

# **M3 Junction 9 Improvement**

**Scheme Number: TR010055**

## **7.12 Progress with Statements of Common Ground (Rev 2)**

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

**Planning Act 2008**

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

**Volume 7**

**10 November 2023**

## 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**

<b>Regulation Number:</b>	Regulation 5(2)(q)
<b>Planning Inspectorate Scheme Reference:</b>	TR010055
<b>Application Document Reference:</b>	7.12
<b>BIM Document Reference:</b>	HE551511-VFK-LSI-X_XXXX_XX-RP-LE-0006
<b>Author:</b>	M3 Junction 9 Improvement Project Team, National Highways

Version	Date	Status of Version
Rev 0	November 2022	Application Submission
Rev 1	6 June 2023	Deadline 1 Submission
Rev 2	10 November 2023	Deadline 8 Submission

## Contents

- 1 Introduction ..... 1**
  - 1.1 Purpose of this document ..... 1
- 2 Structure of Statements of Common Ground..... 2**
- 3 List of Statements of Common Ground ..... 3**
  - 3.2 Engagement with SoCG parties ..... 3
- 4 Summary of current position ..... 5**
- 5 Commonality ..... 8**
- 6 Matters not agreed at Deadline 8 ..... 11**
  - 6.1 Introduction ..... 11
  - 6.2 Winchester City Council ..... 11
  - 6.3 South Downs National Park Authority ..... 11
  - 6.4 Hampshire County Council ..... 13
  - 6.5 Environment Agency ..... 13
  - 6.6 Natural England ..... 13
  - 6.7 Historic England ..... 13
  - 6.8 Cycle Winchester ..... 13

## Tables

- Table 3.1: List of parties ..... 3
- Table 4.1: SoCG high level position ..... 6
- Table 5.1 Table of Commonality at Deadline 8..... 9
- Table 6.1: Matters not agreed with Winchester City Council ..... 11
- Table 6.2: Matters not agreed or still under discussion with South Downs National Park Authority ..... 11
- Table 6.3: Matters not agreed with Hampshire County Council..... 13
- Table 6.4: Matters not agreed with Cycle Winchester ..... 14

# 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 final position on Statements of Common Ground (SoCG) between National Highways and prescribed bodies and other interested parties in relation to the Scheme at Deadline 8 on 10 November 2023.
- 1.1.3 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 has 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 has 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 8
<b>Local authorities</b>				
7.12.1	Winchester City Council	SoCG in draft	SoCG in draft	Final Signed SoCG with matters outstanding
7.12.2	South Downs National Park Authority	SoCG in draft	SoCG in draft	SoCG in draft
7.12.3	Hampshire County Council	SoCG in draft	SoCG in draft	Final Signed SoCG with matters outstanding
<b>Prescribed bodies</b>				
7.12.4	Environment Agency	SoCG in draft	SoCG in draft	Final Signed SoCG all matters agreed
7.12.5	Natural England	SoCG in draft	SoCG in draft	Final Signed SoCG all matters agreed
7.12.6	Historic England	SoCG in draft	No matters outstanding	Final Signed SoCG all matters agreed
<b>Interested Parties</b>				

<b>Document Reference</b>	<b>Party (or Parties)</b>	<b>Position at time of DCO submission</b>	<b>Position at Deadline 1</b>	<b>Position at Deadline 8</b>
7.12.7	Cycle Winchester	N/A	SoCG in draft	Final Signed SoCG with matters outstanding

## 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 topic. 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 8

		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	Green	Red	Green	Grey	Grey	Grey	Red
Traffic and Transport	Red	Red	Red	Grey	Grey	Grey	Red
Engineering Design	Green	Red	Green	Grey	Grey	Grey	Red
Draft DCO	Red	Red	Green	Green	Green	Green	Red
Principle of Development	Green	Red	Green	Grey	Grey	Grey	Green
Planning Policy	Red	Red	Green	Grey	Grey	Grey	Grey
Asset Handover and Maintenance	Grey	Grey	Green	Grey	Grey	Grey	Grey
Protective Provisions	Grey	Grey	Grey	Green	Grey	Grey	Grey
Flood Risk Assessment	Grey	Grey	Green	Green	Grey	Grey	Grey

## 6 Matters not agreed at Deadline 8

### 6.1 Introduction

6.1.1 This section provides a summary of the matters not agreed 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 **Table 6.1** lists the issues that have not been agreed with Winchester City Council at Deadline 8. For full details, please refer to the **Statement of Common Ground with Winchester City Council (7.12.1, Rev 2)** and the reference numbers listed below.

Table 6.1: Matters not agreed with Winchester City Council

Reference(s)	Issue
1.5	Draft DCO – Requirements
10.1	Climate – scope of assessment
10.2, 10.3	Climate – assessment methodology
10.4	Climate – baseline information
10.5, 10.6, 10.7	Climate – mitigation
10.8	Climate – residual effects and conclusions
12.1	Traffic and transport – the Cart and Horses junction

### 6.3 South Downs National Park Authority

6.3.1 **Table 6.2** lists the issues that have not been agreed or are still under discussion with South Downs National Park Authority at Deadline 8. For full details, please refer to the **Statement of Common Ground with South Downs National Park Authority (7.12.2, REP6-019)** and the reference numbers listed below.

Table 6.2: Matters not agreed or still under discussion with South Downs National Park Authority

Reference(s)	Issue
1.1, 1.3	Draft DCO – Articles
1.4, 1.5, 1.6, 1.9, 1.10	Draft DCO – Requirements
2.1	Principle of development – assessment of alternatives

Reference(s)	Issue
2.2	Principle of development – policy SD3
2.3	Principle of development – compliance with <i>National Policy Statement for National Networks (NPS NN)</i> paragraph 5.153
2.4	Principle of development – Application Boundary
3.1	Air Quality – scope of assessment, methodology and baseline information
3.2	Air Quality – mitigation
3.3	Air Quality – residual effects and conclusions
5.3, 5.4, 5.5	Landscape and Visual – assessment methodology
5.8, 5.9, 5.10, 5.11, 5.12, 5.13, 5.14, 5.17, 5.18, 5.19, 5.21, 5.22, 5.24, 5.25, 5.26, 5.27, 5.29, 5.30	Landscape and Visual – mitigation
5.31, 5.32, 5.33	Landscape and Visual – residual effects and conclusions
6.3, 6.4, 6.5, 6.6, 6.7, 6.8, 6.9	Biodiversity – mitigation
6.10	Biodiversity – residual effects and conclusions
8.2	Material Assets and Waste – mitigation
9.3	Noise and Vibration – mitigation
9.4	Noise and Vibration – residual effects and conclusions
10.2, 10.4, 10.5, 10.6, 10.7, 10.8	Population and Human Health – mitigation
11.2, 11.3, 11.4	Road Drainage and the Water Environment – mitigation
11.5	Road Drainage and the Water Environment – residual effects and conclusions
12.3	Cumulative Effects – mitigation and monitoring
12.4	Cumulative Effects – conclusions

Reference(s)	Issue
13.1	Traffic and transport – the Cart and Horses junction
14.1	Traffic Management Plan – workers travel plan
14.2	Traffic Management Plan – road closures during construction
14.3	Traffic Management Plan – walking, cycling and horse-riding route closures during construction
14.4	Traffic Management Plan – NCN Route 23

6.3.2 At Deadline 8, the **Statement of Common Ground with South Downs National Park Authority (7.12.2, REP6-019)** was not finalised or submitted. A final version will be provided before the close of Examination.

#### 6.4 Hampshire County Council

6.4.1 **Table 6.3** lists the issues that have not been agreed with Hampshire County Council at Deadline 8. For full details, please refer to the **Statement of Common Ground with Hampshire County Council (7.12.3, Rev 1)** and the reference numbers listed below.

Table 6.3: Matters not agreed with Hampshire County Council

Reference(s)	Issue
10.4	Traffic and transport – the Cart and Horses junction

#### 6.5 Environment Agency

6.5.1 A final signed SoCG with all matters agreed was submitted at Deadline 8.

#### 6.6 Natural England

6.6.1 A final signed SoCG with all matters agreed was submitted at Deadline 8.

#### 6.7 Historic England

6.7.1 A final signed SoCG with all matters agreed was submitted at Deadline 2.

#### 6.8 Cycle Winchester

6.8.1 **Table 6.4** lists the issues that have not been agreed with Cycle Winchester at Deadline 8. For full details, please refer to the **Statement of Common Ground with Cycle Winchester (7.12.7, Rev 1)** and the reference numbers listed below.



Table 6.4: Matters not agreed with Cycle Winchester

Reference(s)	Issue
1.1, 1.2	Draft DCO – legal status of walking, cycling and horse-riding routes
4.2, 4.4, 4.6	Traffic and transport – walking, cycling and horse-riding routes design
5.1, 5.2	Traffic Management Plan – Diversions during construction