Health) of the ES (6.1, APP-053)**

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