



# **SCOPING OPINION:**

## **Proposed M3 Junction 9 Improvement Project**

**Case Reference: TR010055**

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Adopted by the Planning Inspectorate (on behalf of the Secretary of State pursuant to Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

**March 2019**

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# 1. INTRODUCTION

## 1.1 Background

- 1.1.1 On 28 January 2019, the Planning Inspectorate (the Inspectorate) on behalf of the Secretary of State (SoS) received a scoping request from Highways England (the Applicant) under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) for the proposed M3 Junction 9 Improvement Project (the Proposed Development).
- 1.1.2 In accordance with Regulation 10 of the EIA Regulations, an Applicant may ask the SoS to state in writing its opinion *'as to the scope, and level of detail, of the information to be provided in the environmental statement'*.
- 1.1.3 This document is the Scoping Opinion (the Opinion) provided by the Inspectorate on behalf of the SoS in respect of the Proposed Development. It is made on the basis of the information provided in the Applicant's report entitled M3 Junction 9 Improvements Environmental Impact Assessment Scoping Report (the Scoping Report). This Opinion can only reflect the proposals as currently described by the Applicant. The Scoping Opinion should be read in conjunction with the Applicant's Scoping Report.
- 1.1.4 The Applicant has notified the SoS under Regulation 8(1)(b) of the EIA Regulations that they propose to provide an Environmental Statement (ES) in respect of the Proposed Development. Therefore, in accordance with Regulation 6(2)(a) of the EIA Regulations, the Proposed Development is EIA development.
- 1.1.5 Regulation 10(9) of the EIA Regulations requires that before adopting a scoping opinion the Inspectorate must take into account:
- (a) *any information provided about the proposed development;*
  - (b) *the specific characteristics of the development;*
  - (c) *the likely significant effects of the development on the environment; and*
  - (d) *in the case of a subsequent application, the environmental statement submitted with the original application.*
- 1.1.6 This Opinion has taken into account the requirements of the EIA Regulations as well as current best practice towards preparation of an ES.
- 1.1.7 The Inspectorate has consulted on the Applicant's Scoping Report and the responses received from the consultation bodies have been taken into account in adopting this Opinion (see Appendix 2).
- 1.1.8 The points addressed by the Applicant in the Scoping Report have been carefully considered and use has been made of professional judgement and experience in order to adopt this Opinion. It should be noted that when it comes to consider the ES, the Inspectorate will take account of relevant legislation and guidelines. The Inspectorate will not be precluded from

requiring additional information if it is considered necessary in connection with the ES submitted with the application for a Development Consent Order (DCO).

- 1.1.9 This Opinion should not be construed as implying that the Inspectorate agrees with the information or comments provided by the Applicant in their request for an opinion from the Inspectorate. In particular, comments from the Inspectorate in this Opinion are without prejudice to any later decisions taken (on submission of the application) that any development identified by the Applicant is necessarily to be treated as part of a Nationally Significant Infrastructure Project (NSIP) or Associated Development or development that does not require development consent.
- 1.1.10 Regulation 10(3) of the EIA Regulations states that a request for a scoping opinion must include:
- (a) *a plan sufficient to identify the land;*
  - (b) *a description of the proposed development, including its location and technical capacity;*
  - (c) *an explanation of the likely significant effects of the development on the environment; and*
  - (d) *such other information or representations as the person making the request may wish to provide or make.*
- 1.1.11 The Inspectorate considers that this has been provided in the Applicant's Scoping Report. The Inspectorate is satisfied that the Scoping Report encompasses the relevant aspects identified in the EIA Regulations.
- 1.1.12 In accordance with Regulation 14(3)(a), where a scoping opinion has been issued in accordance with Regulation 10 an ES accompanying an application for an order granting development consent should 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)*'.
- 1.1.13 The Inspectorate notes the potential need to carry out an assessment under The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). This assessment must be co-ordinated with the EIA in accordance with Regulation 26 of the EIA Regulations. The Applicant's ES should therefore be co-ordinated with any assessment made under the Habitats Regulations.

## **1.2 The Planning Inspectorate's Consultation**

- 1.2.1 In accordance with Regulation 10(6) of the EIA Regulations the Inspectorate has consulted the consultation bodies before adopting a scoping opinion. A list of the consultation bodies formally consulted by the Inspectorate is provided at Appendix 1. The consultation bodies have been notified under Regulation 11(1)(a) of the duty imposed on them by Regulation 11(3) of the EIA Regulations to make information available to the Applicant relevant to the

preparation of the ES. The Applicant should note that whilst the list can inform their consultation, it should not be relied upon for that purpose.

- 1.2.2 The list of respondents who replied within the statutory timeframe and whose comments have been taken into account in the preparation of this Opinion is provided, along with copies of their comments, in Appendix 2, to which the Applicant should refer in preparing their ES.
- 1.2.3 The ES submitted by the Applicant should demonstrate consideration of the points raised by the consultation bodies. It is recommended that a table is provided in the ES summarising the scoping responses from the consultation bodies and how they are, or are not, addressed in the ES.
- 1.2.4 Any consultation responses received after the statutory deadline for receipt of comments will not be taken into account within this Opinion. Late responses will be forwarded to the Applicant and will be made available on the Inspectorate's website. The Applicant should also give due consideration to those comments in preparing their ES.

### **1.3 Article 50 of the Treaty on European Union**

- 1.3.1 On 23 June 2016, the United Kingdom (UK) held a referendum and voted to leave the European Union (EU). On 29 March 2017 the Prime Minister triggered Article 50 of the Treaty on European Union, which commenced a two year period of negotiations regarding the UK's exit from the EU. On 26 June 2018 The European Union (Withdrawal) Act 2018 received Royal Assent and work to prepare the UK statute book for Brexit has begun. The European Union (Withdrawal) Act 2018 will make sure that UK laws continue to operate following the UK's exit. There is no immediate change to legislation or policy affecting national infrastructure. Relevant EU Directives have been transposed into UK law and those are unchanged until amended by Parliament.

## **2. THE PROPOSED DEVELOPMENT**

### **2.1 Introduction**

2.1.1 The following is a summary of the information on the Proposed Development and its site and surroundings prepared by the Applicant and included in their Scoping Report. The information has not been verified and it has been assumed that the information provided reflects the existing knowledge of the Proposed Development and the potential receptors/ resources.

### **2.2 Description of the Proposed Development**

2.2.1 The Applicant's description of the Proposed Development, its location and technical capacity (where relevant) is provided in Scoping Report Section 2.4.

2.2.2 The Proposed Development is to improve the existing M3 Junction 9 in order to maintain connectivity, whilst providing enhanced capacity, simplified routing and improved facilities for non-motorised users.

2.2.3 The main elements of the scheme provide the following modifications: Free flow grade separated links between the M3 to/from Southampton and the A33/A34 to/from Basingstoke; widening of part of the M3 from dual lane to a four lane motorway; a grade separated dumbbell roundabout within the footprint of the existing roundabout, including a new bridge connection over the M3, improved slips to and from the M3 and connector roads from the new free flow links; and new subways through the junction providing an access route between South Downs National Park, Winnall and Abbots Worthy.

2.2.4 The existing M3 Junction 9 is joined with the A34 towards Newbury and Oxford to the North, the A272 towards Petersfield to the East, Easton Lane towards Winnall and North Winchester to the West.

2.2.5 Land use is described in Section 2.3 and Figure 1-1 in Appendix B. The land is primarily urban to the west of the M3. Part of the urban area to the immediate west includes an area of commercial development, and four schools that are located within proximity to the junction. To the east the land is part of the South Downs National Park and primarily rural green field with isolated farm holdings and rural dwellings ( ).

2.2.6 The Proposed Development extents are given as being approximately 94 hectares. Approximately 29 hectares of this land is outside of the existing highways boundary. The Proposed Development extents includes land required for gantries, signage, an indicative satellite compound area, areas for environmental mitigation and areas for drainage requirements. It is noted that the Order Limits may be subject to change as the design process progresses but that the proposed extents given are considered to be the land take required (based on the present design).



## 2.3 The Planning Inspectorate's Comments

### Description of the Proposed Development

- 2.3.1 Chapter 2 of the Scoping Report provides a description of the Proposed Development. The Inspectorate notes that the Scoping Report lacks in-depth detail on all elements of the Proposed Development and proposes to allow flexibility in the final design (as detailed in Section 2.6). The ES must include a description of all physical characteristics of the Proposed Development. Where uncertainty exists and flexibility is sought this should be explained not only in terms of the maximum parameters but also the anticipated limits of deviation, the dimensions, locations and alignments of the various project elements, including points of access and key structures. This information is important to ensure that any potential significant effects associated with the construction and operation stages have been appropriately assessed. The ES should provide figures to support the project description and depict the necessary detail.
- 2.3.2 No detail is provided relating to the anticipated duration of the construction phase of the Proposed Development and when the likely operational stage would commence. The ES should contain a general construction programme so that it is clear how and when the specific works will take place, and how resulting effects on road networks are to be managed. It should provide a description of the land use requirements during both the construction and operational phases. It is also important that the ES clearly identifies and distinguishes areas of land which are required either permanently or on a temporary basis.
- 2.3.3 Section 2.4.17 provides comment on construction activities and states that the proposals allow for satellite construction compounds, haul roads, stockpiling and storage areas and areas of traffic management. The ES should adequately detail the locations and extents of these features and factor them into the assessments undertaken.
- 2.3.4 It is considered that the Proposed Development may require the diversion of various cables and utilities. This will necessitate associated ground moving activities, such as excavation and the establishment of temporary work areas. However, limited further information is provided on any diversions. The Applicant should ensure that the ES provides specific detailed information on this element of the Proposed Development, including plans to identify the diversions, and should ensure that any assessment is consistent with works specified within the dDCO.
- 2.3.5 The Scoping Report states that the proposals allow for 'areas for drainage requirements' and mentions detention pond(s) within the scheme. The ES should provide a sufficiently clear and specific textual description of the proposed drainage arrangements, indicating the location of any proposed pipework or balancing ponds by reference to plans.
- 2.3.6 The Scoping Report states that it is not currently anticipated to light the proposed junction or associated slip roads. Should the Applicant decide that

lighting is required the ES should assess any impacts associated with lighting, such as light spill, as part of the relevant aspect assessments with evidence as to how this has been taken into account.

- 2.3.7 Diversions and closures of roads are listed to be required throughout in the construction phase. The ES should contain a full explanation of such closures and diversions, including whether they are temporary or permanent, and associated impacts should be fully assessed. This should also include any closures or diversions to Public Footpaths or Rights of Way.
- 2.3.8 This information should also be depicted on figures in the ES, to provide further clarity.

### **Alternatives**

- 2.3.9 The EIA Regulations require that the Applicant provide 'A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects'.
- 2.3.10 Supplementary to the detail provided in the Scoping Report, The Inspectorate acknowledges the Applicant's intention to consider alternatives within the ES. The Inspectorate would expect to see a discrete section in the ES that provides details of the reasonable alternatives studied and the reasoning for the selection of the chosen option(s), including a comparison of the environmental effects.

### **Flexibility**

- 2.3.11 The Inspectorate notes the Applicant's desire to incorporate flexibility into their draft DCO (dDCO) and its intention to apply a Rochdale Envelope approach for this purpose. Where the details of the Proposed Development cannot be defined precisely, the Applicant will apply a worst case scenario. The Inspectorate welcomes the reference to Planning Inspectorate Advice Note Nine, 'Using the 'Rochdale Envelope'', in this regard.
- 2.3.12 The Applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the Proposed Development have yet to be finalised and provide the reasons. At the time of application, any Proposed Development parameters should not be so wide-ranging as to represent effectively different developments. The development parameters will need to be clearly defined in the dDCO and in the accompanying ES. It is a matter for the Applicant, in preparing an ES, to consider whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters. The description of the Proposed Development in the ES must not be so wide that it is insufficiently certain to comply with the requirements of Regulation 14 of the EIA Regulations.

- 2.3.13 It should be noted that if the Proposed Development materially changes prior to submission of the DCO application, the Applicant may wish to consider requesting a new scoping opinion.

## **3. ES APPROACH**

### **3.1 Introduction**

- 3.1.1 This section contains the Inspectorate's specific comments on the scope and level of detail of information to be provided in the Applicant's ES. General advice on the presentation of an ES is provided in the Inspectorate's Advice Note Seven 'Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements'<sup>1</sup> and associated appendices.
- 3.1.2 Aspects/matters (as defined in Advice Note Seven) are not scoped out unless specifically addressed and justified by the Applicant and confirmed as being scoped out by the Inspectorate. The ES should be based on the Scoping Opinion in so far as the Proposed Development remains materially the same as the Proposed Development described in the Applicant's Scoping Report.
- 3.1.3 The Inspectorate has set out in this Opinion where it has/has not agreed to scope out certain aspects/matters on the basis of the information available at this time. The Inspectorate is content that the receipt of a Scoping Opinion should not prevent the Applicant from subsequently agreeing with the relevant consultees to scope such aspects/matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the aspects/matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.
- 3.1.4 Where relevant, the ES should provide reference to how the delivery of measures proposed to prevent/ minimise adverse effects is secured through DCO requirements (or other suitably robust methods) and whether relevant consultees agree on the adequacy of the measures proposed.

### **3.2 Relevant National Policy Statements (NPSs)**

- 3.2.1 Sector-specific NPSs are produced by the relevant Government Departments and set out national policy for NSIPs. They provide the framework within which the Examining Authority (ExA) will make their recommendation to the SoS and include the Government's objectives for the development of NSIPs. The NPSs may include environmental requirements for NSIPs, which Applicants should address within their ES.
- 3.2.2 The designated NPS relevant to the Proposed Development is the NPS for National Networks (NPSNN).

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<sup>1</sup> Advice Note Seven: Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements and annex. Available from: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

### 3.3 Scope of Assessment

#### General

- 3.3.1 The Inspectorate recommends that in order to assist the decision-making process, the Applicant uses tables:
- to demonstrate how the assessment has taken account of this Opinion;
  - to identify and collate the residual effects after mitigation for each of the aspect chapters, including the relevant interrelationships and cumulative effects;
  - to set out the proposed mitigation and/ or monitoring measures including cross-reference to the means of securing such measures (e.g. a dDCO requirement);
  - to describe any remedial measures that are identified as being necessary following monitoring; and
  - to identify where details are contained in the Habitats Regulations Assessment (HRA report) (where relevant), such as descriptions of European sites and their locations, together with any mitigation or compensation measures, are to be found in the ES.
- 3.3.2 The Inspectorate considers that where a DCO application includes works described as 'Associated Development', that could themselves be defined as an improvement of a highway, the Applicant should ensure that the ES accompanying that application distinguishes between; effects that primarily derive from the integral works which form the proposed (or part of the proposed) NSIP and those that primarily derive from the works described as Associated Development. This could be presented in a suitably compiled summary table. This will have the benefit of giving greater confidence to the Inspectorate that what is proposed is not in fact an additional NSIP defined in accordance with s22 of the PA2008.
- 3.3.3 The Inspectorate notes the statement in the Scoping Report regarding demolition and decommissioning and accepts that as decommissioning is not envisaged as part of the Proposed Development that it can be excluded from consideration in the ES. The Inspectorate considers that this is a reasonable approach taking into account the specific characteristics of the Proposed Development. However, the Inspectorate considers that any decommissioning associated with dismantling and replacing particular elements of the Proposed Development (e.g. lighting columns) once they reach the end of their design life should be assessed if significant effects are likely to occur. The design life should be specifically defined for these elements.
- 3.3.4 Schedule 4 Part 5 of the EIA Regulations requires a description of the likely significant transboundary effects to be provided in an ES. The Scoping Report omits any comment on this and it is expected that the final ES will address such matters (see 3.3.14 -3.3.15 below).

### **Baseline Scenario**

- 3.3.5 The ES should include a description of the baseline scenario with and without implementation of the development as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.

### **Forecasting Methods or Evidence**

- 3.3.6 The ES should contain the timescales upon which the surveys which underpin the technical assessments have been based. For clarity, this information should be provided either in the introductory chapters of the ES (with confirmation that these timescales apply to all chapters), or in each aspect chapter.
- 3.3.7 The Inspectorate expects the ES to include a chapter setting out the overarching methodology for the assessment, which clearly distinguishes effects that are 'significant' from 'non-significant' effects. Any departure from that methodology should be described in individual aspect assessment chapters.
- 3.3.8 The ES should include details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.

### **Residues and Emissions**

- 3.3.9 The EIA Regulations require an estimate, by type and quantity, of expected residues and emissions. Specific reference should be made to water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation and quantities and types of waste produced during the construction and operation phases, where relevant. This information should be provided in a clear and consistent fashion and may be integrated into the relevant aspect assessments.

### **Mitigation**

- 3.3.10 Any mitigation relied upon for the purposes of the assessment should be explained in detail within the ES. The likely efficacy of the mitigation proposed should be explained with reference to residual effects. The ES should also address how any mitigation proposed is secured, with reference to specific DCO requirements or other legally binding agreements.

### **Risks of Major Accidents and/or Disasters**

- 3.3.11 The ES should include a description and assessment (where relevant) of the likely significant effects resulting from accidents and disasters applicable to the Proposed Development. The Applicant should make use of appropriate guidance (e.g. that referenced in the Health and Safety Executives (HSE) Annex to Advice Note 11) to better understand the likelihood of an occurrence and the Proposed Development's susceptibility to potential major accidents and hazards. The description and assessment should consider the vulnerability of the Proposed Development to a potential accident or disaster and also the

Proposed Development's potential to cause an accident or disaster. The assessment should specifically assess significant effects resulting from the risks to human health, cultural heritage or the environment. Any measures that will be employed to prevent and control significant effects should be presented in the ES.

- 3.3.12 Relevant information available and obtained through risk assessments pursuant to European Union legislation such as Directive 2012/18/EU of the European Parliament and of the Council or Council Directive 2009/71/Euratom or relevant assessments carried out pursuant to national legislation may be used for this purpose provided that the requirements of this Directive are met. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.

### **Climate and Climate Change**

- 3.3.13 The ES should include a description and assessment (where relevant) of the likely significant effects the Proposed Development has on climate (for example having regard to the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change. Where relevant, the ES should describe and assess the adaptive capacity that has been incorporated into the design of the Proposed Development. This may include, for example, alternative measures such as changes in the use of materials or construction and design techniques that will be more resilient to risks from climate change.

### **Transboundary Effects**

- 3.3.14 Schedule 4 Part 5 of the EIA Regulations requires a description of the likely significant transboundary effects to be provided in an ES.
- 3.3.15 Whether the Proposed Development is likely to have significant effects on another European Economic Area (EEA) State and whether transboundary effects may occur needs to be considered within the ES. The Inspectorate recommends that, for the avoidance of doubt, the ES details any such assessment.

### **A Reference List**

- 3.3.16 A reference list detailing the sources used for the descriptions and assessments must be included in the ES.

## **3.4 Confidential Information**

- 3.4.1 In some circumstances it will be appropriate for information to be kept confidential. In particular, this may relate to information about the presence and locations of rare or sensitive species such as [REDACTED], rare birds and plants where disturbance, damage, persecution or commercial exploitation may result from publication of the information. Where documents are intended to remain confidential the Applicant should provide these as separate paper

and electronic documents with their confidential nature clearly indicated in the title and watermarked as such on each page. The information should not be incorporated within other documents that are intended for publication or which the Inspectorate would be required to disclose under the Environmental Information Regulations 2004.



## 4. ASPECT BASED SCOPING TABLES

### 4.1 Air Quality

(Scoping Report Chapter 6)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.1.1	N/A	N/A	No matters have been proposed to be scoped out of the assessment.

ID	Ref	Other points	Inspectorate's comments
4.1.2		General	The impact of road diversions, closures and congestion through the Winchester AQMA should be appropriately assessed in the ES. This is also relevant when considering Population and Human Health receptors (in Chapter 13)
4.1.3	6.1.1	Study area	The extent of the study area for the assessment should be illustrated on a plan in the ES.
4.1.4	6.2.10	Ecological receptors	The Scoping Report identifies three designated sites within proximity of the Proposed Development. The Scoping Report states that the background nitrogen oxide (NO <sub>x</sub> ) deposition is below the critical load within St Catherine's Hill SSSI, but above within River Itchen SSSI and SAC. Any specific mitigation measures required to address the effects on these sites from NO <sub>x</sub> should be clearly identified and secured, through consultation with the relevant consultation bodies.
4.1.5	6.2.16	Local Authority baseline data	Paragraph 6.2.16 of the Scoping Report explains that the latest monitoring data indicates no exceedances of the Nitrogen Dioxide (NO <sub>2</sub> ) Air Quality Objective (AQO) except at the St Catherine's Hill SSSI ecological site. However, the Environment Agency (EA) (Appendix 2) has identified that there is another exceedance;

ID	Ref	Other points	Inspectorate's comments
			recorded in the River Itchen SSSI. The ES should be based on up to date information and take into account the existing baseline conditions.
4.1.6	6.3.1	PM2.5	Paragraph 6.2.9 states that 'Concentrations of NO <sub>x</sub> , NO <sub>2</sub> , PM10 and PM2.5 around the Proposed Scheme are below the relevant Air Quality objectives'. The Scoping Report also suggests that the Proposed Development is expected to result in changes to emissions of NO <sub>x</sub> , NO <sub>2</sub> and Particular Matter (PM10) along the M3 and linked routes as a consequence of changes in traffic flows and speeds. The ES should ensure that any significant health effects associated with the Proposed Development and increased emissions of Particular Matter, PM2.5 are also assessed.
4.1.7	6.3.5	Potential Impacts – Construction Phase	The EA raise concerns regarding the methodology for assessment of 'how air quality and dust impacts as a result of construction activities will be fully assessed if sufficient construction information is not available' (See Appendix 2). It is the opinion of the Inspectorate that this methodology should be clarified and explicitly detailed in the ES. Efforts should be made to agree the necessary information regarding construction activities with consultation bodies.
4.1.8	6.5.1	Description of likely significant effects	This paragraph suggests that no significant effect on local air quality is anticipated from proposed scheme. However, this statement is contradicted by commentary in Paragraph 6.3.4 which states that the proposed scheme is likely to result in 'both beneficial and adverse changes to local air quality'. Furthermore, Table 6-5 acknowledges the potential for significant effects to the designated site adjacent to the A34. Based on these contradictory statements in relation to anticipated effects from changes in Air Quality. The Inspectorate considers that the ES should be consistent in presenting the effects. This is corroborated by the EA consultation response, presented in

ID	Ref	Other points	Inspectorate's comments
			Appendix 2.
4.1.9	6.6.2	Human receptors	<p>The DMRB guidance used to underpin the assessment methodology states that particular attention should be paid to the location of the young, elderly and other susceptible populations, such as schools and hospitals. The ES should clearly set out the type and location of both human and ecological receptors which could be affected. A plan depicting these features would be expected in the ES.</p> <p>It is recommended that these are agreed with the relevant local planning authorities. Relevant ecological receptors responsive to impacts to air quality should be agreed with Natural England.</p>
4.1.10	6.6.3	Methodology	<p>Reference is given to documents which will inform the assessment methodology. The methodology should be clearly explained in the ES, including how the significance of effect will be determined.</p> <p>The Inspectorate considers that the assessment of Air Quality in the ES should explain the relationship between the anticipated effects from increased air emissions and impacts to landscape features e.g. trees and hedges. The explanation should specifically address where removal or introduction of these features would contribute to the findings of significant effects.</p>

## 4.2 Cultural Heritage

(Scoping Report Chapter 7)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.2.1	N/A	N/A	No matters have been proposed to be scoped out of the assessment.

ID	Ref	Other points	Inspectorate's comments
4.2.2		General	<p>The South Downs National Park Authority (SDNPA) response presents a series of other matters (archaeology and historic landscape character) to consider when compiling the ES. The Inspectorate recommends these points are appropriately addressed in the ES. The full response from SDNPA is presented in Appendix 2.</p> <p>Historic England's consultation response indicates that the Scoping Report does not address key heritage features (scheduled monuments) in proximity to the Proposed Development and which could experience impacts. The Inspectorate considers that the ES should identify and address all such features. The ES should also assess impacts to these features where significant effects are likely to occur.</p> <p>The Scoping Report also does not explain how/if impacts to undesignated assets will be assessed. The Inspectorate considers that the ES should assess impacts to undesignated assets where significant effects may occur. Furthermore, the impacts on buried archaeological resources should also be appropriately assessed in the ES.</p>
4.2.3	7.6.5	Archaeological remains - assessment	The Scoping Report proposes a detailed assessment of impacts to archaeological remains. The scope and methodology of any archaeological investigations undertaken to inform the impact assessment should be detailed in the ES and/or associated Technical

ID	Ref	Other points	Inspectorate's comments
			Appendix. The Applicant should make effort to agree the detailed approach to such investigations with relevant consultation bodies.

## 4.3 Landscape and Visual

(Scoping Report Chapter 8)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.3.1	N/A	N/A	No matters have been proposed to be scoped out of the assessment.

ID	Ref	Other points	Inspectorate's comments
4.3.2		General	As stated in Chapter 10 (Geology and Soils) the ES should ensure that effects on surrounding land uses e.g. industry, commerce, community facilities and tourism will be dealt with in this chapter.
4.3.3	8.2	Baseline Conditions	<p>This section focusses predominantly on Highways England owned land when discussing the baseline landscape conditions. SDNPA reiterate this point (Appendix 2) and 'query this approach' and 'suggest the 2km study area is more appropriate'.</p> <p>The Inspectorate requested that full justification for the defined study area should be presented in the ES.</p>
4.3.4	8.3.1	Potential effects	To support a robust assessment of likely significant effects, the ES should include plans and visualisations which highlight the elements of the Proposed Development which would impact on landscape character and be visually prominent to visual and amenity receptors (for example, the removal of 5ha of trees and approximately 1000m of hedgerow, and the views of local residents and PRoW in the area). Cross sections and photomontages should be included for this purpose. The landscape and visual assessment should reflect any parameters within the dDCO and if necessary the assessment should be undertaken based on the worst case scenario. The applicant should make effort to agree the list of receptors with relevant consultation

ID	Ref	Other points	Inspectorate's comments
			bodies.
4.3.5	8.1.2	Zone of Theoretical Visibility (ZTV)	The ES should describe the model/method used to define the ZTV and include the dates of the ZTV surveys. The ES should demonstrate how the findings of the ZTV and assessment of likely significant effects influence decisions regarding mitigation both on site and off site.

## 4.4 Biodiversity

(Scoping Report Chapter 9)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.4.1	Table 9-1 & Table 9-6	Great Crested Newt	<p>The Scoping Report says that none of the waterbodies included within the baseline analysis contained great crested newt DNA and no inhibition or degradation has been identified within any of the samples. As such, great crested newt (GCN) are considered to be absent from the study area and the extent of the Proposed Development.</p> <p>However, should any new water bodies be identified through amendments to the red line boundary of the Proposed Development; the Applicant should carry out the necessary surveys to confirm the presence or absence of GCN and assess any likely significant effects.</p>

ID	Ref	Other points	Inspectorate's comments
4.4.2		General	<p>The Inspectorate considers that the Scoping Report lacks detail on landscaping measures within the Proposed Development; including the extent, location and timing of such features. The ES should include this information so that the efficacy of any such proposals can be understood. The ES should also explain how any such measures will be delivered and secured with reference to the dDCO or other legally binding methods. If the delivery of such measures cannot be guaranteed they should not influence the assessment of likely significant effects in the ES.</p>
4.4.3	9.2.7	Statutory Designated sites	<p>The Ecology chapter states that there is only one designated site – River Itchen SAC, which is also an SSSI, and that there a no further UK statutory designated sites within a 2km study area. However,</p>



ID	Ref	Other points	Inspectorate's comments
			<p>other chapters identify a further ecological receptor at St Catherine's Hill SSSI which is in close proximity to the Proposed Development, which is not referred to in the Ecology chapter.</p> <p>The study area for the assessments should be defined by the extent of the likely impact rather than arbitrary limits of distance and the ES should assess all impacts to designated sites where significant effects are likely.</p>
4.4.4	9.2.8	Non Statutory Designated sites	The Inspectorate considers that the Applicant should assess impacts to non-designated sites where likely significant effects would occur from the scheme.
4.4.5	Table 9-2	General	The Applicant should make effort to agree the classification of habitats and species for the assessment in the ES with relevant consultation bodies. The consultation response from the SDNPA (Appendix 2) indicates that the current classification provided in the Scoping Report undervalues certain habitats and species.
4.4.6		General	<p>The ES should ensure that indirect effects of European site is considered from impacts to habitats and species beyond the designated site area.</p> <p>This is evidenced by SDNPA, who indicate that further assessment of the River Itchen SSSI is required, owing to it being 'intrinsically linked to the SAC' and that it 'contains large areas of Priority habitat'.</p>
4.4.7	9.7.4	Urban habitats	The Applicant should ensure that the ES provides justification as to how conclusions have been reached regarding the approach that has been adopted with regards to the assessment of habitats and species in the urban environment.
4.4.8	9.7.5	Survey limitations	The Scoping Report says technical malfunctions and stolen equipment affected the otter and bat activity surveys, and some areas of land were not accessible due to land access or health and safety issues. It

ID	Ref	Other points	Inspectorate's comments
			<p>concludes that survey limitations have not been deemed to affect the robustness of the scoping exercise.</p> <p>Given the limitations to the surveys undertaken and the information provided by the consultation bodies. The Inspectorate does not agree with the Applicant's assumptions with respect to these species. The Applicant should make efforts to agree the approach to the assessment of impacts to these species with relevant consultation bodies.</p>

## 4.5 Geology and Soils

(Scoping Report Chapter 10)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.5.1	10.8 & Table 10-9	Waste Disposal	The Scoping Report indicates that this matter is scoped out of this aspect chapter and is to be dealt with in Chapter 11 of the ES (Materials). The Inspectorate agrees with this approach.
4.5.2		Physical effects on hydrology & hydrogeology.	The Scoping Report indicates that this element is scoped out of this aspect chapter and is to be dealt with in Chapter 14 of the ES (Road Drainage and the Water Environment). The Inspectorate agrees with this approach.
4.5.3		Effects on surrounding land uses e.g. industry, commerce, community facilities and tourism	The Scoping Report indicates that this element is scoped out of this aspect and is to be dealt with in Chapter 8 of the ES (Landscape and Visual Effects). The Inspectorate agrees with this approach.

ID	Ref	Other points	Inspectorate's comments
4.5.4	10.2	Baseline Conditions	<p>This Scoping Report provides a 'summary of the baseline conditions' and notes that it was informed by the listed information sources including an Environmental Assessment Report (EAR) of 2017. The Applicant should ensure that a full description of baseline conditions is included within the ES.</p> <p>Information that is not readily available, but which has been used to inform the baseline conditions should be clearly referenced and appended to the ES.</p> <p>Paragraph 10.2.3 of the Scoping Report states that where additional data source/assessments are required; comment has been provided as necessary. The resulting ES should detail all of these additional</p>

ID	Ref	Other points	Inspectorate's comments
			inclusions and provide explanation with regard to the origin of their requirement.
4.5.5	10.2	Table 10-1	<p>The Inspectorate agrees that Made Ground deposits are expected along the existing road alignment. The historic mapping used to inform the Scoping Report indicates the potential presence of infilled ground.</p> <p>These are further described at paragraph 10.2.14 and detailed in Table 10-4. Adequate assessment relating to the potential presence of Made Ground of unknown chemical and physical composition should be undertaken, to assess likely significant effect to identified receptors.</p>
4.5.6	10.2	Table 10-1	<p>The superficial materials identified to lie beneath the scheme footprint are, by nature likely to be compressible, particularly with the recorded presence of peat. This is supported by the information in the Envirocheck Report, used to inform the Scoping Report (presented in Table 10-2).</p> <p>Peat deposits are also a potential source of ground gas.</p> <p>The ES should adequately assess these potentially challenging ground conditions.</p>
4.5.7	10.2	Table 10-1	<p>The bedrock underlying the scheme comprises three facies of the Upper Chalk. Within the scheme extents there is the potential for dissolution features to be present in the underlying chalk. This is demonstrated in Paragraph 10.2.7, which lists the presence of dissolution features and a cavity in the locale.</p> <p>Due consideration to this inherent characteristic of chalk should be detailed in the ES.</p> <p>This is supported by the EA consultation response of 22 February 2019 (Appendix 2) which identifies solution features in the vicinity and</p>

ID	Ref	Other points	Inspectorate's comments
			requests that they are appropriately investigated and detailed in the resulting ES.
4.5.8	10.2.5	Mineral Resources	<p>Mineral resources, namely sands and gravel, have been identified in the northern section of the Proposed Development. Furthermore, in the proposed area of a satellite compound; it is noted that the Local Authority's Mineral and Waste Plan will require a more detailed review. The ES should detail this review and its findings but only where likely significant effect would occur.</p>
4.5.9	10.2.8, Figure 10.1 & Figure 1-1	Groundwater Source Protection Zones	<p>Areas of both Inner and Outer groundwater Source Protections Zones (SPZs) lie within the northern section of the Proposed Development. Inner protections zones tend to be located in close proximity to abstraction points (as noted in Table 10-6) and therefore denote areas of greater sensitivity. The ES should assess impacts to the SPZs where significant effects are likely. The Applicant should make effort to discuss and agree the sensitivity of the SPZs with relevant consultation bodies including the EA.</p>
4.5.10	10.2	Table 10-3, Table 10-5 & Table 10-7	<p>Table 10-3 of the Scoping Report is based on a review of available historic mapping to identify historic land uses in the vicinity of the Proposed Development. Table 10-4 summarises potentially contaminative land uses.</p> <p>The Inspectorate notes that the former gas works identified (approximately 100m) to the west of the scheme has not been included in Table 10-5 or Table 10-7. Historic 'Town Gas Works' sites are notable potential sources of metals, metalloids, cyanide, PAH, cresols, phenol and petroleum hydrocarbons. The Inspectorate considers that the presence of this feature should be taken into account in the assessment, particularly as the Proposed Development is underlain by Principal aquifers.</p>

ID	Ref	Other points	Inspectorate's comments
4.5.11	10.2	Table 10-6	The Applicant should make effort to agree the sensitivity of affected features e.g. aquifers with relevant consultation bodies including the EA and noting comments made regarding the transmissivity of contaminants (See Appendix 2).
4.5.12	10.2	Potential for existing contamination	<p>The construction phase of the Proposed Development has the potential to generate road planings/waste which may contain coal tars. The ES does not consider such arisings during demolition and construction.</p> <p>Such materials are classified as hazardous waste and should be dealt with accordingly. The ES should assess impacts associated with these materials where significant effects are likely to occur.</p>
4.5.13	10.2.17	Identification of sensitive receptors	<p>Where professional judgement has been used to assess sensitivity of receptors; information should be provided on the criteria used to determine the resulting sensitivities.</p> <p>The ES should include a full explanation of how the sensitivity is determined and state explicitly where professional judgment has been applied.</p>
4.5.14	10.4	Table 10-8	The table mentions the potential for soils to be retained and reused. An appropriate Material Management Plan (MMP) should be formulated to ensure suitability of materials, the certainty of their re-use and detail of the volumes involved. Further details of the proposed plan should be provided in the ES, to provide assurance that industry best practice is being followed. It is acknowledged the proposed sustainable use of materials is discussed further in Chapter 11 of the Scoping Report.

## 4.6 Material Assets and Waste

(Scoping Report Chapter 11)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.6.1	11.8, 11.3.3 Table 11-5 & 11.5.3	Consumption of material resources, and site arisings and waste during operation.	<p>The Inspectorate agrees that impacts associated with the consumption of material resources, site arisings and waste production during operation is unlikely to result in significant effects.</p> <p>However, the Inspectorate considers that this matter should be considered where likely significant effect may occur.</p>

ID	Ref	Other points	Inspectorate's comments
4.6.2		General	<p>The Scoping Report states that materials will be required and waste will be produced. It is presumed this commentary relates to the construction phase. The Scoping Report does not include any specific detail regarding the quantities and type of materials and waste. It is acknowledged that this is difficult to quantify at this stage.</p> <p>The ES should include sufficient detail to ensure there is a robust description of the materials that will be required and the waste that will be produced within the ES.</p>
4.6.3		General	<p>As discussed in Section 4.5 of this document, there is the potential for the generation of road planings/waste which may contain coal tars. Such coal tar bearing materials would be classified as hazardous waste and should be dealt with accordingly. The ES should assess impacts associated with these materials.</p>
4.6.4	11.2	Baseline Conditions/Sensitivity of Receptors	<p>No information is provided on the criteria used to determine the identified sensitivities. The ES should include a full explanation of how the sensitivity is determined and if/when professional judgment has been applied.</p>

ID	Ref	Other points	Inspectorate's comments
4.6.5	Table 11-1 & Table 11-7	Mineral Safeguarding Areas	<p>There is a potential risk for the sterilisation of mineral resources (including peat deposits) which has been identified, particularly in the northern area of the Proposed Development. Table 11-7 indicates that sterilisation of mineral resources/Mineral Safeguarding Areas are considered a significant effect. Given this, the Applicant should ensure this is assessed in this aspect chapter and any other relevant aspect chapter.</p>
4.6.6	Table 11-6	Material Resources	<p>The Inspectorate agrees that the proposed sustainable principles approach to address arisings and waste should be followed and which includes:</p> <ul style="list-style-type: none"> <li>• attempts to minimise the export and import of materials;</li> <li>• proper characterisation of materials (both arisings and waste);</li> <li>• development of a Site Waste Management Plan(s); and</li> <li>• compilation of a Material Management Plan</li> <li>• in line with the CL:AIRE Definition of Waste Code of Practice (DoWCoP) to ensure effective management of excavated materials within the scheme extents during the construction phase(s).</li> </ul>



## 4.7 Noise and Vibration

(Scoping Report Chapter 12)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.7.1	N/A	N/A	No matters have been proposed to be scoped out of the assessment.

ID	Ref	Other points	Inspectorate's comments
4.7.2	12.1	General & Study Areas	<p>The Scoping Report proposes a 'reduced study area' for construction noise and vibration effects, which would be widened as appropriate, to include temporary sources during the construction phase. The Applicant should make effort to agree the suitable study areas with relevant consultation bodies, according to the extent of the impacts and the potential for likely significant effects. The ES should include figures to depict the relevant study areas applied to the assessment.</p> <p>The Applicant should ensure that the ES clearly sets out the anticipated construction programme and working hours, including any night time working that may be required. Details on the type, number and location of plant and equipment should also be provided, including information on simultaneous working and the length of time plant and equipment is due to be operational in order to provide justification for the final construction noise study area.</p>
4.7.3	12.1.5	Construction Noise Study Areas	The Scoping Report identifies the study area for vibration traffic nuisance as being within '40m of any roads identified' in the wider study area. The ES will need to provide further justification for the selection of this buffer distance and seek to agree with relevant consultation bodies.

ID	Ref	Other points	Inspectorate's comments
4.7.4	12.2.1 – 12.2.3	Baseline Conditions - Sensitive Receptors	<p>The ES should clearly identify, and include assessment of, impacts to sensitive ecological and human receptors. The ES should address how receptors have been identified and chosen. Paragraph 12.2.3 mentions the 'calculation area'. The ES should provide a clear definition of this term and detail the basis for its derivation.</p> <p>The ES should also ensure that the impact from noise and vibration should include an ecological assessment, and that sensitive receptors including species or habitats are identified where significant effects are likely.</p>
4.7.5	12.2.4 – 12.2.5	Baseline Conditions - Noise Important Areas (NIAs)	<p>The Scoping Report notes the presence of three NIAs (at Round 2 of the UK Noise Mapping Project) within the 'calculation area'. As stated above the ES should explain and detail the basis for the calculation area selected.</p> <p>Once the study area has been finalised on the basis of traffic modelling establishing the Affected Road Network (ARN), the Applicant should ensure that impacts within the three identified NIAs or any other newly identified NIAs (as relevant) are assessed where significant effects are likely.</p>
4.7.6	12.2.7	Baseline Conditions – Existing Noise Climate	<p>The Scoping Report indicates that the noise climate across much of the study area is dominated by road traffic noise, particularly areas close to the M3, but also the A34 and A33. Additional assumptions regarding other contributing factors are given including: local commercial areas; arrivals and departures from Southampton Airport; and a very limited contribution from rail traffic using the line to the west of the Proposed Development. These assumptions would be revisited once the 'model calculation area' has been defined.</p> <p>The ES should detail the iterative process of assessing the assumptions to be included in the modelling undertaken.</p>

ID	Ref	Other points	Inspectorate's comments
4.7.7	12.2.10	Baseline Conditions – Existing Noise Climate	The Scoping Report states that baseline noise monitoring would be undertaken at locations close to the M3 and the A34 and will include both daytime and night-time monitoring data. The Inspectorate consider this approach to be acceptable providing appropriate monitoring locations are selected.
4.7.8	12.3	Potential Impacts	The Inspectorate considers that the assessment of noise impact in the ES should explain the relationship between the anticipated effects from increased emissions and retained/new landscape features e.g. trees and hedges. The explanation should specifically address where removal or introduction of these features would contribute to the findings of significant effects.
4.7.9	12.4	Design, Mitigation and Enhancement Measures	The Scoping Report states that appropriate mitigation will be determined once detailed assessments have been undertaken (informed/governed by other topics/constraints). The Applicant should ensure that the effectiveness of any proposed mitigation measures are taken into account in the assessment to the ES.
4.7.10	12.6.10 – 12.6.37	Construction Noise and Vibration (including nuisance)/Operational Road Traffic Noise and Vibration (including nuisance)	The Scoping Report states that the assessments will be undertaken in accordance with DMRB 213/11 and BS5228:2009+A1:2014, but it does not stipulate the calculation methodology according to which vibration levels during construction and operation are to be predicted. The ES should provide information on the methodology used to calculate predicted vibration levels for the purposes of the assessment.

ID	Ref	Other points	Inspectorate's comments
4.7.11	12.6.11	Assessment of Construction Noise	<p>The Scoping Report highlights that BS5228:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites refers to two methods for assessing construction noise, being the ABC method and the 5dB(A) change method.</p> <p>It is presumed that as information on the construction activities and associated plant emerges, consideration will be given to which method is most appropriate. The Applicant should ensure that the method applied is described and justified in the ES and effort is made to agree the approach with relevant consultation bodies.</p>
4.7.12	12.6.18	Assessment of Construction Vibration	<p>The Scoping Report refers to BS5228:2009+A1:2014 for the assessment of potential vibration during construction. Table 12-3 of the Scoping Report details the assessment thresholds for building receptors and Table 12-4 presents thresholds for human receptors. The Applicant should ensure that impacts to sensitive ecological receptors are also assessed, where significant effects are considered likely to occur.</p>

## 4.8 Population and Health

(Scoping Report Chapter 13)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.8.1	Table 13.7	Views from the Road	This matter is proposed to be scoped out given that the reconfiguration of the junction is unlikely to make a noticeable difference in terms of views from the road. The Inspectorate agrees that this matter can be scoped out of the assessment as significant effects are unlikely.
4.8.2	Table 13.7	Land Use	<p>The Applicant proposes to scope out an assessment of impacts on land use, as the land take is near the existing transport corridor, it would not affect land use patterns or the community beyond the individual landowners concerned. The Inspectorate is content to scope this matter out however, it is noted that there is some proposed land take from the SDNPA.</p> <p>The Inspectorate considers that any likely significant effect to land use within the SDNP should be assessed.</p>

ID	Ref	Other points	Inspectorate's comments
4.8.3	13.1.4 – 13.1.5 & Table 13-4	Study area	<p>The study area proposed is a 2km buffer around the proposed development, on the grounds that it represents the journey distance that can be reasonably undertaken by most people on foot (13.1.5). The ES should justify why travel by foot is considered the most appropriate way of identifying the chosen study area.</p> <p>In addition, Table 13-4 limits the study area for certain types of community facilities to 1km, and Table 13-7 (row 2) refers to an undefined "wider study area" in the context of active travel journeys. Paragraph 131.4 also notes that the study area could be expanded to</p>

			<p>consider the study areas for the air quality and noise assessments.</p> <p>The Inspectorate considers that the choice of study area in the ES should be properly justified with reference to the type of community amenities and the likely modes of transport to such resources.</p>
4.8.4	Table 13-5	Sensitivity of receptors	<p>Table 13-5 of the Scoping Report sets out the proposed criteria for assigning sensitivity and value for population and health resources and receptors. In practice the criteria relates to assigning value to resources rather than sensitivity of receptors. If it is judged appropriate to differentiate between the receptors and assign them categories of sensitivity, the ES should clearly define these categories and apply them consistently throughout the assessment.</p>
4.8.5	13.6.3	Driver stress	<p>A qualitative assessment of driver stress categorising impacts as low, medium or high is proposed (as per the DMRB, Vol 11). The ES should be clear what this categorisation corresponds to in terms of significance of the effect.</p>
4.8.6	Table 13-7	Matters to be scoped in	<p>Regarding the following matters to be scoped in: Access to the countryside/ recreational journeys; Opportunities for active travel journeys; Community severance; and Health impacts.</p> <p>It is unclear if the Applicant intends to assess these matters during the construction phase, operational phase, or both. The Inspectorate considers that the ES should assess both phases for all matters with the exception of community severance, whereby construction impacts only would suffice, given that no new severance is anticipated during operation.</p>

## 4.9 Road Drainage and the Water Environment

(Scoping Report Chapter 14)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.9.1	N/A	N/A	No matters have been proposed to be scoped out of the assessment.

ID	Ref	Other points	Inspectorate's comments
4.9.2		General	As stated in Chapter 10, the ES should assess the effects from physical impacts to hydrology & hydrogeology receptors within this aspect chapter.
4.9.3	14.1.2	Scoping	The Scoping Report states that groundwater pollution risks and groundwater risks to habitats and designated sites are scoped in Chapter 10 (Geology and Soils) and Chapter 9 (Biodiversity) respectively. The ES should ensure that the details and interaction of these risks are referred to in detail in this chapter.
4.9.4	14.1.3	Study Area	<p>The overall study area proposed includes a 500m buffer surrounding the maximum extents of the Proposed Development. It is stated that 'This buffer is considered a suitable extent to assess direct potential impacts as well as encompassing indirect pathways, such as the migration of surface-borne pollutants, and the effects of any prolonged interception of groundwater flows'. However, the information provided in the Scoping Report does not detail the rationale for the approach. Full justification for the selection of this buffer should be provided in the ES.</p> <p>Furthermore, the Scoping Report suggests that the buffer would be extended during the EIA process 'if needed'. Again, full justification and explanation for this occurrence (if realised) should be presented in</p>

ID	Ref	Other points	Inspectorate's comments
			the ES.
4.9.5	14.1.4	Study Area	The Scoping Report states that when considering surface water features, groundwater features and abstractions a buffer of 'approximately 1km from the site' would be allowed. The Scoping Report also explains that should individual sensitive features be identified at distances >1km from the Proposed Development, these would also be considered. Full justification and explanation for this occurrence (if realised) should be presented in the ES.
4.9.6	14.2.13	Use of Highways Agency Drainage Data Management System (HADDMS) data	The Inspectorate commends the use of available HADDMS data relating to the 'Priority Assets/Outfalls' in the wider scheme area and specifically the existing drainage system of the M3, the existing Junction 9 roundabout and the A34 approach.
4.9.7	14.2.14	Water Abstraction Licences - Consultation	The Inspectorate agrees that the Applicant should consult with the EA in relation to abstractions in the vicinity of the site; in light of the existing mapping not being maintained or updated.
4.9.8	14.2.19	Hydrogeology	The Inspectorate considers that the assessment of impacts to hydrogeology should be based upon independent monitoring of groundwater levels near the Proposed Development. The EA's consultation response suggests that the current baseline information presented by the Applicant does not account for the worst-case temporal conditions. The Applicant should make effort to agree the approach to establishing the baseline with the EA and any other relevant consultation bodies.
4.9.9	14.2.27	Non-licensed abstractions - consultation	The Inspectorate agrees that consultation with the EA and other relevant consultation bodies should undertake in effort to obtain any details of non-licensed abstractions in the vicinity of the Proposed Development. The ES should include an assessment of any likely significant effects associated with these receptors.



ID	Ref	Other points	Inspectorate's comments
4.9.10	14.4	Design, Mitigation and Enhancement Measures	The Inspectorate acknowledges that at this stage the details of the drainage design have not been finalised but the Scoping Report lists the use of SuDS design in accordance with a 'robust surface water drainage strategy (SWDS)'. Considering the reliance on the strategy; the efficacy of the SWDS should be discussed in the ES, particularly as there is the increased surface water flood risk (as stated in the Scoping Report).
4.9.11	14.4	Design, Mitigation and Enhancement Measures	<p>The ES should clearly describe the mitigation measures relied upon for the assessment of likely significant effects. The ES should explain how any measures which are not an inherent part of the design will be appropriately secured.</p> <p>It is noted that the use of attenuation and subsequent discharge is mentioned during the construction phase to mitigate flood risk. Paragraph 14.4.23 describes the use of soakaways within the scheme. Due consideration to the anticipated ground conditions (including archaeological remains) and the Proposed Development features is required; along with appropriate design of such drainage features.</p> <p>The Inspectorate would expect to see detail of the future maintenance programmes for any outfalls, attenuation/drainage ponds etc. in the ES.</p> <p>The ES should also detail the assessment undertaken relating to the impacts to the River Itchen from contaminants entering the watercourse. The ES should detail associated mitigation in the ES, which would be implemented in agreement with relevant consultation bodies, including the EA.</p>
4.9.12	14.4.6	Use of a Material Management Plan	The Scoping Report states that an 'appropriate Materials Management Plan' would be compiled 'to minimise any hydromorphological disturbances and minimise flood risk'. The ES should assess the impacts of material placement and how the protection alluded to

ID	Ref	Other points	Inspectorate's comments
			would be secured through demonstration of the principles of the Definition of Waste Code of Practice (DoWCoP).
4.9.13	General	Design, Mitigation and Enhancement Measures - Construction	<p>Given the identified Source Protection Zones within the scheme extents, appropriate consideration/assessment to the use of piling should be given.</p> <p>Owing to the sensitivity of the underlying aquifer(s), it is expected that any exploratory holes required for the purposes of construction are appropriately decommissioned after completion to be protective of groundwater (acknowledging the potential requirement for subsequent monitoring works).</p> <p>The ES should include a figure detailing the location of any temporary drainage systems to capture, manage and attenuate flow (to prevent an increase to flood risk).</p>
4.9.14	General	Design, Mitigation and Enhancement Measures - Operation	The ES should include a figure depicting the location of any proposed attenuation ponds, enhanced drainage systems, watercourse channels, watercourse crossings and other mitigation measures (e.g treatment/SuDS systems).
4.9.15	14.6.2	Water Framework Directive (WFD) Assessment	<p>It is acknowledged that Paragraph 14.2.23 discusses WFD classifications and 14.6.2 lists that as a part of the preparation of the ES Chapter, a 'review of the requirements of the WFD' will be undertaken.</p> <p>Therefore, it is unclear whether a standalone WFD assessment with its findings detailed in the ES is to be undertaken.</p> <p>The Applicant is advised to consider the advice contained in the Inspectorate's Advice Note 18 in this regard.</p>
4.9.16	14.6.14	Hydromorphological Assessment	No details of the likely hydromorphological assessment are given in the Scoping Report. The Applicant should also ensure that the assessment of hydromorphological effects in the ES considers the

ID	Ref	Other points	Inspectorate's comments
			effects from both temporary and permanent works. The Applicant should make effort to agree the methodology for the assessment with the EA and other relevant consultation bodies.

## 4.10 Climate

(Scoping Report Chapter 15)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.10.1	15.3.4 & Table 15-7	Construction – product stage; including raw material supply, transport and manufacture	Section 15.3.4 of the Scoping Report says that due to the temporary short-term nature of the construction phase, it is anticipated that changes in climate would not significantly affect the workforce, location of construction compounds or type of machinery. The Inspectorate agrees that significant effects to climate from the construction of the Proposed Development are unlikely and this matter can be scoped out of the ES.
4.10.2	Table 15-7	Operation and maintenance, Replacement	Table 15-7 proposes to scope out numerous matters from the assessment. The Inspectorate considers that insufficient information has been provided to justify the scoping out of these matters and therefore, the ES should address / assess any likely significant effects in relation to these matters.
4.10.3	Table 15-7	Deconstruction	This matter has been scoped out as decommissioning would happen several decades into the future and therefore in a future period where decommissioning process and associated emissions is uncertain. The Inspectorate agrees that this matter can be scoped out. See the comments made in Section 3 of this document regarding decommissioning.
4.10.4	Table 15-7	Vulnerability of the Proposed Scheme to climate change	The Applicant proposes to scope this matter out of the ES with the exception of flood risk, which will be covered separately in the Road Drainage and Water Environment chapter of the ES. The Inspectorate does not consider that sufficient information has been provided to support this matter being scoped out.  The ES should assess impacts resulting from the vulnerability of the

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			development to climate change, where likely significant effects are likely to occur. Reference should be made to the comments in Paragraph 3.3.13 of this document.

ID	Ref	Other points	Inspectorate's comments
4.10.5	Table 15-4	Potential sources of emissions	Table 15-4 details a list of potential sources of emissions which is 'not exhaustive'. The ES should ensure that all potential sources of greenhouse gas emissions relating to the Proposed Development during construction and operation should be considered/assessed.
4.10.6	15.7.1	Magnitude of emissions	<p>Section 15.7.1 states 'a simple assessment of greenhouse gas emissions has been completed at PCF Stage 2 on the basis of limited information regarding the Proposed Development design. It has not been possible to quantify the magnitude of emissions'.</p> <p>The Inspectorate considers that for the purposes of the ES, the Applicant should make effort to ensure that the assessment of greenhouse gas emissions is supported with sufficiently detailed information to enable a robust assessment of the likely significant effects. The assessment should also address the relationship between greenhouse gas emissions that result from the operation of the existing roadway and those that will occur as a result of the Proposed Development.</p>

## 4.11 Cumulative Effects

(Scoping Report section 16)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.11.1	N/A	N/A	No matters have been proposed to be scoped out of the assessment.

ID	Ref	Other points	Inspectorate's comments
4.11.2	16.2.3	Effects of the proposed scheme and interaction with other schemes	The Scoping Report explains at Paragraph 16.2.3 that the cumulative assessment will be based upon guidance contained within DMRB and that the guidance would be adapted to make it relevant to specific topics. The ES must clearly explain where adaptation of the guidance has occurred and if/where professional judgement has been applied (which should be supported by sound reasoning).
4.11.3	16.2	Table 16-1	It is the opinion of the Inspectorate that the interrelationships between topics should be explicitly detailed in the ES.  This point has also been raised by the consultation bodies and their responses can be found in Appendix 2.
4.11.4	16.3.9 & 16.3.23	Identification of a long list and a short list of 'other development'	The Scoping Report indicates that the compilation of both a long list and short list of developments would be undertaken. It leads on to state that a proportion of the long list would not be suitable for inclusion in the cumulative effects assessment. The ES should give full details of the derived long list and the rationale behind the filtering process undertaken to produce the final short list.  Through the consultations undertaken, it is apparent that SDNPA consider there to be a 'strategic growth site' which is presented in the 'Eastleigh Local Plan' which also includes the construction of a link road to Junction 10 of the M3, which is to the south of the scheme.

ID	Ref	Other points	Inspectorate's comments
			The Inspectorate considers that the assessment of cumulative impacts should take into account this strategic growth site, if there are likely to be significant effects.
4.11.5	16.3.35 & Table 16-3	Significance Criteria	Table 16-3 of the Scoping Report explains the means of determining significance based on DMRB and is supplemented by professional judgement. The ES must clearly explain where professional judgement has been applied and the reasoning behind it.
4.11.6	16.4.2 – 16.4.4	Trunk Road Developments	<p>The Scoping Report acknowledges that the M3 Smart Motorways scheme (Junctions 9-14) will likely be delivered at the same time as the Proposed Development. Owing to the proximity of these developments, a full and detailed assessment of the interaction between both schemes should be undertaken and presented in the ES.</p> <p>Paragraph 16.4.4 presents four Trunk Road Developments which are considered likely to be scoped out of further assessment. Although it is stated that the Zones of Influence are 'unlikely to overlap' for these schemes; they should be discussed in the ES with robust reasoning to demonstrate the reasoning for their exclusion from the cumulative effect assessment.</p>
4.11.7	16.4.6	Local Developments	The Scoping Report states that once the design process is completed it will be possible to determine developments likely to have 'construction and operation interactions' which would be updated as construction programme and scheme completion date is formulated. The ES should consider the impacts of any schemes identified as programme progresses.

## 5. INFORMATION SOURCES

5.0.1 The Inspectorate's National Infrastructure Planning website includes links to a range of advice regarding the making of applications and environmental procedures, these include:

- Pre-application prospectus<sup>2</sup>
- Planning Inspectorate advice notes<sup>3</sup>:
  - Advice Note Three: EIA Notification and Consultation;
  - Advice Note Four: Section 52: Obtaining information about interests in land (Planning Act 2008);
  - Advice Note Five: Section 53: Rights of Entry (Planning Act 2008);
  - Advice Note Seven: Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements;
  - Advice Note Nine: Using the 'Rochdale Envelope';
  - Advice Note Ten: Habitat Regulations Assessment relevant to nationally significant infrastructure projects (includes discussion of Evidence Plan process);
  - Advice Note Twelve: Transboundary Impacts;
  - Advice Note Seventeen: Cumulative Effects Assessment; and
  - Advice Note Eighteen: The Water Framework Directive.

5.0.2 Applicants are also advised to review the list of information required to be submitted within an application for Development as set out in The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009.

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<sup>2</sup> The Planning Inspectorate's pre-application services for applicants. Available from: <https://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>

<sup>3</sup> The Planning Inspectorate's series of advice notes in relation to the Planning Act 2008 process. Available from: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>



## APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED

**TABLE A1: PRESCRIBED CONSULTATION BODIES<sup>4</sup>**

SCHEDULE 1 DESCRIPTION	ORGANISATION
The Health and Safety Executive	Health and Safety Executive
The National Health Service Commissioning Board	NHS England
The relevant Clinical Commissioning Group	NHS West Hampshire Clinical Commissioning Group
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	Historic England - South East
The relevant fire and rescue authority	Hampshire Fire and Rescue Service
The relevant police and crime commissioner	Hampshire Police and Crime Commissioner
The relevant parish council(s) or, where the application relates to land [in] Wales or Scotland, the relevant community council	Itchen Valley Parish Council
	Kings Worthy Parish Council
	Headbourne Worthy Parish Council
The Environment Agency	The Environment Agency
The Relevant Highways Authority	Hampshire County Council Highways Authority
The relevant strategic highways company	Highways England - South East
Public Health England, an executive agency of the Department of Health	Public Health England
The Crown Estate Commissioners	The Crown Estate

<sup>4</sup> Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the 'APFP Regulations')

<b>SCHEDULE 1 DESCRIPTION</b>	<b>ORGANISATION</b>
The Forestry Commission	Forestry Commission - South East

**TABLE A2: RELEVANT STATUTORY UNDERTAKERS<sup>5</sup>**

<b>STATUTORY UNDERTAKER</b>	<b>ORGANISATION</b>
The relevant Clinical Commissioning Group	NHS West Hampshire Clinical Commissioning Group
The National Health Service Commissioning Board	NHS England
The relevant NHS Foundation Trust	South Central Ambulance Service NHS Foundation Trust
Railways	Network Rail Infrastructure Ltd
Universal Service Provider	Royal Mail Group
Homes and Communities Agency	Homes England
The relevant Environment Agency	The Environment Agency
The relevant water and sewage undertaker	Southern Water
The relevant public gas transporter	Cadent Gas Limited
	Energetics Gas Limited
	Energy Assets Pipelines Limited
	ES Pipelines Ltd
	ESP Connections Ltd
	ESP Networks Ltd
	ESP Pipelines Ltd

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<sup>5</sup> 'Statutory Undertaker' is defined in the APFP Regulations as having the same meaning as in Section 127 of the Planning Act 2008 (PA2008)

STATUTORY UNDERTAKER	ORGANISATION
	Fulcrum Pipelines Limited
	Harlaxton Gas Networks Limited
	GTC Pipelines Limited
	Independent Pipelines Limited
	Indigo Pipelines Limited
	Murphy Gas Networks limited
	Quadrant Pipelines Limited
	National Grid Gas Plc
	Scotland Gas Networks Plc
	Southern Gas Networks Plc
The relevant electricity distributor with CPO Powers	Eclipse Power Network Limited
	Energetics Electricity Limited
	Energy Assets Networks Limited
	Energy Assets Power Networks Limited
	ESP Electricity Limited
	Fulcrum Electricity Assets Limited
	Harlaxton Energy Networks Limited
	Independent Power Networks Limited
	Leep Electricity Networks Limited
	Murphy Power Distribution Limited
	The Electricity Network Company Limited
	UK Power Distribution Limited
	Utility Assets Limited
	Vattenfall Networks Limited
Southern Electric Power Distribution Plc	

STATUTORY UNDERTAKER	ORGANISATION
The relevant electricity transmitter with CPO Powers	National Grid Electricity Transmission Plc

**TABLE A3: SECTION 43 CONSULTEES (FOR THE PURPOSES OF SECTION 42(1)(B))<sup>6</sup>**

LOCAL AUTHORITY <sup>7</sup>
Winchester District Council
Hampshire County Council
Basingstoke and Deane District Council
Eastleigh District Council
East Hampshire District Council
Test Valley District Council
Fareham District Council
Havant Borough Council
South Downs National Park Authority
Portsmouth City Council
New Forest National Park Authority
West Berkshire Council
Wiltshire County Council
Wokingham Borough Council
Bracknell Forest Borough Council
Southampton City Council

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<sup>6</sup> Sections 43 and 42(B) of the PA2008

<sup>7</sup> As defined in Section 43(3) of the PA2008

<b>LOCAL AUTHORITY<sup>7</sup></b>
Surrey County Council
West Sussex County Council
Dorset County Council

## **APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES**

Consultation bodies who replied by the statutory deadline:

Basingstoke and Deane Borough Council
East Hampshire District Council
Environment Agency
ESP Utilities Group Ltd
Forestry Commission
Hampshire County Council
Harlaxton Energy Networks Ltd
Harlaxton Gas Networks Ltd
Havant Borough Council
Health and Safety Executive
Historic England
Itchen Valley Parish Council
Kings Worthy Parish Council
National Grid Electricity Transmission and National Grid Gas PLC
Public Health England
South Downs National Park Authority
Southern Water

Scoping Opinion for  
M3 Junction 9 Improvement Project

Test Valley Borough Council
Winchester City Council



Basingstoke  
and Deane

Basingstoke and Deane Borough Council  
Civic Offices, London Road,  
Basingstoke, Hampshire RG21 4AH  
www.basingstoke.gov.uk | 01256 844844  
customer.service@basingstoke.gov.uk  
Follow us on [@BasingstokeGov](#)

Mr R White  
The Planning Inspectorate

Our Ref: 19/00284/EN10  
Your Ref:

18 February 2019

Dear Sir/Madam,

**Location: Junction 9 M3 Basingstoke Hampshire**  
**Proposal: M3 Junction 9 Improvement - EIA Scoping Notification and Consultation**

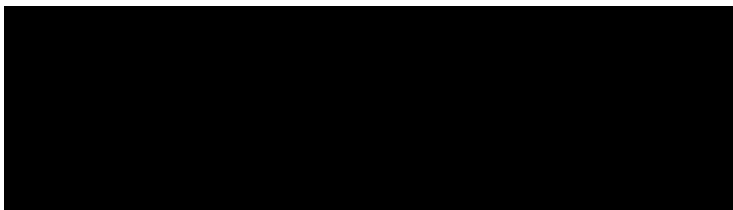
Thank you for consulting the council on the EIA Scoping Opinion by Highways England relating to works they proposes to undertake at junction 9 of the M3 at Winnall (Winchester, junction with A34) (19/00284/EN28). An application is expected to be submitted in 2020. As it is a national infrastructure project, PINS are the determining authority.

The proposed scheme comprises, 'the development and delivery of a scheme of works for increasing capacity, enhancing journey time reliability and supporting development in line with Local Plans. The Proposed Scheme includes the replacement of a circulatory roundabout with a dumbbell roundabout, conversion of the M3 south of Junction 9 to dual three lane motorway, realignment of slip roads, the addition of new structures, and improvements to safety features, signage and technology'. (Para 1.2.3, ES Scoping)

The site is not within Basingstoke and Deane borough, so any impacts would be likely to be slight and indirect. The planning policy team therefore has no comments on the scope of the ES.

If you have any queries or require further information, please do not hesitate to contact Trevor Campbell-Smith on 01256 845661 or email [Trevor.Campbell-Smith@basingstoke.gov.uk](mailto:Trevor.Campbell-Smith@basingstoke.gov.uk)

Yours sincerely



Planning and Development Manager

Mr D Coles  
EIA and Land Rights Advisor  
The Planning Inspectorate  
Major Casework Directorate  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Case Officer: Mrs S Wheeler  
Direct Dial: XXXXXXXXXX  
Our Ref: 00015  
Your ref: TR010055  
Date: 04 February 2019  
email: sarah.wheeler@easthants.gov.uk

Dear Mr D Coles

**Proposal:** Consultation for M3 Junction 9 Improvement Project - Ref TR010055

East Hampshire District Council have no comments to make regarding the application by the Highways England for an Order granting Development Consent for the M3 Junction 9 Improvement project.

Yours sincerely

Mrs S Wheeler  
Planning Support Assistant



**SENT BY EMAIL ONLY:**  
[M3Junction9@pins.gsi.gov.uk](mailto:M3Junction9@pins.gsi.gov.uk)

Planning Inspectorate  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

**Our ref:** HA/2019/121085/01-L01  
**Your ref:** TR010055

**Date:** 22 February 2019

Dear Sir or Madam,

**SCOPING OPINION - REQUEST AS TO INFORMATION TO BE PROVIDED IN AN ENVIRONMENTAL STATEMENT (ES) RELATING TO THE M3 JUNCTION 9 IMPROVEMENT PROJECT.**

Thank you for consulting the Environment Agency on the above Scoping Opinion which we received on 28 January 2019. Our comments are set out below.

**Introduction**

We have reviewed the Environmental Impact Assessment Scoping Report (HE551511-JAC-EGN-0\_00\_00-RP-LE-0001| P03 January 2019).

Overall, we are generally pleased with the scope of the report and the range of topics that have been proposed to be included within the Environmental Statement (ES).

Our primary concerns regarding the scheme relate to the protection of groundwater, and protection/enhancement of the ecological balance and species within the River Itchen and surrounding areas. The River Itchen is a designated main river, and the river and the associated floodplain is a Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).

In regard to flood risk, the majority of works are to take place in Flood Zone 1 areas. Only minor works are taking place within the section of road that is located in Flood Zone 3 (i.e. the section of road crossing the River Itchen). Therefore, flood risk is of lesser concern to us at this stage. This may change if later design stages determine that more extensive work will be required within Flood Zone 3.

**Overarching Comments**

**Groundwater Monitoring**

Within the boundary of the project, to the North, there is a groundwater Source

Protection Zone 1, and the satellite depot is partly located within Source Protection Zone 2. The site is located upon Principal Aquifer. There are abstractions for public water supply in the wider area. Therefore, groundwater is sensitive in this location.

*Groundwater quality monitoring:* Given the sensitivity of groundwater in this area, extensive data exists on groundwater quality which could form a baseline. This should be supplemented with independent monitoring from boreholes within the development. We will require monitoring to be conducted prior to, during and after construction.

We would also encourage Highways England to have a proactive relationship with the local water company (Southern Water) in regard to this project.

*Groundwater level monitoring:* As the monitoring period may not cover a 'wet winter', there also needs to be consideration/assessment of the yearly fluctuation, and whether the levels recorded are seasonally low/high/average for the time of year, and an assessment of the 'worst case' high groundwater levels. We have supplied Highways England with data concerning groundwater levels within the area of the scheme, and in some areas groundwater levels are high which will need to be considered in regard to any works undertaken in those areas.

Reference should be made to the planned groundwater quality and level monitoring within the ES.

### Dewatering

We understand the project involves the need for cutting, and subsequent dewatering given the groundwater levels in the area. This could trigger the requirement for an abstraction licence from us.

Small scale dewatering may be exempt from needing an abstraction licence. The current exemptions are listed on the following webpage - <http://www.legislation.gov.uk/ukxi/2017/1044/regulation/5/made>. If an exemption does not apply, then Highways England will need to contact us to obtain an abstraction licence. We strongly recommend early consultation and discussion with us in this regard once further details about the extent of such activities are understood.

A risk assessment must be provided to us, and agreed by us, prior to any dewatering activities taking place (whether an abstraction licence is required or not). Examples of what information we require in such risk assessments are details of where the water is due to be discharged, volume of water, and assessment of the water quality.

We would expect dewatering to be specifically referenced within the ES.

### Site Investigation

We would anticipate ultimately seeing a detailed phase 1 and 2 site investigation of the area where works will be carried out in terms of assessing contamination and the potential for contaminants to be mobilised. This should be referenced as a commitment within the ES. Additionally, if any areas are to be used as green buffers or returned to Riparian areas, any works must be preceded by a site investigation.

If any contaminated land is discovered during works on the road, or any area that would be potentially impacted through associated construction works, then remediation strategies and verification programs must be submitted for review.

The above should be referenced within the ES.

### Soakaways/Sustainable Drainage

Drainage will be an important aspect of the project both in order to improve current drainage if necessary, and to ensure there is suitable protection of groundwater, local abstractions, and the River Itchen and its tributaries following construction and operational use. We are pleased that this has been scoped in accordingly (Table 14-4). We would add that the long-term maintenance of any outfalls, attenuation/drainage ponds, etc. is considered and included within the ES also.

We request that we are consulted upon detailed designs of any soakaways or sustainable drainage systems, to consider them with regard to water resources and water quality issues.

### Piling

Any activities requiring piling will need to be preceded by a detailed risk assessment to provide evidence for conceptual understanding of risks to groundwater. This risk assessment will include justification of any technique considered, and we will need to review any such assessments. We would also expect to see a Material Safety Data Sheet for any grout deployed during any piling operations.

Within the Source Protection Zone 1 on the Northern section of the road, we understand that there is likely to be additional signage constructed along the M3. Piling in a Source Protection Zone 1 area can create risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, and creating preferential pathways for contaminants.

Further details about intended piling should be detailed, considered and explored within the ES, and should include details of any measures to protect groundwater resources.

### Investigative Boreholes

Any investigative boreholes will need to be decommissioned following use, so as to prevent those boreholes becoming preferential pathways to groundwater for any contaminants. However, we do accept that some boreholes will remain active for groundwater monitoring purposes. We expect these boreholes to be operated and maintained in line with best practice.

Further details about investigative boreholes (locations and decommissioning) should be included in the ES.

### Mitigation Measures

We accept that detailed design does not yet exist for any mitigation measures, nor are particular mitigation measures and/or biodiversity net gain measures specified at this stage. We support and are pleased that the report acknowledges that further details about mitigation measures will be presented in the ES (section 2.4.18), and that there will be a biodiversity net gain report produced (section 9.4.1). We would recommend that there are specific sections dedicated to these within the ES.

We understand that the possibility of a green bridge for the project has been ruled out at this stage by Highways England due to an assessment of limited use and disproportionate cost (although it is possible this may be carried forward as part of another road project within the area). Based on the data Highways England considered in this regard, we can understand this position albeit the ES should address consideration of mitigation options such as a green bridge, a conclusion upon whether to take those options forward and the factors underpinning that conclusion.

One recognised function of a green bridge is to create a safe crossing point for wildlife (amongst other benefits – please see the Natural England press release dated 31 July 2015 – <https://www.gov.uk/government/news/green-bridges-safer-travel-for-wildlife>). Ensuring that animals can safely cross the roads during their operational use should be an important aspect of this project, especially given the location next to the River Itchen and the legacy of the roads in cutting off of that habitat from the adjacent South Downs National Park. We are pleased to see that badger tunnels are already intended to be constructed as part of the project, as set out in section 9.4.1 of the report. Further details of suitable allowances for wildlife crossings and habitat connectivity should be included within the ES.

In addition to the above, we have discussed with Highways England reports we have received about recent otter deaths reported on motorways where open central reservation barriers have been replaced with closed concrete ones (on the M27 and M4/5). We recognise that closed concrete barriers are considered as a basic safety feature, but the impact of these on animals crossing such roads has seemingly not yet been widely acknowledged as an issue across the country where such barriers are being retrofitted. Given the close proximity of a recent report of an otter death (on the M27), we strongly recommend that there is scoped in further assessments of otter and other mammal movements in the project area, and the risk of them crossing the roads, with a view to minimising the risks of injuries and fatalities.

### Flood Risk

As set out in the introduction, we understand that relatively minor works (such as changing road markings) will be undertaken in the section of road within Flood Zone 3 (i.e. the section of the road crossing the River Itchen). Should this change during the detailed design phases, then further considerations will need to be taken account to ensure that flood risk is not increased elsewhere, and we would expect to be specifically consulted in this regard.

We are pleased that a Flood Risk Assessment will be undertaken (section 5.4.1 of the report), and we would recommend that the ‘worst case scenario’ is considered for the

Flood Risk Assessment (section 2.6.1 of the report). It should be borne in mind that climate change allowances are currently being updated in accordance with UKCP18, and the Flood Risk Assessment is likely to need to take account of those. The latest information and guidance about UKCP18 can be accessed here – <https://www.metoffice.gov.uk/research/collaboration/ukcp>.

In addition to the above, our flood model for the River Itchen is currently being updated, with final sign off anticipated for March/April 2019. This should be taken account of in terms of the baseline information for the Flood Risk Assessment, and we would encourage Highways England to consult with us further in this regard once the flood model has been updated.

### *Flood Risk Activity Permit*

In the report, there is mention of possible works on or near the River Itchen (sections 9.4.2 and 14.2.20). Any proposed works or structures in, under, over or within 8 metres of a main river bank is likely to require a Flood Risk Activity Permit from us under the Environmental Permitting (England and Wales) Regulations 2016.

Further details about Flood Risk Activity Permits can be found on the GOV.UK website using the following link - <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

As construction details are developed, we would recommend early consultation with us regarding any applications for any Flood Risk Activity Permits.

### *Storage of Hazardous Substances*

We would expect to see details about how the storage of any hazardous substances to be utilised during works will be managed within the ES.

Ultimately, we would expect to see a Construction Environmental Management Plan (CEMP) detailing the above.

It should be noted that depending on the substances, hazardous substances consent may well be required separate to the DCO process. Further information can be found on GOV.UK website -

<https://www.gov.uk/guidance/hazardous-substances#Deciding-hazardous-substances-consent>

### *Pollution Prevention*

All precautions must be taken to avoid discharges and spills to the ground both during and after construction.

For advice on pollution prevention measures, Highways England should refer to our guidance '*PPG1 – General guide to the prevention of pollution*' and '*PPG 5: Works in, near or over watercourses*' which are especially relevant to this proposal.

A full list of PPGs can be found via the link below. Although these PPGs have been revoked, they are still considered to be best practice:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Ultimately, we would expect to see a Construction Environmental Management Plan (CEMP) specifying any pollution prevention measures that will be incorporated into any works.

Further details regarding pollution prevention for the long-term maintenance of the road post construction should also be included within the ES.

### Surface Water

It should be noted that responsibility for surface water matters in terms of quantity and flow lies with the Lead Local Flood Authority (Hampshire County Council). We recommend that they are consulted in regard to the drainage proposals related to surface water.

Our considerations in regard to surface water relate to the potential mobilisation of contaminants, which may impact the Main Rivers and/or groundwater.

## **Comments on Specific Sections of the Report**

### **Chapter 2 – The Project**

#### Section 2.1.4

This section makes reference to the Barton Farm development in Winchester (now known as Kings Barton). This is not located adjacent to Junction 9, but is located on land just off the B3420 to the north of Winchester city centre. We understand that construction of this development is now underway.

### **Chapter 6 – Air Quality**

#### Section 6.2.16

In this section it states that *“the latest monitoring data indicates no exceedances of the NO<sub>2</sub> AQO except for at the St Catherine’s Hill SSSI ecological site.”* However, Table 6-4 shows that for monitoring point M3J9\_ECO4\_0517 River Itchen SSSI there is an exceedance. Monitored NO<sub>2</sub> (µg/m<sup>3</sup>) is 32.0 (µg/m<sup>3</sup>) against a critical level of 30 (µg/m<sup>3</sup>) (in accordance with data at Table 6-2).

#### Section 6.3.5

It is not clear how air quality and dust impacts as a result of construction activities will be fully assessed if sufficient construction information is not available. This should be clarified within the ES.

### Section 6.5.1

This section states that the '*Proposed Scheme is not expected to give rise to significant effects on local air quality*'. However, in section 6.3.4 it is stated that the '*Proposed Scheme is anticipated to result in both beneficial and adverse changes to local air quality concentrations*' and in Table 6-5 that "*there is potential for significant effects to occur at designated ecological site immediately adjacent to the A34*".

Therefore, the statement above in section 6.5.1 appears to contradict section 6.3.4 and Table 6-5. This should be clarified within the ES.

## **Chapter 9 – Biodiversity**

### Table 9-1 (Freshwater Fish)

We have recently made available to Highways England a copy of a report regarding a Brook Lamprey Condition Assessment for the River Itchen SAC. This should be utilised in regard to the ES.

### Section 9.6.11

We note that a Habitats Regulations Assessment is being produced, and we request that we are consulted with respect to present and future iterations of this assessment alongside Natural England.

### Table 9-5 (Otter)

As set out in the paragraph above entitled 'Mitigation Measures', we have discussed with Highways England reports we have received about recent otter deaths reported on motorways where open central reservation barriers have been replaced with closed concrete ones (M27 and M4/5). Given the close proximity of a recent report of an otter death (on the M27), we strongly recommend that there is scoped in further assessments of otter and other mammal movements in the project area, and the risk of them crossing the roads, with a view to minimising the risks of injuries and fatalities.

### Table 9-6 (Nationally Designated Sites)

We are not sure why under the 'Element scoped out' column it states 'N/A' and in the Justification column 'None' for Nationally Designated Sites. We would expect Nationally Designated Sites to be scoped in, as the River Itchen and its adjacent floodplain in the locality of the scheme are SSSI.

## **Chapter 10 – Geology and Soils**

### Section 10.2.7

In this section, it is mentioned that there are multiple solution features to the North West of the study area. The extent of the study area should be specified, and then it

is possible we may be able to assist with identifying those features.

There is evidence of a least some filled dolines to the East of the M3. In addition, there are clay with flint deposits at numerous localities to the East of study area. These are often indicative of drowned dolines or sinkholes, and should be investigated further.

Details of the further investigations of such features should be included within the ES, alongside details regarding any stabilising methods that may be required.

#### Table 10.6 (Summary of receptor sensitivity)

In regard to Table 10.6, the receptor 'Groundwater in Secondary A and Principal Aquifers, SPZ' is currently rated as "High". We disagree with this and recommend that the risk is be rated as "Very high". The report has not grasped the rapidity of groundwater movement in the Chalk that underlies the area. A Source Protection Zone 1 defines the travel time of a contaminant from ground to abstraction as less than 50 days. In Chalk it could be **less than 10 hours**. This needs to be reflected in the conceptualisation of the project going forwards.

With reference to the receptor 'Surface waters (River Itchen & Nun's Walk Stream)', the River Itchen itself and Nun's Walk Stream are both classified as Main Rivers.

### **Chapter 14 – Road Drainage and the Water Environment**

#### Section 14.2.14

We note that Highways England have requested information from us regarding abstractions within the project area. This data will be provided in due course. Any data provided should be reflected within the ES, subject to the data protection restrictions regarding public water supplies as indicated when the data is provided.

#### Sections 14.4.24 & 14.4.25

We are pleased to see that site groundwater level data is going to be used to inform the design. As the monitoring period may not cover a 'wet winter', there also needs to be consideration/assessment of the yearly fluctuation of groundwater levels, and whether the levels recorded are seasonally low/high/average for the time of year, and an assessment of the 'worst case scenario' high groundwater levels.

In section 14.2.25, there is correct citation of contamination released in Source Protection Zone 1 reaching the point of abstraction within 50 days. However, as set out in our comments above for Table 10-6, in Chalk it could be **less than 10 hours**. This should be acknowledged within the ES.

### **Chapter 16 - Cumulative Effects**

#### Table 16-1

We consider that there are a number of 'Potential interrelationships between topics' that have been missed from this table. For example, we would consider that Road



Drainage and the Water Environment have a potential interrelationship with the receptors of Statutory Designated Sites, Non-statutory designated sites, Habitats and Species of Principal Importance and Protected Species during both Construction and Operation of the Scheme. This should be re-assessed for the purposes of the cumulative chapter of the ES.

***Our opinion is based on the information available to us at the time of the request. If, at the time of the submission of the formal DCO, there have been changes to environmental risk(s) or evidence, and/or planning policy, our position may change.***

Please do not hesitate to contact me using the contact details shown below should any queries arise from the above response.

Yours faithfully,

**Miss Anna Rabone**  
**Sustainable Places Advisor**

Direct dial: 02077 140525

Email: [planningSSD@environment-agency.gov.uk](mailto:planningSSD@environment-agency.gov.uk)

M3 Junction 9  
The Planning Inspectorate

25 February 2019

Reference: TR010055 – M3 Junction 9 Improvement

Dear Sir/Madam,

Thank you for your recent plant enquiry at: M3 Junction 9.

I can confirm that ESP Utilities Group Ltd has no gas or electricity apparatus in the vicinity of this site address and will not be affected by your proposed works.

ESP Utilities Group Ltd are continually laying new gas and electricity networks and this notification is valid for 90 days from the date of this letter. If your proposed works start after this period of time, please re-submit your enquiry.

**Important Notice**

Please be advised that any enquiries for ESP Connections Ltd, formerly known as British Gas Connections Ltd, should be sent directly to us at the address shown above or alternatively you can email us at: [PlantResponses@espug.com](mailto:PlantResponses@espug.com)

Yours faithfully,

Plant Protection Team  
**ESP Utilities Group Ltd**



UTILITIES GROUP  
Bluebird House  
Mole Business Park  
Leatherhead

KT22 7BA

 01372 587500  01372 377996

<http://www.espug.com>

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GU10 4LS

**Area Director**  
Alison Field

VIA EMAIL ONLY

Your Ref: TR010055  
Our Ref: 23 NSIP M3 jct 9

Date: 20<sup>th</sup> February 2019

Dear Dan

**Planning Act 2008 (as amended) and The Infrastructure Planning  
(Environmental Impact Assessment) Regulations 2017(the EIA Regulations) –  
Regulations 10 and 11**

**Application by Highways England (the Applicant) for an Order granting  
Development Consent for the M3 Junction 9 Improvement Project (the  
Proposed Development)**

**Scoping consultation and notification of the Applicant's contact details and  
duty to make available information to the Applicant if requested**

Thank you for consulting the Forestry Commission on the scope of the Environmental Statement (ES) in your letter dated 28<sup>th</sup> January 2019.

The Forestry Commission is the Government experts on forestry & woodland and a statutory consultee (as defined by Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009)<sup>1</sup> for major infrastructure (Nationally Significant Infrastructure Projects (NSIPs)) that are likely to affect the protection or expansion of forests and woodlands (Planning Act 2008).

As highlighted in the National Planning Policy Framework revised July 2018<sup>2</sup>: Irreplaceable habitats include ancient woodland, ancient trees and veteran trees:

Paragraph 175c – *“development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists”*

<sup>1</sup> <http://www.legislation.gov.uk/uksi/2009/2264/contents/made>

<sup>2</sup> <https://www.gov.uk/government/collections/revised-national-planning-policy-framework>

The Forestry Commission has also prepared joint standing advice with Natural England on ancient woodland, ancient trees and veteran trees<sup>3</sup> which we refer you to as it notes that ancient woodland, ancient trees and veteran trees are an irreplaceable habitat, and that, in planning decisions, Plantations on Ancient Woodland Sites (PAWS) should be treated equally in terms of the protection afforded to ancient woodland. It highlights the Ancient Woodland Inventory as a way to find out if woodland is ancient. Woodland under 2 hectares may not appear on the Ancient Woodland Inventory but may still have ancient woodland characteristics, so we would suggest that a detailed investigation is undertaken to ascertain whether any additional ancient woodlands exist that may be impacted by the proposed scheme.

The ES reports that there are no Ancient woodlands within 2km of the site (9.2.11). With reference to the comment above regarding woodland less than 2ha, *Table 9-1 Existing baseline summary* would need to be updated, if Ancient woodland is found. The table should mention Ancient Woodland, Ancient Trees or Veteran Trees being “Irreplaceable Habitats” as per the National Planning Policy Framework. If there isn’t any ancient woodland, ancient trees or veteran trees impacted we would expect this to be referenced in the ES.

The standing advice provides details on the hierarchy of: avoid impacts, mitigate impacts and compensate as a last resort. This hierarchy could apply to any deterioration to priority woodland, ancient trees and veteran trees during the works. Ancient trees and Veteran trees can be individual trees or groups of trees including within hedgerows.

Within the Constraints Maps – there are no woodlands identified, we would like to see all woodland assessed, including the woodland within the SSSI area, for value and impact, and to be considered within the scheme design and any mitigation / compensation provisions with a minimum ‘no net loss’ and ideally be an exemplar of environmental net gain in line with the Government’s 25 year Environment Plan by undertaking substantial woodland creation and woodland management

The scoping report confirms that during the desk inspection no veteran trees have been identified. Ancient trees and veteran trees can be individual trees, or groups of trees including within hedgerows<sup>4</sup>. We are supportive of the inclusion of notable trees within 8.4.5, ancient and veteran trees can be individual, clumps or groups. Site investigations for the ES should identify ancient and veteran trees.

Any potential impact on landscape regarding Ancient Woodland, Ancient trees and Veteran trees and other woodland should be included in the Environment Statement.

If there is loss of woodlands it should be included in the compensation package. Opportunities to strengthen and buffer existing woodland and provide connectivity

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<sup>3</sup> <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

<sup>4</sup> <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

should be considered. New Woodland creation would be extremely positive in buffering existing woodland, providing a screening and potentially expanding public access. The appropriate species should be considered to enhance the scheme. It is important that the right trees are planted in the right locations.

The ES should consider the importance of practicing good biosecurity, this includes when sourcing tree stock. Purchasing UK-grown plants can help avoid accidentally introducing pest or diseases on imported stock.

With regard to 8.4.9, 8.4.10 and 8.4.16 we suggest that a UKFS-compliant Woodland Creation Design Plan is considered for any potential woodland creation habitat proposed in the development; including its long term management to address future management including 'land locked' areas to ensure suitable planting schemes and the appropriate infrastructure is in place.

A UKFS compliant woodland management plan should be undertaken for any woodland management of existing woodland proposals put forward as part of the mitigation package.

8.4.14 The Forestry Commission would welcome the opportunity to be engaged in the planting proposals.

If you wish to consult us further in relation to the Environmental Statement with the Forestry Commission please contact the South East and London Office at the above address.

Yours sincerely



Richard Pearce  
Local Partnerships Advisor

## A summary of Government policy on ancient woodland

[Natural Environment and Rural Communities Act 2006](#) (published October 2006).

**Section 40** – “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”.

[National Planning Policy Framework](#) (published July 2018).

**Paragraph 175** – “*development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists*”.

[National Planning Practice Guidance](#) – Natural Environment Guidance. (published March 2014)

This Guidance supports the implementation and interpretation of the National Planning Policy Framework. This section outlines the Forestry Commission’s role as a non statutory consultee on “*development proposals that contain or are likely to affect Ancient Semi-Natural woodlands or Plantations on Ancient Woodlands Sites (PAWS) (as defined and recorded in [Natural England’s Ancient Woodland Inventory](#)), including proposals where any part of the development site is within 500 metres of an ancient semi-natural woodland or ancient replanted woodland, and where the development would involve erecting new buildings, or extending the footprint of existing buildings*”

It also notes that ancient woodland is an irreplaceable habitat, and that, in planning decisions, **Plantations on Ancient Woodland Sites (PAWS) should be treated equally in terms of the protection afforded to ancient woodland in the National Planning Policy Framework**. It highlights the Ancient Woodland Inventory as a way to find out if a woodland is ancient.

[The UK Forestry Standard](#) (4th edition published August 2017).

Page 23: “Areas of woodland are material considerations in the planning process and may be protected in local authority Area Plans. These plans pay particular attention to woods listed on the Ancient Woodland Inventory and areas identified as Sites of Local Nature Conservation Importance (SLNCIs)”.

[Keepers of Time](#) – A Statement of Policy for England’s Ancient and Native Woodland (published June 2005).

**Page 10** “The existing area of ancient woodland should be maintained and there should be a net increase in the area of native woodland”.

[Natural Environment White Paper “The Natural Choice”](#) (published June 2011)

**Paragraph 2.53** - This has a “renewed commitment to conserving and restoring ancient woodlands”.

**Paragraph 2.56** – “The Government is committed to providing appropriate protection to ancient woodlands and to more restoration of plantations on ancient woodland sites”.

[Standing Advice for Ancient Woodland and Veteran Trees](#) (first published October 2014, revised November 2017)

This advice, issued jointly by Natural England and the Forestry Commission, is a material consideration for planning decisions across England. It explains the definition of ancient woodland, its importance, ways to identify it and the policies that are relevant to it.

The Standing Advice refers to an [Assessment Guide](#). This guide sets out a series of questions to help planners assess the impact of the proposed development on the ancient woodland. Summaries of some [Case Decisions](#) are also available that demonstrate how certain previous planning decisions have taken planning policy into account when considering the impact of proposed developments on ancient woodland.

[Biodiversity 2020: a strategy for England's wildlife and ecosystem services](#) (published August 2011).

**Paragraph 2.16** - Further commitments to protect ancient woodland and to continue restoration of Plantations on Ancient Woodland Sites (PAWS).

## Importance and Designation of Ancient and Native Woodland

### **Ancient Semi Natural Woodland (ASNW)**

Woodland composed of mainly native trees and shrubs derived from natural seedfall or coppice rather than from planting, and known to be continuously present on the site since at least AD 1600. Ancient Woodland sites are shown on Natural England's Inventory of Ancient Woodland.

### **Plantations on Ancient Woodland Site (PAWS)**

Woodlands derived from past planting, but on sites known to be continuously wooded in one form or another since at least AD 1600. They can be replanted with conifer and broadleaved trees and can retain ancient woodland features, such as undisturbed soil, ground flora and fungi. Very old PAWS composed of native species can have characteristics of ASNW. Ancient Woodland sites (including PAWS) are on Natural England's Inventory of Ancient Woodland.

### **Other Semi-Natural Woodland (OSNW)**

Woodland which has arisen since AD 1600, is derived from natural seedfall or planting and consists of at least 80% locally native trees and shrubs (i.e., species historically found in England that would arise naturally on the site). Sometimes known as 'recent semi-natural woodland'.

Other woodlands may have developed considerable ecological value, especially if they have been established on cultivated land or been present for many decades.

## Information Tools – The Ancient Woodland Inventory

This is described as provisional because new information may become available that shows that woods not on the inventory are likely to be ancient or, occasionally, vice versa. In addition ancient woods less than two hectares or open woodland such as ancient wood-pasture sites were generally not included on the inventories. For more technical detail see [Natural England's Ancient Woodland Inventory](#). Inspection may determine that other areas qualify.

As an example of further information becoming available, Wealden District Council, in partnership with the Forestry Commission, Countryside Agency, the Woodland Trust and the High Weald AONB revised the inventory in their district, including areas under 2ha. Some other local authorities have taken this approach.



## Further Guidance

[Felling Licences](#) - Under the Forestry Act (1967) a Felling Licence is required for felling more than 5 cubic metres per calendar quarter. Failure to obtain a licence may lead to prosecution and the issue of a restocking notice.

[Environmental Impact Assessment](#) - Under the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999, as amended, deforestation which is likely to have a significant impact on the environment may also require formal consent from the Forestry Commission.

# Proposed M3 Junction 9 Improvements Response to Consultation - EIA Scoping Report

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## 1. Project Details

<b>Project name:</b>	<b>M3 Junction 9 Improvement Scheme</b>
Task name:	Consultation on EIA Scoping Report
Applicant	Highways England
PINS Reference	TR010055
Date:	22/02/2019
HCC Dept:	Environment
EIA team project manager:	Holly Wood <a href="mailto:holly.wood@hants.gov.uk">holly.wood@hants.gov.uk</a>

## 2. Objectives

This memo provides a response by Hampshire County Council’s Environmental Teams to the formal consultation by the Planning Inspectorate (PINS) on the ‘*M3 Junction 9 Improvements Project, Environmental Impact Assessment Report, Highways England (Jacobs, January 2019-HE551511-JAC-EGN-0\_00\_00-RP-LE-001/PO3)*. The formal date for commenting on the Scoping Report to PINS is 25<sup>th</sup> February 2019.

This response covers the general scoping report and the technical review of the following environmental topics:

- Air Quality
- Cultural Heritage
- Landscape & Visual
- Biodiversity;
- Soils and geology
- Material Assets and Waste
- Noise and Vibration
- Population and Health
- Road Drainage and the Water Environment
- Climate
- Cumulative Effects

### 3. HCC Review Comments

<p>2. The Project</p>	<p>This section of the ES should also include further details on the following:</p> <ul style="list-style-type: none"> <li>- proposed construction phasing and methodology;</li> <li>- any new significant structures, e.g. embankments, retaining walls, culverts etc</li> <li>- proposed mitigation measures such as noise barriers, enhancements of NMU provision, ecological enhancements or compensatory measures, lighting, and drainage;</li> <li>- construction access and compounds; and</li> <li>- construction traffic management</li> </ul> <p>The nature and extent of works required to other junctions and approach roads required to deliver this scheme which are within the jurisdiction of HCC and other authorities e.g. A272 Spitfire Link and Easton Lane should also be defined. The relative impacts of each option on these connecting roads need to be evaluated in this assessment.</p> <p>The next phase of the assessment should address the potential impacts of construction works on traffic flows and operation of these other strategic routes and the longer-term impact on traffic flows of any permanent changes to layout, capacity etc.</p>
<p>3. Alternatives</p>	<p>Table 3-1 provides a list of options considered and states whether they were rejected or carried forward. It is noted that it starts at option 11. Further details need to be provided on options 1-10 and why these were discounted.</p> <p>Table 3-2 provides a brief discussion of the reason various options were not carried forward. Further discussion should be provided in the ES to justify why option 14 was taken forward and the potential effects of this option.</p> <p>The EIA process should be an iterative process throughout the development of the preferred option. With respect to the preferred option the ES should provide a section which discusses the evolution of the preferred option (which tells the story of how the design has developed and been amended as result of consultations, investigations and assessment of impacts). This should include a timeline depicting how and when the design has evolved.</p>
<p>4. Consultation</p>	<p>Section 4.1 states that public consultation on the preferred route option took place in early 2018. The ES should include full details of what consultations have been undertaken and the results (statutory and non-statutory) with all stakeholders. This section of the ES should be clearly signposted to explain how and where the consultation responses particularly from statutory bodies have been addressed within the design and the EIA.</p>
<p>5. Assessment Methodology</p>	<p>The EIA should include a full description of the assessment methodologies and the criteria used to define significance of effects. It is important that the process followed for each topic is fully documented to assist the reader in understanding how judgements have been made rather than just quoting relevant guidance documents.</p> <p>A description of the value (or sensitivity) of receptor, the magnitude of impact and the matrix for determining the significance of effects should be provided for each topic area, thereby ensuring all topics are assessed consistently.</p>

	<p>It is important that the chapter for the ES is consistently structured and potential impacts identified are considered within the design, mitigation and enhancements. Particularly with respect to community impacts and the effects of construction – length of time, dust, noise etc.</p>
<p>6. Air Quality</p>	<p><u>Construction impacts</u></p> <p>An assessment of construction dust emissions should be undertaken in accordance with the methodology in the <i>Guidance on the assessment of dust from demolition and construction. London: Institute of Air Quality Management 2014</i>. This should consider the impact on both human and ecological receptors, including any internationally and nationally designated sites within 350 metres of the Proposed Scheme.</p> <p>Parts of these designated sites will be directly adjacent to working areas, therefore the potential effects of different construction activities need to be fully understood and appropriate mitigation measures developed where appropriate.</p> <p>The assessment should consider the potential impacts on air quality on nearby receptors of traffic management measures during construction, particularly those on diversion routes during full closures of the M3 to allow for night time working. Specific scenarios modelled should include potential impacts of diverting traffic through the centre of Winchester (AQMA).</p> <p>Depending on the volume of traffic generated during the construction phase, consideration of impacts on human health receptors associated with construction vehicle emissions may also be required. The changes in traffic as a result of construction vehicles and any traffic management measure should be screened against criteria given in DMRB 11.3.1 and a quantitative assessment of changes in concentrations undertaken if required.</p> <p><u>Operational impacts</u></p> <p>Further consultation is requested on the proposed study area (ARN) for the air quality assessment determined by the screening assessment, once the traffic data has been analysed.</p> <p><i>NMUs</i></p> <p>The assessment should consider impacts on air quality for existing PROWs, other NMU routes and recreational receptors and also the potential air quality for users of any potential new NMU routes proposed as part of the scheme. Consideration should be given to alternative routing for any new NMU pathways away from highways where NO<sub>2</sub> and particulate concentrations are predicted to exceed AQOs.</p> <p><i>Ecology</i></p> <p>Background nitrogen deposition currently exceeds the critical load within the River Itchen SSSI and SAC. There also exceedances of the NO<sub>2</sub> AQO at St Catherine’s Hill SSSI, indicating that these sites are already particularly vulnerable to any changes in traffic, and subsequently air quality arising from the scheme which could potentially affect habitats and/or species within these designated sites.</p> <p>Concentrations of NO<sub>x</sub> using the dispersion modelling approach described in the report should be determined at the points closest to the roads in each of the nationally and internationally designated sites using the methodology contained within Volume 11, Section 3 of the Design Manual for Roads and Bridges (DMRB)</p>

	<p>In addition, nitrogen deposition rates for the opening year scenarios should also be calculated following DMRB Annex F for different receptor points.</p>
<p>7.Cultural Heritage</p>	<p>The scoping report scopes in the cultural heritage under three headings, archaeology, historic buildings and historic landscape character. This is considered appropriate.</p> <p>A desk-based assessment has already been produced (7.6.4) and a detailed assessment is proposed (7.6.5) and the report confirms that the impacts of the development on the cultural heritage will be subject to a detailed study (17.2).</p> <p>The archaeological context is described, and the assessment and mitigation principles are largely to be endorsed.</p> <p>Concerns over the use of the word ‘viable’ in 7.4.3 in relation to the extent to which trial trenching would be implemented. Viable is not the correct reference, it should refer to what is appropriate and achievable rather than the economic implication inherent in the use of the word viable (not that economic considerations should be excluded but the use of the word viable may imply it has a principal role).</p> <p>The mitigation will be agreed with Winchester City Council and Historic England (7.4.3). At present that excludes HCC’s archaeologist, however HCC should be given the opportunity to comment.</p>
<p>8. Landscape</p>	<p><u>HCC Landscape Team</u></p> <p>No further comments. HCC’s Landscape Team has been consulted previously and comments on the proposed LVIA and viewpoints have been addressed in the Scoping Report.</p> <p><u>HCC Countryside Service</u></p> <p>We are happy with the landscape and visual methodology outlined in the report. It will take in a significant area around the junction; a 6 X 4km grid and will also consider longer distance views e.g. from St Catherine’s Hill.</p> <p>The scope takes into account promoted routes such as St. Swithun’s Way as well as the wider rights of way (RoW) network and the assessment criteria proposed in Table 8-3 will identify users of the RoW as high sensitivity, which is all encouraging.</p>
<p>9. Biodiversity</p>	<p>Scoping of potential impacts will need to include potential interruption of the hydrological connection to adjacent wet meadows not just fully aquatic habitats (for both construction and operational impacts.) Therefore, potential impacts to SINC habitats may need to be reviewed based on this assessment</p> <p><u>Mitigation</u></p> <p>Up to date water vole surveys will need to be undertaken to be certain of delivering the 10m avoidance distance from the construction footprint.</p> <p>Further to sensitive lighting design for adjacent habitats, the new elements of the road will need to be constructed to ensure that fragmentation of bat foraging corridors does not occur, utilising dark corridors, and bat hop overs.</p> <p>Mitigation/enhancement for dormice should include provision of dormouse bridges (see new research for design NOT the versions within the DMRB) to reconnect potential habitats. This could include spanning of the whole motorway on the</p>

	<p>existing bridge structures. Suitable landscaping features to allow these structures to function should be incorporated into the landscaping and habitat creation proposals.</p> <p>Habitat creation should include creation of chalk grassland verges. Bare chalk and retained soils should be used without topsoil or soil improvers in all areas of verge creation.</p> <p>HRA assessment will need to take into consideration recent legal judgements, including Sweetman and Holohan (which requires assessment of all previous options).</p> <p><u>Further assessment</u></p> <p>Unsure as to the robustness of relying on desk assessment for understanding impacts to foraging/commuting bats.</p> <p>Limitations: The EIA will need to robustly defend the lack of data from missing equipment with respect to bats and otter surveys, and the general access issues.</p>
<p>10. Geology &amp; Soil</p>	<p>Further review for the EIA should include consultations with local authority Contaminated Land Officer, Environment Agency &amp; HCC Minerals and Waste.</p> <p>The baseline should also include other potential sources of contamination i.e. Radon, unexploded ordnance etc.</p> <p>Figure 10.1 is not clear and should be provided as a separate figure at a larger scale.</p> <p>Table 10.3 provides inconsistencies in sources within the 250m buffer distance, this needs to be addressed to ensure correct identification of potential sources.</p> <p>There are a number of landfills which are within close proximity of the scheme and should be included within the document, <i>land between old Newbury railway and A33</i> is within the scheme boundary but not identified.</p> <p>Table 10.6 identifies receptor sensitivity; the EIA should list criteria used to assign sensitivity to receptor to ensure consistencies.</p> <p>Table 10.7 needs to be consistent with identified receptors in Table 10.6 and potential contaminants in table 10.5. Landfill gas for example is identified as a potential risk but not included in the conceptual model.</p> <p>I would expect to see a full detailed consistent conceptual model in the EIA which includes the further reviews identified in the scoping report.</p>
<p>11. Material and Waste</p>	<p>The assessment defines two geographically different study areas, used to examine the use of primary/secondary/recycled/manufactured materials and the generation and management of waste.</p> <p>The scoping report identifies potential impacts for study area 2 and considers direct/indirect effects, assessment methodology and significance criteria clearly. However, this approach should be extended to cover study area 1 within the EIA (this has been missed in the scoping report) to examine whether it is a sensitive receptor or identify any key impacts. I.e. during construction release of contaminants etc as a result of inappropriate storage or movement of material.</p> <p>The ES should also make reference to other relevant chapters i.e. Geology and soils.</p>

	<p>Mitigation measures should also reference the Construction Environmental Management Plan (CEMP) to document use, storage and transportation of materials and waste.</p> <p>It would be useful to include an ‘example’ of the quantity of materials required for a project of this size to enable an understanding of the statement in 11.2.4 that there is ‘plenty of material resources available’ for the project.</p> <p>Further reference to consultations which have taken place or will take place with regards to materials and waste i.e. environment agency should be included within the ES.</p>
<p>12. Noise &amp; Vibration</p>	<p>Reference is made to consultations with the EHO at Hampshire Council on monitoring etc. These discussions should be with the EHO at <u>Winchester City Council</u> who are the statutory authority responsible for this function.</p> <p>Further clarification should be provided on how the existing noise climate has been determined and commentary provided on existing noise levels and the main sources of noise. Consideration should also be given in the assessment to noise nuisance, compliance with WHO guideline limits and night time noise in addition to SOAELs</p> <p><i>Noise Important Areas:</i> The assessment should consider the ‘specific improvements’ within the action plan for each NIA within the calculation area, how the scheme will impact on these areas. Also, the contribution of this scheme to achieving these objectives also needs to be clarified.</p> <p><i>Ecology:</i> The assessment predicts that a number of residential receptors and designated ecological areas within the calculation area will be adversely impacted by changes in noise both in the short and long term but that these can be effectively reduced with mitigation. Potential impacts on these receptors should also be considered in detail within the noise assessment and potential requirements for mitigation considered, and residual effects assessed.</p> <p><i>SDNP:</i> Effects within the SDNP are predicted to be more significant with a number of receptors points predicted to have minor, moderate or even major magnitude changes. Further details should be included on where within the SDNP the effects are greatest, and consideration given to other options for mitigation including design changes that could be considered to reduce these impacts.</p> <p><i>Mitigation:</i> The criteria used to determine eligibility for mitigation needs to be clearly defined in the assessment and reasons for the mitigation options selected. Where mitigation for particular receptors has been discounted, the reasons for this need to be clarified.</p>
<p>13. Population &amp; Health</p>	<p>This chapter covers a really broad range of topics and it isn’t clear whether all the issues required by DMRB Vol 11 part 6 – Land Use, Part 8 – peds, cyclists and community, and part 9 Vehicle Travellers are to be incorporated into one chapter along with the health and population assessments or covered elsewhere? Could the effects on vehicle travellers and NMUs be in a separate chapter as this is a significant topic area in its own right?</p> <p>Further data on the local health profile and public health policies for Hampshire can be obtained from HCC’s Public Health Team – email <a href="mailto:public.health@hants.gov.uk">public.health@hants.gov.uk</a> and via HCCs website at <a href="https://www.hants.gov.uk/socialcareandhealth/publichealth">https://www.hants.gov.uk/socialcareandhealth/publichealth</a>.</p>

*Public transport:* The EIA should also consider current public transport resources for the local population and assess the effects of the scheme on accessibility to public transport and operation of services both during construction and once the scheme is operational.

When describing the significance of effects, the length of time of construction should also be a consideration.

*Effects on all Travellers:* In addition to the information provided in the Transport Assessment, the EIA should also define baseline traffic conditions for opening and future years and include an assessment of the impacts of changes in traffic flows resulting from the scheme for both vehicle users and NMUs during both the construction and operational phases.

This should include all relevant issues in “Guidelines for the Environmental Assessment of Road Traffic” (IEMA, 1993) as well as those in Design Manual for Roads and Bridges (DMRB) Volume 11, Section 3, Parts 8 and 9 including.

- Driver delay (IEMA);
- Pedestrian delay and amenity (IEMA);
- Fear and intimidation (IEMA);
- Accidents and Safety (IEMA);
- Changes in amenity (DMRB);
- Views from the road (DMRB); and
- Driver stress (DMRB).

*Construction Traffic Management:* The EIA should also identify measures to be implemented during construction to manage works traffic and minimise impacts on other road users and local communities e.g. vehicle routing, avoiding peak periods.

*NMUs:* It is noted there will be enhancement of pedestrian and cycle route connectivity incorporated into the design. HCC would strongly support any such initiatives, particularly opportunities for increasing the number of crossing points over the M3 and A34, improving existing PROWs and developing new links between them.

The assessment should also consider potential impacts on residential properties, development land, community land and assets/facilities and agricultural land and holdings in accordance with the guidance in Design Manual for Roads and Bridges (DMRB) Volume 11, Section 3 Part 6 (Land use), Highways Agency June 1993 (Ref 12.8).

Rights of Way (comments from HCC Countryside Service)

Table 13-4 in ‘other recreation/tourist Assets’ has omitted the rights of way network and promoted/ long distant routes. I think these are a legitimate asset and should be included in this review, as not only providing a link for the population of Winchester to the Wider National Park, but also as a draw for visitors in their own right and as an important link to access the other assets included, such as Winnall Moors NR.

Where rights of way are considered in section 13 they have acknowledged the impact the construction will cause and have intimated potential improvements that could be made to the existing RoWs within the footprint of the road scheme. It is perhaps to be expected that they are taking a somewhat narrower focus than we have when looking at impacts and this I suspect will be the crux of our negotiations.



	<p>I note that the assessment scheme has no precedent for judging the effects on the RoW, but the suggested scheme appears reasonable.</p>
<p>14. Road Drainage &amp; Water</p>	<p>Overall, the scope of Water and Drainage is acceptable and includes key impacts for further investigation. A list of discharge consents should be included within the baseline.</p> <p>14.2.12 states ‘The risk posed by these existing drainage assets will be considered within the overall assessment. The assets that have been assessed in detail are concluded to pose an overall low to no risk status.’ Please clarify this in the ES, it is not clear what is has already been assessed and what is going to be assessed.</p> <p>A separate constraints map for water and drainage should be included, it is difficult to ascertain water constraints and boundaries in the current figure 1.1</p> <p>It is noted that in this location a significant volume of litter (from the road) enters the River Itchen (SAC) particularly from the A34. Consideration should be given in the scheme design to screening or fencing the highways verges where the scheme passes directly over or adjacent to waterways within these areas to prevent litter and particularly plastics from entering the water environment.</p> <p>It is imperative that the potential effects around pollution incidents and major accidents with respect to effects on water quality are adequately addressed given the sites proximity to the River Itchen SAC/SSSI.</p> <p><u>HCCs Flood &amp; Water Management Team</u></p> <p>Pre-application discussions should be undertaken with HCCs FWM team regarding the proposed drainage strategy for the scheme and to identify any requirements for Ordinary Watercourse consents for any works or new structures near to ordinary watercourses. Contact: <a href="mailto:owc@hants.gov.uk">owc@hants.gov.uk</a></p> <p>HCC FWM would support the use of multi-stage proposals that maximise passive treatment through the use of SuDS.</p>
<p>15. Climate</p>	<p>No comment, the elements scoped in and out appear reasonable.</p>
<p>16. Cumulative Effects</p>	<p>It is important that the ES includes a clear definition of cumulative effects to clearly differentiate between combined and cumulative effects. Guidance in DMRB Volume 11, Section 2, Part 5, includes a definition:</p> <p>There are two principal types of cumulative impact in environmental impact assessment of road schemes. These are:</p> <ol style="list-style-type: none"> <li>i. Combined or ‘synergistic effects’ caused by the combination of a number of impacts from a single project which when combined may give specific impacts upon a single receptor/resource;</li> <li>ii. cumulative impacts from other allocated/committed development projects in combination with the project being assessed which collectively cause a more significant effect than individually. This can include multiple impacts of the same or similar type from a number of projects upon the same receptor/resource. For example, the combination of traffic, air quality or noise impacts form the combined construction activities on a sensitive receptor e.g. ecological habitat, associated with several developments in that locality.</li> </ol>

	<p>The methodologies proposed for the combined and cumulative effects assessments appear reasonable and in line with best practice (zone of influence, long list, short list etc). We note that discussion has been provided regarding the limitations of the cumulative effects assessment, for example with respect to whether adequate information / evidence would be available for many of the short listed developments to allow for a meaningful cumulative assessment to be undertaken.</p> <p>It is noted that the cumulative effects of the proposed scheme with the M3 smart motorway will be an integral part of the cumulative assessment.</p> <p>Given that the proposed development is located close to sensitive receptors including the River Itchen SAC/SSSI and Winnall Moor Nature Reserve consideration should be given to both the combined and cumulative effects on these receptors with particular regard to water quality, flooding, dust and noise which cumulatively or in combination may pose a more of a risk and result in a degradation of the receptors than in isolation.</p>
Other	<p><u>Socio-economic effects</u></p> <p>The EIA should also include a socio-economic assessment for the M3 J9 scheme which considers the likely significant effects during both the construction and operational phases.</p> <p>This should include temporary and permanent employment creation, contribution to local and sub-regional economic objectives and temporary disruption to local residents and businesses during the construction phase of the Proposed Scheme. Key areas are transport and connectivity, local and wider regional labour markets and employment, land, and meeting socio-economic policy objectives.</p> <p>It should consider the local economic baseline (headline macroeconomic indicators, labour force, businesses, transport and accessibility, housing, travel to work) and local and sub-regional economic objectives, and economic trends and constraints and identify the potential temporary and longer-term effects on the local and wider economy arising from the Proposed Scheme.</p>

**From:** [REDACTED]  
**To:** [M3Junction9@pins.gsi.gov.uk](mailto:M3Junction9@pins.gsi.gov.uk)  
**Subject:** M3 Junction 9 Improvement Project  
**Date:** 14 February 2019 09:54:11  
**Attachments:** [image001.png](#)  
[image003.png](#)  
[image008.png](#)  
[image010.png](#)  
[image011.png](#)  
[image012.png](#)

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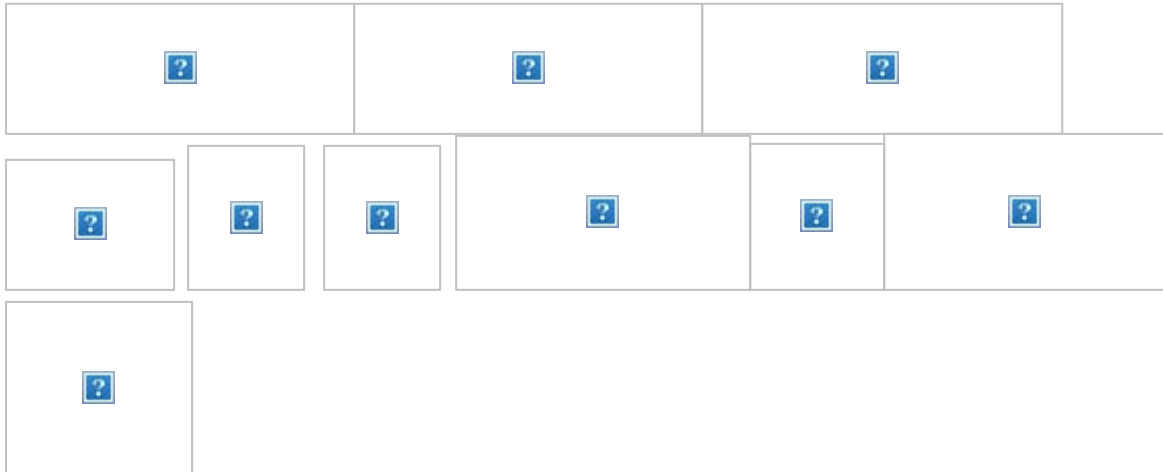
Good morning,

Thank you for sending the relevant information and material regarding the M3 Junction 9 Improvement Project.

Harlaxton Energy Networks Ltd. at this time has no assets in the area, and will not be implementing any in the near future, therefore Harlaxton has no comment to make on this scheme.

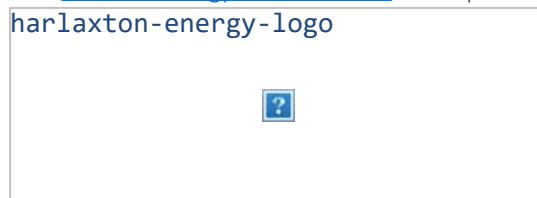
Kind Regards

Karen Thorpe  
Distribution Administrator  
0844 800 1813



Visit our website [harlaxtonenergynetworks.co.uk](http://harlaxtonenergynetworks.co.uk) and explore at your leisure

harlaxton-energy - logo



Toll Bar Road, Marston, Grantham, Lincolnshire, NG32 2HT  
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**From:** [REDACTED]  
**To:** [M3Junction9@pins.gsi.gov.uk](mailto:M3Junction9@pins.gsi.gov.uk)  
**Subject:** M3 Junction 9 Improvement Project  
**Date:** 14 February 2019 09:54:52  
**Attachments:** [image002.png](#)

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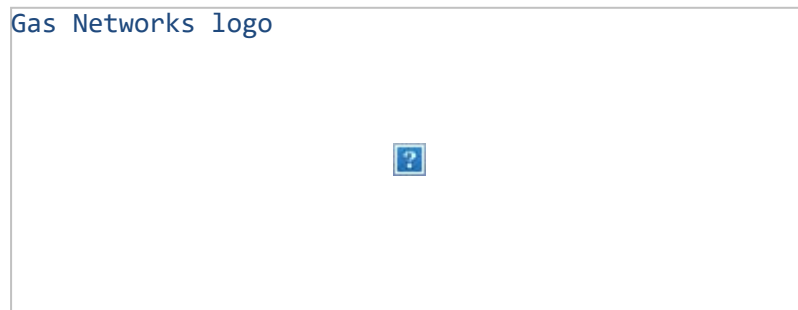
Good morning,

Thank you for sending the relevant information and material regarding the M3 Junction 9 Improvement Project.

Harlaxton Gas Networks Ltd. at this time has no assets in the area, and will not be implementing any in the near future, therefore Harlaxton has no comment to make on this scheme.

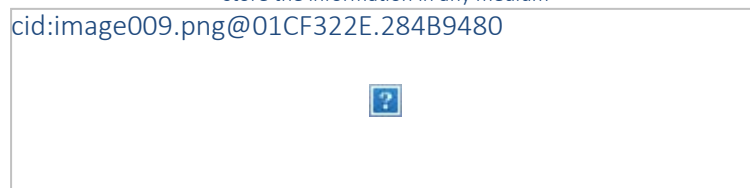
Kind Regards

Karen Thorpe  
Distribution Administration Assistant



Toll Bar Road, Marston, Grantham, Lincs, NG32 2HT

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**Havant**  
BOROUGH COUNCIL

Public Service Plaza  
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Hampshire PO9 2AX

T 023 9247 4174  
F 023 9248 0263

[www.havant.gov.uk](http://www.havant.gov.uk)

Richard White  
The Planning Inspectorate  
Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN

Our Ref: GEN/19/00084

Ask For: Mr L Oliver

Email: [planning.development@havant.gov.uk](mailto:planning.development@havant.gov.uk)

05 February 2019

**Site Location:** M3 Junction 9 Improvement Project  
**Re:** Environmental Statement Scoping Opinion.

Dear Sir,

Thank you for consulting Havant Borough Council on this proposal. I can confirm that this Local Planning Authority has No Comments to make on this proposal.

Yours faithfully

Mr L Oliver  
Principal Planner  
Our Ref: GEN/19/00084

**From:** [REDACTED] > On Behalf Of  
[NSIP.Applications@hse.gov.uk](mailto:NSIP.Applications@hse.gov.uk)  
**Sent:** 21 February 2019 14:49  
**To:** [M3Junction9@pins.gsi.gov.uk](mailto:M3Junction9@pins.gsi.gov.uk)  
**Subject:** NSIP - Proposed M3 Junction 9 Improvement – EIA Scoping Consultation, HSE Response

Dear Richard White,

Thank you for your letter dated 28/1/19 regarding the information to be provided in an environmental statement relating to the Project below. HSE does not comment on EIA Scoping Reports but the attached information is likely to be useful to the Applicant.

Kind regards,

Dave Adams

**Dave.MHPD.Adams**

**Major Hazards Policy – Chemicals & Land Use Planning | Chemicals, Explosives & Microbiological Hazards Division | Health and Safety Executive.**

**Please note that on 24/9/18 I moved to 1.2 Redgrave Court.**

**1.2 Redgrave Court, Merton Road, Bootle, Merseyside L20 7HS**

**+44 (0) 20 3028 3408 [dave.mhpd.adams@hse.gov.uk](mailto:dave.mhpd.adams@hse.gov.uk)**

[www.hse.gov.uk](http://www.hse.gov.uk) | <http://hse.gov.uk/landuseplanning>

**From:** M3 Junction 9 [<mailto:M3Junction9@pins.gsi.gov.uk>]

**Sent:** 28 January 2019 13:52

**Subject:** HPE CM: TR010055 – M3 Junction 9 Improvement – EIA Scoping Notification and Consultation

Dear Sir/Madam

Please see the attached correspondence regarding the proposed M3 Junction 9 Improvement Project.

Please note the deadline for the consultation is 25 February 2019, which is a statutory deadline that cannot be extended.

Kind Regards

Richard White

EIA and Land Rights Advisor  
Major Applications & Plans

The Planning Inspectorate, Temple Quay House, Temple Quay, Bristol, BS1 6PN  
Direct line: 0303 444 5593

Helpline: 0303 444 5000

Email: [Richard.White@pins.gsi.gov.uk](mailto:Richard.White@pins.gsi.gov.uk)

Web: [infrastructure.planninginspectorate.gov.uk](http://infrastructure.planninginspectorate.gov.uk) (National Infrastructure Planning)

Web: [www.gov.uk/government/organisations/planning-inspectorate](http://www.gov.uk/government/organisations/planning-inspectorate) (The Planning Inspectorate)

Twitter: [@PINSgov](https://twitter.com/PINSgov)

This communication does not constitute legal advice.

Please view our [Information Charter](#) before sending information to the Planning Inspectorate.



CEMHD Policy - Land Use Planning  
NSIP Consultations  
Building 1.2, Redgrave Court  
Merton Road, Bootle  
Merseyside, L20 7HS

Your ref: TR010055  
Our ref: 4.2.1.6564  
HSE email: [NSIP.applications@hse.gov.uk](mailto:NSIP.applications@hse.gov.uk)

FAO Richard White  
The Planning Inspectorate  
Temple Quay House  
Temple Quay,  
Bristol  
BS1 6PN

Dear Mr White

21 Feb 2019

**PROPOSED M3 J9 IMPROVEMENT (the project)  
PROPOSAL BY HIGHWAYS ENGLAND (the applicant)  
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (as amended) –  
Regulations 10 and 11**

Thank you for your letter of 28<sup>th</sup> January 2019 regarding the information to be provided in an environmental statement relating to the above project. HSE does not comment on EIA Scoping Reports but the following information is likely to be useful to the applicant.

**HSE's land use planning advice**

Will the proposed development fall within any of HSE's consultation distances?

According to HSE's records there is one major accident hazard site within the proposed DCO application boundary of the proposed M3 junction 9 improvement for this nationally significant infrastructure project; the site is:

UK Petroleum Products Ltd HSE reference H0522.

It is noted that the A34 currently passes through the inner zone of this site; any intensification of people in this area may lead to HSE to advise against the proposal

Hazardous Substance Consent

The presence of hazardous substances on, over or under land at or above set threshold quantities (Controlled Quantities) will probably require Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances) Act 1990 as amended. The substances, alone or when aggregated with others for which HSC is required, and the associated Controlled Quantities, are set out in The Planning (Hazardous Substances) Regulations 2015 as amended.

Hazardous Substances Consent would be required to store or use any of the Named Hazardous Substances or Categories of Substances at or above the controlled quantities set out in schedule 1 of these Regulations; substances may be present in batteries.

Further information on HSC should be sought from the relevant Hazardous Substances Authority.

Consideration of risk assessments

Regulation 5(4) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 requires the assessment of significant effects to include, where relevant, the expected significant effects arising from the proposed development's vulnerability to major accidents. HSE's role on NSIPs is summarised in the following Advice Note 11 An Annex on the Planning Inspectorate's website - [Annex G – The Health and Safety Executive](#) . This document includes consideration of risk assessments on page 3.

Explosives sites

As there are no licensed explosive sites in the vicinity, HSE has no comment to make in this regard.

**Electrical Safety**

No comment from a planning perspective

Please send any further electronic communication on this project directly to the HSE's designated e-mail account for NSIP applications. Alternatively any hard copy correspondence should be sent to:

Mr Dave Adams (MHPD)  
NSIP Consultations  
1.2 Redgrave Court  
Merton Road, Bootle,  
Merseyside L20 7HS

Yours sincerely,



Dave Adams  
(CEMHD4 Policy)



Mr Dan Coles  
The Planning Inspectorate  
Major Casework Directorate  
Temple Quay House, 2 The Square  
Bristol  
BS1 6PN

[REDACTED]  
Our ref: PL00540042

22 February 2019

Dear Mr Coles

**M3 JUNCTION 9 IMPROVEMENTS: EIA SCOPING  
YOUR REF: TR010055**

**Introduction**

Thank you for contacting us on 28 January 2019 regarding an EIA scoping opinion in relation to the above development proposal. We treat such requests as pre-application advice. On the basis of the latest information about the proposals, detailed below, I offer the following advice.

**The proposal**

The proposal is for scoping to inform a decision regarding improvements and reconfiguration of the M3 Junction 9 near Winchester, to include the replacement of a circulatory roundabout with a dumbbell roundabout, conversion of the M3 south of Junction 9 to dual three lane motorway, realignment of slip roads, the addition of new structures, and improvements to safety features, signage and technology.

**Advice**

Development on this site has the potential to impact upon designated and undesignated heritage assets and their settings both within the boundary of the proposed development area and in the area around the site. It is understood however, that the effects on designated assets will relate solely to setting impacts, and that no designated assets will be physically impacted by the proposals (see scoping report section 7.4.2).

In line with the advice in the National Planning Policy Framework (NPPF), we would expect the Environmental Statement to contain a thorough assessment of the likely effects which the proposed development of this area might have upon those elements which contribute to the significance of heritage assets, including their setting.

Our assessment of the scoping report shows that the designated heritage assets within the near vicinity of the proposed development have been identified correctly (sections 7.2.2-3). We think that the scoping report (section 7.1.3) demonstrates that the extent of the proposed study area (300m inner study area, and 1km wider





SOUTH EAST OFFICE

area for designated heritage assets) is of the appropriate size to ensure that all heritage assets likely to be affected by this development have been included and can be properly assessed.

We have concerns however, that scheduled monuments are not included in section 7.3 (potential impacts), and have been scoped out (see table 7.4) without sufficient explanation, despite 10 monuments being identified in the study area (section 7.2.2). We think that as a ZTV/LVIA study is not yet available, scheduled monuments should be scoped in and included in landscape studies, to enable consideration given to setting impacts, even if these are subsequently found to be low or negligible following this study.

It is important that the assessment is designed to ensure that all impacts are fully understood. Techniques such as photomontages and computer generated views analysis imagery are a useful part of this. It would be important that the setting of any heritage assets is fully understood and also the contribution the setting makes to the significance of these assets. In this respect an analysis of the views from within the site, out of, and across the site in relation to designated heritage assets will be important.

We note that ZTV studies are proposed and think these will be helpful in understanding setting impacts in relation to heritage assets. It will be important to have close collaboration of cultural heritage and landscape/visual impact assessment. Further guidance on setting can be found at our website (<https://content.historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/gpa3.pdf>).

We would also expect the Environmental Statement to consider the potential impacts on non-designated features of historic, architectural, archaeological or artistic interest, since these can also be of national importance and make an important contribution to the character and local distinctiveness of an area and its sense of place.

We note that archaeological remains have been included in the report and will be scoped in to the EIA (table 7.4), we are not clear however, whether the range of other types of undesignated heritage assets noted above have been considered. We are also concerned and disagree regarding the statements made in section 7.4.2 that:

*Current legislation draws a distinction between archaeological remains of national importance and other remains considered to be of lesser significance. Those perceived to be of international and national importance could require preservation in situ, whilst those of lesser significance could undergo archaeological recording, where they are of Regional/County or Local/Borough significance.*

This is because paragraph 199 of the NPPF states that the ability to record evidence





Historic England

SOUTH EAST OFFICE

of our past should not be a factor in deciding whether such loss should be permitted. Paragraph 197 also notes that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

We would strongly recommend that conservation and archaeological staff at Hampshire County Council are involved in the development of this assessment. They are well placed to advise on: local historic environment issues and priorities; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets.

The assessment should also take account of the potential impact which associated development activities (such as construction, servicing, maintenance, and associated traffic) might have upon perceptions, understanding, and appreciation of the heritage assets in the area. The assessment should also consider the likelihood of alterations to drainage and ground water patterns that might lead to in situ decomposition or destruction of below ground archaeological remains and deposits, and can also lead to subsidence of buildings and monuments.

### **Recommendation**

Given the range of heritage assets within the study area, we would expect to provide further advice in due course on the potential impacts to designated heritage assets from this proposed development.

We urge you to address the above issues, and recommend that production of an Environmental Statement should continue in accordance with national and local policy guidance, and following your expert conservation advice. If you have any queries about any of the above, or would like to discuss anything further, please contact me for further advice.

Yours sincerely,

Rebecca Lambert  
Inspector of Ancient Monuments  
rebecca.lambert@HistoricEngland.org.uk



EASTGATE COURT 195-205 HIGH STREET GUILDFORD SURREY GU1 3EH

Telephone 01483 252020  
HistoricEngland.org.uk



Sirs

This Parish Council, whose boundary includes part of the proposed scheme, supports the proposal to improve the layout of Junction 9 of the M3 Motorway subject to the following:-

This Parish Council is concerned about an increase in road traffic noise. Traffic using the A34 currently approaches the J9 roundabout at a relatively slow speed but will after the scheme pass through at 70 mph. The prevailing wind is from the South West which will direct the extra noise from the increased traffic speed towards the Itchen Valley to the East. The Itchen Valley is in the South Downs National Park whose Authority has the statutory Purposes and Duty to conserve the enjoyment by the public of the special qualities of the National Park which includes tranquillity. We would propose:-

1. That a noise bund be constructed along the Eastern boundary of the new Junction 9, specifically through the valley by Winnall Cottage Farm. This will need to be wide and planted with trees but the land take from the SDNP will be offset by the improved tranquillity. The land owner has indicated that the land is available.
2. The new northbound A34 is perched over the top of Winnall access to the M3. If this was reversed the road noise from the lower major road would be better masked by the topography.

We hope the Highway Authority will acknowledge their statutory duty towards the South Downs National Park and reduce road traffic noise including these measures.

Your faithfully

Cllr Christopher Langford



## Itchen Valley Parish Council

E: [cllr.c.langford@itchenvalleyparishcouncil.org.uk](mailto:cllr.c.langford@itchenvalleyparishcouncil.org.uk)

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# Kings Worthy Parish Council

Parish Clerk: Richard Hanney

Tel: 01962 884150

Email: [clerk@kingsworthy-pc.org.uk](mailto:clerk@kingsworthy-pc.org.uk)

Address: Lionel Tubbs Hall & Kings Worthy Community  
Centre, Fraser Road, Kings Worthy, Winchester, Hants,  
SO23 7PJ



25<sup>th</sup> February 2019

Dear Mr Dan Coles,

**Ref: TR010055 – Junction 9 of the M3**

Councillors has concerns with regards to the following items in your report:

## Noise and Vibration

Councillors would like to raise the issue of noise on the A34 heading north from the junction. With the redesign of the junction, noise pollution is likely to increase dramatically affecting those who live along the route. Councillors request that the entire section of the A34 running from Junction 9 through Kings Worthy, be included in the noise-pollution area and that any mitigation proposals also include said stretch of the A34.

## Population & Health

Councillors would like a condition included to ensure any night time works do not include loud machinery and/or operations to avoid excessive disturbance to local residents.

## Road Drainage & Health

Councillors would like assurances that every possible measure will be implemented to mitigate any temporary and/or permanent effect with regards to pollution, flooding and groundwater.

Councillors would also like assurances that all current footpaths and cycle routes will be retained and improved.

Yours sincerely,

Christopher Read  
Assistant Clerk to Kings Worthy Parish Council

Sent electronically to:

[M3Junction9@pins.gsi.gov.uk](mailto:M3Junction9@pins.gsi.gov.uk)

Anne Holdsworth  
DCO Liaison Officer  
Land & Business Support

[Anne.Holdsworth@nationalgrid.com](mailto:Anne.Holdsworth@nationalgrid.com)

[REDACTED]

[www.nationalgrid.com](http://www.nationalgrid.com)

31<sup>st</sup> January 2019

Dear Sir / Madam

**Ref: Application by Highways England for an Order Granting Development Consent for the M3 Junction 9 Improvement Project Scoping Notification and Consultation**

This is a response on behalf of National Grid Electricity Transmission PLC (NGET) and National Grid Gas PLC (NGG).

I refer to your letter dated 28<sup>th</sup> January 2019 regarding the Proposed Development.

**National Grid infrastructure within / in close proximity to the order boundary:**

**Electricity Transmission**

National Grid Electricity Transmission has no apparatus within the proposed order limits.

**Gas Transmission**

National Grid Gas has no apparatus within or in close proximity to the proposed order limits.

If you require any further information please do not hesitate to contact me.

Yours faithfully

[REDACTED]

**Anne Holdsworth**





Public Health  
England

Environmental Hazards and  
Emergencies Department  
Centre for Radiation, Chemical and  
Environmental Hazards (CRCE)  
Seaton House  
City Link  
London Road  
Nottingham  
NG2 4LA

[nsipconsultations@phe.gov.uk](mailto:nsipconsultations@phe.gov.uk)

[www.gov.uk/phe](http://www.gov.uk/phe)

Your Ref: TR010055

Our Ref: 49460

Major Casework Directorate  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

20 February 2019

Dear Sir/Madam,

### **M3 Junction 9 Improvements Scoping Consultation Stage**

Thank you for including Public Health England (PHE) in the scoping consultation phase of the above application. Advice offered by PHE is impartial and independent.

PHE exists to protect and improve the nation's health and wellbeing and reduce health inequalities; these two organisational aims are reflected in the way we review and respond to Nationally Significant Infrastructure Project (NSIP) applications.

The health of an individual or a population is the result of a complex interaction of a wide range of different determinants of health, from an individual's genetic make-up, to lifestyles and behaviours, and the communities, local economy, built and natural environments to global ecosystem trends. All developments will have some effect on the determinants of health, which in turn will influence the health and wellbeing of the general population, vulnerable groups and individual people. Although assessing impacts on health beyond direct effects from for example emissions to air or road traffic incidents is complex, there is a need to ensure a proportionate assessment focused on an application's significant effects.

Having considered the submitted scoping report we wish to make the following specific comments and recommendations:

### **Environmental Public Health**

We understand that the promoter will wish to avoid unnecessary duplication and that many issues including air quality, emissions to water, waste, contaminated land etc. will be covered elsewhere in the Environmental Statement (ES). We believe the summation of relevant issues into a specific section of the report provides a focus which ensures that

public health is given adequate consideration. The section should summarise key information, risk assessments, proposed mitigation measures, conclusions and residual impacts, relating to human health. Compliance with the requirements of National Policy Statements and relevant guidance and standards should also be highlighted.

In terms of the level of detail to be included in an ES, we recognise that the differing nature of projects is such that their impacts will vary. Any assessments undertaken to inform the ES should be proportionate to the potential impacts of the proposal, therefore we accept that, in some circumstances particular assessments may not be relevant to an application, or that an assessment may be adequately completed using a qualitative rather than quantitative methodology. In cases where this decision is made the promoters should fully explain and justify their rationale in the submitted documentation.

### Recommendation

Our position is that pollutants associated with road traffic, particularly particulate matter and oxides of nitrogen are non-threshold; i.e., an exposed population is likely to be subject to potential harm at any level and that reducing public exposures of non-threshold pollutants (such as particulate matter and nitrogen dioxide) below air quality standards will have potential public health benefits. We support approaches which minimise or mitigate public exposure to non-threshold air pollutants, address inequalities (in exposure), maximise co-benefits (such as physical exercise). We encourage their consideration during development design, environmental and health impact assessment, and development consent.

## **Noise**

### Stakeholder engagement

PHE recommends that the forthcoming proposed statutory consultation recognises the potential for increased noise levels associated with the construction and operational phases of the Scheme and possible noise mitigation strategies as discussed in the scoping report (12.4).

PHE encourages the scheme promoter to use effective ways of communicating changes in the acoustic environment as a result of the scheme to local communities. For example, immersive sound demonstrations can help make noise and visual impacts intuitive to understand and accessible to a wider demographic, and have been used in major road and rail infrastructure projects such as HS2 and the planned upgrades to the A303. High quality infographics are also useful for this purpose.

PHE expects the Consultation Report (4.2.7) to explain how stakeholder responses in relation to noise have influenced the development of the proposal, including any mitigation measures. In addition, the applicant should propose a suitable strategy to disseminate the findings of the PEIR (and EIA) regarding the effects of noise on health to stakeholders, including communities which may experience a change in their local noise environment because of the scheme.

### Health Outcomes and Significance of Impacts

PHE expects proper consideration to be given to the potential effects on human health due to changes in environmental noise arising from construction and operational phases of the scheme and recommend that this approach extends throughout the project. PHE recommends the quantification of health outcomes such as annoyance, sleep disturbance

and cardiovascular effects – these can be expressed in terms of number of people affected, Disability Adjusted Life Years (DALYs) and/or monetary terms, and PHE encourages the applicant to use the methodologies and exposure response relationships set out in publications by the WHO [1, 2] and the IGCBN [3].

PHE recommends that assessments of significance are based on impacts on health and quality of life, and not around noise exposure per se (in line with the Noise Policy Statement for England, NPSE). Furthermore, PHE expects significance to reflect both the severity of the health outcome and the size of the population affected. Other considerations that can be taken into account are:

- i. The existing noise exposure of affected communities – in particular the designated Noise Important Areas which have been identified in proximity to the scheme (12.2.4).
- ii. Cumulative exposure to other environmental risk factors, including other sources of noise and air pollution, which is addressed briefly in section 16.2 and Table 16-1.
- iii. Local health needs, sensitivities and objectives.

#### Mitigation measures

PHE expects decisions about noise mitigation measures to be underpinned by good quality evidence, in particular whether mitigation measures are proven to reduce adverse impacts on health and quality of life. For interventions where evidence is weak or lacking, PHE expects a proposed strategy for monitoring and evaluating their effectiveness during construction and operation of the Scheme.

With regards to road traffic noise, low-noise road surfaces, acoustic barriers, traffic management and noise insulation schemes can all be considered. PHE expects any proposed noise insulation schemes to take a holistic approach which achieves a healthy indoor environment, taking into consideration noise, ventilation, overheating risk, indoor air quality and occupants' need to open windows. It should be noted that there is at present insufficient good quality evidence as to whether insulation schemes are effective at reducing annoyance and self-reported sleep disturbance [4], and initiatives to evaluate the effectiveness of noise insulation to improve health outcomes are strongly encouraged.

PHE welcomes the acknowledgement of possible adverse effects due to noise and vibration due to construction phases of the scheme and welcomes the Construction Environmental Management Plan (CEMP) which will be developed and implemented by the Contractor. PHE recommends that the CEMP includes a detailed programme of construction which highlights the times and durations of particularly noisy works, and a strategy for actively communicating this information to local communities.

#### Green spaces and private amenity spaces

PHE expects proposals to take into consideration the evidence which suggests that quiet areas can have both a direct beneficial health effect and can also help restore or compensate for the adverse health effects of noise in the residential environment [6-8]. Research from the Netherlands suggests that people living in noisy areas appear to have a greater need for areas offering quiet than people not exposed to noise at home [6]. Noise insulation schemes do not protect amenity spaces (such as private gardens or community

green spaces) from increased noise exposure, which is particularly relevant given the identified Noise Important Areas, as well as the Scheme's proximity to the South Downs National Park.

### Baseline Noise Conditions

PHE does not consider that noise monitoring data from 2015 accurately reflects the current local sound environment and welcomes the scheme promoter's commitment to carry out a noise survey (c.f. 12.4.46).

PHE recommends that the noise survey is carried out in such a way as to provide a reliable depiction of local diurnal noise variations for both weekdays and weekends, in a variety of locations, including the difference between day (07:00-19:00), evening (19:00-23:00) and night-time (23:00-07:00) periods. This is particularly important if there are areas within the scheme assessment boundary with atypical traffic day/evening/night distributions.

### **Human Health and Wellbeing**

This section of PHE's scoping response, identifies the wider determinants of health and wellbeing we expect the Environmental Statement (ES) to address, to demonstrate whether they are likely to give rise to significant effects. PHE has focused its approach on scoping determinants of health and wellbeing under four themes, which have been derived from an analysis of the wider determinants of health mentioned in the National Policy Statements.

The four themes are:

- Access
- Traffic and Transport
- Socioeconomic
- Land Use

Having considered the submitted scoping report PHE wish to make the following specific comments and recommendations:

### **Methodology**

A list of vulnerable populations has been provided and does make links to the list of protected characteristics within an Equality Impact Assessment (EqIA). The impacts on health and wellbeing and health inequalities of the scheme may have particular effect on vulnerable or disadvantaged populations, including those that fall within the list of protected characteristics. The Environmental Statement and any Equalities Impact Assessment should not be completely separated.

### Recommendation

The assessments and findings of the Environmental Statement and any Equalities Impact Assessment should be cross reference between the two documents, particularly to ensure the comprehensive assessment of potential impacts for health and inequalities and where resulting mitigation measures are mutually supportive.

### **Physical activity and active travel / access to open space**

The scoping report identifies how non-motorised user (NMU) will be impacted through the loss or change in formal Public Rights of Way (PRoW) and the existing road network. Active travel forms an important part in helping to promote healthy weight environments and as such it is important that any changes have a positive long term impact where possible.

Changes to NMU routes have the potential to impact on usage, create displacement to other routes and potentially lead to increased road traffic collisions.

A scheme of this scale and nature can also provide opportunities to enhance the existing infrastructure that supports active travel and we welcome the proposal to amend the route and design of the scheme to contribute to improved provision for active travel and physical activity. Local community engagement can provide useful insight into design needs of the local population.

It is important to ensure that any impact on tranquillity is considered.

### Recommendations

The overall risk to NMU and impact on active travel should be considered on a case-by-case basis, taking into account, the number and type of users and the effect that the temporary traffic management system will have on their journey and safety.

Any traffic counts and assessment should also, as far as reasonably practicable, identify informal routes used by NMU or potential routes used due to displacement.

The final ES should identify the temporary traffic management system design principles or standards that will be maintained with specific reference to NMU. This may be incorporated within the Code of Construction Practice.

The scheme should continue to identify any additional opportunities to contribute to improved infrastructure provision for active travel and physical activity. The developers should explore the acceptability and design of walking, cycling and horse riding routes with local stakeholders and, if feasible, consider providing a range of alternative accessible designs for consideration.

### Land use

The Scoping Report identifies temporary and permanent land to take in order to achieve the construction and operational phase. The Report scopes this out of the subsequent EIA and ES as the degree of land-take would not affect the community beyond the individual landowners concerned and would not affect land use patterns since the land take would be close to the existing transport corridor. The report, however, identifies removal of approximately 5 ha of trees and approximately 1000 m of hedgerow, with an approximate land take of 12 ha outside of the current highways estate (Pg 66, Para 8.5.1.)

The scoping report does not provide any supporting evidence and does not consider the potential impact on the individual land owners. Land take can impact on economic sustainability and mental wellbeing.

### Recommendation

The impact and subsequent effects of land take on land owners should be considered within the ES as no justification has been provided to support scoping out due to no significant impacts.

Yours sincerely

For and on behalf of Public Health England  
[nsipconsultations@phe.gov.uk](mailto:nsipconsultations@phe.gov.uk)

*Please mark any correspondence for the attention of National Infrastructure Planning Administration.*

**References:**

[1] WHO Environmental Noise Guidelines for the European Region, 2018

[2] WHO Burden of Disease from Environmental Noise, 2012.

[3] Defra/Interdepartmental Group on Costs and Benefits Noise Subject Group, 2014.

[4] Lex Brown and Van Kamp. WHO Environmental Noise Guidelines for the European Region: A Systematic Review of Transport Noise Interventions and Their Impacts on Health. *Int. J. Environ. Res. Public Health* 2017, 14(8), 873;

[5] Health Council of the Netherlands Publication no. 2006/12, 2006

[6] LIFE09 ENV/NL/000423, QSIDE - The positive effects of quiet façades and quiet urban areas on traffic noise annoyance and sleep disturbance

[7] COST TD0804, Soundscape of European Cities and Landscapes, 2013

## **Appendix: PHE recommendations regarding the scoping document**

### **General approach**

The EIA should give consideration to best practice guidance such as the Government's Good Practice Guide for EIA<sup>1</sup>. It is important that the EIA identifies and assesses the potential public health impacts of the activities at, and emissions from, the installation. Assessment should consider the development, operational, and decommissioning phases.

It is not PHE's role to undertake these assessments on behalf of promoters as this would conflict with PHE's role as an impartial and independent body.

Consideration of alternatives (including alternative sites, choice of process, and the phasing of construction) is widely regarded as good practice. Ideally, EIA should start at the stage of site and process selection, so that the environmental merits of practicable alternatives can be properly considered. Where this is undertaken, the main alternatives considered should be outlined in the ES<sup>2</sup>.

The following text covers a range of issues that PHE would expect to be addressed by the promoter. However this list is not exhaustive and the onus is on the promoter to ensure that the relevant public health issues are identified and addressed. PHE's advice and recommendations carry no statutory weight and constitute non-binding guidance.

### **Receptors**

The ES should clearly identify the development's location and the location and distance from the development of off-site human receptors that may be affected by emissions from, or activities at, the development. Off-site human receptors may include people living in residential premises; people working in commercial, and industrial premises and people using transport infrastructure (such as roads and railways), recreational areas, and publicly-accessible land. Consideration should also be given to environmental receptors such as the surrounding land, watercourses, surface and groundwater, and drinking water supplies such as wells, boreholes and water abstraction points.

### **Impacts arising from construction and decommissioning**

Any assessment of impacts arising from emissions due to construction and decommissioning should consider potential impacts on all receptors and describe monitoring and mitigation during these phases. Construction and decommissioning will be associated with vehicle movements and cumulative impacts should be accounted for.

We would expect the promoter to follow best practice guidance during all phases from construction to decommissioning to ensure appropriate measures are in place to mitigate any potential impact on health from emissions (point source, fugitive and traffic-related). An effective Construction Environmental Management Plan (CEMP) (and Decommissioning Environmental Management Plan (DEMP)) will help provide reassurance that activities are well managed. The promoter should ensure that there are robust mechanisms in place to respond to any complaints of traffic-related pollution, during construction, operation, and decommissioning of the facility.

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<sup>1</sup> Environmental Impact Assessment: A guide to good practice and procedures - A consultation paper; 2006; Department for Communities and Local Government. Available from: <http://webarchive.nationalarchives.gov.uk/20100410180038/http://communities.gov.uk/planningandbuilding/planning/sustainability/environmental/environmentalimpactassessment/>

<sup>2</sup> DCLG guidance, 1999 <http://www.communities.gov.uk/documents/planningandbuilding/pdf/155958.pdf>

## **Emissions to air and water**

Significant impacts are unlikely to arise from installations which employ Best Available Techniques (BAT) and which meet regulatory requirements concerning emission limits and design parameters. However, PHE has a number of comments regarding emissions in order that the EIA provides a comprehensive assessment of potential impacts.

When considering a baseline (of existing environmental quality) and in the assessment and future monitoring of impacts these:

- should include appropriate screening assessments and detailed dispersion modelling where this is screened as necessary
- should encompass all pollutants which may be emitted by the installation in combination with all pollutants arising from associated development and transport, ideally these should be considered in a single holistic assessment
- should consider the construction, operational, and decommissioning phases
- should consider the typical operational emissions and emissions from start-up, shut-down, abnormal operation and accidents when assessing potential impacts and include an assessment of worst-case impacts
- should fully account for fugitive emissions
- should include appropriate estimates of background levels
- should identify cumulative and incremental impacts (i.e. assess cumulative impacts from multiple sources), including those arising from associated development, other existing and proposed development in the local area, and new vehicle movements associated with the proposed development; associated transport emissions should include consideration of non-road impacts (i.e. rail, sea, and air)
- should include consideration of local authority, Environment Agency, Defra national network, and any other local site-specific sources of monitoring data
- should compare predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as UK Air Quality Standards and Objectives and Environmental Assessment Levels)
  - If no standard or guideline value exists, the predicted exposure to humans should be estimated and compared to an appropriate health-based value (a Tolerable Daily Intake or equivalent). Further guidance is provided in Annex 1
  - This should consider all applicable routes of exposure e.g. include consideration of aspects such as the deposition of chemicals emitted to air and their uptake via ingestion
- should identify and consider impacts on residential areas and sensitive receptors (such as schools, nursing homes and healthcare facilities) in the area(s) which may be affected by emissions, this should include consideration of any new receptors arising from future development

Whilst screening of impacts using qualitative methodologies is common practice (e.g. for impacts arising from fugitive emissions such as dust), where it is possible to undertake a quantitative assessment of impacts then this should be undertaken.

PHE's view is that the EIA should appraise and describe the measures that will be used to control both point source and fugitive emissions and demonstrate that standards, guideline values or health-based values will not be exceeded due to emissions from the installation, as described above. This should include consideration of any emitted pollutants for which there are no set emission limits. When assessing the potential impact of a proposed installation on environmental quality, predicted environmental concentrations should be compared to the permitted concentrations in the affected media; this should include both standards for short and long-term exposure.



#### *Additional points specific to emissions to air*

When considering a baseline (of existing air quality) and in the assessment and future monitoring of impacts these:

- should include consideration of impacts on existing areas of poor air quality e.g. existing or proposed local authority Air Quality Management Areas (AQMAs)
- should include modelling using appropriate meteorological data (i.e. come from the nearest suitable meteorological station and include a range of years and worst case conditions)
- should include modelling taking into account local topography

#### *Additional points specific to emissions to water*

When considering a baseline (of existing water quality) and in the assessment and future monitoring of impacts these:

- should include assessment of potential impacts on human health and not focus solely on ecological impacts
- should identify and consider all routes by which emissions may lead to population exposure (e.g. surface watercourses; recreational waters; sewers; geological routes etc.)
- should assess the potential off-site effects of emissions to groundwater (e.g. on aquifers used for drinking water) and surface water (used for drinking water abstraction) in terms of the potential for population exposure
- should include consideration of potential impacts on recreational users (e.g. from fishing, canoeing etc) alongside assessment of potential exposure via drinking water

### **Land quality**

We would expect the promoter to provide details of any hazardous contamination present on site (including ground gas) as part of the site condition report.

Emissions to and from the ground should be considered in terms of the previous history of the site and the potential of the site, once operational, to give rise to issues. Public health impacts associated with ground contamination and/or the migration of material off-site should be assessed<sup>3</sup> and the potential impact on nearby receptors and control and mitigation measures should be outlined.

Relevant areas outlined in the Government's Good Practice Guide for EIA include:

- effects associated with ground contamination that may already exist
- effects associated with the potential for polluting substances that are used (during construction / operation) to cause new ground contamination issues on a site, for example introducing / changing the source of contamination
- impacts associated with re-use of soils and waste soils, for example, re-use of site-sourced materials on-site or offsite, disposal of site-sourced materials offsite, importation of materials to the site, etc.

### **Waste**

The EIA should demonstrate compliance with the waste hierarchy (e.g. with respect to re-use, recycling or recovery and disposal).

For wastes arising from the installation the EIA should consider:

- the implications and wider environmental and public health impacts of different waste disposal options

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<sup>3</sup> Following the approach outlined in the section above dealing with emissions to air and water i.e. comparing predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as Soil Guideline Values)

- disposal route(s) and transport method(s) and how potential impacts on public health will be mitigated

### **Other aspects**

Within the EIA PHE would expect to see information about how the promoter would respond to accidents with potential off-site emissions e.g. flooding or fires, spills, leaks or releases off-site. Assessment of accidents should: identify all potential hazards in relation to construction, operation and decommissioning; include an assessment of the risks posed; and identify risk management measures and contingency actions that will be employed in the event of an accident in order to mitigate off-site effects.

The EIA should include consideration of the COMAH Regulations (Control of Major Accident Hazards) and the Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009: both in terms of their applicability to the installation itself, and the installation's potential to impact on, or be impacted by, any nearby installations themselves subject to the these Regulations.

There is evidence that, in some cases, perception of risk may have a greater impact on health than the hazard itself. A 2009 report<sup>4</sup>, jointly published by Liverpool John Moores University and the HPA, examined health risk perception and environmental problems using a number of case studies. As a point to consider, the report suggested: "Estimation of community anxiety and stress should be included as part of every risk or impact assessment of proposed plans that involve a potential environmental hazard. This is true even when the physical health risks may be negligible." PHE supports the inclusion of this information within EIAs as good practice.

### **Electromagnetic fields (EMF)**

This statement is intended to support planning proposals involving electrical installations such as substations and connecting underground cables or overhead lines. PHE advice on the health effects of power frequency electric and magnetic fields is available in the following link:

<https://www.gov.uk/government/collections/electromagnetic-fields#low-frequency-electric-and-magnetic-fields>

There is a potential health impact associated with the electric and magnetic fields around substations, and power lines and cables. The field strength tends to reduce with distance from such equipment.

The following information provides a framework for considering the health impact associated with the electric and magnetic fields produced by the proposed development, including the direct and indirect effects of the electric and magnetic fields as indicated above.

### **Policy Measures for the Electricity Industry**

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<sup>4</sup> Available from: <http://www.cph.org.uk/wp-content/uploads/2012/08/health-risk-perception-and-environmental-problems--summary-report.pdf>

The Department of Energy and Climate Change has published a voluntary code of practice which sets out key principles for complying with the ICNIRP guidelines:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/37447/1256-code-practice-emf-public-exp-guidelines.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/37447/1256-code-practice-emf-public-exp-guidelines.pdf)

Companion codes of practice dealing with optimum phasing of high voltage power lines and aspects of the guidelines that relate to indirect effects are also available:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/48309/1255-code-practice-optimum-phasing-power-lines.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/48309/1255-code-practice-optimum-phasing-power-lines.pdf)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/224766/powerlines\\_vcop\\_microshocks.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/224766/powerlines_vcop_microshocks.pdf)

## **Exposure Guidelines**

PHE recommends the adoption in the UK of the EMF exposure guidelines published by the International Commission on Non-ionizing Radiation Protection (ICNIRP). Formal advice to this effect was published by one of PHE's predecessor organisations (NRPB) in 2004 based on an accompanying comprehensive review of the scientific evidence:-

<http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/NPRBArchive/DocumentsOfTheNRPB/Absd1502/>

Updates to the ICNIRP guidelines for static fields have been issued in 2009 and for low frequency fields in 2010. However, Government policy is that the ICNIRP guidelines are implemented in line with the terms of the 1999 EU Council Recommendation on limiting exposure of the general public (1999/519/EC):

[http://webarchive.nationalarchives.gov.uk/+/www.dh.gov.uk/en/PublicHealth/HealthProtection/DH\\_4089500](http://webarchive.nationalarchives.gov.uk/+/www.dh.gov.uk/en/PublicHealth/HealthProtection/DH_4089500)

### **Static magnetic fields**

For static magnetic fields, the ICNIRP guidelines published in 2009 recommend that acute exposure of the general public should not exceed 400 mT (millitesla), for any part of the body, although the previously recommended value of 40 mT is the value used in the Council Recommendation. However, because of potential indirect adverse effects, ICNIRP recognises that practical policies need to be implemented to prevent inadvertent harmful exposure of people with implanted electronic medical devices and implants containing ferromagnetic materials, and injuries due to flying ferromagnetic objects, and these considerations can lead to much lower restrictions, such as 0.5 mT.

### **Power frequency electric and magnetic fields**

At 50 Hz, the known direct effects include those of induced currents in the body on the central nervous system (CNS) and indirect effects include the risk of painful spark discharge on contact with metal objects exposed to the field. The ICNIRP guidelines published in 1998 give reference levels for public exposure to 50 Hz electric and magnetic fields, and these are respectively 5 kV m<sup>-1</sup> (kilovolts per metre) and 100 µT (microtesla).

The reference level for magnetic fields changes to 200  $\mu\text{T}$  in the revised (ICNIRP 2010) guidelines because of new basic restrictions based on induced electric fields inside the body, rather than induced current density. If people are not exposed to field strengths above these levels, direct effects on the CNS should be avoided and indirect effects such as the risk of painful spark discharge will be small. The reference levels are not in themselves limits but provide guidance for assessing compliance with the basic restrictions and reducing the risk of indirect effects.

### **Long term effects**

There is concern about the possible effects of long-term exposure to electromagnetic fields, including possible carcinogenic effects at levels much lower than those given in the ICNIRP guidelines. In the NRPB advice issued in 2004, it was concluded that the studies that suggest health effects, including those concerning childhood leukaemia, could not be used to derive quantitative guidance on restricting exposure. However, the results of these studies represented uncertainty in the underlying evidence base, and taken together with people's concerns, provided a basis for providing an additional recommendation for Government to consider the need for further precautionary measures, particularly with respect to the exposure of children to power frequency magnetic fields.

### **The Stakeholder Advisory Group on ELF EMFs (SAGE)**

SAGE was set up to explore the implications for a precautionary approach to extremely low frequency electric and magnetic fields (ELF EMFs), and to make practical recommendations to Government:

<http://www.emfs.info/policy/sage/>

SAGE issued its First Interim Assessment in 2007, making several recommendations concerning high voltage power lines. Government supported the implantation of low cost options such as optimal phasing to reduce exposure; however it did not support the option of creating corridors around power lines on health grounds, which was considered to be a disproportionate measure given the evidence base on the potential long term health risks arising from exposure. The Government response to SAGE's First Interim Assessment is available here:

[http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_107124](http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_107124)

The Government also supported calls for providing more information on power frequency electric and magnetic fields, which is available on the PHE web pages (see first link above).

### **Ionising radiation**

Particular considerations apply when an application involves the possibility of exposure to ionising radiation. In such cases it is important that the basic principles of radiation protection recommended by the International Commission on Radiological Protection<sup>5</sup> (ICRP) are followed. PHE provides advice on the application of these recommendations in the UK. The ICRP recommendations are implemented in the Euratom Basic Safety

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<sup>5</sup> These recommendations are given in publications of the ICRP notably publications 90 and 103 see the website at <http://www.icrp.org/>

Standards<sup>6</sup> (BSS) and these form the basis for UK legislation, including the Ionising Radiation Regulations 1999, the Radioactive Substances Act 1993, and the Environmental Permitting Regulations 2016.

PHE expects promoters to carry out the necessary radiological impact assessments to demonstrate compliance with UK legislation and the principles of radiation protection. This should be set out clearly in a separate section or report and should not require any further analysis by PHE. In particular, the important principles of justification, optimisation and radiation dose limitation should be addressed. In addition compliance with the Euratom BSS and UK legislation should be clear.

When considering the radiological impact of routine discharges of radionuclides to the environment PHE would expect to see a full radiation dose assessment considering both individual and collective (population) doses for the public and, where necessary, workers. For individual doses, consideration should be given to those members of the public who are likely to receive the highest exposures (referred to as the representative person, which is equivalent to the previous term, critical group). Different age groups should be considered as appropriate and should normally include adults, 1 year old and 10 year old children. In particular situations doses to the fetus should also be calculated<sup>7</sup>. The estimated doses to the representative person should be compared to the appropriate radiation dose criteria (dose constraints and dose limits), taking account of other releases of radionuclides from nearby locations as appropriate. Collective doses should also be considered for the UK, European and world populations where appropriate. The methods for assessing individual and collective radiation doses should follow the guidance given in 'Principles for the Assessment of Prospective Public Doses arising from Authorised Discharges of Radioactive Waste to the Environment August 2012'<sup>8</sup>. It is important that the methods used in any radiological dose assessment are clear and that key parameter values and assumptions are given (for example, the location of the representative persons, habit data and models used in the assessment).

Any radiological impact assessment should also consider the possibility of short-term planned releases and the potential for accidental releases of radionuclides to the environment. This can be done by referring to compliance with the Ionising Radiation Regulations and other relevant legislation and guidance.

The radiological impact of any solid waste storage and disposal should also be addressed in the assessment to ensure that this complies with UK practice and legislation; information should be provided on the category of waste involved (e.g. very low level waste, VLLW). It is also important that the radiological impact associated with the decommissioning of the site is addressed. Of relevance here is PHE advice on radiological criteria and assessments for land-based solid waste disposal facilities<sup>9</sup>. PHE advises that assessments of radiological impact during the operational phase should be performed in the same way as for any site authorised to discharge radioactive waste. PHE also advises that assessments of

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<sup>6</sup> Council Directive 96/29/EURATOM laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation.

<sup>7</sup> HPA (2008) Guidance on the application of dose coefficients for the embryo, fetus and breastfed infant in dose assessments for members of the public. Doc HPA, RCE-5, 1-78, available at <https://www.gov.uk/government/publications/embryo-fetus-and-breastfed-infant-application-of-dose-coefficients>

<sup>8</sup> The Environment Agency (EA), Scottish Environment Protection Agency (SEPA), Northern Ireland Environment Agency, Health Protection Agency and the Food Standards Agency (FSA).

Principles for the Assessment of Prospective Public Doses arising from Authorised Discharges of Radioactive Waste to the Environment August 2012.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/296390/geho1202bklh-e-e.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/296390/geho1202bklh-e-e.pdf)

<sup>9</sup> HPA RCE-8, Radiological Protection Objectives for the Land-based Disposal of Solid Radioactive Wastes, February 2009

radiological impact during the post operational phase of the facility should consider long timescales (possibly in excess of 10,000 years) that are appropriate to the long-lived nature of the radionuclides in the waste, some of which may have half-lives of millions of years. The radiological assessment should consider exposure of members of hypothetical representative groups for a number of scenarios including the expected migration of radionuclides from the facility, and inadvertent intrusion into the facility once institutional control has ceased. For scenarios where the probability of occurrence can be estimated, both doses and health risks should be presented, where the health risk is the product of the probability that the scenario occurs, the dose if the scenario occurs and the health risk corresponding to unit dose. For inadvertent intrusion, the dose if the intrusion occurs should be presented. It is recommended that the post-closure phase be considered as a series of timescales, with the approach changing from more quantitative to more qualitative as times further in the future are considered. The level of detail and sophistication in the modelling should also reflect the level of hazard presented by the waste. The uncertainty due to the long timescales means that the concept of collective dose has very limited use, although estimates of collective dose from the 'expected' migration scenario can be used to compare the relatively early impacts from some disposal options if required.

## Annex 1

### Human health risk assessment (chemical pollutants)

The points below are cross-cutting and should be considered when undertaking a human health risk assessment:

- The promoter should consider including Chemical Abstract Service (CAS) numbers alongside chemical names, where referenced in the ES
- Where available, the most recent United Kingdom standards for the appropriate media (e.g. air, water, and/or soil) and health-based guideline values should be used when quantifying the risk to human health from chemical pollutants. Where UK standards or guideline values are not available, those recommended by the European Union or World Health Organisation can be used
- When assessing the human health risk of a chemical emitted from a facility or operation, the background exposure to the chemical from other sources should be taken into account
- When quantitatively assessing the health risk of genotoxic and carcinogenic chemical pollutants PHE does not favour the use of mathematical models to extrapolate from high dose levels used in animal carcinogenicity studies to well below the observed region of a dose-response relationship. When only animal data are available, we recommend that the 'Margin of Exposure' (MOE) approach<sup>10</sup> is used

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<sup>10</sup> Benford D et al. 2010. Application of the margin of exposure approach to substances in food that are genotoxic and carcinogenic. Food Chem Toxicol 48 Suppl 1: S2-24

21 February 2019

Mr Dan Coles  
EIA and Land Rights Advisor  
The Planning Inspectorate  
Major Casework Directorate  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

Via email: [M3Junction9@pins.gsi.gov.uk](mailto:M3Junction9@pins.gsi.gov.uk)

Dear Mr Coles,

**Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11**

**Application by Highways England (the Applicant) for an Order granting Development Consent for the M3 Junction 9 Improvement Project (the Proposed Development)**

Thank you for your letter, dated 28 January 2018, requesting the comments of the South Downs National Park Authority (SDNPA) on the applicant's report that accompanied their request for a Scoping Opinion from the Secretary of State.

**Major Development**

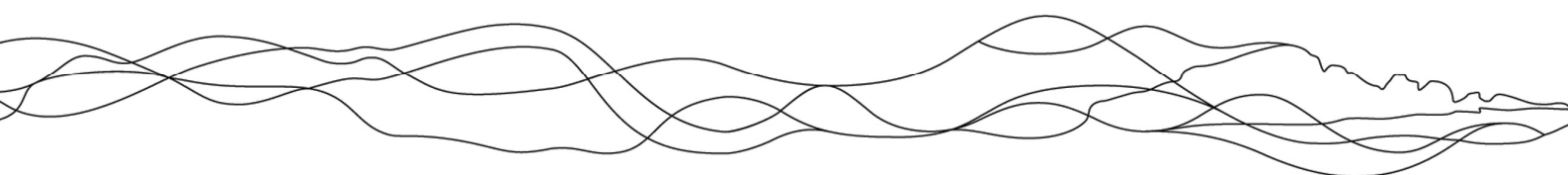
This proposal represents 'major development' within a National Park as defined within the National Planning Policy Framework (2018), footnote 9. In addition, the National Policy Statement for National Networks (2014) paragraph 5.152 sets out there is a strong presumption against road widening schemes within National Parks. Therefore, consideration of this application and information requested should reflect the highest status of protection the landscape of a National Park enjoys.

**General Comments**

The SDNPA would like to make the following general comments based on the submitted Environmental Impact Assessment Scoping Report (reference: HE551511-JAC-EGN-0\_00\_00-RP-LE-0001| P03, January 2019) and other information seen to date.

The availability of land within the 'red line area' for mitigation purposes is of particular concern to the SDNPA and as yet no details have been forthcoming from Highway England on these matters. Despite the recent changes to enlarge the red line area, there is no evidence as yet to demonstrate that there would be sufficient room within the red line area to adequately mitigate for the impacts of the scheme.

In addition, whilst there are several assertions within the submitted scoping report about retaining existing vegetation, advance planting of trees, design of earthworks and off-site planting, there does not appear to be any detail on these points. Therefore, the success or feasibility of these features in mitigating for the identified impacts is not yet measurable.





All of the South Downs National Park's (SDNP) 'Special Qualities' are relevant to the environmental impact assessment in accordance with National Policy Statement for National Networks (paragraph 5.148) and the Defra Circular, The English National Park and the Broads 2010. An assessment of the impacts on the SDNP's Special Qualities should be included within the relevant chapters of the Environmental Statement (ES) and brought together to consider the complete range of impacts on the National Park.

In considering impacts on the SDNP, the purpose of SDNP designation should be clearly set out and considered in any assessment. This is in accordance with the Guidelines for Landscape and Visual Impact Assessment 3<sup>rd</sup> edition. It would also be helpful if the environmental impact assessment referred to and considered the designation documents. For example, the Countryside Agency's boundary report for the proposed SDNP refers to the importance of existing vegetation along the M3 to mitigate for the impacts of noise and movement of vehicles on the river valley. This is also relevant in understanding the degree to which the proposed removal of large amounts of highway trees and woodland would have potential negative impacts on the National Park.

SDNPA also recommends that the overall approach to mitigation follows the mitigation hierarchy of:

- Avoidance
- Minimise
- Rectify
- Reduce
- Offset (Compensation / off site works)

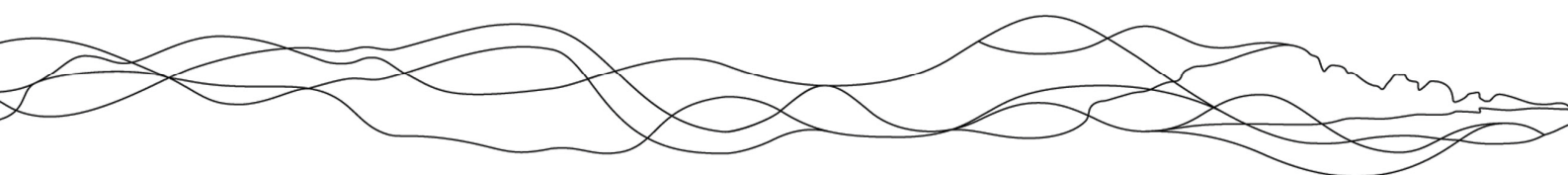
In section 8.4 and 8.5, the report does not identify the mitigation hierarchy for landscape and visual impacts and does not clearly identify proposed landscape mitigation measures in relation to the following impacts:

- Changes to the topography of the SDNP and its setting;
- The acknowledged detrimental impacts on views and experiential qualities of the SDNP and its setting;
- The acknowledged detrimental impacts on outdoor informal recreation including increased physical and perceived severance to the Itchen Valley within the SDNP;
- Direct loss of land within the National Park to the road scheme and associated structures;
- Cumulative impacts associated with the existing M3 and its legacy of incremental harm to landscape character and views along the east side of Winchester within the SDNP, and
- Significant loss of existing highway trees and woodland alongside the M3 which are identified as factors in the designation of this part of the SDNP.

The SDNPA also makes the following comments in relation to particular chapters of the report.

### **Air Quality**

The existing tree and woodland cover within and surrounding the proposed site plays a significant role in absorbing significant quantities of air pollution. The SDNPA considers that any air quality assessment needs to acknowledge and consider the impacts from the proposed 'vegetation removal' (frequently referred to within the submitted report) for both the construction and operational phases of the proposed scheme.



## **Cultural Heritage**

Overall, the section on Cultural Heritage places little emphasis on the Statutory Purpose of National Parks to 'conserve and enhance the natural beauty, cultural heritage and wildlife'. This needs to be addressed in the ES.

In addition, the ES needs to consider:

- The impacts on archaeology of the temporary works and other mitigation measures (section 7.3.1);
- The need to assess at a later stage the potential impact on unknown archaeological assets (section 7.7.1);
- Intrusive archaeological investigations must be carried out to feed into the EIA process and the development of mitigation proposals, and
- The development of a ZTV is important for the impact on the historic landscape, including conservation areas (Table 8.1).

## **Landscape and Visual Impact (LVIA)**

The SDNPA agrees that the 2km area of study beyond the project 'red line' appears to be appropriate for this proposal given its strategic importance and sphere of influence and welcomes reference in paragraph 8.1.1 to reviewing this for the purposes of the LVIA. However, Section 8.2 describes the baseline landscape conditions and focusses on the description of the highway owned land within the red line. The SDNPA would query this approach to the landscape baseline study and would suggest that the 2km study area is more appropriate.

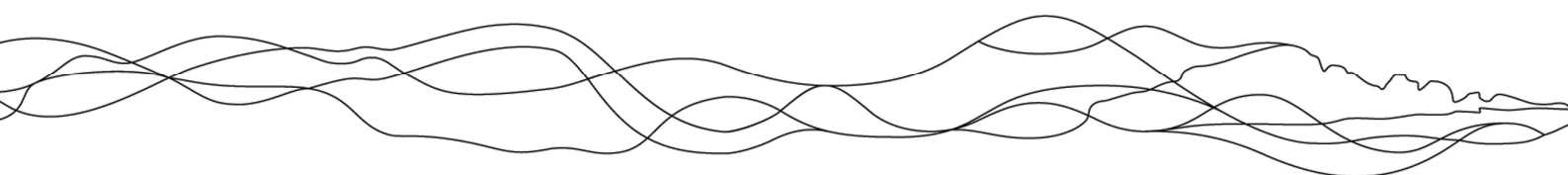
The SDNPA welcomes the references to the various existing landscape character assessments and studies. However, the SDNPA would also highlight the following study:

- Winchester City and its setting study (1998) which considers the setting of the city and provides detail on character variations within the downland, distinguishing between the scarps and open down and perceived areas of distinct landscape.

All of the existing assessments mentioned within the report take account of landform and the interrelationship between the built form of Winchester and its landscape setting, and they provide an understanding of how the landscape is perceived and how it functions. On this basis it is suggested that the landscape character areas set out in these documents are used as a composite resource to compile the landscape baseline. As a clearer understanding of this baseline will help inform judgements both in terms of the impact of the current road and the proposed junction improvements and most importantly the development of an appropriate mitigation strategy which is grounded in landscape character and the special qualities of the area.

SDNPA would also recommend that the South Downs Historic Landscape Character Assessment (SDHLC) together with other neighbouring authority Historic Landscape Character (HLC) assessments are used to inform the landscape baseline to help provide a further understanding of the underlying historic landscape framework in which the scheme proposal is located.

Paragraphs 5.7 to 5.10 of the Guidelines for Landscape and Visual Impact Assessment 3<sup>rd</sup> edition set out how an HLC contributes to the preparation of the landscape baseline for an LVIA and is not necessarily a separate assessment of cultural heritage within an ES. In this case, an HLC will be relevant to both assessments (the LVIA and Cultural Heritage) given the historic setting of Winchester.



The SDNPA also has concerns as the proposed ZTV for the scheme has not been included within the report. The robustness of its methodology and detail cannot therefore be commented on. It is noted that the ZTV included in the PCF Stage 2 assessment for the scheme was based on a single high point on Eastern Down and this approach did not provide any detail in terms of the road proposals themselves and which aspects of the scheme are likely to be most visible.

The SDNPA would recommend that the ZTV methodology used, separately and cumulatively, plots each individual highway element in order that the impacts of each of the interconnecting flyovers, underpasses and cuttings / embankments can be properly interpreted. It is considered that this level of detail is essential for a scheme of this complexity.

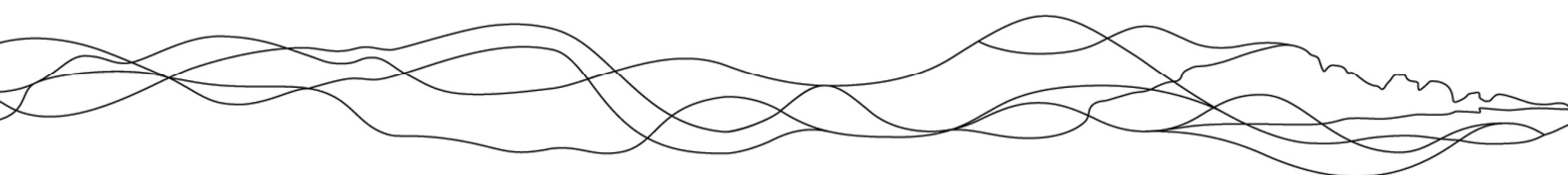
The SDNPA is satisfied that this section of the report acknowledges users of public rights of way (PRoW) as visual receptors and PRoW's are correctly scoped in. However, the proposed viewpoints for the study are not shown on a clear map and some locations appear to be poorly located which could be perceived as avoiding the view as a result. For example, open access land to the west of Whiteshute Lane, where there are extensive views towards Winchester Cathedral with Eastern and Winnall Down as the backdrop to these views. The viewpoint shown on the map included in the report appears to be to the east of this location where there are no views.

It is also noted that there are no references to views where Winchester Cathedral is a focal point (e.g. open access land adjacent to Whiteshute Lane) and how these views would be affected. It is therefore recommended that a more rigorous approach to viewpoint location is taken in the LVIA, in consultation with the relevant authorities.

The SDNPA would suggest that the key impacts listed under paragraph 8.3.2 should be amended to the following (the SDNPA proposed changes in *italics* and ~~struck through~~):

- The introduction of new highway infrastructure and traffic
- Loss of trees, *hedgerows and other vegetation* and ~~green infrastructure~~
- Changes to local landscape character
- *Changes to the landscape of the SDNP / loss of land within the SDNP*
- *Changes to topography*
- Changes impacting on the composition of views
- Changes in tranquillity *and other experiential qualities of the landscape*
- Changes to the night-time environment due to lighting

In paragraph 8.4.4, the removal of existing trees, hedges and other vegetation is considered. Although retention of 'as much as it practical' is stated, this is likely to be very limited due to the proposed construction, level changes and amount of engineering required to achieve bridges and underpasses. Whilst the SDNPA welcomes the confirmation that the proposed arboricultural survey will be in line with British Standard BS:5837 that survey is unlikely to reflect the high amenity value that the existing tree stock has to the river valley, Winchester and the wider SDNP. Therefore, the SDNPA recommends that the LVIA should address this issue.



In addition, it is noted that there are proposals to undertake advanced planting however it is unclear. Is the planting within the site or off site and what habitats could be lost to accommodate the advanced planting? Any proposed advanced planting within the river valley or on the valley sides in itself would need to be consistent with local landscape character and consistent with management objectives for the SAC / SSSI and the managed floodplain. For example, if woodland planting is proposed this may not be compliant. Again the LVIA should address this issue thoroughly and any planting proposed, particularly within the managed floodplain, should be considered carefully in consultation with the Environment Agency and Natural England, and other relevant authorities.

At the present time the precise location of the proposed site compounds are unknown and this needs to be included within any assessment. Several locations have been proposed, therefore the assessment work needs to include the potential for cumulative impacts on the SDNP owing to the complex topography of the valley and surrounding downland. In addition, the SDNPA would like to highlight that risks set out in paragraph 8.4.6 of the report are not only to the skyline of the river valley but also where views of the compound would overspill the valley side and become visible from the open downland to the east and west.

Paragraph 8.4.11 appears to be contradictory, as cuttings and embankments do not reflect the rolling downland of the SDNP. There are examples of how cuttings and embankments, at Butser Hill and St Catherine's Hill, that are decades old have not vegetated over and have exposed chalk which is highly visible in the landscape as an unnatural man made feature.

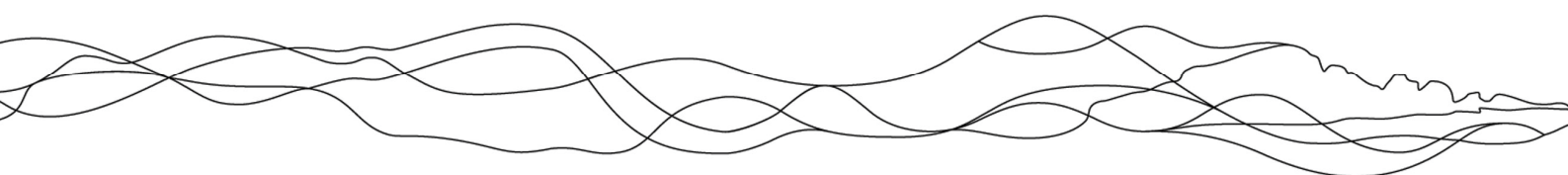
The measures highlighted in the paragraphs 8.4.14 and 8.4.15 should be informed by a comprehensive understanding of local character and local features. Drainage attenuation features may well have habitat opportunities however these are often not designed to enhance local character and can have an engineering character (frequently enclosed by security fencing). Therefore, these are likely to be considered as detrimental features rather than mitigating any impacts. The use of local materials is supported by the SDNPA however this may not in itself provide adequate mitigation for structures which are incongruous and out of scale with the surrounding landscape.

## **Biodiversity**

The ecological survey work carried out to date is in line with best practice guidance (CIEEM), in addition further survey work recommended in some areas is also in line with best practice.

However, the SDNPA has some concerns:

- Priority habitats (section 41 of the Nerc Act) - if you follow the descriptions in Table 9-2 then both Priority habitats and Riparian habitats should be valued as 'Nationally' important not 'County' as referred to in the report.
- Likewise some species assessments are undervalued (almost all listed as 'Local'), species such as Otter will be of at least 'County' importance and some bat species may even be of 'Regional' importance. These should be reviewed after further survey work.
- We would disagree that further assessment for the River Itchen SSSI is not required (as the report suggests). The SSSI is intrinsically linked to the SAC and contains large areas of Priority habitat. There is potential for impacts on the SSSI both in construction and operation phases of the proposed scheme.



## **Noise**

The existing tree and woodland cover within and surrounding the site plays a significant role in acting as a buffer to the significant noise generated by the vehicles using the existing roads. Therefore, the SDNPA considers that any noise assessment needs to acknowledge and consider the impacts from the proposed 'vegetation removal' (referred to in various sections of the report) for both the construction and operational phases of the proposed scheme.

## **Population and Health – Recreation and Public Rights of Way (PROW)**

Paragraph 13.3.16 describes how land at the edge of the SDNP would be lost to development. The land at the edge of the National Park has the same level of protection as all other parts of the SDNP. The SDNP is often vulnerable to development and recreational pressure where it abuts urban locations. The SDNP is a national landscape designation, not a district greenspace provision. The report suggests that it has been confused with an open space assessment (PPG17 assessment for example) which is inappropriate.

The report recognises the high value and sensitivity of PROW in the study area particularly their role in relation to providing recreational access to the countryside. Potential adverse and beneficial impacts of the scheme are identified and the immediately impacted routes are scoped in. The SDNPA is satisfied with the proposed methodology and criteria for this element of the assessment.

The report acknowledges the poor amenity value of the wider PROW but envisages no additional impacts as a result of the scheme because of the poor existing baseline (paragraph 13.3.15). However, paragraph 13.4.4 onwards suggests that the scope for additional enhancements to the wider network including crossing points over the M3 will be picked up in the design of the scheme and this is welcomed.

The Winnall area is relatively deprived compared to the rest of Winchester District and this should be taken into account (paragraph 13.2.1), through consideration of the Lower Super Output Areas data.

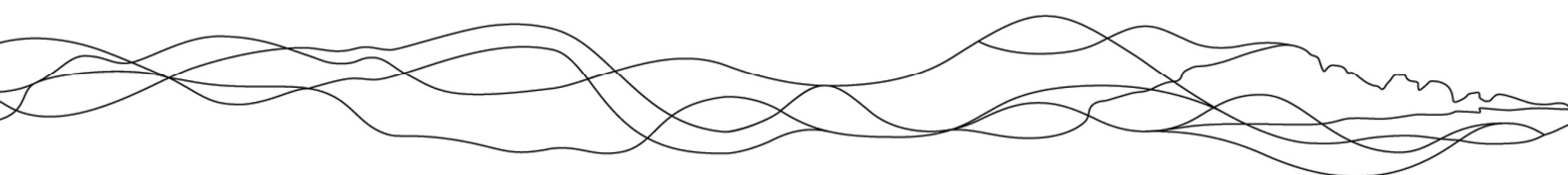
## **Water Environment**

The report highlights the key issues relation to flooding and water quality both in surface water and groundwater. However, of principal concern is the siting of the works on Source Protection Zone 1 for groundwater and the potential for operational discharges to soakaways. Ideally future drainage schemes should not be direct to a soakaway without additional interventions.

There are also major risks of contamination of the River Itchen during construction and operation, as the only river in the SDNP which has good WFD status all necessary measures should be put in place to avoid any pollution incidents. The SDNPA therefore welcomes reference to this issue within section 9 of the report.

## **Cumulative Impacts**

The SDNPA welcomes the recognition that this project could have cumulative impacts with the M3 smart motorway scheme (such as through the presence of dual site compounds, construction activity and operational changes to the highway network). However, this project also needs to recognise the 'strategic growth site' proposed within the Eastleigh Local Plan (Fairoak) which also involves construction of a new link road to junction 10 of the M3.



## South Downs Local Plan - Update

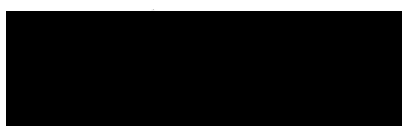
For information, the examination hearings on the submission version of the South Downs Local Plan have concluded. The SDNPA is now consulting on the proposed 'main modifications'. The consultation period closes on 28 March 2019. All representations received will be forward to the Inspector for consideration when he produces his final report.

The SDNPA has prepared an informal track-changed version of the Local Plan to include all Main Modifications and Minor Edits, which can be found at

<https://www.southdowns.gov.uk/planning/national-park-local-plan/>

We trust that the information above will be of assistance to the Secretary of State in forming their scoping opinion. If you have any queries regarding the above please contact Kelly Porter, Major Projects Lead, on 01730 819314 or [kelly.porter@southdowns.gov.uk](mailto:kelly.porter@southdowns.gov.uk)

Yours Sincerely



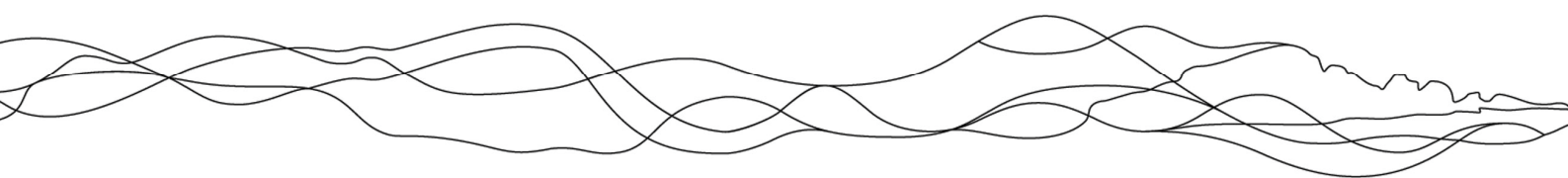
TIM SLANEY  
Director of Planning  
South Downs National Park Authority

South Downs Centre, North Street,  
Midhurst, West Sussex, GU29 9DH

T: 01730 814810

E: [info@southdowns.gov.uk](mailto:info@southdowns.gov.uk)  
[www.southdowns.gov.uk](http://www.southdowns.gov.uk)

Chief Executive: Trevor Beattie





County Planning Officer  
Hampshire County Council  
The Castle  
Winchester  
Hampshire  
SO23 8UE

Developer Services  
Southern Water  
Sparrowgrove House  
Sparrowgrove  
Otterbourne  
Hampshire  
SO21 2SW

Tel: 0330 303 0119

Email: [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk)

Your Ref

TR010055

Our Ref

PLAN-026703

Date

25/02/2019

Dear Sirs,

**Proposal: Scoping Opinion- Development and delivery of a scheme of works for increasing capacity, enhancing journey time reliability and supporting development in line with Local Plans. The Proposed Scheme includes the replacement of a circulatory roundabout with a dumbbell roundabout, conversion of the M3 south of Junction 9 to dual three lane motorway, realignment of slip roads, the addition of new structures, and improvements to safety features, signage and technology.**

**Site: M3 Junction 9 Improvement, SO21 1DQ  
TR010055**

Thank you for your letter of 28/01/2019

Further to your scoping document consultation for the above works, I have the following observations to make in respect of the proposed development: -

- Southern Water's current sewerage/water records show that there is multiple sewerage and water apparatus crossing the proposed works boundary. The affected infrastructure consists of water distribution mains of various sizes, critical water trunk mains of 21", 300mm and 600mm in diameter, sewers of various sizes and 160mm foul rising main. The impact of the works within highway and access roads on public apparatus shall be assessed and approved, in consultation with Southern Water, under NRSWA enquiry in order to protect public apparatus. Any required diversions have to be agreed and approved under Section 185 of the Water Industry Act before proceeding on site.

- The proposed works lie within a Source Protection Zone around one of Southern Water's public underground water supply sources (Easton Water Supply Works where the water is being extracted through wells and boreholes) as defined under the Environment Agency's Groundwater Protection Policy and in close proximity of these works. Southern Water requests that any works in the vicinity of water works are to be assessed and approved, in consultation with Southern Water, in order to avoid any risk of pollution to water supply sources.
- The assessment and design of means of highway drainage shall take into account the sensitivity of the area and risk to underground sources. It shall account for and include sufficient treatment to avoid the risk of any contamination of the underlying strata.

If you require any further information please do not hesitate to contact our office on the above telephone number.

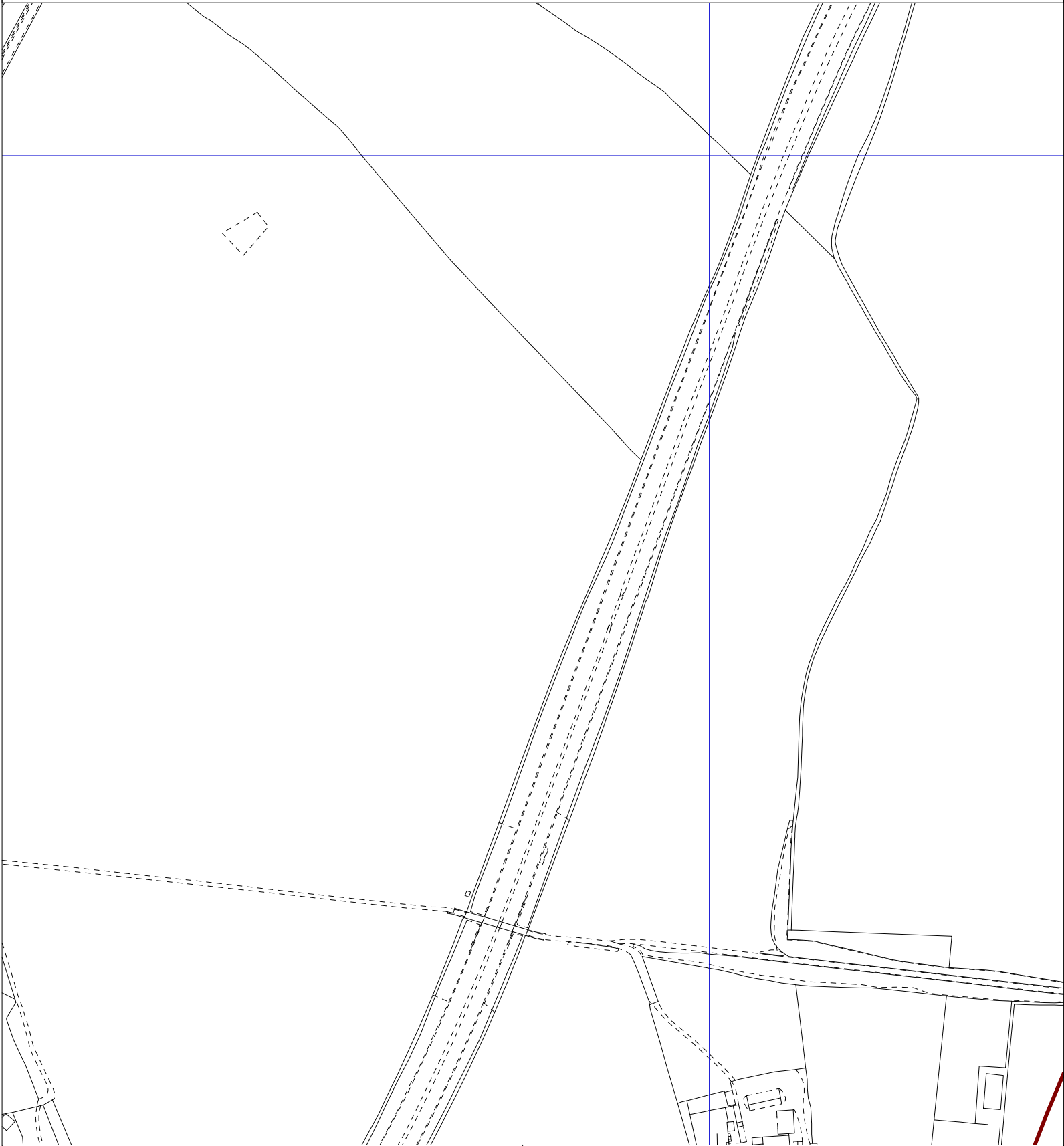
Yours Sincerely



Marta Karpezo  
Developer Services



# SOUTHERN WATER



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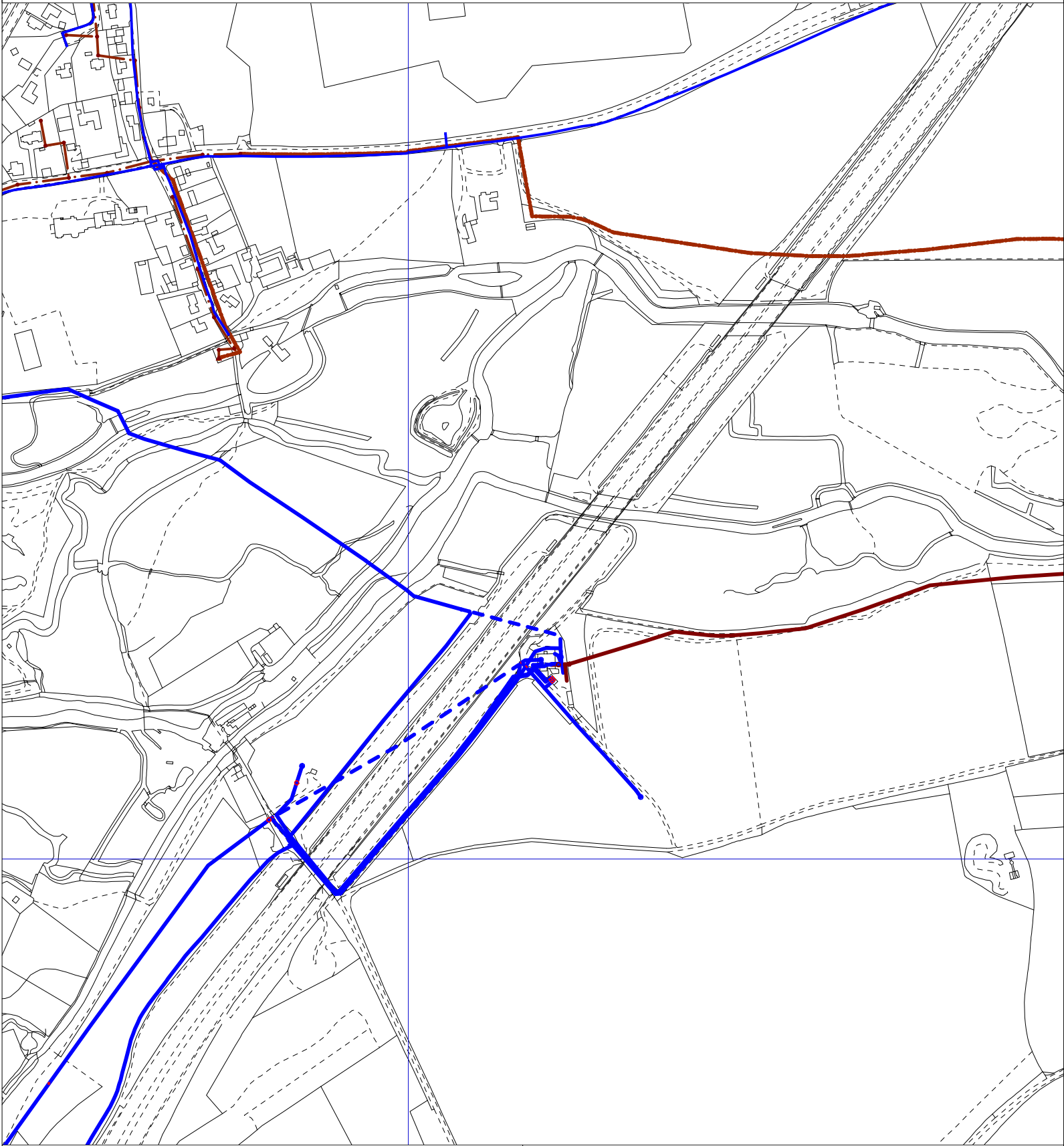
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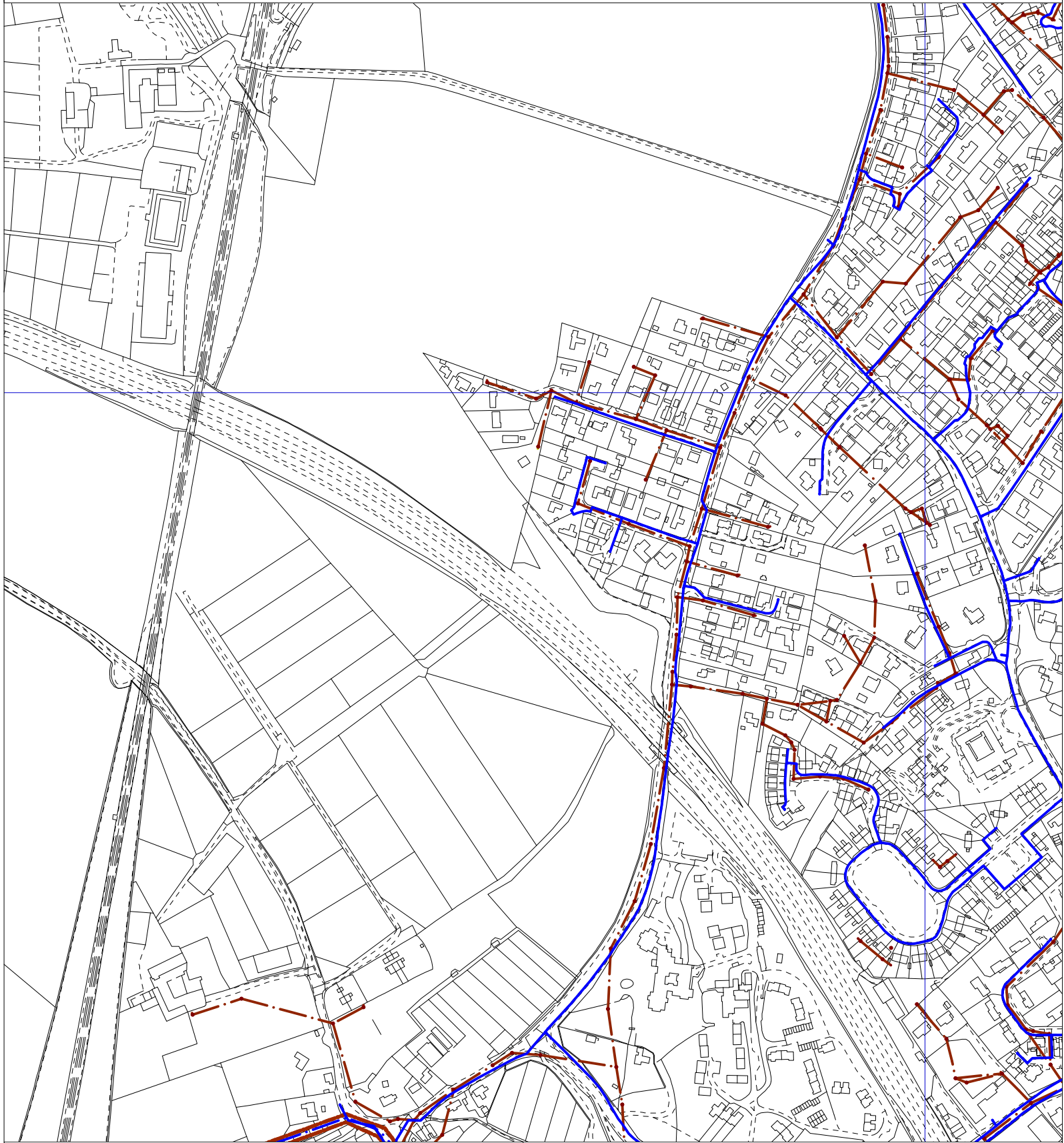
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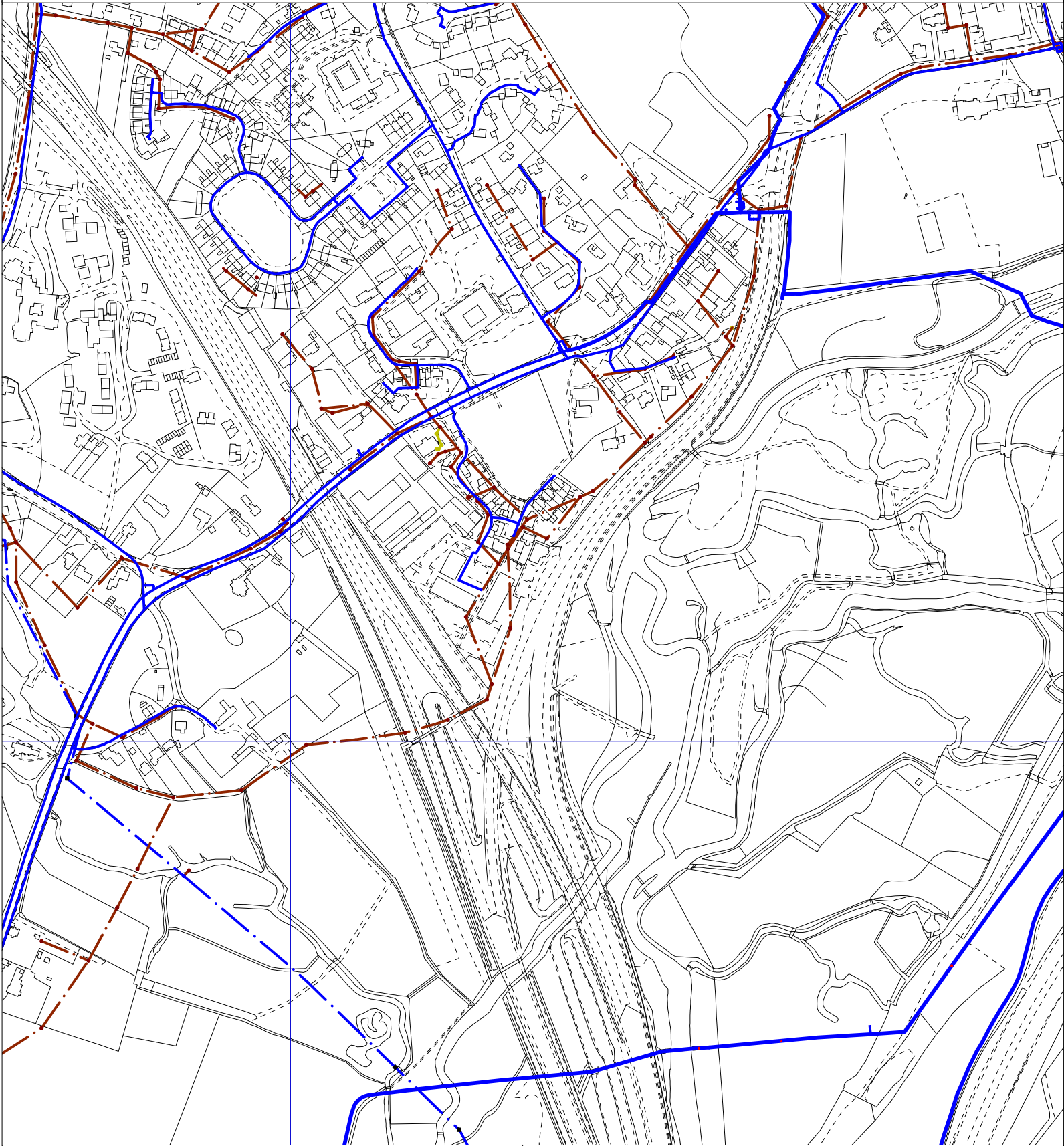
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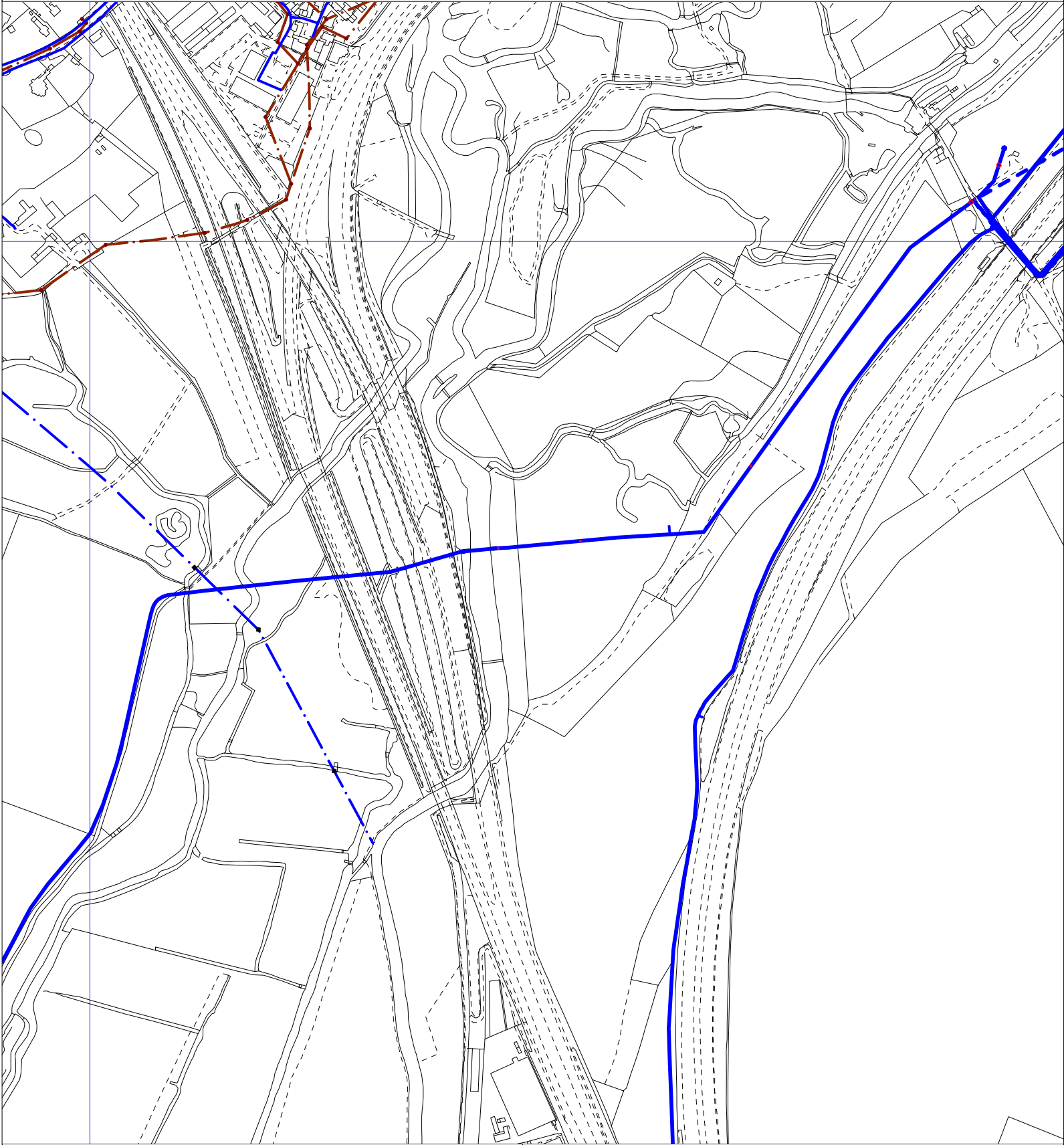
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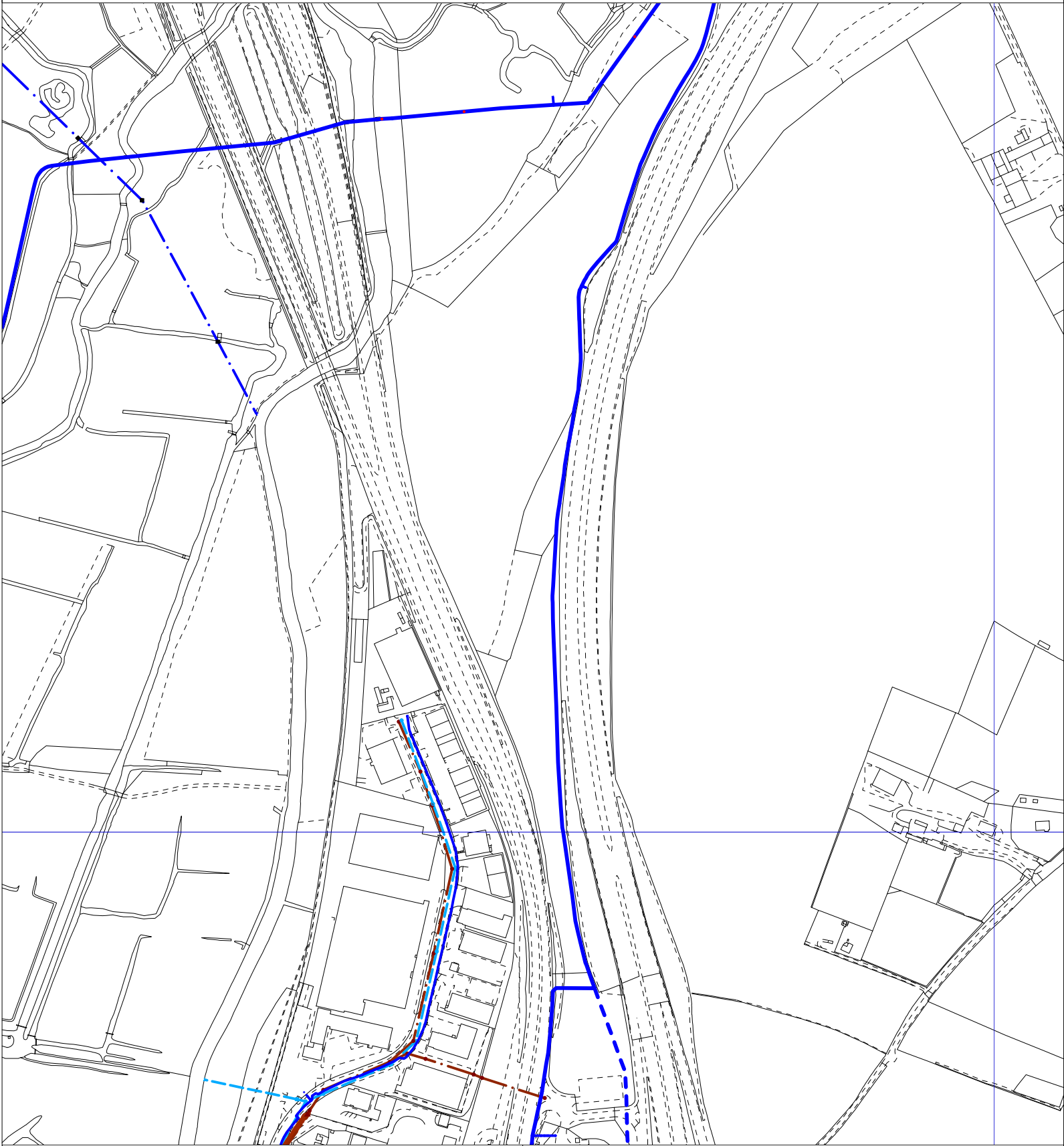
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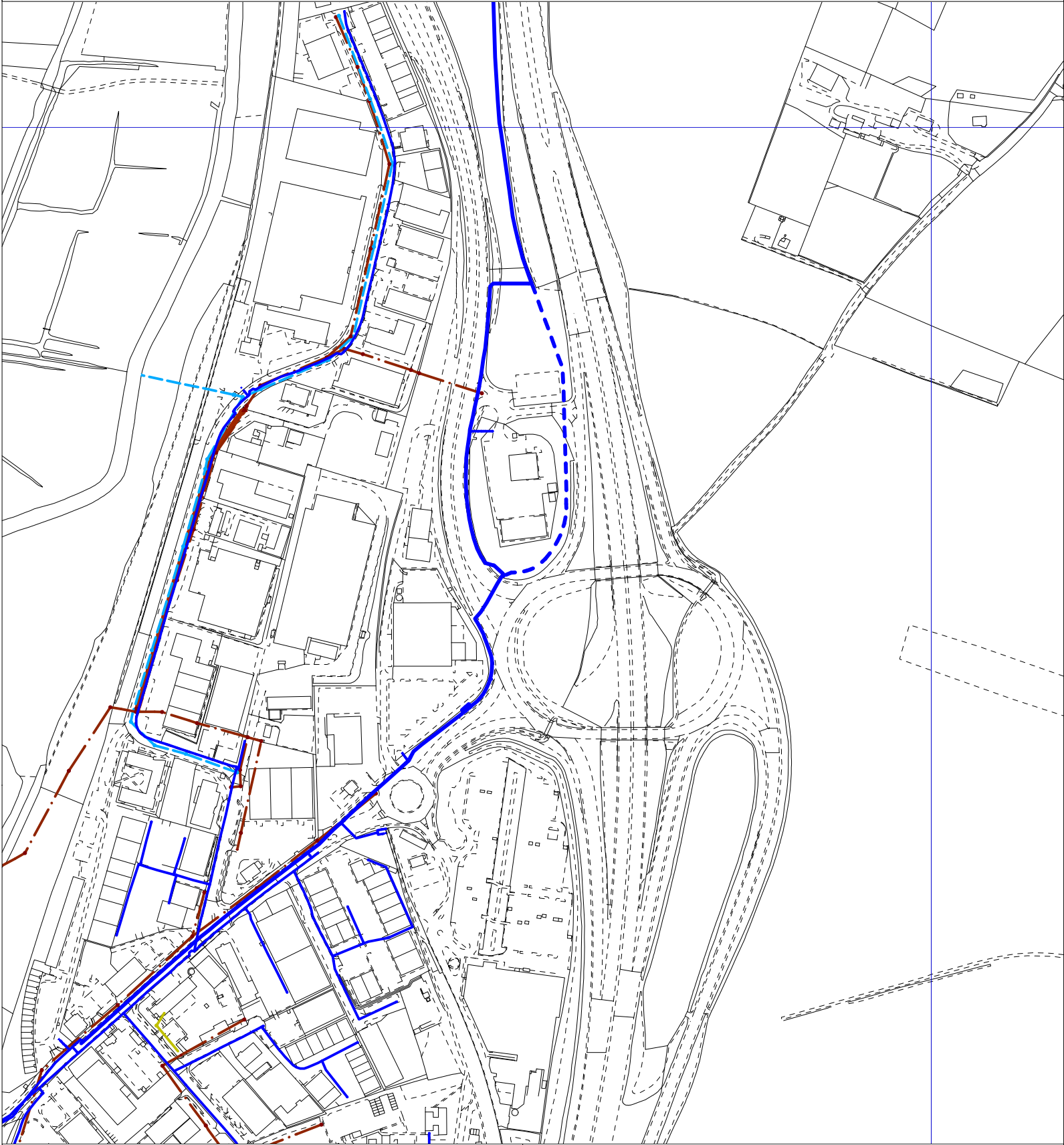
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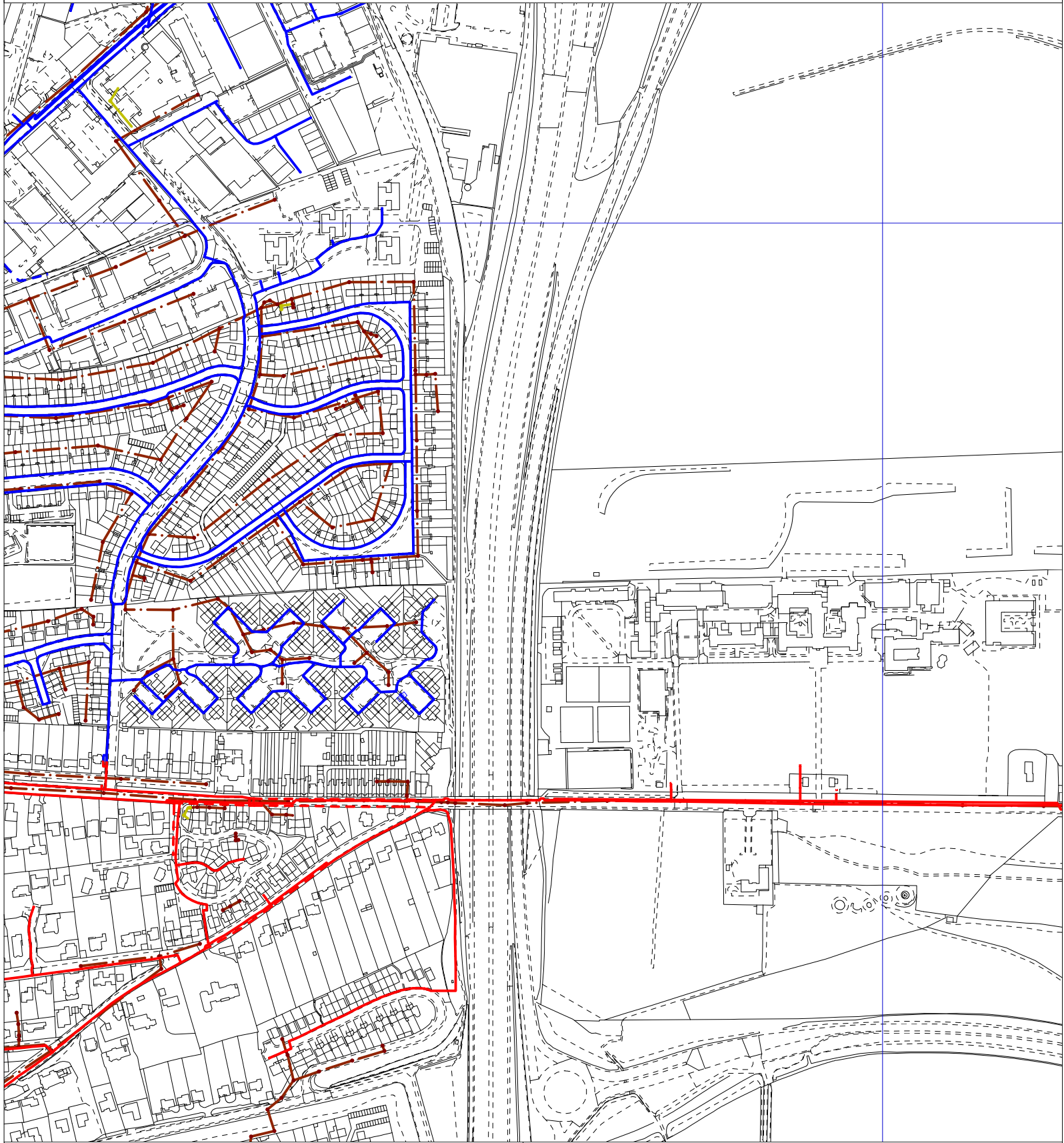
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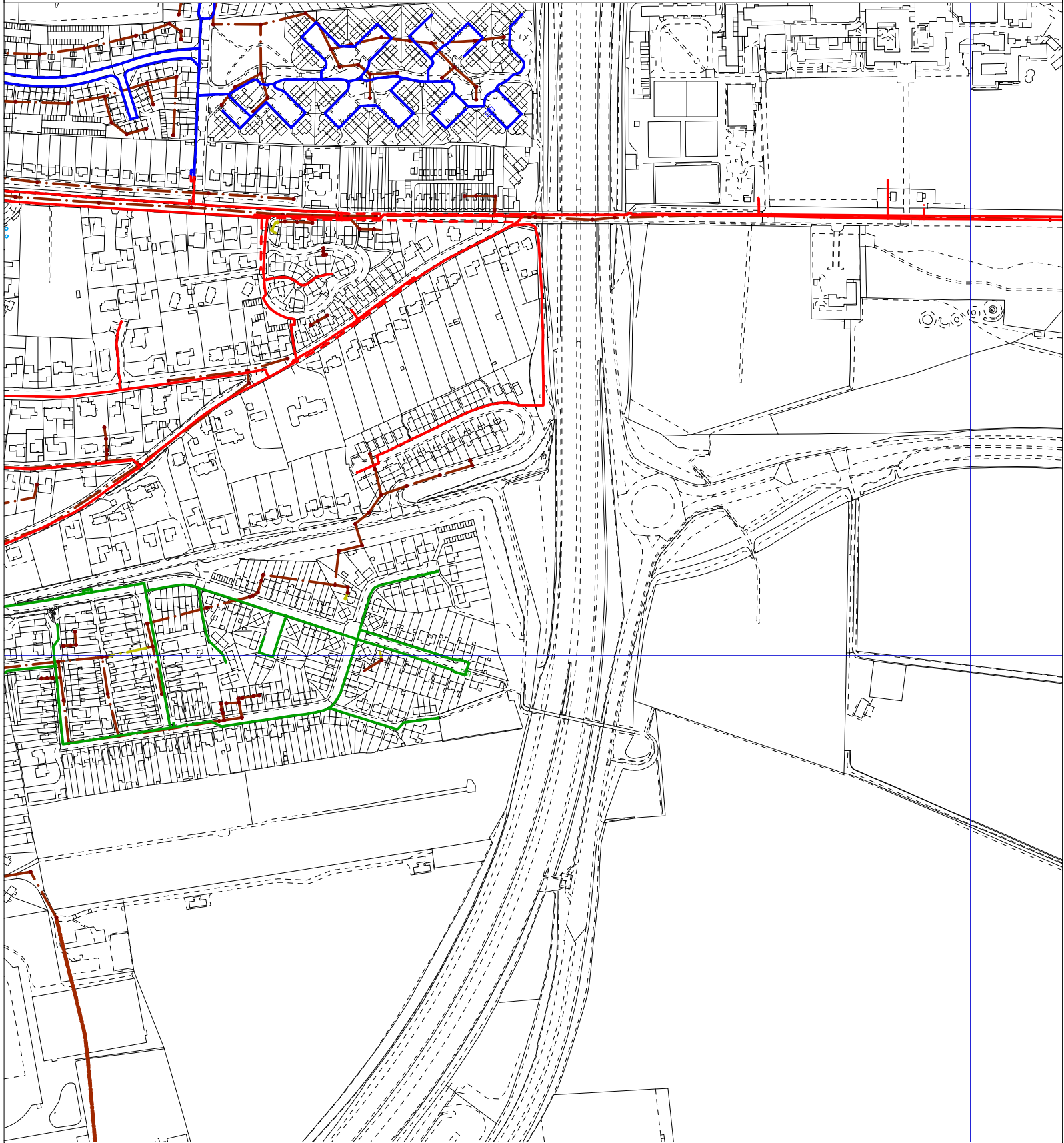
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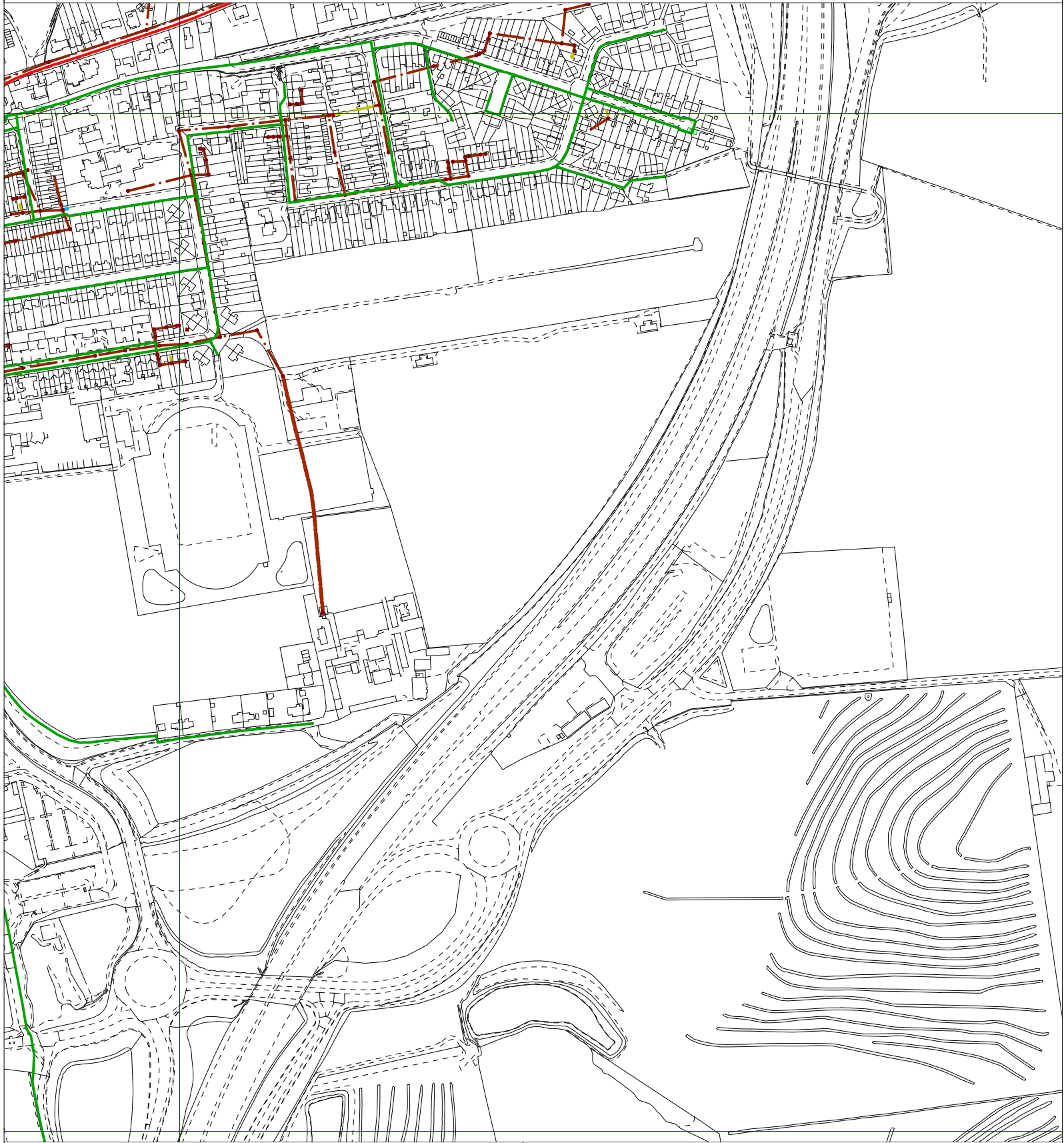
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Requested By:

**From:** Goodman, Paul [<mailto:PGoodman@testvalley.gov.uk>]  
**Sent:** 08 February 2019 11:59  
**To:** M3 Junction 9  
**Subject:** Scoping consultation TR010055

Dear Sir/Madam,

Thank you for your consultation regarding the Scoping Opinion regarding the development at the M3 Junction 9. I can confirm that Test Valley Borough Council has no comment.

Please do not hesitate to contact me if I can be of further assistance.

Kind regards

Paul

Paul Goodman  
Senior Planning Officer  
Test Valley Borough Council  
01264 368978  
[pgoodman@testvalley.gov.uk](mailto:pgoodman@testvalley.gov.uk)

The information in this e-mail is confidential. The content may not be disclosed or used by anyone other than the intended recipient. If you are not the intended recipient, please notify the Council's Data Protection Administrator immediately on 01264 368231. Test Valley Borough Council cannot accept any responsibility for the accuracy or completeness of this message as it has been transmitted over a public network. If you suspect that the message may have been intercepted or amended, please call the Data Protection Administrator on the above phone number.

**Development  
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**tel** 01962 840 222

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Richard White  
EIA And Land Rights Advisor  
The Planning Inspectorate  
Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN

Our Ref: 19/00224/SCOPE  
Your Ref: TR010055  
Enq to: Lorna Hutchings  
Direct Dial: [REDACTED]  
Email: lhutchings@winchester.gov.uk

22 February 2019

Please quote 19/00224/SCOPE on all correspondence

Dear Sir/Madam,

**Consultation from SOS on Environmental Impact Assessment Scoping Request  
from Highways England for the M3 Junction 9 Improvement Project.**

**At: M3 Junction 9 Easton Lane Winchester Hampshire**

**Scoping Report submitted to the Secretary of State on 28 January 2019**

The Planning Inspectorate has identified Winchester City Council Local Planning Authority as a consultation body which must be consulted before adopting its Scoping Opinion. You have asked us to:

- inform the Planning Inspectorate of the information you consider should be provided in the ES; or
- confirm that you do not have any comments.

Further to this request, I hereby enclose my response below.

If you have any further queries please contact the case officer, whose details are at the top of this letter.

Yours faithfully

*Julie Pinnock*

**Julie Pinnock BA (Hons) MTP MRTPI**  
Head of Development Management

Enc.



**SCOPING OPINION – Consultation from SOS on Environmental Impact Assessment Scoping Request from Highways England for the M3 Junction 9 Improvement Project.**

**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS 2017)**

Winchester City Council wish to submit comments in respect of the Scoping Opinion consultation request from the Planning Inspectorate regarding the Scoping Report submitted to the Secretary of State on 28 January 2019 by Richard White on behalf of Simon Hewett Highways England.

*Please Note: The Council has complied with the request to provide a scoping opinion consultation response on a without prejudice basis and in so doing does not necessarily accept or imply that the development described above accords with the policies of the Development Plan. WCC will further consider the local benefit options from mitigation that may be identified and justified as a necessary requirement when the detailed Environmental Statement is submitted and the likely impacts are known in full.*

A number of departments within Winchester City Council have been consulted by the Local Planning Authority. The comments that we submit are set out in these consultation responses in respect of the various topic matters as listed:

Drainage

Environmental Protection – Air Quality

Environmental Protection – Contamination

Urban Design – to consider Sustainability issues

Landscape VIA

Historic Environment Team – Cultural Heritage and Archaeology

Ecology

Waste Team

Strategic Planning – Population and Health, Cumulative effects

## **General Comments of Winchester City Council Local Planning Authority.**

The terms of reference for the Environmental Statement schedule should be read in conjunction with; Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Guidance on EIA: Scoping. European Commission, June 2001. Available on website:

<http://europa.eu.int/comm/environment/eia/eia-studies-and-reports/study1.htm>

### **16.4 Local Developments**

<https://www.winchester.gov.uk/planning-policy/winchester-city-council-local-plan-2036>

It is recommended that there is continuous review of Winchester City Council Local Plan 2036 (Winchester City Council 2018) as it emerges through the scope of the EIA.

**Consultation Responses containing comments of Winchester City Council Local Planning Authority.**

Landscape

**From:** [REDACTED]

**Sent:** 21 February 2019 17:00

**To:** [REDACTED]

**Subject:** 19/00224/SCOPEM3 Junction 9 Improvements Environmental Impact Assessment Scoping Report

Esther

Thank you for your consultation.

I have reviewed the Highways England M3 Junction 9 Improvements Environmental Impact Assessment Scoping Report (Report Ref: HE551511-JAC-EGN-0\_00\_00-RP-LE-0001 P03, January 2109) and have the following comments;

Chapter 8 'Landscape and Visual' reports that there is the potential for the Proposed Scheme to have an impact on the surrounding landscape and visual receptors and recommends that these impacts are assessed as part of the EIA using the methodology set out in this chapter.

I am satisfied with the proposals contained in the Scoping Report regarding the assessment of landscape and visual impacts and have no adverse comments at this stage.

**Stuart Dunbar-Dempsey CMLI**



Landscape Team

Winchester City Council

01962 848425



# Environmental Health

From:  Phil Tidridge  
To:   
Cc:  
Subject: RE: M3 J9 EIA Scoping Request consultation from PINS - last chance to input!

Sent: Thu 21/02/2019 12:31

Dear Lorna

I have reviewed the scoping report with specific reference to the potential air quality and noise scoping elements (Alison Harker has already commented regarding contaminated land). Overall I have no objections in principle to the scoping works proposed but below are a few detailed comments.

## **Air Quality (Chapter 6)**

I am satisfied with the data and assessment criteria presented and the criteria scoped in for further detailed assessment. Table 6.5 summarises the elements to be scoped in to the EIA for air quality and I would provide the following feedback regarding these scoping proposals:

- 1.The assessment of impact due to traffic management measures during construction – I would expect this to include air quality impacts caused by road closures and traffic diversions with specific reference to potential adverse impact this has on Winchester City Centre and the current AQMA.
- 2.The assessment of impacts on emissions including particulate matter for the local air quality area – This is welcomed but it is not clear if the “particulate matter” referenced is PM10, PM2.5 or both. With a future focus on PM2.5 modelling for this criteria would be welcomed.

## **Noise and Vibration (Chapter 12)**

I am satisfied with the assessment criteria presented and the criteria scoped in for further detailed assessment.

Baseline noise data (Paragraph 12.6.46) - I can confirm I have already had discussions with Andrew Clarke at Jacobs regarding suitable locations and durations for “establishing baseline noise data to establish the relationship between daytime/night-time noise levels and select the most appropriate method to predict noise levels at night, from available traffic data.”

Regards

**Phil Tidridge**  
Environmental Health & Licensing  
Winchester City Council

Colebrook Street  
Winchester  
SO23 9LJ

Tel: 01962 848519



# Historic Environment

## Planning Consultation Comments

**RE: 19/00224/SCOPE M3 Junction 9, Easton Lane, Winchester**

### **Comments and advice:**

The scoping report has identified the above ground designated heritage assets and their settings likely to be affected by the proposals. It confirms that an assessment of the potential impact on these assets shall form part of the application submission and acknowledge that where the potential impact on the above ground heritage assets would be greatest, or where the proposals would potentially impact assets of the highest significance, an enhanced assessment of the impact on their significance would be undertaken. Where there are planned or accidental views through to the above ground heritage assets, the impact of the development on the setting of these heritage assets shall be assessed by using the 'zones of theoretical visibility' criteria.

However, there is the potential that the proposals could impact a number of unknown non-designated heritage assets (buildings or structures displaying a degree of heritage interest) within the vicinity of the site boundary which have not yet been assessed by the LPA. It is therefore advised that the scoping process identify such assets that could be capable of being non-designated heritage assets (i.e. those that would meet the local listing criteria outlined in Appendix C of the WDLP part 2), and assess the potential impact of the proposals upon their significance accordingly.

### **Key issues:**

The preservation of the special architectural / historic interest of the listed building and its setting (S.66 P(LBCA) Act 1990; Policies DM29 & DM30 of the Winchester District Local Plan Part 2 Adopted 2017; Policies CP19 & CP20 Winchester District Joint Core Strategy; NPPF Section 16).

The preservation or enhancement of the character or appearance of the conservation area (S.72 P(LBCA) Act 1990; Policies DM27 & DM28 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP19 & CP20 Winchester District Joint Core Strategy; NPPF Section 16).

The preservation of a non-designated heritage asset (Policies DM29 & DM32 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP19 & CP20 Winchester District Joint Core Strategy; NPPF Section 16).

**[Historic Environment Officer 18/02/2019]**

## **Urban Design**

### **Planning Consultation Comments**

**RE: 19/00224/SCOPE M3 Junction 9 Easton Lane Winchester Hampshire**

#### **Consultation Response**

I have reviewed the Highways England M3 Junction 9 Improvements Environmental Impact Assessment Scoping Report (Report Ref: HE551511-JAC-EGN-0\_00\_00-RP-LE-0001 P03, January 2019) and as Urban Design I have no comments.

Considerations on design should be cover by Highways Authority and Visual Impacts by Landscape.

Regarding Sustainability, this is a matter outside of my area of expertise but I'm assuming that, as an all encompassing subject, it should be considered across all areas in the EIA.

# **Consultee Comments for Planning Application 19/00224/SCOPE**

## **Application Summary**

Application Number: 19/00224/SCOPE

Address: M3 Junction 9 Easton Lane Winchester Hampshire

Proposal: Consultation from SOS on Environmental Impact Assessment Scoping Request from Highways England for the M3 Junction 9 Improvement Project.

Case Officer: Lorna Hutchings

## **Consultee Details**

Name: WCC Drainage Engineer

Address: HCC Works Offices, Bar End Road, Winchester, Hampshire SO23 9NP

Email: drainage@winchester.gov.uk

On Behalf Of: Drainage Engineer

## **Comments**

19/00224/SCOPE

The document states that the EA have been consulted and met with on a couple of occasions, this means that flood risk and effects on main rivers should have been covered.

HCC as LLFA may have an interest in the potential effects of the works on ordinary watercourses.

# Historic Environment - Archaeology Planning Consultation Comments

RE: 19/00224/SCOPE

Address: M3 Junction 9 Easton Lane, Winchester, Hampshire

## Key issues:

1. The preservation, conservation, investigation and recording of archaeological interest (Policy DM26 Winchester District Local Plan Part 2; Policy CP20 Winchester District Joint Core Strategy; NPPF Section 12).

## Comments:

I have reviewed the Highways England M3 Junction 9 Improvements Environmental Impact Assessment Scoping Report (Report Ref. HE551511-JAC-EGN-0\_00\_00-RP-LE-0001 P03, January 2019).

Chapter 7 of this report considers Cultural Heritage and confirms that archaeological remains will form part of an Environmental Statement which will be prepared for the proposed scheme. The scoping report identifies that a detailed assessment will be undertaken due to the potential significant effects upon archaeological remains (para. 7.6.5) and I confirm that I agree with this.

Para. 7.3.1 sets out potential impacts to archaeological remains arising from the construction stage. It is important that potential impacts arising from temporary works (such as storage areas, compounds) as well as other mitigation works (e.g. environmental mitigation) are also considered (para. 2.4.3).

Several studies have been completed to date (Archaeological Desk-Based Assessment, Jacobs 2018 and a geophysical survey, WSP 2018), which have enabled the potential impacts of the scheme on known remains to be assessed. These reports have been considered and are considered acceptable. However, as indicated in Para. 7.7.1, the impacts of the proposed scheme on currently unknown archaeological remains cannot be assessed at this stage.

Intrusive archaeological evaluation is planned (para. 7.4.3) but to date this has not yet been carried out. These investigations will need to be carried out in order that the results can be assessed and feed into the EIA process, informing appropriate mitigation proposals which should be set out in the Environmental Statement.

It is also noted that the potential impacts to the setting of Heritage assets is pending the completion of a ZTV.

**Tracy Matthews**  
Historic Environment (Archaeology) Officer  
13/02/2019

# **Consultee Comments for Planning Application 19/00224/SCOPE**

## **Application Summary**

Application Number: 19/00224/SCOPE

Address: M3 Junction 9 Easton Lane Winchester Hampshire

Proposal: Consultation from SOS on Environmental Impact Assessment Scoping Request from Highways England for the M3 Junction 9 Improvement Project.

Case Officer: Esther Gordon

## **Consultee Details**

Name: Mrs Alison Harker

Address: Winchester City Council, City Offices, Colebrook Street Winchester, Hampshire SO23 9LJ

Email: aharker@winchester.gov.uk

On Behalf Of: Contaminated Land Alison Harker Environmental Health

## **Comments**

Thank you for your consultation.

I have reviewed the Highways England M3 Junction 9 Improvements Environmental Impact Assessment Scoping Report (Report Ref: HE551511-JAC-EGN-0\_00\_00-RP-LE-0001 P03, January 2019) and have the following comments to make:

Chapter 10 - Geology and Soils reports a potential for contaminant linkages to exist and recommends these are duly investigated and assessed as part of the EIA using the documented methodology. I can confirm I am satisfied with the proposals contained in the scoping report regarding the assessment of potentially contaminated land and have no adverse comments at this stage.

# Internal Consultation Request

To : **Strategic Planning Policy**

From: **Esther Gordon 01962 848 177**

Planning Application: **19/00224/SCOPE**

Location: **M3 Junction 9 Easton Lane Winchester Hampshire**

Proposal: **Application for an Order granting Development Consent for the M3 Junction 9 Improvement Project**

Respond by: 20 February 2019

**Listed or Conservation Information (if Applicable)**

## **Additional remarks:**

Population and health, cumulative effects.

This is a Nationally Significant project being dealt with by the Planning Inspectorate. The deadline for comments is the 20th Feb. Please can you agree with what has been scoped in and out of the EIA Statement.

## **Response from strategic planning 12 February 2019**

The following concentrates on the population and health section of the document and various references to local plan policy.

Section 6 onwards of the scoping report includes reference to a number of development plans and specific policies. The following raises general matters only it will be necessary for technical specialists to review relevant content and comment as necessary.

Firstly, reference to Winchester District Local Plan Review (Adopted 2006) – Saved Policies needs to be clarified – this only applies to the SDNP part of the Winchester District, until SDNP has its own policies adopted. Winchester District Local Plan Review (Adopted 2006) does not apply to Winchester Local Planning Authority area as this has three adopted local plans:

1. Local Plan Part 1 – Joint Core Strategy adopted March 2013
2. Local Plan Part 2 – Development Management and Site Allocations adopted April 2017
3. Gypsy, Traveller and Travelling Showpeople DPD (to be adopted 28 February 2019)

In addition Hampshire Mineral and Waste Local Plan 2013 will be relevant

In terms of Local Plan Part 1 predominantly relevant policies should include :-

- DS1 – development strategy and principles
- WT1 - development strategy for Winchester Town



- MTRA4 – Development in the Countryside
- CP13 – High Quality Design
- CP15 - Green infrastructure
- CP16 - biodiversity
- CP17 – flooding, flood risk and the water environment
- CP20 – heritage and landscape character
- CP21 – infrastructure and community benefit

Local Plan Part 2 relevant policies should include:-

- WIN1 – Winchester Town
- WIN3 – Winchester views and roofscape
- WIN11 – Winnall – Winchester
- DM17 – site development principles
- DM19 – development and pollution
- DM20 – Development and noise
- DM23 – rural character
- DM24 – special trees, important hedgerows and ancient woodland
- DM26 – archaeology
- DM31 – locally listed heritage assets

Section 6 – air quality – should also refer to our Air Quality SPD currently being prepared.

### Section 13 – population and health

Table 13-3 settlements – some data needs clarifying

Name	Type of settlement	Distance from proposed scheme	2011 census	2017 SAPF	2024 SAPF
Winchester Unparished area (incl wards of St Pauls, St Bartholomew, St Michael, St Luke, St Barnabas)	Urban	Built up area of Winchester lies adjacent to the scheme (st Bartholomew ward actually covers the scheme)		41,080	43,441
Headbourne worthy (parish)	Village in large parish on edge of winchester	Abuts eastern scheme boundary		560	3,380*
Itchen valley (Parish) incl	Small rural villages	villages to east of		1,328	1,288

villages of Easton, Avington, Ovington, Itchen Abbas		Winchester			
Kings Worthy *1	Small settlement	Abuts eastern scheme boundary		4,571	4,801

\*Increase due to implementation of strategic housing allocation at Barton Farm, Winchester for 2000 dwellings (policy WT2 Local Plan Part 1)

\*1 increase due to planned development (policy KW1 Local Plan Part 2 )

Para 13.2.7 – Winchester acts as a sub regional centre

Para 13.2.12 – Kings Worthy is a not a small residential area it has a number of facilities and planned growth

Para 13.2.14 – Princesmead school lies in countryside to east of the small hamlet of Abbots Worthy

Para 13.2.16 – yes but the parish covers a much larger area which includes planned growth at Barton Farm

Potential impacts on motorised travellers - should not be underestimated a small incident on the local motorway network creates chaos in and through Winchester.

Details have been provided to consultants on behalf of Highways England with regard to various developments in the District, which presumably will inform section 16.3.10 etc

16.4.5 local developments – this should include proposals in adjoining local authorities for example Eastleigh Local Plan includes a proposed strategic growth option for 5,500 new homes on the northern edge of Eastleigh to the south of Colden Common in Winchester District. This includes a link road in Winchester District which will connect to Junction 12 of M3. Once this link road is implemented together with the planned Whiteley Way and Botley bypass will potentially create a through access route from southern Hampshire to the M3.

Table 16-4 – there are a number of planned developments within Winchester itself both commercial and residential. Policy WT3 – employment allocation at Bushfield Camp, Winchester, policy WIN 4 Central Winchester regeneration; policies WIN5-7 commercial development at Station Approach, redevelopment of Police Station site etc these are all set out in the 2017/18 AMR <https://www.winchester.gov.uk/planning-policy/annual-monitoring-report-amr>