



SCOPING OPINION:

Proposed M3 Junction 9 Improvement

Case Reference: TR010055

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

November 2020

[This page has been intentionally left blank]



CONTENTS

1.	INTRODUCTION.....	1
1.1	Background	1
1.2	The Planning Inspectorate’s Consultation.....	2
1.3	The European Union (Withdrawal Agreement) Act 2020	3
2.	THE PROPOSED DEVELOPMENT	4
2.1	Introduction	4
2.2	Description of the Proposed Development.....	4
2.3	The Planning Inspectorate’s Comments.....	5
3.	ES APPROACH.....	8
3.1	Introduction	8
3.2	Relevant National Policy Statements (NPSs).....	9
3.3	Scope of Assessment	9
3.4	Coronavirus (COVID-19) Environmental Information and Data Collection	12
3.5	Confidential and Sensitive Information.....	13
4.	ASPECT BASED SCOPING TABLES.....	14
4.1	Heat and Radiation	14
4.2	Air Quality.....	15
4.3	Cultural Heritage.....	18
4.4	Landscape and Visual.....	22
4.5	Biodiversity	27
4.6	Geology and Soils.....	30
4.7	Minerals and Waste	33
4.8	Noise and Vibration	35
4.9	Population and Health	38
4.10	Road Drainage and the Water Environment	40
4.11	Climate.....	45
4.12	Cumulative Effects	48
5.	INFORMATION SOURCES	50
APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED		
APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES		

[This page has been intentionally left blank]

1. INTRODUCTION

1.1 Background

- 1.1.1 On 19 October 2020, 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 (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 Environmental Impact Assessment Scoping Report – Request for a Second Scoping Opinion (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 (e.g. 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, at 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 The European Union (Withdrawal Agreement) Act 2020

- 1.3.1 The UK left the European Union as a member state on 31 January 2020. The European Union (Withdrawal Agreement) Act 2020 gives effect to transition arrangements that last until the 31 December 2020. This provides for EU law to be retained as UK law and also brings into effect obligations which may come in to force during the transition period.
- 1.3.2 This Scoping Opinion has been prepared on the basis of retained law and references within it to European terms have also been retained for consistency with other relevant documents including relevant legislation, guidance and advice notes.

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.

2.2.2 The Proposed Development is for the improvement of Junction 9 of the M3 over approximately 169.7 hectares where it meets the A34, A272, A33 and A31 in Winchester, Hampshire. Approximately 6,000 vehicles pass through the junction per hour during peak times creating a bottleneck on the local highway network. The Proposed Development aims to improve journey times, increase capacity and support development in line with local plans.

2.2.3 The main elements of the Proposed Development include widening of the M3 from a dual two-lane motorway to a four-lane motorway with hard-strips, construction of a smaller gyratory roundabout in place of the existing roundabout with bridge connections over the M3 for non-motorised users (NMUs); new NMU routes through the junction providing a continuous grade separated route between the South Downs National Park (SDNP), Winnall and Abbots Worthy; connector roads from the new roundabout and improved slip roads joining the M3; closed circuit television (CCTV) masts; retaining walls; signage/gantries; lighting; drainage features; utility diversions and areas for potential excess spoil management. The site location plan and an indicative land use plan are provided at Figures 2.1 and 2.3 respectively in Appendix 2.1 of the Scoping Report.

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. The surrounding area is described in section 2.3 of the Scoping Report; the urban settlement of Winchester and commercial and educational facilities are located to the west of the red line boundary and the SDNP and a small number of agricultural holdings are located to the east.

2.2.5 Figure 2.2, Appendix 2.1 and paragraphs 2.3.4 to 2.3.10 of the Scoping Report identify and locate the environmental constraints within and around the Proposed Development's red line boundary. The Proposed Development passes through the SDNP, the River Itchen Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), two ground water source protection zones (SPZ) and two Noise Important Areas (NIAs). Adjacent to and surrounding the Proposed Development are St Catherine's Hill SSSI, a number of scheduled

monuments and listed buildings, an Air Quality Management Area (AQMA) located in Winchester.

2.3 The Planning Inspectorate's Comments

Description of the Proposed Development

- 2.3.1 The description of the Proposed Development is relatively high-level and lacks details on all elements of the Proposed Development which are proposed to be refined throughout the detailed design stage (Scoping Report paragraph 2.5.2). The ES must include a description of all physical characteristics of the Proposed Development and other relevant features. 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.
- 2.3.2 Scoping Report paragraph 2.4.5 states that the M3 includes works to accommodate the proposed M3 Junction 9 to Junction 14 smart motorway project; the details and requirements for this project are not included or referenced in the Scoping Report. The ES should describe the relationship between the Proposed Development and smart motorway scheme. This should include explanation as to whether/what works are inter-related, any timings, duration, extent etc. of these works and where there is potential for significant effects, these should be assessed in the relevant Chapter(s) of the ES. Details of any associated proposed mitigation should also be set out where applicable.
- 2.3.3 Utility diversions and enabling works, as described in Scoping Report paragraph 2.4.41, are proposed to be required to accommodate the Proposed Development and would be undertaken by utilities network operators or their contractors. As they form part of the Proposed Development, any significant effects that are likely to occur as a result of these works should be assessed in the ES and any applicable mitigation should be described.
- 2.3.4 The smart motorway scheme and utility works and diversions may meet NSIP status in their own right. The NSIP status of these works should be established so that the ES can clearly explain all of the NPS that apply to the Proposed Development.
- 2.3.5 Paragraph 2.4.39 of the Scoping Report states that demolition will be considered for the pre-construction phase but no details are provided. The ES should include any requisite demolition works and land-use requirements during construction and operation phases and quantification of use/management of material, spoil and changes in topography.
- 2.3.6 Scoping Report paragraph 2.4.46 states that land may be reinstated following completion of the construction phase. The extent, timing, location and methods for undertaking any reinstatement and monitoring whether additional remedial measures are necessary should be agreed with the relevant statutory bodies and set out in a plan secured in the DCO.

- 2.3.7 Scoping Report paragraphs 2.4.36 to 2.4.39 provide high-level information on the construction phasing and activities required for the Proposed Development; construction is anticipated to last two and a half years. 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 as well as the plant machinery anticipated to be used. It is also important that the ES clearly identifies and distinguishes areas of land which are required either permanently or on a temporary basis.
- 2.3.8 Construction compounds and haul roads are referenced throughout the Scoping Report but are not detailed in the Proposed Development description. The ES should adequately detail the location, duration and extent of these features and factor them into the assessments undertaken. The ES should detail how their locations and use have been decided through the design stage where relevant, including reference to alternatives considered, where relevant.
- 2.3.9 Scoping Report paragraphs 2.4.34 to 2.4.35 state that lighting is only currently proposed at Easton Lane and 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 presenting evidence as to how this has been taken into account.
- 2.3.10 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.

Alternatives

- 2.3.11 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'.
- 2.3.12 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

- 2.3.13 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'¹ in this regard.

- 2.3.14 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 should 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.
- 2.3.15 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.

¹ Advice Note nine: Using the Rochdale Envelope. Available at:
<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

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'² 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 consultation bodies 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 The Inspectorate has made effort to ensure that this Scoping Opinion is informed through effective consultation with the relevant consultation bodies. Unfortunately, at this time the Inspectorate is unable to receive hard copy consultation responses, and this may affect a consultation body's ability to engage with the scoping process. The Inspectorate also appreciates that strict compliance with COVID-19 advice may affect a consultation body's ability to provide their consultation response. The Inspectorate considers that Applicants should make effort to ensure that they engage effectively with consultation bodies and where necessary further develop the scope of the ES to address their concerns and advice. The ES should include information to demonstrate how such further engagement has been undertaken and how it has influenced the scope of the assessments reported in the ES.
- 3.1.5 Where relevant, the ES should provide reference to how the delivery of measures proposed to prevent/ minimise adverse effects is secured through dDCO requirements (or other suitably robust methods) and whether relevant consultation bodies agree on the adequacy of the measures proposed.

² 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/>

3.2 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).

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 (eg 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 Scoping Report outlines that the Proposed Development is to improve a major road and is proposed to include road closures and diversions (paragraph 2.4.37), there is potential for significant effects both during construction and operation on sensitive receptors, including both vehicles and their users (for example, individuals and companies) and NMUs. The ES should ensure that

details regarding the location and timings of traffic management including diversions are set out in supporting Figures where appropriate and include methods of any such management measures; effort should be made to agree these with the relevant consultation bodies.

- 3.3.4 Piling is proposed as a potential mitigation measure to minimise the risk of new pathways to aquifer bodies (Scoping Report, paragraph 10.4.3). The ES should provide clarity on the piling methods proposed and explain how such methods can minimise impact pathways. Any potential associated impacts and mitigation measures should be assessed and likely significant effects reported within the relevant Chapter.
- 3.3.5 The Inspectorate notes that the Proposed Development is not anticipated to be decommissioned as it will likely have become an integral part of the national infrastructure. Whilst the Inspectorate agrees with this, the Proposed Development still comprises temporary elements which will inevitably require decommissioning. The ES should include an assessment of any decommissioning works required for temporary elements.
- 3.3.6 Retaining walls are proposed to resolve ground differences across the Proposed Development site. The ES should include a description of the ground level baseline (AOD), any proposed changes to these levels and the methods of construction used to undertake these changes. The ES should assess any significant effects arising from these ground level changes and associated mitigation measures in the relevant Chapters where they are likely to occur.

Baseline Scenario

- 3.3.7 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

- 3.3.8 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.
- 3.3.9 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.
- 3.3.10 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

- 3.3.11 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 and Monitoring

- 3.3.12 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 dDCO requirements or other legally binding agreements.
- 3.3.13 The ES should identify and describe any proposed monitoring of significant adverse effects and how the results of such monitoring would be utilised to inform any necessary remedial actions.

Risks of Major Accidents and/or Disasters

- 3.3.14 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.
- 3.3.15 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

- 3.3.16 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

- 3.3.17 Schedule 4 Part 5 of the EIA Regulations requires a description of the likely significant transboundary effects to be provided in an ES.
- 3.3.18 The Scoping Report concludes that the Proposed Development is not likely to have significant effects on another European Economic Area (EEA) State and proposes that transboundary effects do not need to be considered within the ES.
- 3.3.19 Having considered the nature and location of the Proposed Development, the Inspectorate is not aware that there are potential pathways of effect to other EEA states but recommends that, for the avoidance of doubt, the ES details any such consideration and assessment.

A Reference List

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

3.4 Coronavirus (COVID-19) Environmental Information and Data Collection

- 3.4.1 The Inspectorate understands government enforced measures in response to COVID-19 may have consequences for an Applicant's ability to obtain relevant environmental information for the purposes of their ES. The Inspectorate understands that conducting specific surveys and obtaining representative data may be difficult in the current circumstance.
- 3.4.2 The Inspectorate has a duty to ensure that the environmental assessments necessary to inform a robust DCO application are supported by relevant and up to date information. Working closely with consultation bodies, the Inspectorate will seek to adopt a flexible approach, balancing the requirement for suitable rigour and scientific certainty in assessments with pragmatism in order to support the preparation and determination of applications in a timely fashion.
- 3.4.3 Applicants should make effort to agree their approach to the collection and presentation of information with relevant consultation bodies. In turn the Inspectorate expects that consultation bodies will work with Applicants to find suitable approaches and points of reference to allow preparation of applications at this time. The Inspectorate is required to take into account the advice it receives from the consultation bodies and will continue to do so in this regard.

3.5 Confidential and Sensitive Information

- 3.5.1 In some circumstances it will be appropriate for information to be kept confidential. In particular, this may relate to personal information specifying the names and qualifications of those undertaking the assessments and / or the presence and locations of rare or sensitive species such as badgers, rare birds and plants where disturbance, damage, persecution or commercial exploitation may result from publication of the information.
- 3.5.2 Where documents are intended to remain confidential the Applicant should provide these as separate 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.
- 3.5.3 The Inspectorate adheres to the data protection protocols set down by the Information Commissioners Office³ . Please refer to the Inspectorate's National Infrastructure privacy notice⁴ for further information on how personal data is managed during the Planning Act 2008 process.

³ <https://ico.org.uk>

⁴ <https://infrastructure.planninginspectorate.gov.uk/help/privacy-notice/>

4. ASPECT BASED SCOPING TABLES

4.1 Heat and Radiation

(Scoping Report Section 5.1.14)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.1.1	5.1.14	Heat and Radiation impacts	Scoping Report paragraph 5.1.15 states that this matter can be scoped out as the Proposed Development is a highways scheme and therefore it is not anticipated that there would be any significant sources of heat or radiation during construction or operation and has therefore been scoped out of the ES. The Inspectorate is content to scope this aspect out on this basis.

ID	Ref	Other points	Inspectorate's comments
4.1.2	N/A	N/A	N/A

4.2 Air Quality

(Scoping Report Section 6)

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	6.2.4 to 6.2.7 and 6.2.9	Data supporting baseline characterisation	<p>The Scoping Report states that DEFRA background mapping for Winchester City have been downloaded and reviewed and all concentrations of air pollution are below air quality thresholds, yet this data is not provided. Additionally, in paragraph 6.2.9 it states that for the most sensitive habitats at designated sites, the predicted background NO₂ rate is above the critical load for the River Itchen SSSI and SAC and below for St Catherine's Hill SSSI but these data are not presented.</p> <p>The ES should present the data supporting baseline characterisation.</p>
4.2.3	6.1	Study area	<p>The study area is proposed to be determined in line with The Design Manual for Roads and Bridges LA 105 Air Quality guidance; this includes defining the Affected Road Network (ARN) and identifying sensitive receptors within 200m of the ARN.</p> <p>The Applicant should make effort to agree the study area with the relevant consultation bodies and ensure that all roads potentially impacted by the Proposed Development, for example, as a result of road diversions or other traffic management measures, are used to determine the study area.</p>

ID	Ref	Other points	Inspectorate's comments
4.2.4	6.2.8 and 6.2.9	PM _{2.5} and PM ₁₀ baseline conditions for designated sites	<p>Scoping Report paragraphs 6.2.8 to 6.2.9 present a baseline of NO_x and NO₂ concentrations for designated sites but not for PM_{2.5} or PM₁₀. No reasoning is provided for this omission.</p> <p>The ES should characterise all baseline pollutants and assess their effects on receptors where they have potential to cause significant effects or explain why this is not necessary/achievable.</p>
4.2.5	Table 6.3	NO ₂ concentration baseline data	<p>The data presented in Table 6.3 displays NO₂ concentrations at monitored locations during 2013, 2014, 2016 however, the NO₂ is presented as one figure rather than for each year. The ES should be clear in its presentation of baseline data as to what is being represented, for example, if it is an average of the three years or the worst-case figure etc.</p>
4.2.6	6.3.1, Tables 6.6 and 6.7 and 6.10	Construction dust risk potential	<p>Scoping Report Table 6.6 and 6.7 present criteria used to determine the construction dust risk of the Proposed Development which is dependent on the scale of the proposed scheme and the distance of receptors to the construction activities. This risk level will then be used to inform the appropriate level of mitigation required.</p> <p>The ES should explain how these criteria will be applied to the Proposed Development and how the worst-case scenario will be assessed in terms of construction dust impacts. This may include consideration of the duration, timing, location and plant machinery used for construction.</p>
4.2.7	6.3.3	Operational impacts of PM _{2.5}	<p>Scoping Report paragraph 6.3.3 states that during operation, the Proposed Development will cause impacts from PM₁₀, NO₂ and NO_x emissions but there is no explanation as to why PM_{2.5} will not cause impacts. The ES should include an assessment of all potential emissions as a result of the Proposed Development or provide justification as to why no assessment is required.</p>

ID	Ref	Other points	Inspectorate's comments
4.2.8	Table 6.9	Guideline bands for judgement of significant effects	<p>Where criteria are used to determine significant effects, the Applicant should ensure that the definition is clear. In Table 6.9, whilst the figures are only guideline bands, the number of receptors cross from one definition to another, for example, if there were 10 receptors with worsening air quality objectives, it remains unclear whether they would be allocated a large or medium magnitude of change as 10 is in both categories.</p> <p>Whilst this is in line with DMRB guidance, the ES should justify the category allocated where there is overlap.</p>
4.2.9	6.6.27	Mitigation	<p>To ensure the most appropriate mitigation measures are proposed/employed to reduce any potential significant effects, the Applicant should consult with and agree upon such measures with the relevant consultation bodies.</p>
4.2.10	6.3.2 and 6.5.1	Impacts on local air quality	<p>Scoping Report paragraph 6.3.2 states that traffic management measures during the construction period could lead to impacts on local air quality, yet this is contradicted in paragraph 6.5.1 where it states impacts on local air quality are not anticipated.</p> <p>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.</p>

4.3 Cultural Heritage

(Scoping Report Section 7)

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	7.1.3, 7.3.9	Zone of Theoretical Visibility (ZTV)	<p>Scoping Report paragraph 7.1.3 states that a Zone of Theoretical Visibility (ZTV) has not yet been established.</p> <p>The ES should define the ZTV extent, the location of representative viewpoints, and specific heritage assets where detailed setting studies are required and make effort to agree the approach with the relevant consultation bodies.</p>
4.3.3	7.1.3	Standards for desk-based assessments	<p>Study areas are proposed to be based on standards for desk-based assessments produced by the Chartered Institute for Archaeologists (CIfA).</p> <p>The Inspectorate notes this and considers that other relevant guidelines should be referenced in the ES, where appropriate, such as <i>The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3</i> (2nd edition) by Historic England (2017), <i>Statements of Heritage Significance: Analysing Significance in Heritage Assets</i> by Historic England (2019), and <i>Standards for Archaeological Desk-based Assessments (DBA)</i> by Winchester City Council (n.d.).</p>
4.3.4	7.2.3–7.2.4	Historic aerial photographs	The Scoping Report notes that the Winchester Historic Environment Record (WHER) has been consulted for relevant data, but that due to

ID	Ref	Other points	Inspectorate's comments
			<p>the COVID-19 pandemic the Historic England Archives in Swindon is closed to the public and as of September 2020 is not available to consult historic aerial photographs. Several aerial photographs were viewed at the Hampshire Record Offices.</p> <p>The Planning Inspectorate understands these limitations, but also reminds the Applicant that the Winchester HER also holds a collection of historic aerial photographs that might be accessible.</p>
4.3.5	7.2.3– 7.2.12	Referencing data used in the assessment	<p>Paragraph 7.2.6 states that the location of cultural heritage assets derives from Historic England's National Heritage List for England which is listed in the consulted sources paragraph of consulted sources (7.2.3). However, other descriptions of the baseline environment do not reference where the information has been sourced, for example, paragraphs 7.2.7 and 7.2.19 for archaeological and historic landscape baselines.</p> <p>The ES should appropriately reference data used within the assessment and their sources.</p>
4.3.6	7.2.16	Non-designated built heritage assets and locally listed buildings	<p>The Scoping Report notes that in addition to designated built heritage assets there are likely to be non-designated built heritage assets or locally listed buildings within the study areas. Any such assets considered to be potentially significantly affected by the Proposed Scheme will be included within assessment.</p> <p>The ES should describe how these assets will be identified and assessed in the ES.</p>
4.3.7	7.3.2	Sensitivity of further archaeological remains	<p>Scoping Report paragraph 7.3.2 states that previous archaeological investigations demonstrated that whilst the majority of the archaeological remains within the red line boundary have already been removed, there is potential for further archaeological deposits to be present beyond previously investigated areas and that these could</p>

ID	Ref	Other points	Inspectorate's comments
			<p>be of medium or of high value/sensitivity. This contradicts an earlier statement in paragraph 7.2.12 that although previous construction work had not substantially diminished the potential for archaeologically significant remains to be present within the red line boundary the value/sensitivity of these particular remains is considered to be low.</p> <p>The ES should be consistent in its assessment and explain how and where assumptions, professional judgement and sources underpin the assessment.</p>
4.3.8	7.3.7–7.3.8, 7.4.3 and 7.5.1	Impacts from vibration and compaction	<p>Whilst Scoping Report paragraph 7.3.8 acknowledges that the setting and value/sensitivity of cultural heritage receptors may be indirectly affected by the Proposed Development in terms of vibration, compaction, changes in the water table and soil saturation has not been included and all impacts have potential to directly affect receptors i.e. vibration physically damaging a receptor preserved <i>in situ</i> and the short, medium and long term implications of soil saturation on those preserved <i>in situ</i>.</p> <p>The ES should include an assessment of both direct and indirect impacts from vibration, compaction, changes in the water table (due to changes in runoff from the Proposed Development) and soil saturation on cultural heritage receptors as a result of the Proposed Development where significant effects are likely to occur.</p>
4.3.9	7.4.5	Ongoing design changes	<p>Scoping Report paragraph 7.4.5 states that as details become available and if significant adverse impacts are identified, consultation on potential impacts and mitigation will be carried out with the Winchester City Council Conservation Officer, the SDNPA, Historic England and the Hampshire Garden Trust. This is a somewhat <i>ad hoc</i> approach, and consultation should be ongoing rather than just when potentially significant effects are identified.</p>

ID	Ref	Other points	Inspectorate's comments
			<p>The Applicant should make effort to undertaken ongoing consultation with the relevant consultation bodies and use information that derives from this to inform the assessment where appropriate.</p>
4.3.10	7.5.1	Residual effects	<p>Scoping Report paragraph 7.5.1 states that it is unlikely that there will be residual effects upon buried archaeological remains within the red line boundary following construction of the Proposed Development. Any remains within the impact zone will be removed during the construction phase following suitable archaeological mitigation which will preservation by record.</p> <p>The Inspectorate cautions against any premature conclusions given that it may be decided to preserve some archaeological remains <i>in situ</i> which could then be subject to potential effects from vibration, compaction, or dewatering. The ES should determine whether receptors may be preserved <i>in situ</i> and assess any effects as a result of this where they are likely to be significant.</p>
4.3.11	7.5.5	Areas for potential excess spoil management	<p>The Inspectorate would like to see more detailed consideration of areas proposed for spoil management and storage within the ES, and these areas must be evaluated in order to establish the presence, nature, and date of any archaeological remains and potential susceptibility to damage from compression. Measures including the use of geotextile membrane and/or ground protection mats below stockpiled soil may also need to be considered within the ES.</p>

4.4 Landscape and Visual

(Scoping Report Section 8)

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

ID	Ref	Other points	Inspectorate's comments
4.4.2	8.1.1	Study area	<p>As the Zone of Theoretical Visibility (ZTV) is not yet established there is no justification that the study area of 3km north and south and 2km east and west is appropriate.</p> <p>The ES should define and justify the study area based on the Zone of Theoretical Visibility and extent to which significant effects are likely to occur. This may also introduce new viewpoint locations which the ES should identify and assess any likely significant effects where they are likely to occur.</p>
4.4.3	8.2.4, Table 8.1	Abbots Worthy House and Garden	<p>Scoping Report Table 8.1 states that "There are no parks and gardens listed on the Register of Parks and Gardens of Special Historic Interest (RHPG) located within 500m of the Proposed Scheme."</p> <p>Abbots Worthy House and Garden is considered a heritage asset by both the Hampshire Inventory of Historic Parks, Gardens and Public Green Space and The South Downs National Park Strategic Housing Land Availability Assessment (2014). Considering the location of Abbots Worthy Park is only c. 15m to the south-east of one part of the red line boundary, the ES should include Abbots Worthy House and Garden as a receptor and assess any potential significant effects</p>

ID	Ref	Other points	Inspectorate's comments
			as a result of the Proposed Development where they are likely to occur.
4.4.4	8.2.4, Table 8.1, 8.6.16	Landscape statutory designations, perceptual aspects, and Dark Sky standards	<p>The Scoping Report (Page 90, Table 8.1 notes that in 2016 the SDNP became the world's 13th International Dark Sky Reserve (IDSR). Paragraph 8.6.16 later states that there will be an assessment of the effects on the night-time environment and the SDNP's dark skies in relation to the SDNP's Dark Skies Reserve status.</p> <p>The ES should assess the potential significant effects from night-time/winter lighting of the Proposed Development during its construction and operation where they are likely to occur.</p>
4.4.5	8.2.4, Table 8.1	Landscape character	<p>Scoping Report Table 8.1 states that Hampshire County Council has produced an Integrated Landscape Character Assessment (Hampshire County Council, 2012), within which the Proposed Development falls, in part, within Character Area 3c: Itchen Valley. The only key characteristics of Character Area 3c with the potential to be affected by the Proposed Scheme is that it provides a setting to Winchester.</p> <p>The Inspectorate considers that it is premature to conclude that the key characteristic of the setting to Winchester is the only characteristic potentially affected by the Proposed Scheme, and this also misrepresents the original document. The Hampshire County Integrated Character Assessment for the Itchen Valley also notes that the Itchen Valley has "An extremely rich built heritage and setting to Winchester and developed valley sides in lower reaches" (Hampshire County Council 2012: 4). It thus has a rich built heritage in its own right and is not simply a setting for Winchester. Therefore, the ES should include an assessment of effects on landscape character for the Itchen Valley as a receptor in its own right where significant effects are likely to occur.</p>

ID	Ref	Other points	Inspectorate's comments
4.4.6	8.2.8–8.2.9, 8.2.10– 8.2.11	Visual receptors	<p>The Scoping Report notes that the list of landscape receptors will be agreed with the relevant consultation bodies.</p> <p>The list of visual receptors in Para 8.2.9 mentions those using public rights of way and areas for recreational purposes and people travelling in vehicles; but omits effects on people who live and/or work within or adjacent to the Proposed Development and open access land. Effects on people are later mentioned in paragraph 8.2.11, but it is unclear why they are related to a subsidiary position and not considered together with other receptors. The ES should define and assess significant effects on all sensitive receptors where they are likely to occur and effort should be made to agree the approach with the relevant consultation bodies.</p>
4.4.7	8.2.10, Table 8.2	Proposed view locations	<p>Proposed view locations are set out in Scoping Report Table 8.2 but no photomontages, 3D models, wireframe images, and/or Accurate Visual Representations of the Proposed Development are provided. The ES should include some or all of these visual examples. Such visual impact assessment within the ES should assess not just views from identified locations or receptors, but also views to them where significant effects are likely to occur.</p>
4.4.8	8.3.3	Key impacts	<p>Key impacts are listed in Scoping Report paragraph 8.3.3 but do not consider potential effects on topography, agricultural land, recreation and enjoyment and cumulative effects with other development.</p> <p>The ES should list all key impacts and assess them where significant effects are likely to occur.</p>
4.4.9	8.4.5	Tree survey and impacts to trees	<p>The Planning Inspectorate welcomes a detailed tree survey to determine the arboricultural constraints relevant to the Proposed Development, and that a tree protection strategy will inform elements of the final design.</p>

ID	Ref	Other points	Inspectorate's comments
			Mitigation proposed in the ES should account for changes in vegetation and foliage between winter and summer months. The ES should also assess significant effects of the Proposed Development on the setting of trees and woodland where they are likely to occur
4.4.10	8.4.7– 8.4.13	Mitigation	Paras 8.4.7–8.4.13 outline some mitigation and enhancement measures for the operation of the Proposed Development; effort should be made to agree any mitigation measures with the relevant consultation bodies to ensure that the measures are appropriate. The ES should include a full description of the proposed measures and indicate how these measures will be implemented, secured and their influence on the assessment of significant effects.
4.4.11	8.6.3	Methodology	The Scoping Report lists the 2013 <i>Guidelines for Landscape and Visual Impact Assessment</i> (3rd Edition) by The Landscape Institute and Institute of Environmental Management and Assessment (IEMA) as guidance used to inform the assessment. The Inspectorate encourages the Applicant to take account of more recent guidance such as <i>Visual Representation of Development Proposals: Technical Guidance Note 06/19</i> (Landscape Institute 2019), and <i>Infrastructure: Technical Guidance Note 04/20</i> (Landscape Institute 2020), where relevant.
4.4.12	8.6.19, Tables 8.3– 8.8	Receptor sensitivity	<p>The Scoping Report outlines how receptor sensitivity, magnitude of impact and evaluation of the significance of landscape and visual effects arising from the Proposed Development will be categorised using typical criteria tables from the <i>Design Manual for Roads and Bridges LA107 Landscape and visual effects</i> (Highways England 2020)..</p> <p>The ES should explain how sensitivity and impact magnitude are applied in relation to the guidance and explain how and where</p>

ID	Ref	Other points	Inspectorate's comments
			assumptions, professional judgement and sources underpin the assessment.

4.5 Biodiversity

(Scoping Report Section 9)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.5.1	Section 9.8, Table 9.3, and 9.5.3 in Section 9.5	Scope – 'elements' included versus specific receptors excluded	<p>The text associated with Scoping Report Table 9.3 states that 'no elements' are to be scoped out for Biodiversity. The Table is very limited in detail and does not identify specific ecological receptors or types of anticipated impact or resulting effects.</p> <p>Contrastingly, Paragraph 9.53 does mention a specific receptor – Mottisfont Bats SAC, and states that no likely significant effects were concluded, with reference to the 'Stage 1 HRA'. It does not provide any justification or clarify if the ES will include this information.</p> <p>Section 9.5 goes on to identify the River Itchen SSSI and Easton Down Site of Importance for Nature Conservation (SINC) as well as some other features as being potentially subject to significant effects, although these are discussed in very general terms. Not all receptors identified in the Biodiversity section of the Scoping Report are mentioned in this section nor any reason given for this.</p> <p>For clarity, the Inspectorate agrees that none of the ecological features/receptors described in the Scoping Report can be scoped out. The ES must, as indicated in Paragraph 9.6.7, identify and all impact-effect pathways and assess the significance of effects. The ES should characterise impacts (i.e. describe their magnitude, extent, duration and timing, reversibility, and whether positive or negative) and justify the conclusions reached regarding the residual significant effects. The ES may draw on the conclusions of the HRA material to support such conclusions.</p>

ID	Ref	Other points	Inspectorate's comments
4.5.2	5.1.36	Reporting of intra-project effects on the River Itchen system in a standalone section.	It is for the Applicant to determine the most appropriate way of presenting this assessment. However, the Inspectorate agrees that a standalone section may aid clarity over the likely effects on this sensitive feature and considers that it may also aid co-ordination with other related assessments i.e. the Habitats Regulations Assessment and Water Framework Directive assessment referred to in Paragraph 5.1.27.
4.5.3	9.2.10, Figure 9.1	Plan of statutory and non-statutory designated sites	The Inspectorate welcomes the intended inclusion of plans in the ES. The Inspectorate considers that labelled plans showing the locations in relation to the Proposed Development of all designated sites described and assessed in the ES should be included, not solely those within 2km as indicated in the Scoping Report.
4.5.4	9.4.3	Mitigation measures	The Inspectorate welcomes the intention to include information on how embedded and essential mitigation will be delivered within the ES. The ES must clearly explain all mitigation measures applied to the assessment of significant residual effects and specify how each measure will be secured.
4.5.5	9.4.4	Detailed design	If the assessments in the ES rely on specific aspects of project design to be agreed with stakeholders post-consent, the ES should indicate the stakeholders involved, the mechanism for the process, and how it will be legally secured e.g. by DCO requirement.
4.5.6	9.4.5	First iteration EMP – mitigation strategies for known important ecological receptors	The Inspectorate understands from the Scoping Report that specific mitigation for these receptors will sit alongside more general project-wide mitigation measures in the Environmental Management Plan (EMP). The Inspectorate welcomes this approach and encourages the Applicant to engage with relevant stakeholders to agree these measures as far as possible in advance of the proposed DCO

ID	Ref	Other points	Inspectorate's comments
			application. Clear cross-references should be provided in the ES to the EMP and any other relevant application documents.
4.5.7	Table 9.1	Freshwater fish	The Scoping Report states that no more survey work is proposed to augment the desk study information, which relates to the River Itchen. It is not clear if any other water features are affected by the Proposed Development which could support notable fish species. If so, the Applicant should consider if further survey work is required and seek advice from relevant consultees in this regard. The Inspectorate would expect the ES to contain this information as part of a full explanation the assessment undertaken.
4.5.8	9.6.10	Biodiversity Net Gain (BNG)	The Inspectorate notes the intention to incorporate BNG principles into the design of the Proposed Development and how this will be addressed in the ES. The Inspectorate advises the Applicant to differentiate clearly in the ES between works associated with BNG and works which are necessary to deliver essential ecological mitigation on which the assessment in the ES relies. Details and methodologies of both ecological mitigation and BNG should be described in the ES.

4.6 Geology and Soils

(Scoping Report Section 10)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.6.1	Table 10.8	Effects on geology as a valuable resource i.e. sterilisation of mineral resources	The Inspectorate agrees that this can be scoped out of the geology and soils assessment as it is proposed to be included in the Material Assets and Waste assessment in the ES.
4.6.2	Table 10.8	Effects on geology and designated geological sites	The Scoping Report did not identify any designated geological or geomorphological sites or features of conservation value in the immediate area affected by the Proposed Development. The Inspectorate agrees to scope out an assessment of effects on geology and designated geological sites on this basis.

ID	Ref	Other points	Inspectorate's comments
4.6.3	14.1.3 and section 10.1	Study area	The proposed assessment includes impacts to surface waters. The Road Drainage and the Water Environment Chapter of the Scoping Report proposes a study area of the red line boundary of the Proposed Development plus a 500m buffer; this is based on hydraulic connectivity to the Proposed Development site. The study area for the Geology and Soils Chapter proposes the red line boundary of the Proposed Development plus a 250m buffer. The Inspectorate considers that these two study areas do not align and requests that the ES either explains the reasoning as to why they are different or apply the most appropriate study area to both.

ID	Ref	Other points	Inspectorate's comments
4.6.4	10.2.7, 10.2.10	Supporting Figures	<p>The ES should supply a Figure depicting the location of receptors and geological elements within the study area (e.g. historic landfills, chalk pits, aquifers, source protection zones (SPZs), abstraction sites, rivers and flood plains etc.) in relation to the Proposed Development to enable understanding of potential impacts and effects.</p> <p>This should also be used in the ES to support scoping out potential impacts such as historic landfill sites that are too far from the Proposed Development to cause an impact (paragraph 10.2.10); no distance or visual aid is provided to support this statement.</p>
4.6.5	10.2.2 to 10.2.37	Ground investigations and further surveys	<p>A number of further surveys are proposed to be undertaken between paragraphs 10.2.2 and 10.2.37 to inform the baseline.</p> <p>Any surveys undertaken to inform the baseline and the assessment in the ES should be appended to the relevant ES Chapter.</p>
4.6.6	Tables 10.2 and 10.3	Receptor sensitivity	<p>The definition and justification of receptor sensitivity remains unclear; for example, Scoping Report Table 10.2 defines residential receptors as 'medium' sensitivity, yet it is defined as 'very high' sensitivity in Table 10.3.</p> <p>The ES should define and justify receptor sensitivity in line with the relevant guidance and/or consultation and ensure that this is consistent throughout the ES assessment.</p>
4.6.7	Section 10.4	Construction activities - Piling	<p>Whilst construction activities are not currently confirmed, paragraph 10.4.3 anticipates that piling may be undertaken. Piling creates pathways for contamination.</p> <p>The ES should assess any potential contamination impacts as a result of piling and secure specific, appropriate mitigation measures agreed through consultation with the relevant statutory bodies including mitigating potential bentonite breakouts where relevant.</p>

ID	Ref	Other points	Inspectorate's comments
4.6.8	2.4.37 to 2.4.42, 10.3.3, Table 10.5 and section 10.4	Release of carbon and impacts to land receiving excavated soil	Scoping Report Paragraph 10.3.3 proposes that impacts to soils are to be included in the Geology and Soils assessment of the ES and the quantities will be defined in the design stage (determined in Chapter 11, Materials and Waste). Impacts from excavated soils should be included in the ES assessment where significant effects are likely to occur, including impacts from the release of carbon and on the land receiving the excavations which should be identified in the ES.

4.7 Minerals and Waste

(Scoping Report Section 11)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.7.1	Table 11.11 and 11.3.3	Materials consumption and waste generation and management during operation	<p>During operation, the quantity of materials used and waste produced as a result of the Proposed Development is anticipated to be small due to the nature of the development. 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
4.7.2	Table 11.7	Minerals safeguarding area and peat resources	The ES should provide a Figure locating any mineral safeguarding areas and/or peat deposits within the study area to enable understanding of potential impacts on these receptors.
4.7.3	Table 11.6	Mitigation	The Inspectorate is content with the embedded mitigation measures set out in Table 11.6. The proposed Materials Management Plan is included during the construction phase; this should be consulted and agreed upon with the relevant bodies before being implemented during construction. The Applicant should endeavour to agree mitigation measures, both embedded and additional, with the relevant consultation bodies and reference any such consultation in the ES.

ID	Ref	Other points	Inspectorate's comments
4.74	11.6.6	Sourcing of materials	Where the materials required to construct the Proposed Development will be sourced and transported from and their method of transportation should be included in the assessment of significant effects.
4.75	10.3.1.	Impacts from imported materials and storage of materials on site	Materials may be required to be imported to the site for construction and also there will be stored materials on site i.e. spoil. The ES should include an assessment of the importation and/or storage of these materials (e.g. leachate impacts) where significant effects are likely to occur. Details on mitigation measures to prevent/avoid such impacts should be included and secured in the Application.
4.76	Chapter 11	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>

4.8 Noise and Vibration

(Scoping Report Section 12)

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

ID	Ref	Other points	Inspectorate's comments
4.8.2	Chapter 12	Diversion routes	Diversion routes and potential traffic flows are not yet determined in the Scoping Report. The ES should locate and describe any traffic management measures and explain any subsequent changes in traffic flow; the ES should report any noise impacts and effects that might derive from this.
4.8.3	12.2.6	Timing of noise surveys	Scoping Report paragraph 12.2.6 states that the extent and locations for baseline sound monitoring will be agreed with the LPA in advance. The duration and timings of the surveys should also be agreed with the LPA to ensure that they are representative.
4.8.4	Chapter 12	Calculation area and study area	<p>The Scoping Report refers to a scoping area and calculation area throughout Chapter 12, but these are not defined and it is unclear whether they are the same or different areas. Additionally, Table 12.1 provides a list of sensitive receptors identified as being located within the calculation area (paragraph 12.2.9) but since it is not currently defined, the Inspectorate cannot have confidence that this is a complete and accurate list.</p> <p>The ES should explain whether the calculation and study areas are different and if so, how. These areas should be defined based on the ZOI and identified on a supporting Figure and sensitive receptors</p>

ID	Ref	Other points	Inspectorate's comments
			within the study area should be identified in line with the methodology set out.
4.8.5	12.1.1	Inclusion of diverted routes in study area	<p>The study area is proposed to only include diverted routes where full carriageway closures are required during the night suggesting that any other types of diversion, i.e. during the day or partial closures, will not be included in the study area.</p> <p>The ES should define the study area based on the ZOI which should include potential impacts from all forms of traffic management. Effort should be made to agree the study area with the relevant consultation bodies.</p>
4.8.6	12.2.13, 12.6.6 and 12.6.28	Road Investment Strategy (RIS) and Noise Important Areas (NIAs)	<p>The ES should demonstrate how the Proposed Development aligns with the objectives of the RIS and provisions of the Round 3 NIAs, three of which the Proposed Development passes through as illustrated in Scoping Report Appendix 2.1, Figure 2.2.</p> <p>Scoping Report paragraph 2.6.28 says that particular consideration will be given for noise changes at NIAs in terms of magnitude of impact; impact magnitude criteria is set out in Table 12.4 and it is not explained what 'particular consideration' would entail. Where assessment diverges from the methodology the ES should explain and justify how it has changed and for what reason. Effort should be made to agree alternative approaches with the relevant consultation bodies.</p>
4.8.7	12.6.25	Predicted future noise	The ES should include and justify the assumptions they have made in relation to future operation and resulting anticipated noise impacts and effects taking into account changes in vehicle fleet and fuel source, where relevant.

ID	Ref	Other points	Inspectorate's comments
4.8.8	12.7.4	Assumptions and Limitations and worst-case scenario	<p>A number of assumptions are anticipated regarding the number, type, operation and location of plant machinery used for construction.</p> <p>Where these assumptions form the basis of the assessment, a reasonable worst-case scenario should be described, and the ES should explain why it is appropriate. Effort should be made to agree this approach with the relevant consultation bodies.</p>

4.9 Population and Health

(Scoping Report Section 13)

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	Section 13.2 and Figure 13.1	Baseline Figure	<p>The only Figure accompanying Chapter 13 of the Scoping Report identifies the study area of the assessment. The sensitive receptors characterising the baseline have been described in section 13.2. It is important to understand the location of the sensitive receptors in relation to the Proposed Development to give context to the assessment of significant effects.</p> <p>The ES should include a Figure depicting the location of sensitive receptors within the study area to support the assessment of likely significant effects.</p>
4.9.3	13.1.4 to 13.1.10	Study area	<p>The proposed study area is up to 2km from the red line boundary of the Proposed Development. Public Health England highlight that the usual walking commute is approximately 2miles and cycling commute up to 3miles therefore the study area does not appear appropriate.</p> <p>The ES should fully justify the study area based on the ZoI.</p>
4.9.4	7.2.4 and Tables 13.4 and 13.5	Accounting for anomalies caused by the COVID-19 pandemic	<p>Some statistics in Chapter 13 of the Scoping Report derive from the Office of National Statistics Annual Population Survey in 2020, for example, Tables 13.4 and 13.5. The COVID-19 pandemic has disrupted the socio-economic activity across the UK throughout 2020.</p>

ID	Ref	Other points	Inspectorate's comments
			The ES should explain how the pandemic may have affected baseline figures deriving from 2020 data and how the baseline, where informed by 2020 data, is representative and appropriate to inform the assessment of significant effects.
4.9.5	Table 13.14	Human Health Significance	<p>A significance matrix is provided at Scoping Report Table 13.14 which combines the sensitivity and impact magnitudes defined in Tables 13.12 and 13.13. Sensitivity and impact magnitude for Human Health are defined differently to other receptors in these tables and the significance matrix will not apply. No other definitive methodology other than a 'qualitative assessment' has been put forward.</p> <p>The ES should clearly set out a methodology by which the significance of effects on Human Health are assessed and determined.</p>
4.9.6	13.7.2 and Table 13.14	Significance terminology	<p>Scoping Report paragraph 13.7.2 states that effect termed moderate or major will be deemed significant however, in the matrix in Table 13.14 effects are termed 'large' and 'very large' rather than 'major'.</p> <p>The ES should use consistent terminology across all the Chapters to avoid any confusion as to the assessment and conclusions of significant effects.</p>

4.10 Road Drainage and the Water Environment

(Scoping Report Section 13)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.10.1	14.3.2	Assessment of nutrient neutrality	<p>An assessment of nutrient neutrality is proposed to be scoped out on the basis that no new residential development or overnight stays are required for the Proposed Development. The Applicant references Natural England guidance in this respect and WCC's position statement; this guidance and position statement are not referenced therefore it is unclear what information is being referred to.</p> <p>In the absence of more detailed justification and agreement to this approach from Natural England, the Inspectorate cannot agree to scope this out of the ES. The ES should determine where nutrients have potential to enter the water environment as a result of the Proposed Development and assess significant effects where they are likely to occur as a result.</p>
4.10.2	14.2.5	Impact pathway/receptor: Itchen Navigation	<p>The Itchen Navigation located 5km downstream from the site is proposed to be excluded from assessment due to being located too far away from the Proposed Development. It is unclear from the Scoping Report whether this is being scoped out as a receptor or impact pathway.</p> <p>The Itchen Navigation is <5km from the red line boundary and downstream of the River Itchen so this statement appears to be incorrect. Other waterbodies such as the Southampton and Solent Water Special Protection Area are included in the assessment which are located 16km downstream of the Proposed Development. In the absence of a more detailed justification, the Inspectorate therefore,</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			<p>does agree to scope out the Itchen Navigation from the ES assessment.</p> <p>The ES should assess impacts to receptors where significant effects are likely to occur.</p>

ID	Ref	Other points	Inspectorate's comments
4.103	14.1.3	Study area and Figure depicting study area and receptors	<p>The proposed study area is the red line boundary plus a 500m buffer. This is not depicted on a Figure.</p> <p>It is stated that the ES will fully justify and explain the rationale behind adapting the study area during the progression of the design. The ES should explain how the ZoI and hydrological connectivity of the site has informed the study area extent. The ES should include a supporting Figure locating the study area and receptors.</p>
4.104	7.3.3	River Crossings	<p>The Applicant proposes to cross the River Itchen at three locations including new bridge crossings/widening of existing crossings. The details regarding these proposed crossings are limited in the Scoping Report.</p> <p>The ES should include the methods proposed to cross the river including the construction activities, timings and extent. Effort should be made to agree the river crossing solutions with the relevant consultation body and significant effects should be assessed where they are likely to occur.</p>
4.105	10.2.20 and 14.2.18	Groundwater monitoring	<p>Groundwater monitoring has been undertaken across the M3 J9 site since 2019. This data will inform the baseline in terms of groundwater levels, fluctuations and quality. It is stated that it will form part of the</p>

ID	Ref	Other points	Inspectorate's comments
			<p>baseline assessment, but it is unclear what other data will be used to inform the baseline.</p> <p>The ES should explain how the data provides representative information on which to base assessments and make effort to agree the baseline scenario with the EA and any other relevant consultation bodies.</p>
4.10.6	14.2.28 and 14.6.18	River Itchen catchment area, climate change allowances and the Flood Risk Assessment (FRA)	<p>Scoping Report paragraph 14.2.28 states that the River Itchen Flood Modelling (2019) used climate change projection change factors of 35%, 45% and 105% in line with government guidance 'Flood Risk Assessments: Climate Change Allowances' (updated 22 July 2020). However, it is not stated which climate change allowances will be used for the Flood Risk Assessment (FRA).</p> <p>The FRA should define the catchment area of the River Itchen and apply the appropriate climate change allowances in line with government guidance 'Flood Risk Assessment: Climate Change Allowances' to the assessment. Effort should be made to agree the approach to the FRA with the relevant consultation bodies.</p>
4.10.7	14.2.34 to 14.2.38	Extent of Reservoir and groundwater flooding	<p>Scoping Report paragraph 14.2.38 states that the northern extent of the study area is at risk of flooding in the event of a failure of the Old Alresford Pond; it states that this will be similar in extent as river flooding, but the extent is not defined. Additionally, the extent of groundwater flooding is not defined.</p> <p>The ES should define the extent and risk of both groundwater and reservoir flooding to and from the Proposed Development where there is potential for likely significant effects. This should be supported by a Figure.</p>

ID	Ref	Other points	Inspectorate's comments
4.10.8	14.2.41 and 14.3.5	Flood Risk from temporary and permanent sewers/drainage systems	<p>Scoping Report paragraph 14.2.41 states that historic flood events in Winchester record floods between 1997 to 2006 with sources identified as a combination of groundwater, fluvial flooding and foul/combined systems.</p> <p>The FRA submitted to inform the ES should address each of the relevant sources of flooding identified.</p>
4.10.9	14.4.2 to 14.4.7	Piling impacts and mitigation	<p>Whilst impacts as a result of construction activities are proposed to be included in the ES assessment, there is no specific reference to impacts from piling and potential bentonite breakout (piling fluid). The ES should detail the piling methods and locations and potential impacts from these construction activities on the water environment, including groundwater sources.</p> <p>Mitigation should include a plan for the event of a bentonite breakout which should be secured via the DCO; effort should be made to agree the details of the plan with the relevant consultation bodies.</p>
4.10.10	Section 14.4	Mitigation	<p>The Scoping Report identifies that a temporary drainage strategy will be prepared for the construction phase and will be outlined in the ES and secured through the First and Second Iteration Environmental Management Plan (fiEMP and siEMP).</p> <p>Details of both temporary and permanent drainage features should be included in the ES and construction, operational and decommissioning impacts of these features should be assessed in the ES where significant effects are likely. Effort should be made to agree the embedded and additional mitigation measures with the relevant statutory consultation bodies to ensure that they are appropriate.</p>
4.10.11	14.2.25	Water abstraction licences	<p>It is unclear whether impacts to licenced and non-licenced groundwater abstractions will be assessed in the ES. For clarification</p>

ID	Ref	Other points	Inspectorate's comments
			purposes, the ES should identify water abstractions within the study area and assess significant effects where they are likely to occur.

4.11 Climate

(Scoping Report Section 15)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.11.1	15.5.4 and Table 15.12	Construction – vulnerability of the Proposed Development to climate change	<p>Due to the short term and temporary nature of construction it is anticipated that climate change will not significantly affect the workforce.</p> <p>The Inspectorate agrees that this matter can be scoped out of the assessment. Where extreme events occur, established procedures should be adhered to, to protect the workforce.</p>
4.11.2	Table 15.12	Decommissioning	<p>The Proposed Development is not anticipating being decommissioned and should decommissioning occur, this would be beyond the period of projected UK Government carbon budgets.</p> <p>The Inspectorate agrees that impacts from decommissioning can be scoped out of the assessment on this basis.</p>

ID	Ref	Other points	Inspectorate's comments
4.11.3	15.2.9	Modelled GHG emission scenarios	<p>Scoping Report paragraph 15.2.9 indicates that the end-user GHG emissions from traffic flows will be modelled using the strategic and affected road network. Modelling is not proposed for the construction phase yet the number of vehicle movements/use of plant machinery and construction timing and extent is currently unknown and could increase the impact on carbon emissions of the Proposed Development as a whole.</p>

ID	Ref	Other points	Inspectorate's comments
			<p>Modelling should be completed for both construction and operational phases of the proposed development. Any modelling should be appended to the ES.</p>
4.11.4	Table 15.7, 15.3.1 and 15.6.12	Movement of soils and release of GHG emissions	<p>Currently the amount of soil to be stripped/moved is unknown. These processes release carbon from the soil which is a carbon store. Additionally, this is not included in Table 15.7 of the Scoping Report as GHG emission sources.</p> <p>The ES should define the amount of soil to be moved and the subsequent carbon emissions from this and assess any significant effects where they are likely to occur.</p>
4.11.5	Table 15.6 and 15.6.6	Assessment of GHG emissions	<p>Table 15.6 of the Scoping Report states that the potential to reduce carbon emissions through operation of the Proposed Development will be explored.</p> <p>The Chapter does not propose to use a transport assessment to inform the assessment of significant effects. Additionally, the government's 'Road to Zero' strategy has committed to stopping the sale of diesel and petrol cars and vans by 2040; this should be taken into account in the assessment.</p> <p>The ES should include a transport assessment and use this to inform the assessment of the potential adverse and/or beneficial significant effects from the release/reduction in carbon emissions.</p>
4.11.6	15.4.2	Mitigation	<p>Where mitigation is proposed to reduce the vulnerability of the Proposed Development to climate change, effort should be made to agree these measures with the relevant consultation bodies to ensure that they are appropriate.</p>

ID	Ref	Other points	Inspectorate's comments
4.11.7	15.6.7 and 15.6.14	Explanation of how professional judgement has been applied to achieve assessment conclusions	<p>Scoping Report paragraph 15.6.7 states that the assessment will only report significant effects where they have a material impact on the ability of the government to meet carbon commitments. Paragraph 15.6.14 then states that any increase in GHG emissions is considered significant in line with IEMA guidance. Assumptions and limitations in section 15.7 include that there is uncertainty surrounding the methodology used to assess impacts to and from climate change.</p> <p>Professional judgement is proposed to determine impact magnitude to inform the significance of effects.</p> <p>The ES should provide a full explanation of how professional judgement has determined the magnitude of impact and subsequently the significance of effects and how this has materially impacted the government's ability to meet carbon commitments to give the Inspectorate confidence in the assessment and its conclusions. The assessment should clearly set out the approach to the assessment of other cumulative projects including other roads schemes.</p>
4.11.8	Table 15.8	Likelihood categories	<p>Scoping Report Table 15.8 lists the likelihood of an extreme event happening based on DMRB guidance. Both the 'low' and 'very low' categories describe the same threshold where an event happens once within 60 years. These categories feed into how the significance of an effect is determined in Table 15.10 of the Scoping Report. The Applicant should explain why a particular likelihood category has been applied referencing professional judgement as appropriate.</p>

4.12 Cumulative Effects

(Scoping Report Section 16)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.121	16.3.6 to 16.3.8	Traffic related air quality and noise	<p>As traffic related air quality and noise impacts are already the basis of the air quality and noise assessments, this is not proposed to be assessed as a separate topic in the cumulative chapter.</p> <p>On the basis that traffic modelling accounts for future growth, air quality and noise assessments are considered to be inherently cumulative. Therefore, the Inspectorate agrees with this approach and is content to scope out this matter.</p>
4.122	16.3.11	Climate vulnerability	Vulnerability to climate change is specific to the Proposed Development and will not result in impacts to neighbouring developments and cumulative effects. The Inspectorate is content to scope this matter out of the cumulative assessment on this basis.
4.123	16.3.12	Materials and Waste	The Applicant explains that waste capacity and materials availability are based on future regional demand projections including landfill void capacity and are inherently cumulative. Therefore, cumulative effects from materials and waste are assessed in the individual chapters. On this basis, the Inspectorate is content to scope this matter out.

ID	Ref	Other points	Inspectorate's comments
4.124	Table 16.1	Receptors	It is not made clear which receptors are being referred to where there are potential interrelationships between aspects. For example, 'Residents along the existing Road Network' and 'Residents close to

ID	Ref	Other points	Inspectorate's comments
			the Proposed Scheme' – it is unclear whether these receptors are the same.
4.12.5	Table 16.2	Study areas	In previous aspect reviews in this Scoping Opinion, there have been comments relating to the justification and application of study areas. The ES should assess the cumulative effects based on fully justified study areas from the individual aspect Chapters, unless other justified.
4.12.6	16.3.14	Identification of 'other developments' and long list of developments	Effort should be made to agree the of the list of other developments and relevant aspects for assessment with the Local Planning Authority.

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 prospectus⁵
- Planning Inspectorate advice notes⁶:
 - 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: Habitats 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.

⁵ The Planning Inspectorate's pre-application services for applicants. Available from: <https://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>

⁶ 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 BODIES⁷

SCHEDULE 1 DESCRIPTION	ORGANISATION
The Crown Estate Commissioners	The Crown Estate
The Secretary of State for Defence	Ministry of Defence
The National Health Service Commissioning Board	NHS England
Public Health England, an executive agency of the Department of Health	Public Health England
The Health and Safety Executive	Health and Safety Executive
The Environment Agency	The Environment Agency
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	Historic England - London and South East
The Forestry Commission	Forestry Commission - South East and London
The Office for Nuclear Regulation (the ONR)	The Office for Nuclear Regulation (the ONR)
The Relevant Highways Authority	Hampshire County Council Highways Authority
The Relevant Strategic Highways Company	Highways England - South East
The relevant Clinical Commissioning Group	NHS West Hampshire Clinical Commissioning Group
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 Chilcomb Parish Council Headbourne Worthy Parish Council Kings Worthy Parish Council

⁷ Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the 'APFP Regulations')

TABLE A2: RELEVANT STATUTORY UNDERTAKERS⁸

STATUTORY UNDERTAKER	ORGANISATION
The relevant Clinical Commissioning Group	NHS West Hampshire Clinical Commissioning Group
The National Health Service Commissioning Board	NHS England
The relevant NHS Foundation Trust	Leigh House Hospital NHS Foundation Trust
	South Central Ambulance Service 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 – south east region
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 Networks Ltd
	ESP Pipelines Ltd
	ESP Connections Ltd
	Fulcrum Pipelines Limited
	Harlaxton Gas Networks Limited
	GTC Pipelines Limited
	Independent Pipelines Limited
	Indigo Pipelines Limited
	Murphy Gas Networks limited

⁸ '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
	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
	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
National Grid Electricity Transmission Plc	

TABLE A3: SECTION 43 LOCAL AUTHORITIES (FOR THE PURPOSES OF SECTION 42(1)(B))⁹

LOCAL AUTHORITY¹⁰
South Downs National Park Authority
Winchester City Council
Basingstoke and Deane Borough Council
Eastleigh Borough Council
East Hampshire District Council
Test Valley Borough Council
Fareham Borough Council
Havant Borough Council
Portsmouth City Council
Hampshire County Council
New Forest National Park Authority
Bracknell Forest Borough Council
Southampton City Council
West Berkshire Council
Wiltshire Council
Wokingham Borough Council
Dorset Council
Bournemouth, Christchurch and Poole Council
Surrey County Council
West Sussex County Council

⁹ Sections 43 and 42(B) of the PA2008

¹⁰ As defined in Section 43(3) of the PA2008

APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES

CONSULTATION BODIES WHO REPLIED BY THE STATUTORY DEADLINE:
Basingstoke and Deane Borough Council
Bracknell Forest Council
Dorset Council
East Hampshire District Council
Eastleigh Borough Council
Fareham Borough Council
The Forestry Commission
Hampshire County Council
Havant Borough Council
The Health and Safety Executive
Itchen Valley Parish Council
Kings Worthy Parish Council
The Ministry of Defence
Natural England
The Office of Nuclear Regulation
Public Health England
Royal Mail
The South Downs National Park Authority
Winchester City Council



Emily Park
The Planning Inspectorate

Our Ref: 20/02938/EN10
Your Ref: TR010055-000100

18 November 2020

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. It is understood that an application is expected to be submitted in 2021. As the proposed development constitutes a national infrastructure project (under the Planning Act 2008) a Development Consent Order is required for the development to proceed, for which PINS are the determining authority.

The improvement site is located within the planning authority boundaries of Winchester City Council, Hampshire County Council and the South Downs National Park Authority. The proposal seeks to widen the M3 at junction 9 to form a four lane motorway to improve access to and from the A34. This will consist of a smaller gyratory roundabout, new walking, cycling and horse riding facilities, connector roads from the new free-flow links to a new gyratory roundabout and improved motorway slip roads.

Previous comments were provided for this scheme in 2019 (our ref: 19/00284/EN10). Following feedback from consultation exercises carried out by Highways England, the scheme has been materially amended as follows:

- Altered and increased Indicative Application Boundary
- New or improved bridge structures over the River Itchen system
- New highways and roundabout configuration

Whilst it is considered that the above amendments do not alter the previous response provided by the planning team (as the site lies outside the borough of Basingstoke and Deane and the impacts would therefore be slight and indirect), it should be noted that the council have commenced work on reviewing the adopted Local Plan. The Local Plan Update will consider the development needs of the borough over the longer term (beyond 2029) and any subsequent impacts on, or requirements for improvements to, the local highway network and mass transit routes. The council will shortly be commissioning relevant transport assessments which will involve consultation with Highways England, as well as Hampshire County Council in their capacity as Highway Authority.

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 Jemma Cox on 01256 845304 or email jemma.cox@basingstoke.gov.uk

Yours sincerely

Planning and Development Manager



Emily Park
The Planning Inspectorate

Our Ref: 20/02938/EN10
Your Ref: TR010055-000100

18 November 2020

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. It is understood that an application is expected to be submitted in 2021. As the proposed development constitutes a national infrastructure project (under the Planning Act 2008) a Development Consent Order is required for the development to proceed, for which PINS are the determining authority.

The improvement site is located within the planning authority boundaries of Winchester City Council, Hampshire County Council and the South Downs National Park Authority. The proposal seeks to widen the M3 at junction 9 to form a four lane motorway to improve access to and from the A34. This will consist of a smaller gyratory roundabout, new walking, cycling and horse riding facilities, connector roads from the new free-flow links to a new gyratory roundabout and improved motorway slip roads.

Previous comments were provided for this scheme in 2019 (our ref: 19/00284/EN10). Following feedback from consultation exercises carried out by Highways England, the scheme has been materially amended as follows:

- Altered and increased Indicative Application Boundary
- New or improved bridge structures over the River Itchen system
- New highways and roundabout configuration

Whilst it is considered that the above amendments do not alter the previous response provided by the planning team (as the site lies outside the borough of Basingstoke and Deane and the impacts would therefore be slight and indirect), it should be noted that the council have commenced work on reviewing the adopted Local Plan. The Local Plan Update will consider the development needs of the borough over the longer term (beyond 2029) and any subsequent impacts on, or requirements for improvements to, the local highway network and mass transit routes. The council will shortly be commissioning relevant transport assessments which will involve consultation with Highways England, as well as Hampshire County Council in their capacity as Highway Authority.

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 Jemma Cox on 01256 845304 or email jemma.cox@basingstoke.gov.uk

Yours sincerely

Planning and Development Manager

EMILY PARK
ENVIRONMENTAL SERVICES
CENTRAL OPERATIONS
TEMPLE QUAY HOUSE
2 THE SQUARE
BRISTOL
BS1 6PN
Tuesday 17 November 2020

Application CS/20/89049
Please ask for April Waterman
Direct dial 023 8068 8841
Working hours
Email april.waterman@eastleigh.gov.uk

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

Application No: CS/20/89049
Description: PINS Consultation to Eastleigh Borough Council as Statutory Consultee: Environmental Statement Scoping Opinion Request by Highways England relating to a prospective application for an Order to grant Development Consent for the M3 Junction 9 Improvement (the Proposed Development).
Site: M3 Junction 9, Land to the North, North East and East of Winchester.

In pursuance of powers under the above Act and in accordance with your letter received on Tuesday 20 October 2020 the Council, as Local Planning Authority, thanks you for your consultation and makes the following comment:

Eastleigh Borough Council (EBC) considers that the Environmental Impact Assessment (EIA) should include a thorough analysis of the impacts of the scheme, in its construction and operational phases, in terms of the physical works, emissions from road traffic, temporary and permanent alteration of surface and ground water, air quality and the noise environment, and consequent effects particularly on human health and on biodiversity, in affected areas within the Eastleigh Borough.

In chapter 6 of the Scoping Report the extent of the study area for air quality assessment is not detailed: instead it is noted that its definition, which will be guided by the also as-yet-unidentified Affected Road Network extent (ARN) "*will be presented in a plan within the Environmental Statement and agreed with statutory bodies*". EBC is keen to see that the air quality study area, when identified, properly

Eastleigh Borough Council, Eastleigh House, Upper Market Street, Eastleigh, Hampshire SO50 9YN

T: 023 8068 8000 E: direct@eastleigh.gov.uk W: www.eastleigh.gov.uk

encompasses all areas where human health and biodiversity are likely to be affected, including by impacts from traffic management measures during construction (which are also not yet detailed). As it is understood that the construction phase of the Proposed Scheme is estimated to be in the order of two and a half years, the potential for air quality impacts from altered traffic patterns within Eastleigh Borough (not only planned diversions and scheme traffic routing but also likely voluntary driver avoidance of perceived or actual congestion as it becomes evident) should be acknowledged and included in the ES.

Chapter 12, at 12.1.1, notes that the study area in relation to construction noise will only include diversion routes where a project requires full carriageway closures during the night. At 12.1.2 and 5 it is stated that the final study area is not yet known for construction noise and vibration. It is considered that such study area should include routes affected by traffic management measures comprising the diversion of all or selected traffic at any time of day, as well as the planned routing of construction traffic, where this would affect flows on highways in the Eastleigh Borough area. If not scoped into the EIA, an explanation of the omission should be given.

Although the desk study area proposed for Biodiversity (chapter 9) will be set at 10km from the maximum extent of the Indicative Application Boundary (IAB) for European designated sites, and the study area for designated sites covers all areas within 200m of the Affected Road Network (itself an undefined area – see comment above), the survey area used to collect habitat data and for most species surveys is noted as only extending 250m from the IAB. This limited area of survey would not provide baseline data within ecologically sensitive areas of Eastleigh Borough likely to be affected by the Proposed Scheme. At 9.5.1 and 2 the Scoping Report acknowledges that the “*Construction and operation activity of the M3 J9 Improvement has the potential to result in significant effects to designated sites, protected and notable habitats and species*”, including the River Itchen SAC and SSSI. However, the Scoping Report does not make clear over what area of the River Itchen such effects (and mitigation/compensation measures) would be identified. If species and habitat survey data is only collected within a short range of the IAB then this precludes the proper assessment of impacts of the development on the integrity of the designated site downstream of the proposed scheme. The study area for Biodiversity needs to extend beyond the survey areas set out in the Scoping Report particularly in terms of the River Itchen SAC and SSSI within the Eastleigh Borough area.

It is noted that in the earlier Planning Inspectorate Scoping Opinion (adopted March 2019), in the Aspect based scoping tables, at ID 4.4.3, ref 9.2.7 Statutory Designated sites, a similar general point was made: “*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.*” The revised Scoping Report appears not to have taken this matter on board.

Chapter 14 of the Scoping Report addresses Road Drainage and the Water Environment. At 14.1.2 it states that the groundwater risks associated with habitats and designated areas are scoped separately (and are therefore dealt with) in Chapter 9 – Biodiversity. For the reasons set out above, relating to inadequate geographical extent for the study areas, and a lack of full recognition for potential impacts to be experienced downstream of the IAB (not only within the River Itchen but also the Solent and Southampton Water SPA and Ramsar designations into which it flows) in Chapter 9, it is considered that the Scoping Report underestimates the potential for significant effects on off-site receptors from drainage impacts on the water environment close to the M3 J9 scheme.

It is agreed that the Proposed Scheme would not generate new overnight stays (new accommodation) and on this count would not likely have an effect on the nutrient loading of water entering the Solent & Southampton Water SPA. The loss of or change of activity on agricultural land as a result of the Proposed Scheme may, however, affect the relevant nutrient load on a temporary or permanent basis, depending on the area of agricultural land affected, and the nature, degree and duration of such loss or change. If to be scoped out, the ES should explain this decision with reference to agricultural land.

Thank you again for your consultation.

Yours faithfully

Andy Grandfield
Head of Housing and Development

Emily Park
Environmental Services,
Central Operations,
Temple Quay House,
2 The Square,
Bristol,
BS1 6PN

South East & London Area Office
Bucks Horn Oak
Farnham
Surrey
GU10 4LS

planningconsultationSEL@forestrycommission.gov.uk

Area Director
Craig Harrison

VIA EMAIL ONLY

Your Ref: TR010055-000100
Our Ref: 23 NSIP M3 jct 9

Date: 17th November 2020

Dear Emily

**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 Scoping Opinion in your letter dated 20th October 2020.

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)¹ 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 2018²:
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,*

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

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

unless there are wholly exceptional reasons and a suitable compensation strategy exists"

The Forestry Commission has also prepared joint standing advice with Natural England on ancient woodland, ancient trees and veteran trees³ 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 EIA Scoping Report provided by Highways England states that there are no Ancient woodlands within 2km of the site. With reference to the comment above regarding woodland less than 2ha the 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 Environmental Statement.

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.

We are pleased to note that other, non-ancient woodland has been identified, particularly as lowland broadleaved deciduous woodland is a Habitat of Principle Importance.

We note that no veteran trees have been identified. Ancient trees and veteran trees can be individual trees, or groups of trees including within hedgerows⁴. 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 should be considered. New Woodland creation would be extremely positive in buffering

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

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

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.

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, and that woods can be effectively managed (including timber extraction) in the future. The Forestry Commission would welcome the opportunity to be engaged in the planting proposals.

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. We note that Highways England intend to draw up a 15-year management plan for the current and to-be-created woodland, and we expect to see this confirmed, in detail, within the ES.

I hope this is of benefit. Please do not hesitate to contact me on the email address above for any further clarifications.

Yours sincerely

Caroline Gooch
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.

From: [Planning Team C](#)
To: [M3 Junction 9](#)
Subject: FW: TR010055 - M3 Junction 9 Improvement - EIA Scoping Notification and Consultation Reg 11
Date: 27 October 2020 15:46:02

Good afternoon

Please see the below response from the Highways Team

Kind regards

Sam Gibbs-Jones
Administrative Officer, Planning Support
Growth and Economy
Dorset Council

[01202 228789](tel:01202228789)

dorsetcouncil.gov.uk



From: Kate Tunks <k.tunks@dorsetcc.gov.uk>

Sent: 27 October 2020 14:49

To: Planning Team C <planningteamc@dorsetcouncil.gov.uk>; Hilary Jordan <hilary.jordan@tricro.co.uk>; Ewan Wilson <ewan.wilson@bcpcouncil.gov.uk>

Subject: RE: TR010055 - M3 Junction 9 Improvement - EIA Scoping Notification and Consultation Reg 11

This is the Winchester North junction which is 30 miles from Dorset's eastern border.
No comments from us.

Hi Ewan – Are BCP making any comment?

Thanks

Kate Tunks
Service Manager for Infrastructure &
Assets
Highways

Dorset Council

[01305 228534](tel:01305228534)

dorsetcouncil.gov.uk



From: Planning Team C <planningteamc@dorsetcouncil.gov.uk>

Sent: 27 October 2020 13:17

To: Hilary Jordan <hilary.jordan@tricuro.co.uk>; Kate Tunks <k.tunks@dorsetcc.gov.uk>

Subject: FW: TR010055 - M3 Junction 9 Improvement - EIA Scoping Notification and Consultation Reg 11

Importance: High

Good afternoon

Please see the below email and attachment

Kind regards

Sam Gibbs-Jones
Administrative Officer, Planning Support
Growth and Economy
Dorset Council

[01202 228789](tel:01202228789)

dorsetcouncil.gov.uk



From: M3 Junction 9 <M3Junction9@planninginspectorate.gov.uk>

Sent: 20 October 2020 10:08

Subject: TR010055 - M3 Junction 9 Improvement - EIA Scoping Notification and Consultation Reg 11

FAO: Head of Planning

Dear Sir/Madam,

Please see attached correspondence on the proposed M3 Junction 9 Improvement.

Please note the deadline for consultation responses is 19 November 2020.

Kind regards,

Emily Park (MSc ACIEEM AIEMA)
EIA Advisor

Major Casework Directorate
Direct Line: 0303 444 5657
Helpline: 0303 444 5000
Email: emily.park@planninginspectorate.gov.uk

Web: <https://infrastructure.planninginspectorate.gov.uk/> (National Infrastructure Planning)
Web: 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 [Privacy Notice](#) before sending information to the Planning Inspectorate.



Please note that the contents of this email and any attachments are privileged and/or confidential and intended solely for the use of the intended recipient. If you are not the intended recipient of this email and its attachments, you must take no action based upon them, nor must you copy or show them to anyone. Please contact the sender if you believe you have received this email in error and then delete this email from your system.

Recipients should note that e-mail traffic on Planning Inspectorate systems is subject to monitoring, recording and auditing to secure the effective operation of the system and for other lawful purposes. The Planning Inspectorate has taken steps to keep this e-mail and any attachments free from viruses. It accepts no liability for any loss or damage caused as a result of any virus being passed on. It is the responsibility of the recipient to perform all necessary checks.

The statements expressed in this e-mail are personal and do not necessarily reflect the opinions or policies of the Inspectorate.

DPC:76616c646f72



This e-mail and any files transmitted with it are intended solely for the use of the individual or entity to whom they are addressed. It may contain unclassified but sensitive or protectively marked material and should be handled accordingly. Unless you are the named addressee (or authorised to receive it for the addressee) you may not copy or use it, or disclose it to anyone else. If you have received this transmission in error please notify the sender immediately. All traffic may be subject to recording and/or monitoring in accordance with relevant legislation. Any views expressed in this message are those of the individual sender, except where the sender specifies and with authority, states them to be the views of Dorset Council. Dorset Council does not accept service of documents by fax or other electronic means. Virus checking: Whilst all reasonable steps have been taken to ensure that this electronic communication and its attachments whether encoded, encrypted or otherwise supplied are free from computer viruses, Dorset Council accepts no liability in respect of any loss, cost, damage or expense suffered as a result of accessing this message or any of its attachments. For information on how Dorset Council processes your information, please see www.dorsetcouncil.gov.uk/416433



*Economy, Transport and Environment Department
Elizabeth II Court West, The Castle
Winchester, Hampshire SO23 8UD*

Tel: 0300 555 1375 (General Enquiries)
0300 555 1388 (Roads and Transport)
0300 555 1389 (Recycling Waste & Planning)
Textphone 0300 555 1390
Fax 01962 847055
www.hants.gov.uk

Planning Inspectorate
Environmental Services
Central Operations
Temple Quay House
2 The Square
Bristol, BS1 6PN

<i>Enquiries to</i>	Neil Massie	<i>My reference</i>	M3JCT9SCOPING	_____
<i>Direct Line</i>	0370 779 2113	<i>Your reference</i>	TR010055-000100	
<i>Date</i>	19 November 2020	<i>Email</i>	neil.massie@hants.gov.uk	

Sent by email to: M3Junction9@planninginspectorate.gov.uk

For the attention of Emily Park

Dear Madam,

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 (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 the opportunity to respond on this EIA Scoping Notification and Consultation (Reg 11) for the M3 Junction 9 Improvement project. The County Council provides the following response in its capacity as the local highway authority, the lead local flood authority, the local minerals and waste planning authority and on behalf of the County Archaeologist.

Local Highway Authority

This development is of a scale for which a full Transport Assessment will be required. This will fully assess the transport and highway impact of the proposed development.

*Director of Economy, Transport and Environment
Stuart Jarvis BSc DipTP FCIHT MRTPI*

It is recommended that the scope of the EIA is expanded to include an assessment of the proposal on traffic flows on the local highway network. It is expected that the congestion relief resulting from the proposal will influence route choice and therefore traffic flows on particular routes. The EIA will need to consider the impact this has on Air Quality and Noise issues, and any severance resulting from changes to traffic flows on particular routes.

Lead Local Flood Authority

The scoping report is comprehensive and scopes in the water environment as the LLFA would request. It also acknowledges the need for a Flood Risk Assessment and drainage strategy. Please direct the applicant to our website <https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/planning> for full guidance on what is required and further information on recommended surface water drainage techniques.

The County Council as LLFA would highlight that there are known flooding issues downstream of the site from fluvial, pluvial and groundwater sources and therefore any betterment in terms of flood risk would be welcomed.

Also, please note that if the proposals include works to an ordinary watercourse, under the Land drainage Act 1991, as amended by the Flood and Water Management Act 2010, prior consent of the Lead Local Flood Authority is required for this work. This consent is required as a separate permission to planning. Details can be found here: <https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/change-watercourse>

Minerals and Waste Planning Authority

The County Council as Minerals and Waste Planning Authority is pleased to see that the Scoping Opinion concluded to 'Scope In' the impact on mineral safeguarding areas and peat resources as part of the EIA scope. The County Council's research shows that there is approximately 25.75 ha of safeguarded mineral deposits, safeguarded under Policy 15 (Safeguarding – mineral resources) of the adopted Hampshire Mineral and Waste Plan (HWMP) (2013), within the red line boundary of the planning application. While it can be conceded that not all of this area may be sterilised as part of the development, the County Council strongly approves the assessing of the proposed development's impact on the safeguarded deposits. Within this report the County Council would expect to see an assessment for the provision of prior extraction of any available mineral deposits.

In line with the above comment, the County Council would also expect to see a Mineral Resource Assessment / Report accompanying the main application upon submission.

With regard to further safeguarding issues, the application site lies in close proximity to the following safeguarded waste site: Easton Lane Depot, a concrete batching plant operated by CEMEX UK. This site is safeguarded under Policy 26 (Safeguarding – waste infrastructure) of the HMWP. This policy is designed to protect current and potential waste sites from pressures to be replaced by other forms of development, including through ‘encroachment’ where nearby land-uses impact their ability to continue operating.

While the highway improvements may potentially enhance the operation of the safeguarded site upon completion, the site’s ability to continue operating at its current capacity may be impacted during the improvement works. While this issue is unlikely to require consideration within the EIA, the County Council will expect to see how the operation of the safeguarded site has been considered within any forthcoming application.

County Archaeologist

It is noted that in the summary, both at the start and end of the document, archaeology is ‘scoped in’ and this is very much welcomed. Although the existing highway has had a considerable impact, the compound and soil disposal areas offer broad new areas of impact as do the additional impacts of highways work beyond the margins of the existing.

It is noted in paragraph 7.2.1 that a new desk based assessment (DBA) is being prepared to replace the previous DBAs of 2017 and 2018, both in response to comments regarding the impact on Scheduled Monuments and, it is imagined, in light of new archaeological information identified in the trial trenching and geophysics surveys referred to in para 7.2.12 (but which have not yet been seen by the County Archaeologist). The DBA will inform future consultation, as well as further evaluation strategies and final mitigation strategy.

Paragraphs 7.2.12 and 7.4.2 indicate that further evaluation is planned, including geophysical survey and trial trenching, “the scope of which will be discussed and agreed with Winchester City Council and Hampshire County Council as the scheme design evolves”. Paragraph 7.4.2 states that the evaluation stages will clarify the “nature, extent and significance of archaeological deposits and inform a suitable mitigation strategy”. This is welcomed.

Paragraph 7.3.3 confirms that significant intrusive works will impact archaeology and paragraphs 7.3.2 and 7.4.1 suggest that in light of archaeological remains already found and recorded these may be of medium to high significance. Paragraph 7.4.2 states that a mitigation strategy will be set out informed by the evaluation stage. Paragraph 7.4.2 indicates that in the meantime geotechnical work will, where possible, be archaeologically monitored.

In light of paragraphs 7.2.12, 7.3.2, 7.3.3 it is noted in paragraph 7.4.1 that the Environmental Statement will “fully and clearly set out the value/sensitivity of archaeological remains”. This is welcomed.

Paragraph 7.5.1 indicates that further work will be presented regarding the residual impact on Scheduled Monuments when the ZTV has been completed.

The County Council is therefore happy to welcome the fact that archaeology is scoped in, and the approach to assessing the impact and mitigation as set out in Section 7 Cultural Heritage.

I trust that these comments are of assistance to you. If you wish to discuss any of the comments raised, please do not hesitate to contact my colleague Neil Massie on 0370 779 2113 who is providing a coordinating role for the County Council on this project.

Yours sincerely,

Stuart Jarvis
Director of Economy, Transport and Environment

Emily Park

Our Ref: GEN/20/00873
Direct Line: (023) 92 446263
Ask For: Mr L Oliver
Email: planning.development@havant.gov.uk

26 October 2020

Site Location: M3 Junction 9 Improvement

Re: Consultation request from Planning Inspectorate in relation to Scoping Opinion/Reg 11 Notification.

Dear Madam,

I am writing to you further to your enquiry received on the 20 October 2020 regarding the above scheme.

I can confirm that Havant Borough Council have no comments to make.

Yours faithfully

Mr L Oliver
Principal Planner
Our Ref: GEN/20/00873

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

HSE email: NSIP.applications@hse.gov.uk

FAO Emily Park
The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN
By email only

Dear Ms Park,

11 November 2020

**PROPOSED M3 JUNCTION 9 IMPROVEMENT (RE-SCOPED) (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 the 20 October 2020 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 sites within the proposed DCO application boundary of the proposed M3 junction9 improvement for this nationally significant infrastructure project.

This is based on the current configuration for the red line area as illustrated in, for example, Site Location Plan (Figure 2.1), of the M3 Junction 9 Improvement, Environmental Impact Assessment, Scoping Report – Request for a second Scoping Opinion. Report number: HE551511-VFK-EGN-X_XXXX_XX-TN-LE-0002, Date: October 2020, Revision: P02

The site is: UK Petroleum Products Ltd HSE reference H0522.

HSE's Land Use Planning advice would be dependent on the location of areas where people may be present. When we are consulted by the Applicant with further information under Section 42 of the Planning Act 2008, we can provide full advice

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.

HSC 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.

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 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

HSE has no comment to make as there are no licensed explosives sites in the vicinity.

Electrical Safety

No comment from a planning perspective.

Please note that any further electronic communication on this project can be sent directly to the HSE designated e-mail account for NSIP applications the details of which can be found at the top of this letter or hard copy correspondence should be sent to:

Mrs Monica Langton
NSIP Consultations
1.2 Redgrave Court
Merton Road, Bootle
Merseyside, L20 7HS

Yours sincerely,

Monica

Monica Langton
CEMHD4 Policy

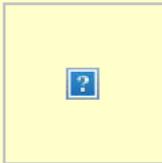
From: [Michelle](#)
To: [M3 Junction 9](#)
Subject: Itchen Valley Parish Council Response: Junction 9 Improvement - EIA Scoping Notification and Consultation Reg 11.
Date: 19 November 2020 20:56:01
Attachments: [image003.jpg](#)

Dear All,

We have been asked to comment on the proposed Scoping Consultation Reg 11 document and after a discussion by our council members, Itchen Valley Parish Council would like to submit a 'No Comment' response at this stage to the Junction 9 Improvement - EIA Scoping Notification and Consultation Reg 11.

Thanks & Best Regards,

Michelle Leadbitter-Allen
Parish Clerk & RFO



Itchen Valley Parish Council

I work 20 hours a week on a flexible basis.

T: 07493417313

E: clerk@itchenvalleyparishcouncil.org.uk

Any content or attachments are solely for the person to whom it is addressed, and may be confidential. If you get it by mistake, please email us back as soon as possible, and then delete it from your system. Please disclose to anyone or use or use any of the information in it. Under UK Data Protection and Freedom of Information Legislation, the contents of this email might have to be disclosed in response to a request. We take your privacy seriously; our Council is fully GDPR-compliant. To learn more about how we comply with GDPR, refer to our [policy & procedure page](#). Although we do our best to guard against viruses, we advise that you carry out your own virus check before you open attachments contained in our emails as we cannot accept liability for any virus-related damage.

Kings Worthy Parish Council Response to M3 Junction 9 Environmental Report

We as the Parish Council for Kings Worthy and Abbots Worthy have reviewed the Environmental Impact Assessment Scoping Report for the M3 Junction 9 Improvement scheme and can report that generally we find the report sufficient to ensure minimum impact to our parishes during the construction phase, however we have noted that there are several omissions and some minor errors in the statements concerning our parish. These are listed below:

In Section 12: Noise and Vibration Kings Worthy Primary School is omitted from Table 12.1 although St. Swithin's and Winnall Primary are included, although in our opinion they appear further from the construction area than Kings Worthy Primary. We would prefer that this education establishment is also included. It should be noted that Kings Worthy Primary is included in Table 13.8. In a similar vein, a Pre-school and Day Nursery exists at Woodhams Farm which lies very close to the end of the area covering the A34 section and we feel this establishment should be included in both Table 12.1 and Table 13.8. We would welcome your comments on the inclusion of these two educational establishments into the document. The document also mentions Princes Meads School at Abbots Worthy but it is not included in any of the monitoring regimes and therefore missing from both Table 12.1 and 13.8 but could be adversely affected if the North Spoil Management Area is adopted. In the event of this area being used the school should, in our opinion, be included in both Table 12.1 and 13.8

As a Parish Council we have serious concerns relating to noise pollution caused for those areas of our parish which border the A34. Currently these areas suffer high levels of noise from the A34 and we anticipate that these will increase if the current speed limit on the approach to this area is removed with the improvement proposed. In our view the mean traffic speed will increase and the current incline leading to this section of road will further increase speeds and resultant noise levels. As a parish we intend to fully cooperate with the Winchester City Council Environmental Health office to ensure that the Baseline conditions as outlined in paragraph contained 12.2, inclusive, are undertaken and monitor those areas of our parish that we feel may need additional sound mitigation activities both during and after the construction phase.

We believe that there are factual errors in section 13.2.12 which relate to our parishes and these require review in our opinion. Below is an extract from the document with the errors and omissions modified.

'The Worthys'

13.2.12 Kings Worthy is a residential area which lies between the fork of the A34, A33 and the South Western main line. Within this local settlement are a food convenience store which is used by smaller villages to the north and east, a primary school, nursery and pre-school, two post offices/convenience stores, a church, a sports and social club and a pharmacy. In addition to these community facilities, there are take-aways' shops and two dining pubs.

13.2.13 It is likely that some of the local trips to the facilities listed above are made by non- motorised means by local residents and the surrounding villages. For access to other services, it is likely that these will currently be sought in the centre of Winchester, via vehicular means by the B3047 (London and Worthy Roads), or Harestock to the west by Wellhouse Lane.

13.2.14 Abbots Worthy lies to the south east of Kings Worthy, in between the A33 Basingstoke Road and the M3. There are a small number of residential properties accessed from the B3047. There are no community facilities within Abbots Worthy, other than Prince's mead School.

13.2.15 There is some off-road pedestrian provision along the B3047 and a public footpath from Mill Lane to Kings Worthy, so it is likely that the journeys from Abbots Worthy are made on foot to local facilities in Kings Worthy, or by vehicle into Kings Worthy and Winchester by the A33/A34 or the B3047.

13.2.16 Headbourne Worthy is located west of Kings Worthy, separated by the A34. The community facilities located within this small residential area is restricted to the Cobbs Farm Shop and Cafe.

13.2.17 There is pedestrian provision on the B3047 to Kings Worthy and there is a pedestrian footway on Springvale Road into Kings Worthy. Some residents from Headbourne Worthy could, however, access facilities in Kings Worthy on foot, but it is more likely that the majority of journeys are made by vehicle into Kings Worthy (via London Road or Springvale Road), Harestock (via Wellhouse Lane) or Winchester (via the B3047).

Our final point relates to the use of the North Area for excess spoil management. The area lays outside our parish as it is sited between the current M3 and the village of Easton, however the temporary haul road proposed run around part of our parish. This area is a known area of sensitivity and constitutes part of the ancient floodplain that protects elements of our parish and a wider area of Winchester City. In view of the sensitivity of this area we feel it would be totally inappropriate to cross it with a haul road and multiple vehicle movements.



Ministry
of Defence

Defence Infrastructure Organisation

Safeguarding Department
Statutory & Offshore

Emily Park
Planning Inspectorate
Environmental Services
Temple Quay House
2 The Square
Bristol, BS16PN

Defence Infrastructure Organisation
Kingston Road
Sutton Coldfield
West Midlands
B75 7RL

Tel: 07970 171 309

E-mail: DIO-safeguarding-statutory@mod.gov.uk

www.mod.uk/DIO

Your reference: TR010055-000100
Our reference: 10049653

19 November 2020

Dear Ms Park

MOD Safeguarding – SITE OUTSIDE SAFEGUARDING AREA

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

Location: M3, Junction 9

Grid Ref: E: 449680 – N: 130487

Thank you for consulting Defence Infrastructure Organisation (DIO) on the above proposed development. This application relates to a site outside of Ministry of Defence (MOD) statutory safeguarding areas (SOSA). We can therefore confirm that the MOD has no safeguarding objections to this proposal.

I trust this adequately explains our position on this matter, however should you have any questions regarding this matter please do not hesitate to contact me.

Yours sincerely

Debi Parker
Assistant Safeguarding Manager
DIO Safeguarding Team

From: [Hebden, Rachael](#)
To: [Park, Emily](#)
Subject: N/20/0010 Junction 10
Date: 03 November 2020 15:18:12

Dear Ms Park,

Re: Scoping opinion for improvements to Junction 10 of the M3 ref N/20/0010

Thank you for consulting Fareham Borough Council regarding the above application for a scoping opinion. I can confirm that the Local Planning Authority have no comments to make.

Kind regards,

Rachael Hebden
Senior Planner Strategic Sites (Development Management)
Fareham Borough Council
01329824424



This email (and its attachments) is intended only for the use of the person(s) to whom it is addressed and may contain information which is privileged and/or confidential. If it has come to you in error, you must take no action based on it nor must you copy or show it to anyone.

This email is confidential but may have to be disclosed under the Freedom of Information Act 2000, the Data Protection Act 2018 or the Environmental Information Regulations 2004. If you are not the person or organisation it was meant for, apologies. Please ignore it, delete it and notify us. Emails may be monitored.

Date: 09 November 2020
Our ref: 331436
Your ref: TR010055



Emily Park
Major Casework Directorate
The Planning Inspectorate

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Emily

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 seeking our advice on the scope of the Environmental Statement (ES) in your consultation dated 20 October 2020 which we received on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England welcomes the early engagement with Highways England regarding the proposals and the comprehensive ES Scoping Report. Case law¹ and guidance² has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for this development.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

Please note that Natural England reserves the right to provide further comments on this proposal beyond this EIA scoping opinion, should your authority seek our views on the planning application. This includes any third party appeal against any screening decision your authority may make.

For any queries relating to the specific advice in this letter only please contact Rachael Clemson on 07500 954264. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Rachael Clemson
Sustainable Development Lead Adviser
Thames Solent Area Team

¹ Harrison, J in *R. v. Cornwall County Council ex parte Hardy* (2001)

² Note on *Environmental Impact Assessment Directive for Local Planning Authorities* Office of the Deputy Prime Minister (April 2004) available from <http://webarchive.nationalarchives.gov.uk/+/http://www.communities.gov.uk/planningandbuilding/planning/sustainabilityenvironmental/environmentalimpactassessment/noteenvironmental/>

Annex A – Advice related to EIA Scoping Requirements

1. General Principles

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment.
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- A non-technical summary of the information.
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'in combination' effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

2. Biodiversity and Geology

2.1 Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EclA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

The National Planning Policy Framework sets out guidance in S.174-177 on how to take account of biodiversity interests in planning decisions and the framework that local authorities should provide to assist developers.

2.2 Internationally and Nationally Designated Sites

The ES should thoroughly assess the potential for the proposal to affect designated sites. European sites (e.g. designated Special Areas of Conservation and Special Protection Areas) fall within the scope of the Conservation of Habitats and Species Regulations 2017 (as amended). In addition paragraph 176 of the National Planning Policy Framework requires that potential Special Protection Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites, and any site identified as being necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites.

Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

Should a Likely Significant Effect on a European/Internationally designated site be identified or be uncertain, the competent authority (in this case the Local Planning Authority) may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation, Special Protection Areas and Ramsar sites)

The development site is situated within, close to or adjacent to the following designated nature conservation sites:

- River Itchen Special Area of Conservation
- River Itchen Site of Special Scientific Interest
- St Catherine's Hill Site of Special Scientific Interest
- Cheesefoot Head Site of Special Scientific Interest

Further information on the SSSI and its special interest features can be found at www.magic.gov.uk. The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within River Itchen SSSI and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.

European site conservation objectives are available on our internet site <http://publications.naturalengland.org.uk/category/6490068894089216>

2.3 Regionally and Locally Important Sites

The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the local wildlife trust, geoconservation group or a local forum established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife and geodiversity interests of such sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures.

Natural England does not hold local information on local sites, local landscape character and local or national biodiversity priority habitats and species. We recommend that you seek further information from the Hampshire Biodiversity Information Centre and other appropriate bodies (which may include the local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document).

2.4 Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2017 (as amended)

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Natural England has adopted [standing advice](#) for protected species which includes links to guidance on survey and mitigation.

2.5 Habitats and Species of Principal Importance

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available here <https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity>.

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (e.g. whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

The development should seek if possible to avoid adverse impact on sensitive areas for wildlife within the site, and if possible provide opportunities for overall wildlife gain.

The Hampshire Biodiversity Information Centre should be able to provide the relevant information on the location and type of priority habitat for the area under consideration.

3. Designated Landscapes and Landscape Character

Nationally Designated Landscapes

As the development site is within/adjacent to South Downs National Park, consideration should be given to the direct and indirect effects upon this designated landscape and in particular the effect upon its purpose for designation within the environmental impact assessment, as well as the content of the relevant management plan for South Downs National Park.

Landscape and visual impacts

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using [landscape assessment methodologies](#). We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

Natural England supports the publication *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant [National Character Areas](#) which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

4. Access and Recreation

Natural England encourages any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways are to be encouraged. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

We recommend early engagement with South Downs National Park to discuss incorporating measures to improve access to the National Park and links to the wider footpath network.

Rights of Way, Access land, Coastal access and National Trails

The EIA should consider potential impacts on access land, public open land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the adjacent/nearby [Click here to enter text](#). National Trail. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts. We also recommend reference to the relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

5. Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition ([England Biodiversity Strategy](#), Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

6. Climate Change Adaptation

The [England Biodiversity Strategy](#) published by Defra establishes principles for the consideration of

biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' ([NPPF](#) Para 174), which should be demonstrated through the ES.

7. Cumulative and in-combination effects

A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment, (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

8. Considerations in relation to National Planning Policy Framework (NPPF)

The ES should set out how the proposals will meet the tests for "Major" development within a National Park, as set out in NPPF paragraph 172. In particular, measures will need to be identified that minimise any detrimental effect on the environment, the landscape and recreational opportunities within the National Park. In addition, in relation to NPPF paragraph 170 and 175 the scheme should seek wherever possible to avoid, minimise, or as a last resort compensate impacts on biodiversity, while seeking to ensure an overall biodiversity net gain.

The key objective of the landscape, access and biodiversity aspects of the scheme should be to ensure that the wider landscape affected by the proposals, the biodiversity it supports and the provision for public access are significantly enhanced by the development. Such measures should include enhancements on land within the applicant's control and might include:

- The creation and restoration of areas of priority habitats such as chalk grassland, native woodland, riparian habitat, etc. The aim should be to create attractive, biodiverse habitats with low maintenance requirements along the road corridor.
- Provision for enhancing ecological connectivity both along the motorway and across. The latter might include provision of appropriately sited green bridge (s), enhanced connectivity of habitats along the River Itchen including measures for the safe passage of otter, etc.
- The creation of new public access opportunities that link up to the wider footpath network.
- The use of chalk embankments, sown with key butterfly food plants to provide biodiverse habitats and enhanced noise attenuation along access tracks.

Further, given the scale of the scheme there may nevertheless remain significant wider residual impacts to landscape and biodiversity interests. In order to address and moderate any such wider residual impacts the scheme the ES should also include the preparation of a comprehensive landscape, biodiversity and access enhancement plan for the wider areas of landscape affected by the proposals that are outside the applicants control.

The measures identified in the enhancement plan should be used to calculate a reasonable level of offset funding needed to meet the wider objectives of the plan and achieve full moderations of the adverse impacts of the scheme. Potential landscape, biodiversity and access offset measures that would meet the objectives of the plan and should therefore be made eligible for funding might include:

- Measures to enhance local landscape e.g. through the restoration of boundary features, removal of eyesores, appropriate tree planting, restoration of the setting of historic features, etc.
- Measures to permanently remove landscape features that are out of character such as conifer plantations.
- Measures to improve ecological connectivity.
- Establishment of new areas of BAP priority habitat, including chalk grassland, farm ponds and broad leaved native woodland.
- Provision for the enhancement of existing wildlife sites.
- Measures for conserving and enhancing BAP priority species.
- Measures for enhancing access opportunities, particularly away from the noise and visual intrusion of the M3.

Natural England would welcome the opportunity to comment on the landscape, biodiversity and access enhancement plan and agree the funding arrangements in due course.

Please note that Natural England reserves the right to provide further comments on this proposal beyond this EIA scoping opinion, should your authority seek our views on the planning application. This includes any third party appeal against any screening decision your authority may make.



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

www.gov.uk/phe

Your Ref: TR010055-000100

Our Ref: 55336

Ms Emily Park
EIA Advisor
Major Casework Directorate
Temple Quay House
2 The Square
Bristol, BS1 6PN

18th November 2020

Dear Ms Park

Nationally Significant Infrastructure Project 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

PHE's mission is to protect and improve the nation's health and wellbeing and reduce health inequalities. Environmental noise can cause stress and disturb sleep, which over the long term can lead to a number of adverse health outcomes [1, 2].

The Noise Policy Statement for England (NPSE) [3] sets out the government's overall policy on noise. Its aims are to:

- avoid significant adverse impacts on health and quality of life;
- mitigate and minimise adverse impacts on health and quality of life; and
- contribute to the improvement of health and quality of life.

These aims should be applied within a broader context of sustainable development, where noise is considered alongside other economic, social and environmental factors. PHE expects such factors may include [4]:

- Ensuring healthy lives and promoting well-being for all at all ages;
- promoting sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all;
- building resilient infrastructure, promoting inclusive and sustainable industrialisation and fostering innovation;
- reducing inequality; and
- making cities and human settlements inclusive, safe, resilient and sustainable.

PHE's consideration of the effects of health and quality of life attributable to noise is guided by the recommendations in the 2018 Environmental Noise Guidelines for the European Region [1] published by the World Health Organization, and informed by high quality systematic reviews of the scientific evidence [2, 5, 6]. The scientific evidence on noise and health is rapidly developing, and PHE's recommendations are also informed by relevant studies that are judged to be scientifically robust and consistent with the overall body of evidence.

In line with its mission, PHE believes that Nationally Significant Infrastructure Projects (NSIP) should not only limit significant adverse effects, but also explore opportunities to improve the health and quality of life of local communities and reduce inequalities.

PHE also recognises the developing body of evidence showing that areas of tranquillity offer opportunities for health benefits through psychological restoration. NSIP applications need to demonstrate that they have given due consideration to the protection of the existing sound environment in these areas.

Significance of Impacts

Determining significance of impacts is an essential element of an Environmental Impact Assessment, and therefore significance needs to be clearly defined at the earliest opportunity by the Applicant. PHE recommends that the definition of significance is discussed and agreed with relevant stakeholders, including local authority environmental health and public health teams and local community representatives, through a documented consultation process. PHE recommends that any disagreement amongst stakeholders on the methodology for defining significance is acknowledged in the planning application documentation and could inform additional sensitivity analyses.

For noise exposure, PHE expects assessments of significance to be closely linked to the associated impacts on health and quality of life, and not on noise exposure per se (in line with the NPSE). The latest revision of the Design Manual for Roads and Bridges (DMRB) Table 3.49 LA111 [7] includes proposed values for the Lowest Observable Adverse Effect Level (LOAEL) and Significant Observable Adverse Effect Level (SOAEL)¹ for operational noise, and these values are likely to inform judgements on significance of impact. Whilst DMRB does not explicitly reference the underpinning evidence that informed these numbers, the night time LOAEL and SOAEL of 40 dB L_{night} (outside, free-field) and 55 dB L_{night} (outside, free-field) respectively, correspond to the guideline value and interim target proposed in the WHO Night Noise Guidelines (2009) [8]. The Night Noise Guidelines emphasized that the interim target was “not a health-based limit value by itself. Vulnerable groups cannot be protected at this level”.

The daytime SOAEL of 68 dB $L_{A10,18\text{hr}}$ (façade) appears to be derived from the relative noise level in the Noise Insulation Regulations (NIR) [9], which is linked to the provision of enhanced noise insulation for new highway infrastructure. The NIR does not explicitly refer to the underpinning evidence on which the relevant noise level is based, and there is a lack of good quality evidence linking noise exposure expressed in the L_{A10} metric to health effects. Therefore, it is helpful to convert these levels to L_{den} and $L_{\text{Aeq},16\text{hr}}$ metrics, which are more widely used in the noise and health literature. Assuming motorway traffic, a level of 68 dB $L_{A10,18\text{hr}}$ (façade) is approximately equivalent to² free-field outdoor levels of 69dB L_{den} (or³ 64 $L_{\text{Aeq},16\text{hr}}$). The corresponding internal noise levels are⁴

¹ As defined in the Noise Policy Statement for England [3] and the Planning Practice Guidance [14].

² Using equation 4.16 from [22], assuming free-field levels; $L_{A10,18\text{hr}}$ (free-field) = $L_{A10,18\text{hr}}$ (façade) – 2.5dB(A) as per CRTN [13].

approximately 54dB $L_{Aeq,16hr}$ (open windows), 48dB $L_{Aeq,16hr}$ (tilted windows) and 36dB $L_{Aeq,16hr}$ (closed windows).

For construction noise the latest revision of the DMRB makes reference to Section E3.2 and Table E.1 in Annex E (informative) of BS 5228-1:2009+A1:2014 [10] for the definition of SOAELs. Table E.1 of BS 5228-1:2009+A1:2014 provides examples of threshold values in three categories, based on existing ambient values. Threshold values are higher when ambient noise levels are higher. Daytime (07:00-19:00, weekdays) thresholds can be traced back to principles promoted by the Wilson Committee in 1963 [11]: “Noise from construction and demolition sites should not exceed the level at which conversation in the nearest building would be difficult with the windows shut.” The Wilson committee also recommended that “Noisy work likely to cause annoyance locally should not be permitted between 22.00 hours and 07.00 hours.” BS 5228 states that these principles have been expanded over time to include a suite of noise levels covering the whole day/week period taking into account the varying sensitivities through these periods.

With reference to the noise exposure hierarchy table in the Planning Practice Guidance (Noise) [14], PHE is not aware of good quality scientific evidence that links specific noise levels to behavioural/attitudinal changes in the general population. Reactions to noise at an individual level are strongly confounded by personal, situational and environmental non-acoustic factors [16, 17], and large inter-personal variations are observed in the reaction of a population to a particular noise level [18-21]. For these reasons PHE is not able to provide evidence-based general recommendations for SOAELs that are able to achieve the aims and objectives of the Noise Policy Statement for England and the Planning Practice Guidance on noise. DMRB allows for project specific LOAELs and SOAELs to be defined if necessary, and PHE recommends that for each scheme the Applicant gives careful consideration of the following:

- i. The existing noise exposure of affected communities – in particular, consideration of any designated Noise Important Areas identified in proximity to the scheme;
- ii. The size of the population affected – for example an effect may be deemed significant if a large number of people are exposed to a relatively small noise change;
- iii. The relative change in number and type of vehicle pass-bys;
- iv. Changes in the temporal distribution of noise during day/evening/night, or between weekdays and weekends;
- v. Soundscape and tranquillity, in particular the value that communities put on the lack of environmental noise in their area, or conversely, on the lack of public areas within walking distance that are relatively free from environmental noise;
- vi. Opportunities for respite (predictable periods of relief from noise), either spatially or temporally;
- vii. Cumulative exposure to other environmental risk factors, including other sources of noise and air pollution,

³ Using conversion factors in para. 2.2.13 Transport Analysis Guidance (TAG) Unit A3 [15]

⁴ Using external – internal level differences reported by Locher et al. (2018) [12], based on measurements at 102 dwellings in Switzerland in 2016.

viii. Local health needs, sensitivities and objectives.

The WHO Environmental Noise Guidelines (2018) do not define LOAELs for environmental noise sources, partly because the scientific evidence suggests that there is no clear threshold where adverse impacts on health and quality of life cease to occur in the general population. Based on the systematic reviews that informed the 2018 WHO Environmental Noise Guidelines [2], the daytime operational noise LOAEL quoted in DMRB is equivalent to approximately 8% of the population Highly Annoyed⁵, and the night time LOAEL is equivalent to approximately 2% of the population Highly Sleep Disturbed⁶. Therefore, the impact assessment should acknowledge that adverse health effects will occur beyond the assessment threshold (LOAEL). PHE recommends that the Applicant explains what its chosen SOAELs for a specific scheme mean in population health terms in a similar fashion.

PHE does not believe that the current scientific evidence supports the modification of SOAELs and UAELs based on the existing noise insulation specification of residential dwellings, and in particular whether enhanced sound insulation avoids significant adverse effects on health and quality of life. See also sections on *Mitigation* and *Step Changes in Noise Exposure*.

Health Outcomes

PHE encourages the applicant to present noise exposure data in terms of the L_{den} metric (in addition to L_{eq} and L_{10}), to facilitate interpretation by a broad range of stakeholders. This is because most recent scientific evidence on the health effects of environmental noise is presented in terms of L_{den} [1, 5, 6]. PHE believes that quantifying the health impacts associated with noise exposure and presenting them in health-based metrics allows decision makers to make more informed decisions.

For transportation sources, PHE recommends the quantification of health outcomes using the methodology agreed by the Interdepartmental Group on Costs and Benefits - Noise subgroup [IGCB(N) [23] (currently under review)), and more recent systematic reviews [1, 5, 6]. PHE believes there is sufficient evidence to quantify the following health outcomes: long-term annoyance, sleep disturbance, ischaemic heart disease (IHD), and potentially stroke⁷ and diabetes⁸. Effects can be expressed in terms of number of people affected, number of disease cases, and Disability Adjusted Life Years (DALYs). THE IGCB(N) guidance can also be used to translate these effects into monetary terms.

Some health outcomes, namely annoyance and self-reported sleep disturbance, can be influenced by the local context and situation. In these cases, it would be preferable to use exposure-response functions (ERFs) derived in a local context. However, PHE is not aware of any ERFs for road traffic being available for a UK context from data gathered in the last two decades. Therefore, in PHE's

⁵ 55 dB $L_{A10,18hr}$ (façade) is approximately equal to 57 dB L_{den} (free-field), assuming motorway traffic [13, 22]. Applying the exposure-response function presented in Guski et al., 2017 [19] for road traffic noise and annoyance (excluding Alpine and Asian studies), approximately 8% of a population is highly annoyed at 57 dB L_{den} .

⁶ Applying the exposure-response function presented in Basner et al., 2018 [20] for road traffic noise and sleep disturbance gives the result that approximately 2% of a population is highly sleep disturbed at 40 dB L_{night} .

⁷ A literature review commissioned by Defra [6] identified nine longitudinal studies on road traffic noise and incidence of stroke, and eight longitudinal studies on road traffic noise and stroke mortality.

⁸ A literature review commissioned by Defra [6] identified four longitudinal studies on road traffic noise and incidence of diabetes.

view the ERFs presented in the WHO-commissioned systematic reviews offer a good foundation for appraisal of the health effects associated with road traffic noise [2]. For annoyance, the average curve derived excluding Alpine and Asian studies may be considered more transferable to a UK context. For metabolic outcomes, no ERF was published in the WHO ENG 2018. A recent meta-analysis of five cohort studies of road traffic noise and incidence of diabetes was reported by Vienneau in 2019 [24].

Where schemes have the potential to impact a large number of people, PHE expects the Applicant to carry out literature scoping reviews to ensure that the most robust and up-to-date scientific evidence is being used to quantify adverse effects attributable to the Scheme.

PHE expects to see a clear outline of the steps taken to arrive at the final judgement of significance based on these health outcomes, including a description of local circumstances and modifiers anticipated, and how reasonably foreseeable changes in these circumstances will be dealt with during the assessment process.

Identification and Consideration of Receptors

The identification of noise sensitive receptors in proximity to the proposed scheme - or route options - is essential in providing a full assessment of potential impacts. Examples of noise sensitive receptors include but are not limited to:

- i. Noise Important Areas
- ii. Residential areas
- iii. Schools, hospitals and care homes
- iv. Community green and blue spaces and areas valued for their tranquillity, such as local and national parks
- v. Public Rights of Way (PRoWs)

Noise Important Areas (NIAs) are areas with the highest levels of noise exposure at a national level and as such require very careful consideration in terms of protection from increased noise levels as well as opportunities for noise mitigation that can lead to an improvement in health and quality of life. DMRB requires a list of noise mitigation measures that the project will deliver in Noise Important Areas. PHE supports this requirement - new development should offer an opportunity to reduce the health burden of existing transport infrastructure, particularly for those worst affected. PHE would encourage this approach to extend beyond NIAs, in line with the third aim of NPSE [3].

Baseline Sound Environment

The greater the understanding of the baseline sound environment, the greater the potential for the assessment to reflect the nature and scale of potential impacts, adverse or beneficial, associated with the Scheme. PHE recommends that traditional averaged noise levels are supplemented by a qualitative characterisation of the sound environment, including any particularly valued characteristics (for example, tranquillity) and the types of sources contributing to it [25].

PHE recommends that baseline noise surveys are carried out 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. Achieving these aims is likely to require long-term noise monitoring in multiple locations for a period greater than seven days. This information should be used to test the robustness of any conversions between noise metrics (e.g. converting from $L_{A10,18hr}$ to $L_{Aeq,2300-0700}$ and L_{den}).

PHE suggests that a variety of metrics can be used to describe the sound environment with and without the scheme – for example, levels averaged over finer time periods, background noise levels expressed as percentiles, and number of event metrics (e.g. N65 day, N60 night) – and that, where possible, this suite of metrics is used to inform judgements of significance. There is emerging evidence that intermittency metrics can have an additional predictive value over traditional long-term time-averaged metrics for road traffic noise [27].

Mitigation

PHE expects decisions regarding 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, to ensure the effectiveness of said measures.

With regards to road traffic noise, low-noise road surfaces, acoustic barriers, traffic management and noise insulation schemes can all be considered. Priority should be given to reducing noise at source, and noise insulation schemes should be considered as a last resort. 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' preference to open windows. There is, at present, insufficient good quality evidence as to whether insulation schemes are effective at reducing long-term annoyance and self-reported sleep disturbance [28], and initiatives to evaluate the effectiveness of noise insulation to improve health outcomes are strongly encouraged.

PHE notes the suggestion in DMRB methodology that post-construction noise monitoring cannot provide a reliable gauge for reference against predicted impacts of operational noise. The issues highlighted in DMRB relate to noise exposure, and not to health outcomes. PHE suggests that monitoring of health and quality of life can be considered pre and post operational phases, to ascertain whether mitigation measures are having the desired effect for local communities.

PHE expects consideration of potential adverse effects due to noise and vibration during construction and recommends that a full and detailed Construction Environmental Management Plan (CEMP) is developed and implemented by the Applicant and/or the contractor responsible for construction. PHE recommends that the CEMP includes a detailed programme of construction which highlights the times and durations of particularly noisy works, the measures taken to reduce noise at source, the strategy for actively communicating this information to local communities, and procedures for responding effectively to any specific issues arising.

There is a paucity of scientific evidence on the health effects attributable to construction noise associated with large infrastructure projects [5, 6] where construction activities may last for a relatively long period of time. PHE recommends that the Applicant considers emerging evidence as it becomes available and reviews its assessment of impacts as appropriate.

Green Spaces and Private Amenity Areas

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 [29-31]. Research from the Netherlands suggests that people living in noisy areas appear to have a greater need for areas offering quiet than individuals who are not exposed to noise at home [29]. Control of noise at source is the most effective mitigation for protecting outdoor spaces; noise insulation schemes do not protect external amenity spaces (such as private gardens and balconies or community recreation facilities and green spaces) from increased noise exposure.

PHE expects consideration to be given to the importance of existing green spaces as well as opportunities to create new tranquil spaces which are easily accessible to those communities exposed to increased noise from the scheme. These spaces should be of a high design quality and have a sustainable long-term management strategy in place.

Step-changes in Noise Exposure and the Change-effect

The Applicant should take into consideration the “change-Effect”, i.e. the potential for a real or anticipated step-change in noise exposure to result in attitudinal responses that are greater or lower than that which would be expected in a steady state scenario [28, 32]. Where a perception of change is considered likely, PHE recommends that the change-effect is taken into account in the assessment for the opening year of the proposed development. For longer term assessments, the effects of population mobility need to be taken into consideration.

Community Engagement and Consultation Feedback

PHE recommends that public consultations carried out during the planning application process clearly identify the predicted changes to the sound environment during construction and operation of the Scheme, the predicted health effects on neighbouring communities, proposed noise mitigation strategies and any proposed measures for monitoring that such mitigation measures will achieve their desired outcomes.

PHE encourages the Applicant to use effective ways of communicating any changes in the acoustic environment generated by the scheme to local communities. For example, immersive and suitably calibrated audio-visual demonstrations can help make noise and visual changes more intuitive to understand and accessible to a wider demographic. If the proposed scheme will have an impact over a relatively large geographical area, the Applicant should consider community-specific fact-sheets and/or impact maps, which are easily accessible to all individuals both in hard copy and online. If online, search functionality can potentially be included, for example, by postcode.

Human Health and Wellbeing

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.

This section of PHE's scoping response, identifies the wider determinants of health and wellbeing we expect the 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
- Land Use
- Socioeconomic

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

1. The submitted scoping report number: HE551511-VFK-EGN-X_XXXX_XX-TN-LE-0002, proposes using the Design Manual for Roads and Bridges LA112 Population and Health (Highways England, 2020) methodology for assessing health and wellbeing. This is an acceptable methodology and should be enhanced by supplementing the baseline health information (Para 3.25) with specific data on mental health and suicide. A [Mental Well-being Impact Assessment \(MWIA\)](#) could also be used as a methodology.
2. Further justification is required for the decision to undertake the principal health study in an area of 2km from the IAB. The usual walking commute is approximately 2 miles, and a cycling commute over 3 miles, therefore the impact of the development on those who normally cycle and walk from further afield could also be considered.
3. The scoping report does not identify a definition of health and wellbeing. The scoping report should accept the broad definition of health proposed by the World Health Organisation (WHO) and also include specific reference to mental health within the definition of health.
4. The EIA should clearly identify the range of vulnerable populations that have been considered within the assessment. The assessments and findings of the ES and any EqIA should be cross referenced 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.
5. Paragraph 13.7.1 states that the health and wellbeing assessment will draw upon conclusions within the Economic Appraisal, Equalities Impact Assessment and WCH Assessment. Please also ensure that the H&WB assessment is cross referenced to findings within other relevant chapters such as traffic and transport, landscape and greenspace. The health and wellbeing impacts of road safety must also be included.

Yours sincerely

For and on behalf of Public Health England
nsipconsultations@phe.gov.uk

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

References:

1. World Health Organisation, *Environmental Noise Guidelines for the European Region*. 2018.
2. Lercher, P., G. Aasvang, and Y.e. de Kluizenaar, *WHO Noise and Health Evidence Reviews*. International Journal of Environmental Research and Public Health 2018(Special Issue).
3. DEFRA, *Noise Policy Statement for England*. 2010.
4. United Nations. *Sustainable Development Goals*. 2020 01/06/2020]; Available from: <https://sustainabledevelopment.un.org/?menu=1300>.
5. Clark, C., C. Crumpler, and A.H. Notley, *Evidence for Environmental Noise Effects on Health for the United Kingdom Policy Context: A Systematic Review of the Effects of Environmental Noise on Mental Health, Wellbeing, Quality of Life, Cancer, Dementia, Birth, Reproductive Outcomes, and Cognition*. Int J Environ Res Public Health, 2020. **17**(2).
6. van Kamp, I., et al., *Evidence Relating to Environmental Noise Exposure and Annoyance, Sleep Disturbance, Cardio-Vascular and Metabolic Health Outcomes in the Context of IGCB (N): A Scoping Review of New Evidence*. Int J Environ Res Public Health, 2020. **17**(9).
7. Highways England. *Design Manual for Roads and Bridges*. 2020 29/05/20]; Available from: <https://www.standardsforhighways.co.uk/dmrb/>.
8. World Health Organisation, *Night Noise Guidelines*. 2009.
9. *The Noise Insulation Regulations*. 1975; Available from: <http://www.legislation.gov.uk/ukxi/1975/1763/introduction/made>.
10. British Standards Institution, *5228-1: 2009+ A1: 2014 Code of practice for noise and vibration control on construction and open sites. Part 1: Noise*. 2014.
11. National Archives. *Committee on the Problem of Noise (Wilson Committee)*. 2020 29/05/2020]; Available from: <https://discovery.nationalarchives.gov.uk/details/r/C10984>.
12. Locher, B., et al., *Differences between Outdoor and Indoor Sound Levels for Open, Tilted, and Closed Windows*. Int J Environ Res Public Health, 2018. **15**(1).
13. Department for Transport, *Calculation of Road Traffic Noise*. 1988.
14. Ministry of Housing, C.a.L.G., *Noise: Advises on how planning can manage potential noise impacts in new development*. 2014.
15. Department for Transport, *Transport Analysis Guidance Unit A3 Environmental Impact Appraisal*. 2019.
16. Job, R., *Community response to noise: A review of factors influencing the relationship between noise exposure and reaction*. J. Acoust. Soc. Am., 1988. **83**(3).
17. Guski, R., *Personal and social variables as co-determinants of noise annoyance*. Noise & Health, 1999. **1**(3): p. 45-56.
18. Miedema, H. and C. Oudshoorn, *Annoyance from Transportation Noise: Relationships with Exposure Metrics DNL and DENL and Their Confidence Intervals*. Environmental Health Perspectives, 2001. **109**(4).
19. Guski, R., D. Schreckenber, and R. Schuemer, *WHO Environmental Noise Guidelines for the European Region: A Systematic Review on Environmental Noise and Annoyance*. Int J Environ Res Public Health, 2017. **14**(12).
20. Basner, M. and S. McGuire, *WHO Environmental Noise Guidelines for the European Region: A Systematic Review on Environmental Noise and Effects on Sleep*. Int J Environ Res Public Health, 2018. **15**(3).
21. McGuire, S., et al., *Inter-individual Differences in the Effects of Aircraft Noise on Sleep Fragmentation*. Sleep, 2016. **39**(5): p. 1107-10.
22. Abbott, P. and P. Nelson, *Converting the UK traffic noise index $L_{A10,18hr}$ to EU noise indices for noise mapping*. 2002.

23. DEFRA, *Environmental Noise: Valuing impacts on sleep disturbance, annoyance, hypertension, productivity and quiet*. 2014.
24. Vienneau, D., et al., *Association between transportation noise and cardio-metabolic diseases: an update of the WHO meta-analysis*. 2019.
25. Standardization., I.O.f., *ISO 12913-1: 2014 Acoustics—soundscape—part 1: definition and conceptual framework*. 2014.
26. World Health Organisation, *Burden of Disease from Environmental Noise*. 2011.
27. Brink, M., et al., *A survey on exposure-response relationships for road, rail, and aircraft noise annoyance: Differences between continuous and intermittent noise*. *Environment international*, 2019. **125**: p. 277-290.
28. Brown, A.L. and I. Van Kamp, *WHO environmental noise guidelines for the European region: a systematic review of transport noise interventions and their impacts on health*. *International journal of environmental research and public health*, 2017. **14**(8): p. 873.
29. Health Council of the Netherlands. *Quiet Areas and Health*. 2006; Available from: <https://www.healthcouncil.nl/documents/advisory-reports/2006/07/04/quiet-areas-and-health>.
30. QSide. *The positive effects of quiet facades and quiet urban areas on traffic noise annoyance and sleep disturbance*. 2013; Available from: https://ec.europa.eu/environment/life/project/Projects/index.cfm?fuseaction=search.dspPage&n_proj_id=3669&docType=pdf.
31. COST. *TD0804 - Soundscape of European Cities and Landscapes*. 2012; Available from: <https://www.cost.eu/actions/TD0804/#tabs|Name:overview>.
32. Brown, A., *Longitudinal annoyance responses to a road traffic noise management strategy that reduced heavy vehicles at night*. *The Journal of the Acoustical Society of America*, 2015. **137**(1): p. 165-176.

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 EIA⁹. 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 ES¹⁰.

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.

Emissions to air and water

⁹ 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/>

¹⁰ DCLG guidance, 1999 <http://www.communities.gov.uk/documents/planningandbuilding/pdf/155958.pdf>

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 assessed¹¹ 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
- 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.

¹¹ 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)

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 report¹², 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

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

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/224766/powerlines_v_cop_microshocks.pdf

Exposure Guidelines

¹² Available from: <http://www.cph.org.uk/wp-content/uploads/2012/08/health-risk-perception-and-environmental-problems--summary-report.pdf>

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

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⁻¹ (kilovolts per metre) and 100 µT (microtesla). The reference level for magnetic fields changes to 200 µT 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

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 Protection¹³ (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 Standards¹⁴ (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

¹³ These recommendations are given in publications of the ICRP notably publications 90 and 103 see the website at <http://www.icrp.org/>

¹⁴ 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.

calculated¹⁵. 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 2012'¹⁶. 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 facilities¹⁷. 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 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.

¹⁵ 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>

¹⁶ 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

¹⁷ HPA RCE-8, Radiological Protection Objectives for the Land-based Disposal of Solid Radioactive Wastes, February 2009

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) approach¹⁸ is used

¹⁸ 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

From: [Vicki Enston](#) on behalf of [ONR Land Use Planning](#)
To: [M3 Junction 9](#)
Subject: RE: TR010055 - M3 Junction 9 Improvement - EIA Scoping Notification and Consultation Reg 11
Date: 03 November 2020 11:15:02
Attachments: [image001.png](#)

Good Morning

Thank you for your emails dated 20th October 2020.

This application is not within an ONR Land Use Planning consultation zone, therefore ONR have no comment to make.

You can find information concerning our Land Use Planning consultation process here:
(<http://www.onr.org.uk/land-use-planning.htm>).

Kind regards

Vicki

Vicki Enston

Regulatory Officer
Land Use Planning
Emergency Preparedness & Response
Office for Nuclear Regulation

T: | **E:** ONR-Land.use-planning@onr.gov.uk



The Office for Nuclear Regulation's mission is to provide efficient and effective regulation of the nuclear industry, holding it to account on behalf of the public.

Website: www.onr.org.uk **Twitter:** [@ONRpressoffice](https://twitter.com/ONRpressoffice)

From: M3 Junction 9 <M3Junction9@planninginspectorate.gov.uk>
Sent: 20 October 2020 10:09
Subject: TR010055 - M3 Junction 9 Improvement - EIA Scoping Notification and Consultation Reg 11

Dear Sir/Madam,

Please see attached correspondence on the proposed M3 Junction 9 Improvement.

Please note the deadline for consultation responses is 19 November 2020.

Kind regards,

Emily Park (MSc ACIEEM AIEMA)
EIA Advisor

Major Casework Directorate
Direct Line: 0303 444 5657
Helpline: 0303 444 5000
Email: emily.park@planninginspectorate.gov.uk

Web: <https://infrastructure.planninginspectorate.gov.uk/> (National Infrastructure Planning)

Web: 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 [Privacy Notice](#) before sending information to the Planning Inspectorate.



Please note that the contents of this email and any attachments are privileged and/or confidential and intended solely for the use of the intended recipient. If you are not the intended recipient of this email and its attachments, you must take no action based upon them, nor must you copy or show them to anyone. Please contact the sender if you believe you have received this email in error and then delete this email from your system.

Recipients should note that e-mail traffic on Planning Inspectorate systems is subject to monitoring, recording and auditing to secure the effective operation of the system and for other lawful purposes. The Planning Inspectorate has taken steps to keep this e-mail and any attachments free from viruses. It accepts no liability for any loss or damage caused as a result of any virus being passed on. It is the responsibility of the recipient to perform all necessary checks.

The statements expressed in this e-mail are personal and do not necessarily reflect the opinions or policies of the Inspectorate.

DPC:76616c646f72



This email has come from an external sender outside of ONR. Do you know this sender? Were you expecting this email? Take care when opening email from unknown senders. This email has been scanned for viruses and malicious content, but no filtering system is 100% effective however and there is no guarantee of safety or validity. Always exercise caution when opening email, clicking on links, and opening attachments.

This email has been scanned for viruses and malicious content, but no filtering system is 100% effective and this is no guarantee of safety or validity.

M3 Junction 9 Improvement – proposed DCO application by Highways England

Royal Mail Group Limited comments on information to be provided in applicant's Environmental Statement

Introduction

We write with reference to the email from Highways England's consultants Stantec to Royal Mail dated 23 October 2020 inviting Royal Mail to send its comments to PINs on the scope of Highways England's Environmental Statement.

Royal Mail's consultants BNP Paribas Real Estate have reviewed the applicant's Scoping Report dated October 2020.

Statutory and Operational Information about Royal Mail

Under section 35 of the Postal Services Act 2011 (the "Act"), Royal Mail has been designated by Ofcom as a provider of the Universal Postal Service. Royal Mail is the only such provider in the United Kingdom.

The Act provides that Ofcom's primary regulatory duty is to secure the provision of the Universal Postal Service. Ofcom discharges this duty by imposing regulatory conditions on Royal Mail, requiring it to provide the Universal Postal Service.

In respect of its postal services functions, section 29 of the Act provides that Ofcom's primary regulatory duty is to secure the provision of the Universal Postal Service. Ofcom discharges this duty by imposing regulatory conditions on Royal Mail, requiring it to provide the Universal Postal Service.

Under sections, 30 and 31 of the Act (read with sections 32 and 33) there is a set of minimum standards for Universal Service Providers, which Ofcom must secure. The conditions imposed by Ofcom reflect those standards. There is, in effect, a statutory obligation on Royal Mail to provide at least one collection from letterboxes and post offices six days a week and one delivery of letters to all 29 million homes and businesses in the UK six days a week (five days a week for parcels). Royal Mail must also provide a range of "end to end" services meeting users' needs, e.g. First Class, Second Class, Special Delivery by 1 pm, International and Redirections services.

Royal Mail is under some of the highest specification performance obligations for quality of service in Europe. Its performance of the Universal Service Provider obligations is in the public interest and should not be affected detrimentally by any statutorily authorised project.

The Government imposes financial penalties on Royal Mail if its Universal Service Obligation service delivery targets are not met. These penalties relate to time targets for:

- collections,
- clearance through plant, and
- delivery.

Royal Mail's postal sorting and delivery operations rely heavily on road communications. Royal Mail's ability to provide efficient mail collection, sorting and delivery to the public is sensitive to changes in the capacity of the highway network.

Royal Mail is a major road user nationally. Disruption to the highway network and traffic delays can have direct consequences on Royal Mail's operations, its ability to meet the Universal Service Obligation and comply with the regulatory regime for postal services thereby presenting a significant risk to Royal Mail's business.

Potential impacts of the scheme on Royal Mail

Royal Mail has four operational facilities within 10 miles of the proposed DCO boundary as listed below:

Winchester Delivery Office	WINNALL MANOR ROAD WINCHESTER SO23 0AA	0.75 miles
Alresford Delivery Office	STATION ROAD ALRESFORD SO24 9AA	7.9 miles
Romsey Delivery Office	15 CHURCH STREET ROMSEY SO51 8XA	8.4 miles
Eastleigh Delivery Office	2 GOODWOOD ROAD EASTLEIGH SO50 4NT	8.5 miles

Junction 9 of the M3, as the intersection between the M3 and the A34, is a critical junction used by both Royal Mail's national operation and its local collection, distribution and delivery operation.

Nationally, on any given day, this junction will potentially see 85 national services carry mail to and from Dorset and Southampton Mail Centres. Vehicles operate over a 24 hour period with the majority passing through this junction between 19:00 and 05:00 daily and across 7 days a week. The M3 /A34 junction is used by services to and from the South West Distribution Centre (SWDC) in Bristol and the National Distribution Centre (NDC) in Northampton.

The M3 is used by services to and from Princess Royal Distribution Centre in London and also by services to and from Stanstead Airport that will convey air mails for the UK. The majority of national services operate double decked services and due to height restrictions on some bridges the routes are limited for these vehicles.

Delays in any service can compromise the exchange of mail at the hubs to their due destinations and an example would be the 04:18 service from NDC to Southampton. The service needs to arrive at the latest in Southampton by 04:18 as the mail centre has to unload and sort mails due to the Isle of Wight by 05:35 so the vehicle can leave and connect with the due ferry in Portsmouth with the aim of arriving in Newport no later than 08:15 to meet delivery.

M3 junction 9 also handles local Royal Mail operations both for collections, distribution and delivery especially to offices in Winchester, Alresford, Andover Tidworth, Amesbury and Bulford. The local Winchester Delivery Office, which is c 0.75 miles away from this motorway junction, uses it to gain access to A34 for delivery routes situated just off the A34 which is north of the M3.

The total number of local 7.5 tonne vehicle services that use the junction daily across a 24 hr period is 35 x 7.5t movements across the day.

Once complete, the proposed M3 Junction 9 Improvement will undoubtedly improve traffic conditions on it and the surrounding highway network, so Royal Mail does not wish to prevent it from going ahead. However, in view of the high operational importance of this motorway junction to Royal Mail's business as outlined above, it wishes to protect of its future ability to provide an efficient mail sorting and delivery service to the public in accordance with its statutory obligations which may potentially be adversely affected by the construction of this proposed improvement scheme.

Royal Mail's comments on scope of Environmental Statement

1. Royal Mail requests that the Transportation section and the Transport Assessment within Highways England's ES includes information on the needs of major road users (including Royal Mail). The ES should acknowledge the requirement to ensure that major road users are not disrupted through full advance consultation at the appropriate stages in the DCO and development processes.
2. Royal Mail requests that it is fully pre-consulted (at least one month in advance) by Highways England and its contractors on any proposed road closures / diversions/ alternative access arrangements, hours of working and the content of any Construction Traffic Management Plan. The ES should acknowledge the need for this consultation with Royal Mail and other relevant major road users.

Royal Mail is able to supply the applicant with information on its road usage / trips if required.

Should PINS or Highways England have any queries in relation to the above then in the first instance please contact -

Denise Stephenson (denise.stephenson@royalmail.com) of Royal Mail's Legal Services Team or Dan Parry-Jones (daniel.parry-jones@realestate.bnpparibas) of BNP Paribas Real Estate.

From: [Holmes, Jon](#)
To: [M3 Junction 9](#)
Subject: Scoping Opinion
Date: 04 November 2020 12:25:37

Dear Sir/Madam,

Scoping Consultation

Application by Highways England for an Order granting Development Consent for the M3 Junction Improvement

Thank you for notifying us of this matter. Having reviewed the Scoping Report (Highways England, October 2020), East Hampshire District Council has no comment.

Yours faithfully

Jon Holmes
Principal Planning Officer
East Hampshire District Council
Penns Place
Petersfield GU31 4EX
T. 01730 234243
W. www.easthants.gov.uk

19 November 2020

The Planning Inspectorate
Environmental Services
Central Operations
Temple Quay House
2 The Square
Bristol, BS1 6PN

Sent via email only

Your Reference: TR010055-000100
Our Reference: SDNP/20/04610/SCOPE

Dear Sirs,

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 (the Proposed Development)

Thank-you for your letter dated 20 October 2020, requesting comments from the South Downs National Park Authority (SDNPA) on the applicant's report that accompanied their request for a second Scoping Opinion from the Secretary of State.

General Comments

We welcome the acknowledgment within the report that any assessment work will reflect the highest status of protection the landscape of a National Park enjoys and welcome the statement in paragraph 1.3.3 that 'consideration will be given to the enhancement of the South Downs National Park (SDNP) where possible'.

However, we would like to see this statement strengthened including recognition of the duty of public bodies to have regard to the purposes of designation namely to:

- Conserve and enhance the natural beauty, wildlife and cultural heritage; and
- Promote opportunities for the understanding and enjoyment of the special qualities of National Parks by the public.

Currently the Scoping Opinion Report does not highlight the importance of the National Park's purposes as a guiding principle in the preparation of the M3 junction 9 improvement design and development. We would wish to see the purposes of designation mentioned in Section 2.2. as a guiding principle under 'improved environment'.

Improvements to the environment should seek to conserve and enhance natural beauty, not least because 68% of the proposed scheme will fall within the SDNP and otherwise lie immediately adjacent to the boundary.

Environmental mitigation as set out in paragraph 2.4.49 should therefore make explicit reference to furthering the purpose of designation ensuring the proposed development conserves and enhances

landscape character and special qualities of the National Park and opportunities for understanding and enjoyment of these qualities.

We believe that a focus on the Statutory Purposes whilst developing the scheme and for example, undertaking the LVIA, will enable the baseline assessment to consider the existing adverse effects of the M3 corridor on the natural beauty and recreation of the area and therefore to actively seek enhancement of the current situation through the proposed works as well as conserve existing qualities of the area.

We are concerned that without this focus it is possible the M3 junction 9 improvements will merely seek to minimise landscape effects of the proposals through mitigation rather than taking a more holistic and strategic approach to address current adverse effects of road infrastructure. Given the national importance of the South Downs landscape we consider a more ambitious and creative approach is required.

We also welcome (whilst not commenting on the suitability of any proposed mitigation) the expansion of the 'Indicative Application Boundary' (IAB) to include land for potential mitigation and enhancement measures and that it is subject to change as the proposal develops.

We welcome this approach, but would like to state for the record now that the SDNPA does have some concerns with the extent of the IAB in relation to areas for potential excess spoil management. This is because in these areas, spoil will need to be graded to tie in with existing contours and will require sufficient room to achieve this effectively. Currently the red line of the IAB has straight edges which cut across contours and this may not be conducive to achieving this aim.

We would also like to make the following comments in relation to particular chapters of the report.

Air Quality

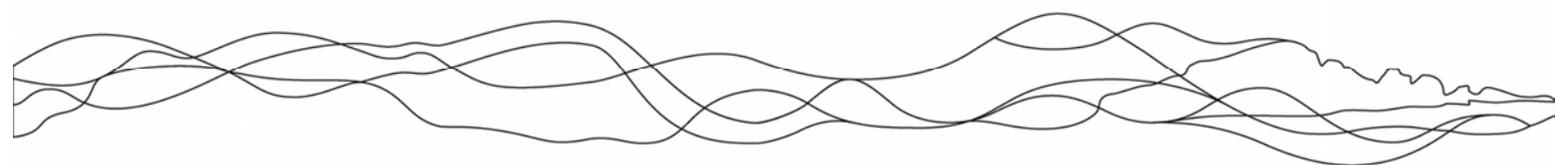
Our February 2019 comments (in response to the first Scoping Opinion request) relating to this issue remain unchanged. The existing tree and woodland cover within and surrounding the proposed site plays a significant role in absorbing air pollution. The SDNPA considers that any air quality assessment needs to acknowledge and consider the impacts from the proposed removal of the existing vegetation for both the construction and operational phases of the proposed scheme.

Cultural Heritage

Zone of Theoretical Visibility (ZTV) – although this has still not been produced, the SDNPA welcomes that the revised Scoping Opinion Report does now acknowledge that 'any cultural heritage assets identified as having inter-visibility with the Proposed Scheme and considered to have the potential to receive significant effects from the Proposed Scheme will be assessed during further detailed assessment regardless of distance from the IAB'.

The brief synopsis of known archaeological features (both designated and non-designated) within the IAB and the Study Area (outlined between 7.2.7 and 7.2.12) show that the proposed scheme will impact sites of significance, both locally, regionally and nationally, with some having the potential to shed light on the development and ongoing history of Winchester as a settlement and its relationship to the wider landscape.

At 7.2.12 it says that 'the archaeological remains excavated during previous archaeological investigations within the IAB have been removed from the IAB and therefore have no value/ sensitivity'. Whilst, this is correct (they have been excavated), they remain indicative of wider archaeological potential and provide valuable context for known and currently unknown archaeological remains. The Scoping Opinion Report appears to go on to acknowledge this but we



would welcome confirmation that this connection will be reflected in the new Desk Based Assessment mentioned at 7.1.2.

At 7.3.8 there is no mention of the short, medium and long term implications of the proposed scheme on in situ preservation of below ground archaeology in the event of potential changes in water table and soil saturation caused by management of water flow from the road and in relation to changes in the wider landscape, although this is mentioned specifically at 7.4.3 and at 7.5.1. We would suggest that this should be listed as a specific potential direct or indirect impact at 7.3.8 for consistency.

We welcome the suggestion in 7.4.5 of ongoing consultation as the detailed design progresses. However, we would also like to reiterate that we would want any discussions to include enhancement measures (to help support the Statutory Purposes and Duty of the SDNP), not just mitigation measures.

Landscape and Visual

Study Area Boundary

The SDNPA notes that the study area for the LVIA is 3km north/south and 2km east/west from the red line of the current IAB. Given the location of additional areas for management of excess spoil, we consider that the study area should be expanded to 3km from the red line of the IAB in all directions. This would ensure that all viewpoints fall within the study area (including Whiteshute Lane, see comments below on viewpoints) and all landscape effects can be fully considered.

Landscape Receptor – Topography

The SDNPA welcomes the recognition of topography as important to the SDNP and in providing a setting to the River Itchen. We would also draw attention to the fact that topography is a key element in defining the setting to Winchester City as set out in the Winchester City and its setting study (1998). We also note that topography is one of the key landscape elements which will be affected by the proposed scheme.

We would welcome the opportunity to work with Highways England to identify the best location for the management of excess spoil and currently we do have concerns that the selected areas may result in the 'in filling' of topography.

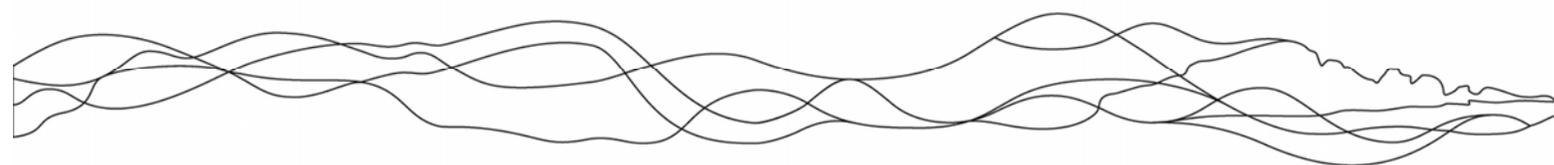
Landscape Character Baseline

The SDNPA welcomes reference to all the key landscape character assessments which cover the study area and wish to see the Winchester City and its setting study (as noted above) is also included.

In 2018/19 the SDNPA commissioned consultants to consider the existing M3 corridor in relation to landscape and potential mitigation. This study defined local landscape character areas. We note in the scoping opinion para 8.6.8 that the LVIA may defined local character areas. Extracts of the plans and descriptive text of the local landscape character areas already defined for the SDNPA have been shared with Highways England's consultants (in email correspondence in Oct 2020) and we would encourage the use of these within the assessment.

Reference to other studies

As highlighted in our February 2019 comments, we note that cultural heritage will include reference to historic landscape characterisation (HLC). We would wish to see collaboration between cultural heritage and landscape effects in relation to HLC in accordance with Guidance on Landscape and Visual Impact Assessment (3rd Edition) paragraphs 5.7-5.11. We feel this is an important part of understanding the landscape baseline and in developing appropriate mitigation.



Public Rights of Way

We note that in Table 8-1 reference is made to public rights of way (footpaths, bridleways, byways and cycle routes) but no reference is made to Open Access Land of which there are a number of areas within the study area, for example Whiteshute Lane, St Catherine's Hill, north of Morestead Road and Magdalen Hill Down. We would suggest that effects from areas of open access are included in the assessment and that where viewpoints are identified within open access land, the location is chosen based on a worst case scenario.

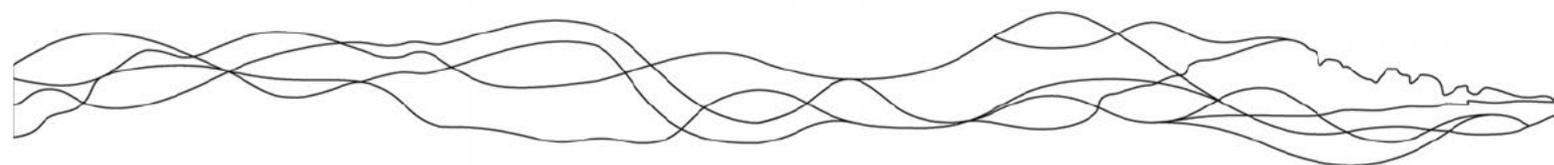
Viewpoint Locations

Whilst no ZTV for the proposed scheme has been included within the Scoping Opinion Report, we note that a ZTV will be prepared as part of the LVIA. We welcome this and would encourage the use of a series of ZTVs looking at different components of the scheme in order to establish the effects of individual elements of the proposals and also to inform and finalise the selection of representative viewpoint locations. We consider this level of detail is required for a scheme of this complexity.

Based on the information provided to date including Table 8-2 and Figure 5-3-1 we would like to make the following suggestions regarding the proposed viewpoint locations and have also suggested a number of additional viewpoints which reflect the current junction improvement proposals, including areas of search for management of excess spoil, set out in Table 1 below. These are also illustrated in Figure 1 below (orange circles are those viewpoints detailed in the Scoping Opinion Report, the purple circles reflect suggested relocation of a viewpoint and green circles reflect proposed new viewpoints). Some, but not all, of these suggestions have been shared with Highway England's consultants in recent email correspondence.

Table 1: Suggested amendments to viewpoints (purple in Figure 1) and additional viewpoints (green in Figure 1)

Viewpoint	Commentary
7	Ensure the location of this viewpoint is from the open space/footpath access within the area of biodiversity enhancement associated with Barton Farm development. A location on slightly higher land north of the proposed hedgerow may be a better location to reflect a worst case scenario (shown on attached plan)
8	The main footpath to the northwest of the viewpoint has open views looking north. Consider reviewing the location of viewpoint 8 to ensure it is from a location which reflects a worst case scenario.
10	There are two viewpoints marked as No 10. Both appear to be from public rights of way. However, Whiteshute Lane is also an area of Open Access Land and there are open elevated views from this publicly accessible location. Consider moving the location of viewpoint 10 to the open Downland ensuring it reflects a worst case scenario (revised location shown in Figure 1).
12	There are two viewpoints marked as No. 12. Assume that one is from the main road approaching the junction and the other from residential receptors. Suggest both are retained and renumbered.
13	Ensure viewpoint is located at gap in hedgerow (as Long Walk is recognised part of the PROW network in lieu of any other paths, hence its name).
Additional Viewpoints	Identified to reflect revised Indicative Application Boundary and areas of search for excess spoil.
A	Itchen Valley along valley floor between A33 and M3



Additional Viewpoints	Identified to reflect revised Indicative Application Boundary and areas of search for excess spoil.
B	Public right of way on northern valley slopes with views south towards search area for excess spoil
C	B3047 road bridge looking south along M3 with area of search for excess spoil in background
D	Southern route for Itchen Way along southern side of floodplain with views south towards area of search for excess spoil and M3 carriageway
E	Historic byway leading from Easton to Itchen Watermeadows / Long Walk adjacent to area of search for excess spoil and with elevated views across M3 corridor
F	Elevated views from northern slopes of Itchen Valley looking southwest across valley to M3 corridor and area of search for excess spoil
G	Townscape view from residential properties at Coram Close with views east across Itchen Valley
H	Elevated views across A31 to steep slopes / area of search for excess spoil from public right of way and open access land
I	Views north from South Downs Way footbridge
J	Views west from Kings Lane adjacent to area of search for excess spoil
K	Views northwest from Chilcomb Church looking northwest towards areas of search for excess spoil along A31.
L	Views north down M3 corridor from elevated land along Morestone Road – exact location to be determined – open access land to north of road and or public footpath / open access land to south.

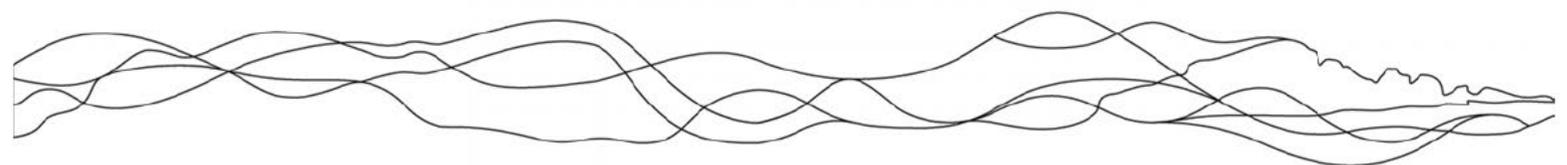
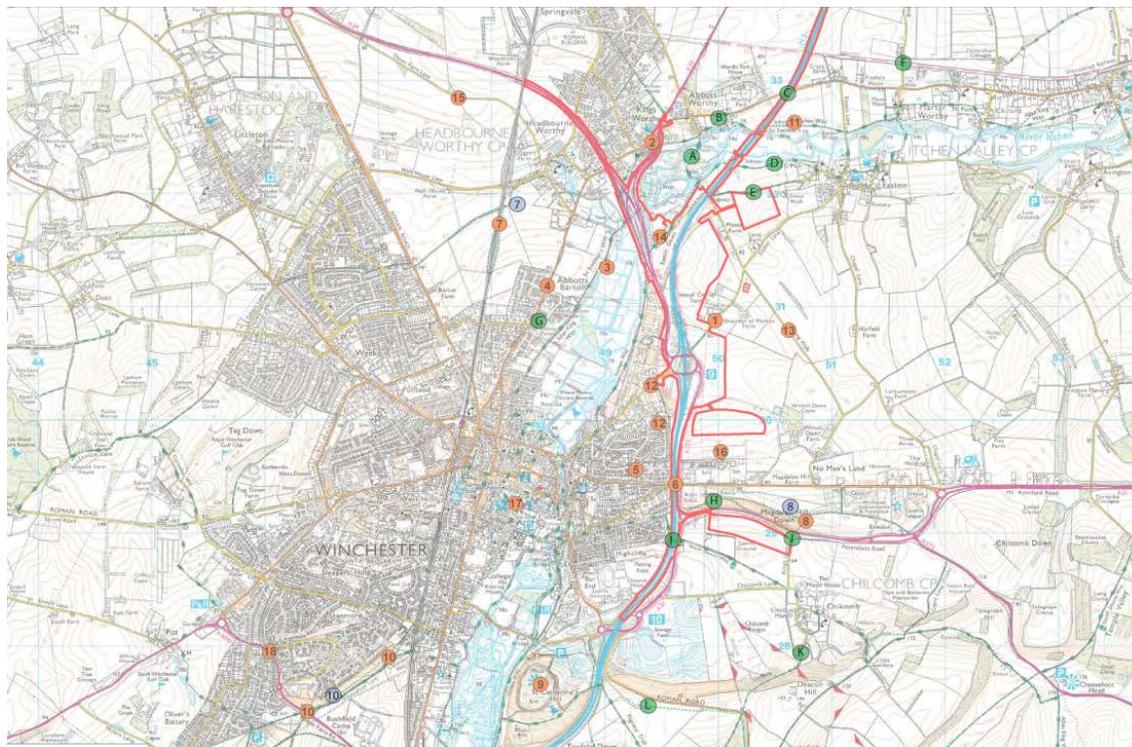


Figure 1: viewpoints



Potential Impacts

Paragraph 8.3.1 notes significant effects include the removal of, or damage to, landscape elements and on landscape character. To this we would also add the introduction of new uncharacteristic elements.

Paragraph 8.3.3 lists the key impacts likely to arise as a result of the proposed scheme. To this list we would like to see added:

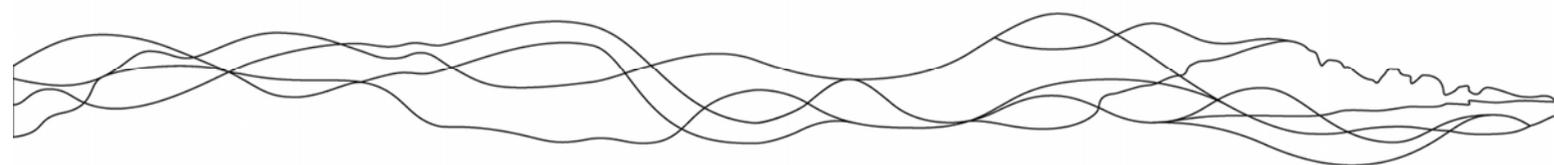
- Effects on topography;
- Effects on open agricultural land;
- Change to recreation and enjoyment, and
- Cumulative effects with other road infrastructure in the area.

We would also expect the LVIA to consider all aspects of the proposed development including ancillary development such as CCTV masts, signage and lighting which may be more visually obvious given the height of elements.

Mitigation

Section 8.4 includes details of mitigation and despite 'enhancement measures' being included in the title the descriptive text provides few details of enhancement, except for the better management of existing vegetation (paragraph 8.4.11) and creation of chalk grassland. It is also unclear if all mitigation will be undertaken within the red line of the IAB or if there is additional scope for off-site mitigation.

Paragraph 8.4.1 states the principle objective of landscape mitigation is to 'integrate and minimise adverse landscape and visual impacts'. Given a significant part of the proposals fall within the SDNP we would suggest that the principle objective to mitigation is to further the purposes of the National Park designation as referenced above.



It is noted in paragraph 8.4.8 that earthworks will be designed, where possible, to help integrate into the gently undulating topography of the area, ensuring sensitive grading to seamlessly marry in with the existing adjacent Downland, especially on the eastern side of the M3 corridor. We have already highlighted concerns regarding the red line boundary of the IAB and would add that the identification of areas for the management of spoil should seek to:

- highlight changes in topography and not ‘fill in’ shallow coombes or depressions;
- avoid the creation of landscape effects within areas of landscape that would otherwise remain relatively unaffected by the proposed scheme;
- consider these areas for the restoration of chalk grassland;
- take account of the role of some areas in the setting of Winchester or the Itchen Valley, and
- enhance recreational routes and connections between Winchester and the SDNP.

We would wish to see the development of mitigation measures which are grounded in an understanding of the special qualities of the National Park and local areas and which seek not just to minimise the adverse effects, but also actively seek enhancement the landscape and special qualities including through the reduction in existing effects of road infrastructure on the SDNP.

In terms of recreation, we welcome the recognition that the vicinity of the Junction 9, M3 corridor road infrastructure is a substantial barrier to the South Downs National Park for horse riders, pedestrians and cyclists. Given the purposes of National Park designation we would wish to see measures proposed to improve the current situation.

Methodology

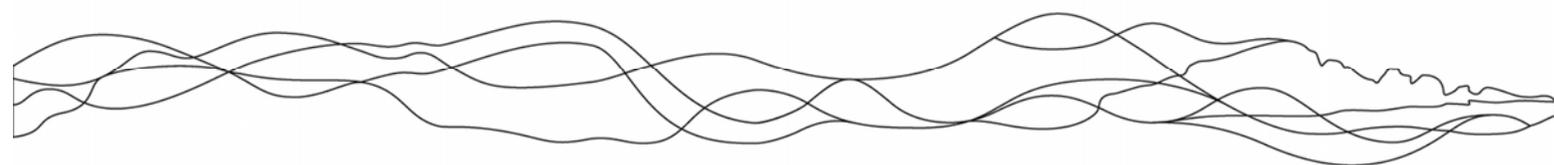
We note that table 8-8 sets out a significance matrix to guide professional judgement. We also note in paragraph 8.6.20 that where the effect could be one of two grading’s professional judgement will be used to determine which effect is applicable. We would suggest that rather than chose one or another the profession judgment provides a commentary on where the effects lie within the spectrum between the two categories. To do otherwise runs the risk of downplaying or overstating effects. We therefore recommend that the wording in the table is changed from ‘moderate or large’ to ‘moderate to large’.

Currently both very high and high sensitivity receptors, when combined with a negligible magnitude of change, would give rise to slight significance of effect only. Given the status of a ‘very high sensitivity receptor’ compared to a ‘sensitive receptor’ we would expect negligible effects on the former to reflect a slight to moderate effect rather than just slight. Currently the gradation of significant effects for ‘very high sensitivity receptors’ jumps from ‘slight’ to ‘moderate or large’ whereas for high sensitivity receptors it is more gradual e.g. slight, slight to moderate, moderate to large and large or very large.

Assessing Effects on the National Park

The SDNPA recommends that when assessing effects on the National Park consideration is given to the purposes of National Park designation and the effects are considered in terms of how they:

- conserve the special qualities of the SDNP as a whole (with reference to the special qualities) including those expressed at a local level;
- enhance the character and qualities of the landscape within the study area and the distinctiveness of the SDNP landscape as a whole, and
- provide opportunities for the enjoyment and understanding of the landscape within the SDNP.



Biodiversity

Further to our 2019 comments (in response to the first Scoping Opinion request), the SDNPA welcomes the updated survey work being undertaken (both in 2020 and 2021) and welcome the inclusion of further assessment work of the SSSI features, priority habitats and species set out in the Scoping Opinion Report.

We note that the areas of additional land now included in the IAB are currently undergoing Preliminary Ecological Assessment (PEA) and it would be helpful to understand any recommendations that come out of this work and assurances that any recommendations are incorporated into the ES.

Noise and Vibration

Our February 2019 comments (in response to the first Scoping Opinion request) relating to this issue remain unchanged. 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 removal of the existing vegetation for both the construction and operational phases of the proposed scheme.

Population and Health

The SDNPA would encourage that any assessment on health and population includes, where possible, the impact of COVID-19. For example,

- paragraphs 13.2.21 onwards state health indicators from 2017 and 2019. This will not address health implications of COVID-19, and our changing relationship with greenspace (and needs around access to greenspace) as part of COVID-19 recovery for communities.
- paragraphs 13.2.26 onwards state labour market projections based on certain assumptions made pre-COVID-19 about how people work and the health and development of the UK economy. 13.2.31 goes on to state that the main employment sectors in the area as 'likely to be directly impacted by journey time improvements, changes in productivity, access to markets and / or effects on development land and are therefore of relevance to this impact assessment'. This proposes a pre-COVID-19 approach to work delivery, supply chains etc.

We would also suggest, contrary to paragraph 13.2.36, that the Winchester Science Centre and Planetarium does fall within the proximity of the IAB and therefore should be included within the assessment as a specific likely tourism destination.

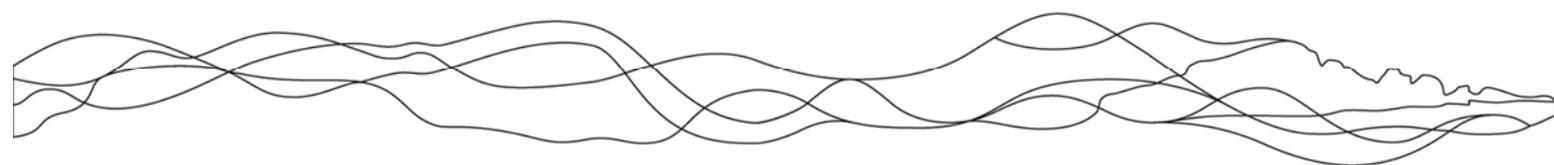
Road Drainage and the Water Environment

Our February 2019 comments (in response to the first Scoping Opinion request) are unchanged, 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.

However, the SDNPA does not agree that the issue of Nitrate Neutrality should be scoped out of the assessment (as referred to in Table 14.4). This scheme could have a significant environment impact in relation to this issue. For example,

- the potential impact of water run-off from the new road surfaces;



- during the construction phase the earth works / ground disturbance works could create run-off issues given the site's close proximity to the River Itchen (part of the fluvial catchment area for the Solent Special Protection Area), and
- during the operational phase, the scheme or any mitigation or enhancement measures could have significant positive benefit taking land out of agricultural use and converting it to a use (for mitigation) that does not artificially increase the nitrogen load of the land and / or creating wetland environments that act as a nitrogen sink and remove nitrogen from the river (a catchment management solution).

Update to South Downs Landscape Character Assessment

For information, the SDNPA has recently updated its Landscape Character Assessment. The 2020 updated assessment is available to view online (and is interactive) at <https://www.southdowns.gov.uk/landscape-design-conservation/south-downs-landscape-character-assessment/south-downs-landscape-character-assessment-2020/>.

We trust 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.

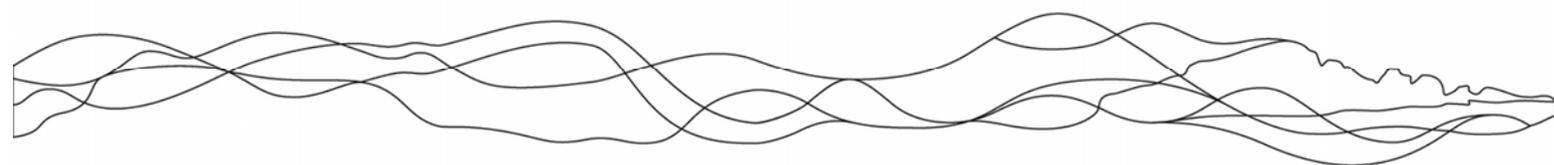
Yours faithfully

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
www.southdowns.gov.uk

Chief Executive: Trevor Beattie



From: [Sandra Chapman](#)
To: [M3 Junction 9](#)
Cc: [Jo Male](#)
Subject: TR010055 - M3 Junction 9 Improvement - EIA Scoping Notification and Consultation Reg 11
Date: 26 October 2020 15:29:36

FAO Emily Park – EIA Adviser

I can confirm that Bracknell Forest Council do not have any comments in relation to the information that should be provided within the Environmental Statement relating to the proposed development.

Regards

Sandra Chapman
Technical Officer
(Sent on Behalf of Jo Male – Team Manager (Major Sites))

This e-mail will be read by employees of the Council and all personal information will be dealt with in accordance with the General Data Protection Regulation May 2018 and subsequent data protection laws. The views expressed in this e-mail are those of the individual and not necessarily the views or opinions of Bracknell Forest Council.

This e-mail and any files transmitted with it are confidential and intended solely for the use of the individual or entity to which they are addressed. If you have received this e-mail in error please notify the system manager. Email: mail.administrator@bracknell-forest.gov.uk

This footnote also confirms that this e-mail has been scanned for the presence of computer viruses. Although the Council has taken steps to ensure that this e-mail and any attachments are virus free we advise that in keeping with good ICT practice the recipients should confirm this for themselves.



Environmental Services
Central Operations
Temple Quay House
2 The Square
Bristol
BS1 6PN

Your Ref: TR010055-000100
Our ref: 20/02296/SCOPE
Contact: Robert Green
Direct Line: 01962 848 583
Email: rgreen@winchester.gov.uk

19th November 2020

Dear Sir / Madam,

**CONSULTATION UNDER THE PLANNING ACT 2008 (AS AMENDED) AND THE
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2017 - REGULATIONS 10 AND 11**

Applicant: Highways England

Proposal: Order granting Development Consent for the M3 Junction 9
Improvement

Location: M3 - Junction 9

Thank you for your consultation to Winchester City Council regarding the above EIA scoping opinion, which was received on 20th October 2020.

This follows a previous Scoping Opinion consultation to which Winchester City Council replied on 22nd February 2019 (19/00224/SCOPE).

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 we consider should be provided in the Environment Statement; or
- Confirm we do not have any comments.

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



Please contact the case officer, Robert Green, if there is anything you would like to discuss.

Yours Sincerely,

Julie Pinnock BA (Hons) MTP MRTPI

Service Lead - Built Environment



SCOPING OPINION

Consultation from the Planning Inspectorate regarding the EIA Scoping Opinion for the M3 Junction 9 Improvement works.

Winchester City Council as Local Planning Authority wish to submit comments in respect of the Scoping Opinion consultation request from the Planning Inspectorate regarding the Scoping Report submitted to the Authority on 20th October 2020.

I include general comments to the Scoping Opinion first which covers interrelated matters and the City Council's declaration of a Climate Emergency.

I then include the responses from the specialist departments of Winchester City Council.

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 accords with the policies of the Development Plan.



General Comments of Winchester City Council Local Planning Authority

- The general topic headings to be scoped in, as summarised in section 17.1.1 of the submitted report are agreed.
- Whilst 'assessment of nutrient neutrality' is proposed to be scoped out in Table 17-2 (*road drainage and the water environment*), an assessment of the nutrient impact would be expected within other supporting documents outside of the Environmental Statement given the identified ongoing concerns for the Solent water system in the region.
- Winchester City Council declared a Climate Emergency in June 2019 and *Climate* will form a vital part of the Environmental Statement and on-going assessment of the scheme. Whilst Climate correctly has its own topic section in the Environmental Statement, this is a topic which is interrelated with and has involvement in other parts of the ES. It is therefore important that the applicant provides an assessment of how Climate and the Climate Emergency declaration have been considered and responded to across all topics of the ES.
- Within *Landscape and Visual*, it is important to note the proposed spoil management areas are within the South Downs National Park and it would be expected this is also considered within the landscape impact assessment.
- Guidance on EIA: Scoping (European Commission, June 2001) is available on this website: <http://europa.eu.int/comm/environment/eia/eia-studies-and-reports/study1.htm>
- It is recommended that there is continuous review of the Winchester City Council Local Plan 2036 (Winchester City Council 2018) as it emerges through the scope of the EIA - <https://www.winchester.gov.uk/planning-policy/winchester-city-council-local-plan-2036>

Consultation Responses

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

- Drainage
- Ecology
- Environmental Protection – Air Quality/Noise
- Environmental Protection – Contaminated Land
- Historic Environment – Archaeology
- Historic Environment – Heritage
- Landscape
- Strategic Planning
- Urban Design

Drainage

Bridge works over the Itchen would be of interest to the Environment Agency, they would also need to issue a permit separately to planning. They may wish to comment on EIA matters relating to the proposed scheme.

Regards

Tom Callaway
Land Drainage Engineer

Winchester City Council
Cipher House
Moorside Road
Winchester
SO23 7RX

Tel: 01962 848314
Ext: 2314



Ecology

I am happy with the revised proposals regarding the assessment of biodiversity.

The River Itchen SAC/SSSI is one of the main ecological features with potential to be impacted, as well as a number of other habitats and species in the environment. Disturbance, fragmentation and pollution are the main potential impacts and avoidance, mitigation, compensation and enhancement measures will have to be looked at.

Enhancements can include habitat creation which should strategically connect with other important habitats.

Regards,
Rick

Richard Smith MSc CEnv MCIEEM
Principal Ecologist & Biodiversity Officer
Natural Environment and Recreation

Winchester City Council
Colebrook Street

Winchester, SO23 9LJ

Tel: 01962 848532

Ext: 2532



Ecology (Response to 19/00224/SCOPE)

Internal Consultation Request

To : **Ecology**

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)

Response from Ecology 20th February 2019

Section 6 covers Air Quality

Ecological receptors with background nitrogen deposition below the critical load within St Catherine's Hill SSSI, but above within River Itchen SSSI and SAC.

The assessment on LSE (likely significant effects) on ecological receptors will be undertaken in accordance with HA standards and the associated interim advice notes.

Section 9 covers Biodiversity

LSE is predicted for a number of notable species through habitat loss, disturbance and direct mortality and a hierarchical approach to mitigation will be adopted to avoid/reduce adverse impacts. Compensation/offsetting measures may be required. A biodiversity net gain needs to be assessed and achieved.

Great Crested Newts (GCN) have been scoped out as the results of the laboratory analysis identified that none of the waterbodies included within the analysis contained GCN newt DNA and GCN are considered to be absent from the study area and the extent of the Proposed Scheme.

Section 14 covers Road Drainage and the Water Environment

Best practice recommendations for the prevention of contamination and pollution, an erosion prevention and sediment control plan, should be outlined in detail in the CEMP.

The potential impacts from pollution, changes to groundwater resources, accidental spillages and flood risk on the River Itchen SSSI and SAC will be assessed through the HRA.

Environmental Protection – Air Quality/Noise

Environmental Health

Regarding below I can confirm that the alterations to the scheme have not changed our position to that within our response to the provision scoping opinion request (as detailed in our response to 19/00224/SCOPE) i.e. **no adverse comments**. I understand this is also the case with regards to Contaminated land matters but have asked James Hucklesby to confirm this to you tomorrow. I can also advise that we have already had more detailed conversations with the applicant's environmental consultants on matters relating to noise and air quality in order to assist in informing the expected detailed methodologies within any subsequent EIA.

Regards

Phil Tidridge

Chartered Environmental Health Practitioner
Winchester City Council
Colebrook Street
Winchester, SO23 9LJ

External Tel: 01962 848519
Internal Ext 2519



www.winchester.gov.uk
www.visitwinchester.co.uk

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

Environmental Protection – Contaminated Land

I have reviewed the contaminated land section of the supplied scoping report for the M3 Junction 9 Improvement and I can confirm that the alterations to the scheme have not changed our position to that within our response to the provision scoping opinion request (as detailed in our response to 19/00224/SCOPE) **i.e. no adverse comments.**

If you have any questions regarding the above please contact me.

Kind regards

James

James Hucklesby

Environmental Health Protection Officer
Environmental Health
Winchester City Council
Colebrook Street
Winchester, SO23 9LJ

Tel: 01962 848088

Ext: 2504



Environmental Protection – Contaminated Land (Response to 19/00224/SCOPE)

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.

Historic Environment - Archaeology

Planning Consultation Comments

RE: 20/02296/SCOPE

M3 Junction 9, Easton Lane, Winchester

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 16).

Consultation response:

I have reviewed the Highways England M3 Junction 9 Improvement Environmental Impact Assessment Scoping Report – Request for a second Scoping Opinion. (Report Number: HE551511-VFK-EGN-X_XXXX_XX-TN-LE-0002, Date: October 2020, Revision: P02).

Chapter 7 of the report considers Cultural Heritage and Section 7.8, Table 7-4 confirms that archaeological remains (along with Historic Buildings and Historic Landscapes) are matters that are to be scoped into the EIA.

Sections 7.1 Study Area and 7.2 Baseline conditions

A new Cultural Heritage Desk-Based Assessment is currently in preparation for the revised scheme area. I can confirm that the proposed study area has been accepted and is similar to that for previous studies relating to this scheme. Data from the Winchester Historic Environment Records has already been supplied to the Project Team for this, as noted in para. 7.2.3.

The scoping report confirms that the CH DBA will consider in more detail setting issues on designated heritage assets (Scheduled Monuments), historic landscapes and undesignated assets, addressing concerns raised during previous iterations of this scheme (para. 7.2.1).

The proposed sources of information for the CH DBA are set out in para. 7.2.3 of the scoping report. Whilst I agree that these are appropriate, it is important that all previous archaeological reports are included (the 2019 Sumo report on a previous second phase of geophysical survey is not referenced).

Section 7.3 Potential impacts

The potential impacts likely to arise from the scheme set out in this section of the scoping report are considered to be comprehensive. Both direct and indirect impacts are to be considered, with the former including temporary works areas, landscaping /

planting and bridge works. I am pleased to note that potential indirect impacts from de-watering / changes to hydrological regimes on archaeological, geoarchaeological and palaeoenvironmental remains are also to be considered (para. 7.3.7). Although a Zone of Theoretical Visibility has yet to be defined (para. 7.5.2), impacts to the setting of Scheduled Monuments (views from / skyline changes / inter-visibility) and division of Historic Landscapes will also be assessed (para. 7.3.8 – 7.3.9).

Section 7.4 Design, mitigation and enhancement measures

The proposed phased programme of further geophysical survey and evaluation trenching following the increase in the site boundary and other scheme changes (para. 7.4.1 – 7.4.2) is welcomed.

An archaeological watching brief is proposed on further ground investigations and geotechnical investigations, particularly in the floodplain of the River Itchen (para. 7.4.2). Where such investigations are not safe to monitor or they comprise boreholes it is proposed that logs are passed to the archaeological team for review (para. 7.4.2). In my view this may not be sufficient and the strategy for further evaluation should include purposive geoarchaeological boreholes and attendance by qualified geoarchaeologists / environmental specialists where appropriate.

Section 7.5 Description of likely significant effects

I concur with the statement that residual effects on buried archaeological remains following mitigation are unlikely, barring any potential changes to local hydrological regimes (section 7.5). Regarding the former, the provision for consultation with the Historic England science advisor, as set out in para. 7.4.3 in this context is welcomed. This issue should be considered through joint working by the relevant project teams throughout the design, site investigation and analysis stages of the EIA.

Possible residual effects to the setting of Scheduled Monuments and on Historic Landscapes (para. 7.5.2 & 7.5.3) have also been identified, with further assessment required and (for the former), the production of a suitable Zone of Theoretical Visibility.

Section 7.6 Assessment Methodology

I advise that the proposed EIA methodology set out in Section 7.6 of the Scoping Report is appropriate and follows accepted sector methodologies.

Section 7.7 Assessment assumptions and limitations

I have no comments on this section of the Scoping Report, the contents of which are noted and agreed.

Conclusions

Further to this Scoping Report and the comments provided above, it is considered that an appropriate EIA will be undertaken and should result in a comprehensive ES. Key to this will be cross area engagement between the Cultural Heritage and other Project teams, including but not confined to Geology and Soils, Road Drainage and Water Environment and Landscape and Visual considerations.

Further discussions will be required through the ongoing design stage, in relation to the further site investigations that are required (including purposive geoarchaeological investigations), and in developing proposals for an appropriate archaeological mitigation strategy.

Where there are any further changes to the site boundary, additional assessment for Cultural Heritage should be undertaken in line with proposed EIA methodology.

Tracy Matthews
Historic Environment (Archaeology) Officer

16/11/2020

Historic Environment – Heritage

Historic Environment

Planning Consultation Comments

RE: 20/02296/SCOPE Proposal Site: M3 Junction 9, Easton Lane, Winchester

Consultation response: No objection

Key issues:

The preservation of the setting of listed buildings (S.66 P(LBCA) Act 1990; Policy DM29 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 conservation areas (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).

Comments and advice:

These comments are made following review of the Highways England M3 Junction 9 Improvement Environmental Impact Assessment Scoping Report – Request for a

second Scoping Opinion. (Report Number: HE551511-VFK-EGN-X_XXXX_XX-TN-LE-0002, October 2020, Revision: P02).

Table 7-4 in Section 7.8 of Chapter 7 (Cultural Heritage) confirms that Historic Buildings and Historic Landscapes, including Conservation areas, will be scoped into the EIA.

It is considered that the proposed methodology is in accordance with established best practice.

Rachel White – Historic Environment Team Leader **19/11/2020**

Landscape

We have reviewed the following:

M3 Junction 9 Improvement Environmental Impact Assessment Scoping Report – Request for a second Scoping Opinion

Report Number: HE551511-VFK-EGN-X_XXXX_XX-TN-LE-0002

Date: October 2020

Revision: P02

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.

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

We note that reference is made to the SDNP Integrated Landscape Character Assessment from 2011. There is now an update online:

<https://www.southdowns.gov.uk/landscape-design-conservation/south-downs-landscape-character-assessment/south-downs-landscape-character-assessment-2020/>

Strategic Planning

No further comments beyond response to 19/00224/SCOPE –

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 villages of Easton, Avington, Ovington, Itchen Abbas	Small rural villages	villages to east of Winchester		1,328	1,288
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>

Urban Design

Urban Design

Planning Consultation Comments

RE: 20/02296/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-VFK-EGN-X_XXXX_XX-TN-LE-0002, Date: October 2020, Revision: P02) 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.

