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All Interested Parties, Statutory Parties and  
any Other Person invited to the Preliminary  
Meeting

Your Ref:

Our Ref: TR010055

Date: 18 April 2023

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Dear Sir/ Madam

## **Planning Act 2008 – Section 88 and 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rules 4, 6, 9 and 13**

### **Application by National Highways for an Order Granting Development Consent for the M3, Junction 9 Improvement**

### **Appointment of the Examining Authority and invitation to the Preliminary Meeting and Notification of Hearings**

Following my appointment by the Secretary of State as the Examining Authority (ExA) to carry out an Examination of the above application, I am writing to introduce myself and the other member of the ExA. My name is Wendy McKay and the other member of the ExA is Matthew Sims. A copy of the appointment notice can be viewed under the [Documents tab](#) on the project webpage of the National Infrastructure Planning website ([project webpage](#)).

We would like to thank those of you who submitted Relevant Representations. These representations have assisted us when considering how we will examine this application.

### **Invitation to the Preliminary Meeting**

As a recipient of this letter you are invited to the Preliminary Meeting to discuss **the procedure** for the Examination of the above application.



Date	Start time	Venue and joining details
16 May 2023	<b>Seating available at venue from:</b> <b>9.15am</b> <b>Virtual Arrangements Conference from:</b> <b>9.30am</b> <b>Preliminary Meeting starts:</b> <b>10.00am</b>	Mercure Winchester Wessex Hotel, Paternoster Row, Winchester SO23 9LQ and By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered
<p><b>IMPORTANT:</b></p> <p>The Preliminary Meeting should be completed before 1:00pm on 16 May 2023. However, parties are encouraged to keep the whole day free in case the meeting overruns or there are technical problems that require the meeting to be adjourned or resumed later in the day.</p>		

**You must register by completing the [Event Participation Form](#) by Tuesday 2 May 2023 if you intend to participate in the Preliminary Meeting and provide all the information requested (see below).**

If you simply wish to observe the Preliminary Meeting then you do not need to register as you will be able to either:

1. watch a livestream of the event - a link to the livestream will be made available on the [project webpage](#) shortly before the event is scheduled to begin; and/or
2. watch the recording of the event which will be published on the [project webpage](#) shortly after the event has finished.

Alternatively, you can attend the physical event at the venue to observe the proceedings; however, to ensure there is adequate seating capacity at the venue we request that you register your attendance to **observe only** by **Tuesday 2 May 2023** using the [Event Participation Form](#)

Please note that it may not be possible to participate on the day if you have not registered your wish to speak by **Tuesday 2 May 2023**.

### **Purpose of the Preliminary Meeting**

The purpose of the Preliminary Meeting is to enable views to be put to us about how the application should be examined. The ExA will therefore limit the scope of the Preliminary Meeting to consideration of **how the application will be examined**. See



**Annex B** to this letter and the Planning Inspectorate's [Advice Note 8.3 - Influencing how an application is Examined: the Preliminary Meeting](#) for more information.

The Preliminary Meeting is **not** an opportunity for you to give your views about what you like or don't like about the application. The merits or disadvantages of the application will only be considered once the Examination starts, which is after the Preliminary Meeting has closed. All relevant and important matters will be taken into account when we make a recommendation to the Secretary of State for Transport, who will take the final decision in this case.

The agenda for the meeting is at **Annex A** to this letter. This has been set following our Initial Assessment of Principal Issues arising from our reading of the application documents and the Relevant Representations received. The Initial Assessment of Principal Issues is set out in **Annex C** to this letter.

### **Written submissions about how the application should be examined**

The Planning Act 2008 establishes a principally written process for the Examination of applications for Development Consent Orders and **representations made in writing carry equal weight to oral representations at all stages of the process.**

We are now requesting written submissions from recipients of this letter about how the application should be examined. We particularly wish to hear from you if:

- You consider changes need to be made to the draft Examination Timetable set out at **Annex D** to this letter; and/or
- you wish to comment about the arrangements for future Examination hearings, including the use of virtual methods.

You are invited to make a written submission about how the application is to be examined by **Procedural Deadline A (2 May 2023)** (see **Annex D** to this letter).

We request that all submissions are made using the [Make a submission tab](#) on the project webpage on or before **Procedural Deadline A. Annex H** to this letter provides further information about using the Make a submission tab.

### **Requests to participate at the Preliminary Meeting**

Please note that **you are not required to attend, or make written submissions to, the Preliminary Meeting in order to participate in the Examination.** If you are an Interested Party you can make a Written Representation and comment on the Written Representations made by other Interested Parties during the Examination. You will also be able to participate in any hearings that are arranged.

If you wish to participate at the Preliminary Meeting you are required to notify the ExA in writing on or before **Tuesday 2 May 2023** (see **Procedural Deadline A**).



Any request to participate in the Preliminary Meeting **must include** the following information:

- Name and unique reference number (found at the top your letter or email from the Planning Inspectorate);
- email address (if available) and contact telephone number;
- name and unique reference number of any person/organisation that you are representing (if applicable);
- for blended events, confirmation of whether you will participate virtually or in-person; and
- the agenda item on which you wish to speak and a list of the points you wish to make.

Requests to participate should be made using the [Make a submission tab](#) on the project webpage on or before **Procedural Deadline A. Annex H** to this letter provides further information about the [Make a submission tab](#).

Please contact the Case Team using the contact details at the top of this letter if you require any support to attend the Preliminary Meeting.

### **Format of Examination Events – Preliminary Meeting and Hearings**

The Examination of the application will principally be a written process (see [Advice Note 8.4: The Examination](#)), supplemented where necessary by various types of hearings (see [Advice Note 8.5: Hearings and site inspections](#) and [Advice Note 8.6: Virtual Examination events](#)).

The Planning Inspectorate's operating model includes both blended (part in-person and part virtual) and fully virtual events. We will confirm the format of any Hearings to be held during the Examination Stage when we provide formal notification of each Hearing at least 21 days in advance of it taking place.

We are providing formal notification that the **Preliminary Meeting will be a blended event and that the OFH referred to in Annex E to this letter will also be blended events.**

### **After the Preliminary Meeting**

After the Preliminary Meeting we will issue a letter (known as the Rule 8 letter) setting out the finalised Examination Timetable. A note of the meeting will also be published on the [project webpage](#).

### **Changes to land interests**

When the Applicant becomes aware that there has been a change in ownership, or a new interest, in relevant land the Applicant is requested to make the relevant person aware that they can make a request to the ExA to become an Interested Party under



section 102A of the PA2008 by completing the form available on the [project webpage](#). The Examination Timetable includes various Deadlines for the submission of an updated Book of Reference and schedule of changes to the Book of Reference, which should include confirmation that relevant persons have been informed of their rights under section 102A.

## Notification of initial hearings

We have made a Procedural Decision to hold the following initial hearing:

- Open Floor Hearing 1 (OFH 1) on **Wednesday 17 May 2023** (Blended event)

Important information about these hearings is contained in **Annex E** to this letter, including what details need to be provided with a request to be heard at a hearing and the procedure that will be followed.

## Examining Authority's Written Questions

The draft Examination Timetable includes provision for the publication of the ExA's Written Questions as soon as practical after the Preliminary Meeting.

## Other Procedural Decisions made by the Examining Authority

We have made some further Procedural Decisions which are set out in detail at **Annex F** to this letter. They are summarised as follows:

- Request for Statements of Common Ground.
- Request for suggested locations for an Accompanied Site Inspection.
- Acceptance of Additional Submissions into the Examination.
- Request for other documents.
- Notification by Statutory Parties to be considered Interested Parties

## Managing Examination correspondence

Given the volume and frequency of letters the Planning Inspectorate needs to send to Interested Parties during an Examination, we aim to communicate with people by email as electronic communication is more environmentally friendly and cost effective for the taxpayer.

If you have received a letter but are able to receive communications by email, please inform the Case Team using the contact details at the top of this letter as soon as possible.

As the Examination process makes substantial use of electronic documents, it will be useful for you to become familiar with the [project webpage](#).



A [Make a submission tab](#) is available on the website which provides a portal through which parties should make written submissions at relevant deadlines during the Examination. Further information about the 'Make a submission' portal is provided at **Annex H** to this letter.

There is also a function on the right-hand side of the project webpage called 'E-mail updates'. This provides you with an opportunity to register to receive automatic e-mail updates at key stages during the Examination.

### **Your status in the Examination**

You have received this letter because you fall within one of the groups described in the Planning Inspectorate's document [What is My Status in the Examination?](#)

If your reference number begins with 'M3J9', 'M3J9-0', 'M3J9-AFP', 'M3J9-S57' 'M3J9-APP' you are in Group A. If your reference number begins with 'M3J9-SP' you are in Group B. If your reference number begins with 'M3J0-OP' you are in Group C. The meaning and purpose of those groups are explained in the document published at the link above.

If having read this document you are still unsure about your status, please contact the Case Team using the details at the top of this letter.

### **Awards of costs**

All parties will normally be expected to meet their own costs. Costs can be awarded against a party who has acted unreasonably and has caused the party applying for the award of costs to incur unnecessary or wasted expense during the Examination. You should be aware of the relevant costs guidance [Awards of costs: examinations of applications for development consent orders](#).

### **Management of information**

Information, including representations, submitted in respect of this Examination (if accepted by the Examining Authority) and a record of any advice which has been provided by the Planning Inspectorate is published on the [project webpage](#).

Examination Documents can also be viewed electronically at the locations listed in **Annex G** to this letter.

Please note that in the interest of facilitating an effective and fair Examination, it is necessary to publish some personal information. To find out how we handle your personal information please view our [Privacy Notice](#).

We look forward to working with all parties in the Examination of this application.

Yours faithfully

*Wendy McKay*



## Lead Member of the Examining Authority

### Annexes

- A** Agenda for the Preliminary Meeting
- B** Introduction to the Preliminary Meeting
- C** Initial Assessment of Principal Issues
- D** Draft Examination Timetable
- E** Notification of initial hearings
- F** Other Procedural Decisions made by the Examining Authority
- G** Availability of Examination Documents
- H** Information about the Make a submission tab

This communication does not constitute legal advice.  
Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

## Agenda for the Preliminary Meeting (PM)

**You must register by 2 May 2023 if you intend to participate in the Preliminary Meeting and provide all the information requested (see below).**

If you simply wish to observe the Preliminary Meeting then you do not need to register as you will be able to either:

1. Attend the physical event to observe the proceedings;
2. watch a livestream of the event - a link to the livestream will be made available on the [project webpage](#) shortly before the event is scheduled to begin; and/or
3. watch the recording of the event which will be published on the project webpage shortly after the event has finished.

**Date:** 16 May 2023

**Arrangements Conference:** 9.45am

**Meeting start time:** 10.00am

**Venue:** **Blended event at Mercure Winchester Wessex Hotel, Paternoster Row, Winchester, SO23 9LQ and by virtual means using Microsoft Teams**  
Full instructions on how to join online or by phone will be provided in advance to those who have pre-registered

**Attendees:** **Invited parties who have pre-registered**

<b>Agenda for the Preliminary Meeting</b>	
<b>9.15am</b>	Seating available at venue for in-person attendees
<b>9.45am</b>	<p><b>Virtual Arrangements Conference</b></p> <p>Please arrive at 9.30am to enter the virtual lobby. From here you will be admitted to the Arrangements Conference by the Case Team, greeted, and given further instructions.</p>
<b>10.00am</b> <b>Item 1</b>	<b>Preliminary Meeting</b>



	The Preliminary Meeting will formally open at <b>10.00am</b> . The Examining Authority will join, welcome participants and lead introductions.
<b>Item 2</b>	The Examining Authority’s remarks about the Preliminary Meeting and the Examination process
<b>Item 3</b>	Initial Assessment of Principal Issues – <b>Annex C</b> to Rule 6 letter
<b>Item 4</b>	Draft Examination Timetable – <b>Annex D</b> to Rule 6 letter
<b>Item 5</b>	Procedural Decisions – <b>Annex F</b> to Rule 6 letter
<b>Item 6</b>	Any other matters
<b>Close of the Preliminary Meeting</b>	

If you are participating using Microsoft Teams please join the virtual lobby promptly using the instructions that will be sent to you. The event will start at **10.00am** irrespective of any late arrivals, for whom access may not be possible.

It may take some time to admit participants from the virtual lobby, your patience whilst you are waiting is appreciated.

The agenda for the Preliminary Meeting is subject to change at the discretion of the Examining Authority (ExA), although in making changes the ExA will be mindful of the need to provide opportunities for fair involvement to all Invited Parties.

Any request to participate in the Preliminary Meeting **must include** the following information:

- Name and unique reference number (found at the top your letter or email from the Planning Inspectorate);
- email address (if available) and contact telephone number;
- name and unique reference number of any person/organisation that you are representing (if applicable);
- for blended events, confirmation of whether you will participate virtually or in-person; and
- the agenda item on which you wish to speak and a list of the points you wish to make.

## **Introduction to the Preliminary Meeting**

This annex provides advance access to information that would usually be included in the ExA's introductory remarks. Please read it carefully, as the ExA will only present a summary of the key points at the Preliminary Meeting, to ensure that the time available for participants to speak is maximised.

## **Background**

The Preliminary Meeting (PM) will be a blended event with some participants attending in person and some taking part virtually using Microsoft Teams

The ExA is conscious of video conferencing fatigue and will aim to keep the proceedings focussed and as efficient as possible. This annex provides advance access to information that would usually be included in the ExA's introductory remarks. Please read this carefully. The ExA will only present a summary of the key points set out here in order to ensure that the time available for participants to speak is maximised.

## **The Examining Authority and the Case Team**

The ExA will introduce themselves at the start of the PM.

The ExA will be supported by the Planning Inspectorate Case Team. During the Arrangements Conferences a member of the Case Team will welcome and admit participants from the virtual lobby, and will be available to answer questions by email before and after the PM. The contact email address is:

[M3Junction9@planninginspectorate.gov.uk](mailto:M3Junction9@planninginspectorate.gov.uk)

## **The purpose of the Preliminary Meeting**

The PM is being held to discuss the arrangements for the Examination of the application for a Development Consent Order (DCO) for the M3, Junction 9 Improvement project, which is a Nationally Significant Infrastructure Project (NSIP), and which will generally be referred to in the PM and Examination as the 'Proposed Development'. The application has been made by National Highways, who will be referred to as 'the Applicant'.

You will find information about the application and, in due course, documents produced for the Examination on the project webpage of the National Infrastructure Planning website ([project webpage](#)). The project webpage has links to the Examination Timetable, Relevant Representations and Examination documents and Examination procedure.

You are encouraged to look at the [project webpage](#) if you haven't already done so, because it will be used to communicate with you and to provide access to documents throughout the Examination.

The main purpose of the PM is to discuss the arrangements for the Examination of the application. It focuses on the process only, and it will not be looking at the

substance of the proposals: Questions, discussions and representations about the merits or disadvantages of the Proposed Development are for the Examination itself which will begin the day after the close of the PM.

The PM will be your opportunity to influence the process that the ExA intends to follow. The agenda for the PM is attached to this Rule 6 letter at **Annex A**. It is important to have the letter and the agenda in front of you and to refer to them during the course of the PM. You may wish to print these in advance of the PM for reference.

### **Government guidance and policy**

The application is a NSIP under the Planning Act 2008 (PA2008) as a consequence of sections 14 and 22: it includes highway-related development that meets the criteria of section 22. The designated National Policy Statement on National Networks (NPSNN) applies to this Examination and to decision-making relating to this application.

The ExA will consider the Proposed Development in accordance with the NPSNN and any other applicable policy or considerations the ExA deem to be important and relevant. The PA2008 makes it clear that, in making a decision, the relevant Secretary of State (SoS) “*must decide the application in accordance with any relevant NPS*” (s104(3)), subject to certain provisos. Essentially, the provisos are that the application must not breach legal or treaty obligations, and that any adverse impact of the Proposed Development would not outweigh its benefits.

The SoS is entitled to disregard any representations that are vexatious or frivolous, or relate to the merits of the designated National Policy Statement (NPS). In practice, this means that the ExA will not spend time examining representations that challenge policy set out in NPSs, or the validity of NPSs themselves. The focus will be on the merits or disadvantages of the Proposed Development, tested to the appropriate extent using the tests set out in relevant designated NPSs that are in force.

Other important and relevant planning policies that the ExA may consider include policies in the relevant local authorities’ development plans. However, if these conflict with policy in a NPS, then the NPS will take precedence.

In summary, the PM will establish the procedures and timetable for the Examination of the Proposed Development. It will set a framework for the ExA to enable the SoS to consider and decide the application. In doing so, the ExA will have regard to:

- the positions and representations of all Interested Parties (IPs);
- any Local Impact Reports (LIRs) prepared and provided by relevant local authorities;
- other prescribed matters; and
- any other matters that appear to be both relevant and important to the relevant SoS’s decision.

## Preliminary Meeting invitees

The Applicant is invited to the PM and is generally given the opportunity to reply to any representations made.

Everyone who has made a valid Relevant Representation has been registered as an IP and has been invited to the PM. All IPs are entitled to involvement in the Examination.

Each person or organisation with an interest in land or rights that are affected by a Compulsory Acquisition request in this application is an Affected Person (AP) and has been invited to the PM. In addition to a general entitlement to involvement in the Examination, APs have a right to be heard in relation to any objection about the effects of Compulsory Acquisition on their interests in land, and a right to be notified of any Compulsory Acquisition Hearing. All APs are IPs, whether or not they have made a valid Relevant Representation.

Certain bodies are Statutory Parties and they have been invited to the PM. Statutory Parties can elect to become IPs without having made a valid Relevant Representation by notifying the ExA in writing.

The ExA has the power to involve people who are not IPs in the Examination as though they are IPs, including by inviting them to the PM. However, this is only done in exceptional circumstances, for example if it was clear that the application would materially affect a person, they are not automatically an IP or eligible to elect to become an IP and they had been unable to take the necessary action to register as an IP.

## Conduct of the Preliminary Meeting

The ExA estimate that the PM will take three hours to complete.

During the PM participants may have to make allowances and be patient if there are delays associated with the technology used. In recognition of the fatigue associated with on-screen communication, the ExA will provide breaks during the PM as appropriate.

A digital recording of the PM will be made available on the project webpage as soon as practicable following the close of the PM. The recording allows any member of the public who is interested in the application and the Examination to find out what has been discussed at the PM. The making and publication of these recordings are a means by which the ExA meets the legal requirement to hold the PM (and any other hearings) in public. In this regard, **anyone speaking at the PM will need to introduce themselves each time they speak**, to ensure that someone listening to the recording after the event is clear who was speaking. A written note of the PM will be produced and published as soon as practicable following the close of the PM.

As the recordings are retained and published, they form a public record that can contain personal information to which the UK General Data Protection Regulation (UK GDPR) applies. Participants must do their best to avoid providing any

information which should otherwise be kept private and confidential. If there is a need to refer to such information, it should be in written form. Although this will also be published, personal and private content can be redacted or removed before it is made publicly available. Any person who is unclear on this point should ask the Case Team for guidance before they place personal and private information into the public domain.

The Planning Inspectorate's practice is to publish the recordings and retain them for a period of five years from the SoS's decision on the DCO. If you actively participate in the PM, it is important that you understand that you will be recorded and that the recording will be made available in the public domain. Please see our [Privacy Notice](#) for more information about how we handle your data.

Following the ExA's introductions, each participant who has been registered to speak will be asked to introduce themselves, including any organisations or groups that they represent. The ExA will then conduct the meeting in accordance with the agenda. If you prefer not to have your image recorded, you can switch off your camera at any point.

### **The Examination process**

The starting point is that the relevant legislation for this system, s.87 of the 2008 Planning Act, states that "*it is for the Examining Authority to decide how to examine the application.*"

The Examination of NSIPs follows different processes to those, for example, of a Public Inquiry into a planning appeal following the refusal of planning permission. The main differences are that the Examination of NSIPs are primarily a written process and hearings take on an inquisitorial approach as opposed to an adversarial one.

This means that the ExA will probe, test, and assess the evidence primarily using written questions. While some hearings are held to provide supplementary evidence, questions to the Applicant or to witnesses will come from the ExA. Questioning or cross-examination of witnesses by other parties will not generally be allowed.

In terms of opportunities to provide evidence in writing, the draft Examination Timetable makes provision for the following written processes:

- Local authorities can submit LIRs if they wish. Whilst these are voluntary, the PA2008 provides that if they are provided, they must be considered by the SoS in reaching a decision. Consequently, LIRs are a very important method for local authorities to communicate issues of concern to the ExA, the SoS and their residents.
- IPs can make Written Representations (WRs) and comment on WRs made by other parties.
- IPs can respond to the ExA's written questions (ExQs) and comment on responses to these written questions provided by others.

- IPs may be asked to contribute to the making of Statements of Common Ground (SoCGs) if it appears that there are matters on which they and the Applicant agrees, and if it would be useful for this to be clarified. SoCGs should also set out matters that are not agreed or are outstanding. Those participating in SoCGs are therefore requested to clearly identify and summarise within them principal areas of disagreement, as well as matters which have been agreed. This will enable the Examination to focus on those matters identified as being of major concern to IPs.

The draft Examination Timetable includes a series of numbered Deadlines for receipt of written submissions. Timely submissions received by the relevant Deadline and that address its purpose will be accepted. **Documents received after the relevant Deadline are only accepted at the discretion of the ExA and may not be accepted to ensure fairness to all parties.** Circumstances where documents are submitted late without good reason, causing inconvenience or delay to other parties can amount to unreasonable behaviour.

These written processes will be the principal means used by the ExA to gather information, evidence, and views about the application. However, the Examination will only be effective if all parties resolve to give timely, full, frank, clear and evidenced answers to every question that is relevant to their interests and to engage fully with any other related processes such as the completion of WRs and SoCGs.

There is no merit in withholding or delaying information, or in failing to co-operate, and should it occur, any unreasonable behaviour that caused another party to incur wasted expenditure could lead to an award of costs against the offending party.

The ExA has discretion to make amendments to the Examination Timetable for the wider benefit of the Examination. If possible, events will be arranged for times when all relevant parties are available, but the ExA is under a duty to complete the Examination by the end of the six-month period beginning with the day after the close of the PM. This requirement is set by legislation, and while the ExA will try to rearrange event dates to accommodate all relevant parties, in practice there will be limited scope to alter dates set out in the draft Examination Timetable.

The statutory time limit for the Examination means that where there are matters that still need to be discussed and agreed between the Applicant and IPs, it will be very helpful to the ExA if these could be progressed as early as possible.

## Hearings

The Rule 6 letter provides notification of an Open Floor Hearing (OFH). The draft Examination Timetable includes further provision for hearings, at which the ExA takes oral evidence from the various parties.

Any registered IP may request an OFH to make oral representations about the application if they believe this to be preferable to relying on their written representation, though both carry equal weight. Oral submissions should be based on representations previously made in writing, but they should not simply repeat matters previously covered in the written submission. Rather, they should focus on specific detail and explanation to help inform the ExA. There should be no new or unexpected material in oral representations. A written summary note with any supporting evidence or references will be requested of each speaker following the hearing.

As with all Examination events, OFHs are subject to the powers of control of the ExA, as set out in the PA2008 and supporting legislation. Participants must register in advance by the Deadline shown in the Examination Timetable and in accordance with the instructions. It is common practice for the ExA to set a time limit for each speaker and speakers with common points are asked to come together to nominate a spokesperson or representative speakers to cover specific topics, so as to avoid repetition. Speakers representing public authorities, community and membership organisations or multiple IPs are normally provided with an additional time allowance, recognising their representative role.

The Applicant's draft DCO provides for the Compulsory Acquisition of land and rights, and the Temporary Possession of land. Affected Persons (ie those whose land or rights over land are affected) have a right to request and be heard at a **Compulsory Acquisition Hearing** (CAH). If one or more APs request to be heard then a CAH must be held. Provisional dates for CAHs are included in the draft Examination Timetable along with Deadlines by which requests to be heard must be submitted.

The ExA has the discretion to hold **Issue Specific Hearings** (ISHs) if it would aid in the Examination and there is a specific reason this would be more helpful than reliance on written evidence only. The lack of an ISH on one or more topics does not suggest that that topic is less important than others which are subject to a hearing. Rather, it is an indication that the ExA is satisfied that the issues can be fully considered through written submissions and responses to its written questions and that each party has had a fair opportunity to put its case.

The draft Examination Timetable includes a number of dates reserved for ISHs and IPs may make suggestions for topics to be discussed at an ISH in their written or oral representations to the PM.

It may be necessary for the ExA to hold more than one ISH on the draft DCO. This is normal practice, and they are held on a without prejudice basis. Parties can suggest modifications and amendments to the draft DCO provided by the Applicant with the application, without prejudicing their overall position on the application.

Holding such hearings does not imply that the ExA has reached any judgements on the merits of the application. Whatever the ultimate recommendation is, the ExA must make sure that the draft DCO is fit for purpose if the SoS decides to grant consent, as any consent will be subject to Requirements (ie conditions) set out in the DCO.

At hearings it will not normally be necessary for parties to make long and detailed submissions that require (for example) PowerPoint presentations. Any supporting detail/information can be provided in writing following the event by the relevant Deadline.

The draft Examination Timetable includes at **Procedural Deadline A Tuesday 2 May 2023** notification to the ExA of requests by IPs to be heard orally at OFH1 to be held the day after the PM (**17 May 2023**). The draft Examination Timetable includes at Deadline 1 (**6 June 2023**) for participants to notify the ExA that they wish to speak at any future ISH or CAH.

### **Unaccompanied and Accompanied Site inspections**

As part of the Examination process the ExA may undertake site inspections. These can be either unaccompanied or accompanied.

The purpose of these is for the ExA to see relevant physical features of the site and surroundings within the context of the evidence put forward. Notes of Unaccompanied Site Inspections (USIs) are published on the [project webpage](#).

Accompanied Site Inspections (ASI) will only be necessary to view land to which there is no public right of access, or with no clear view from nearby locations with open public access. The purpose of ASIs is familiarisation only and no discussion of the merits of the Proposed Development will be entertained during an ASI.

The ExA undertook a USI on Thursday 9 March 2023. The note of our visit can be found on the project webpage as indicated above. The ExA may decide to undertake further USIs before or during the Examination including to relevant nominated locations should we consider it necessary to do so to assist in our understanding of the site and surroundings.

The draft Examination Timetable includes Procedural Deadline A (**2 May 2023**) for IPs to make submissions suggesting sites and locations that the ExA should visit. These will be used to inform further USIs and ASIs.



## **Initial Assessment of Principal Issues**

This is the Initial Assessment of the Principal Issues prepared under section 88(1) of the Planning Act 2008 (PA2008). This initial assessment has had regard to consideration by the Examining Authority (ExA) of the application documents and of Relevant Representations received in respect of the application.

It is not a comprehensive or exclusive list of all relevant matters. The ExA will have regard to all important and relevant matters during the Examination and when it writes its Recommendation Report to the Secretary of State for Transport after the Examination has concluded.

The order of the issues listed is alphabetic and does not imply any order of prioritisation or importance.

The policy and consenting requirements and documents associated with the PA2008 are an integral part of the Examination and are therefore not set out as separate Principal Issues.

It should be noted that a number of the Principal Issues set out below have an interrelationship and overlap and these will be reflected in the Examination.

It should also be noted that:

- whilst the effects of the proposal on the achievement of sustainable development; and
- whilst the effects of the proposal in relation to human rights and equalities duties are not listed as specific Principle Issues;

the ExA will conduct all aspects of the Examination with these objectives in mind.

### **Agriculture, geology, and soils – to include:**

- Impacts upon geology, soils, contamination, and the built environment including the potential for land instability/geological hazards, degradation of soil resources, and the exacerbation of soil erosion through handling and storage of soils and the function or quality of soil as a resource.
- Effects on human health (construction workers and neighbours), controlled waters (ground water and surface water), environmentally sensitive sites, the built environment and soil resources with particular regard to the potential for contamination that could lead to harmful consequences.
- Effects on agricultural land and agricultural land holdings with particular regard to the temporary and permanent loss of Best and Most Versatile agricultural land, severance, and the overall viability of land holdings through land-take.

**Air Quality** – to include:

- Air quality impacts baseline assessment methodology.
- Effects on air quality arising from dust and particulates during the construction phase including through construction activities, emissions from construction traffic and equipment/plant and changes to traffic flows both in relation to the effect of traffic management measures and vehicles associated with the construction activities.
- Whether any such effects would be likely to result in any unacceptable adverse air quality effects at relevant receptor locations with particular regard to any potential effects upon human health and habitats.
- Effects on air quality arising from dust and particulates during the operational phase including through changes to traffic flows with particular regard to the potential for increases and decreases in the annual average Nitrogen dioxide (NO<sub>2</sub>) and concentrations of particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) concentrations at receptor locations.
- Whether any exceedances of relevant air quality thresholds would be likely to result from the Proposed Development.
- Proposed mitigation, monitoring and control measures for air quality, dust suppression, control and use of equipment/plant and construction traffic management and how such matters would be secured and enforced including by the Environmental Management Plan (EMP) and the Development Consent Order (DCO).
- Adequacy of the environmental measures incorporated into the design and mitigation proposals and whether all reasonable steps have been taken and would be taken to minimise any detrimental effects on amenity from emissions.

**Alternatives** – to include:

- The approach to alternatives including consideration of various routes, locations, strategies and design development options for the project and the relevant environmental effects which informed the Applicant's choice.
- Whether the Proposed Development would comply with all specific legal requirements in relation to the consideration of alternatives including the Habitats Regulations and the Water Framework Directive (WFD).
- Whether the Proposed Development would comply with all policy requirements in any relevant National Policy Statements in relation to the consideration of alternatives including the flood risk sequential test and the assessment of alternatives for development in National Parks.

**Biodiversity and ecology** – to include:

- Effects on the internationally designated River Itchen Special Area of Conservation (SAC) and the Mottisfont Bats SAC.
- Effects on the nationally designated River Itchen Site of Special Scientific Interest (SSSI) and the St Catherine's Hill SSSI.

- Effects on the 26 Sites of Importance for Nature Conservation and two Road Verges of Ecological Importance, locally important sites, within a 2km radius of the Proposed Development.
- Appropriate Assessment (HRA) to determine whether the Proposed Development would result in an adverse effect on the integrity of European sites and consideration of the mitigation measures required to address this, including measures proposed to avoid adverse effects on the integrity of the River Itchen SAC and the means whereby those measures would be secured and implemented.
- Effects on protected species and species of conservation concern and mitigation and protection proposals.
- Effects on protected habitats and habitats of conservation concern including woodland, trees and hedgerows.
- Biodiversity net gain.
- The effectiveness of mitigation measures and monitoring of such and how these are secured within the DCO.

### **Climate change and resilience** – to include:

- The effects of the scheme on climate change during construction and operation with particular regard to Greenhouse Gas (GHG)/carbon emissions.
- The vulnerability of the scheme to climate change with particular regard to the location of the site partially within Flood Zones 2 and 3.
- Whether any proposed mitigation/adaptation measures, including the design of the scheme components, the proposed drainage/flood storage systems and landscape design and planting, would ensure that the proposed development would be sufficiently resilient against the possible future impacts of climate change.
- Whether there are any critical features of the design of the proposed development which might be seriously affected by more radical changes to the climate beyond that projected in the latest set of UK climate projections, taking account of the latest credible scientific evidence.
- The adequacy of the proposed mitigation measures relating to design and construction with particular regard to the need to ensure that the carbon footprint of the scheme would not be unnecessarily high.

### **Compulsory acquisition** – to include:

- Independently from the question of whether development consent should be granted, whether the full extent of the land, rights and powers that are sought to be compulsorily acquired are required for or to facilitate or are incidental to the Proposed Development<sup>1</sup>.
- Whether there is a compelling case in the public interest<sup>2</sup> for the compulsory acquisition of the land, rights and powers that are sought by the draft DCO.
- Whether all reasonable alternatives to compulsory acquisition have been explored<sup>3</sup>.
- Whether adequate funding is likely to be available to enable the promoter to carry out the compulsory acquisition within the statutory period including provision for the resource implications of a possible blight notice.

- Whether the purposes stated for the acquisition are legitimate and sufficient to justify the inevitable interference with the human rights of those affected.
- Accuracy of the Book of Reference.
- The acquisition of any statutory undertakers' land or rights over such land and the detriment that may be caused to the carrying on of the undertaking in question<sup>4</sup>.
- Adequacy of any Protective Provisions set out in the draft DCO and the need for any other Protective Provisions to safeguard relevant interests.

<sup>1</sup> See s122(2) of the Planning Act 2008

<sup>2</sup> In terms of s122(3) of the Planning Act 2008

<sup>3</sup> See s123 of the Planning Act 2008

<sup>4</sup> See s127 of the Planning Act 2008

### **Cumulative impact** – to include:

- The combined environmental effects of the Proposed Development during construction and operation with particular regard to the effects on White Hill Cottage, Easton Lane.
- The cumulative effects of the Proposed Development together with other developments including the cumulative effects on human health during construction associated with the developments permitted pursuant to planning application numbers 22/00230/FUL (ID 72) and 21/03239/OUT (ID 79).
- Whether any additional mitigation measures are required to avoid, reduce, or compensate for any cumulative adverse impacts identified.

### **Draft Development Consent Order** – to include:

- Construction, form, extent, and definitions comprised in the draft DCO including Requirements, Protective Provisions, and design flexibility.
- The description of the Proposed Development and the development parameters set out in the draft DCO and the ES.
- Whether the flexibility that the scheme currently provides through the application of the 'Rochdale Envelope' and the detailed design can be justified and represents a reasonable approach
- Whether the traffic and highway related measures and orders are accurate and appropriate.
- Adequacy of the draft DCO Requirements, and associated provisions and documents, their status and enforceability to secure the proposed mitigation and monitoring.
- Whether any additional Requirements are necessary.
- Associated consents, agreements and permits.

### **Flood risk, groundwater, surface water** – to include:

- Baseline groundwater modelling and flood risk assessment methodology and updates.
- Adequacy of the Flood Risk Assessment in considering the potential effects of flooding including matters relating to surface water, groundwater, and other

sources of flooding, taking into account climate change including the application of the sequential and exception tests.

- Surface water effects on the integrity of the water environment and water quality during construction with particular regard to the River Itchen, Nun's Walk Stream, and the River Itchen Navigation canal.
- Implications for groundwater contamination during construction including the potential for contaminants from existing sources to enter groundwater and for dispersal and accidental releases of contaminants, dust, and uncontrolled run-off to occur.
- Flood and pollution risk implications for surface water and groundwater, with a focus on designated aquifers, arising from the operation of the Proposed Development including those arising from road water run-off.
- Effectiveness of the proposed mitigation, monitoring and control measures including those set put in the EMP and the outline drainage Strategy and the means whereby they would be secured.
- Compliance with the WFD with particular regard to any implications for the River Itchen and Nun's Walk Stream.

**Historic environment** – to include:

- The ES Heritage impact baseline assessment methodology including the identification of affected designated and non-designated heritage assets and their settings.
- Assessment of the significance of affected heritage assets and their settings.
- Assessment of potential harm to the significance of affected designated and non-designated heritage assets and their visual and functional settings during construction and operation including listed buildings, Conservation Areas, Scheduled Monuments, historic landscapes, and historic hedgerows with particular regard to any harm to the Kings Worthy and Abbots Worthy Conservation Areas, the historic downland landscape between the M3 and A34, Scheduled Monuments, and the historic hedgerows along Easton Lane.
- Impacts on buried archaeological remains and other archaeological features.
- The adequacy of the proposed mitigation and monitoring arrangements as set out in the Outline Mitigation Strategy for the protection of archaeological and historic assets and the means whereby this would be secured by the draft DCO.

**Landscape impact, and visual effects and design** – to include:

- Landscape and Visual Impact baseline assessment methodology including suitability of study areas and viewpoints used in the assessment.
- Effects on the character and appearance of the surrounding landscape during construction and operation with particular regard to any adverse effects on the special qualities of the South Downs National Park including its setting, and relevant Landscape Character Areas.
- Impacts on visual amenity during construction and operation including at Easton Lane, St Swithun's Way, the footpath on the crown of Magdalen Hill Down, Itchen Way, Abbots Barton Public Open Space, St Swithun's School,

Long Walk close to western edge of South Downs National Park and Winchester Cathedral.

- Effects of temporary and permanent lighting on the landscape and visual amenity with particular regard to the Environmental Light Zones and the dark skies of the South Downs National Park.
- Effects on amenity and views from the Public Rights of Way (PRoW) network and the proposed improvements to the network of PRoW and new walking, cycling and horse-riding routes with particular regard to National Cycle Route 23 and Winchester Bridleway 520.
- Effectiveness and adequacy of the proposed embedded and essential mitigation measures including modifications to landform, and reprofiling of existing landform and proposed planting together with the means whereby this would be secured by the draft DCO.
- Whether the Proposed Development represents “good design” and would be sustainable and as aesthetically sensitive, durable, adaptable, and resilient as it reasonably can be.

**Noise and vibration** – to include:

- Noise and vibration baseline assessment methodology.
- Noise and vibration effects during construction, and operation on sensitive receptors including residents, businesses, schools, healthcare, community buildings, scheduled monuments, listed buildings, PRoWs and wildlife habitats.
- Noise effects upon occupants of residential properties located within any Noise Important Areas.
- Proposed mitigation measures, including any noise containment measures, use of materials such as low noise road surfacing, layout and good design, working hours, techniques and practices and the means whereby this would be secured.
- Whether any residual noise effects arising from the Proposed Development after implementation of mitigation would be likely to result in any significant adverse impacts on health and quality of life.
- Whether the proposed mitigation measures would adequately mitigate and minimise other adverse impacts on health and quality of life from the Proposed Development.
- Whether the Proposed Development would contribute to any improvements to health and quality of life through the effective management and control of noise.

**Policy and need** – to include:

- The need for the Proposed Development in terms of national considerations, and the local economy.
- The conformity of the scheme with the National Policy Statement for National Networks.
- Whether the application as presented meets the scheme objectives for the M3 Junction 9 improvement.

- Whether the scheme has been designed to minimise social and environmental impacts, and improve quality of life.
  - Whether exceptional circumstances exist to justify development in the public interest notwithstanding its location partially within the South Downs National Park with particular regard to the need for the development, the prospects of siting the development elsewhere outside the designated area and any detrimental effect on the environment, the landscape, and recreational opportunities.
- Whether there are compelling reasons for the development with any benefits very significantly outweighing the costs

**Population and Human Health** – to include:

- The approach to the assessment of population, human health and equalities and baseline conditions.
- Non-motorised users (NMU) and PRowS, accessibility, suitability of replacements, impacts on recreation and opportunities for improvement.
- Potential impacts on businesses, agriculture, and social or community facilities.
- Potential impacts on living conditions of surrounding residents, both from construction and operational activities.

**Traffic and Transport** – to include:

- The Transport Assessment and modelling approaches.
- Effects during construction and operation on the Strategic Road Network and the local road network with particular regard to access, congestion, road safety, disruption, and journey times.
- Impacts on the local communities due to traffic changes of the Proposed Development during construction and operation.
- Effects on PRow and NMU routes with particular regard to the impacts of temporary diversions during construction, and any permanent loss of routes.
- Effects on existing and design of new PRow, and NMU routes during operation including any benefits that may be associated with the provision of new routes and improvements to National Cycle Network Route 23, the Winchester Bridleway 520, and Winchester Bridleway 502.
- Effectiveness of any proposed mitigation and control measures, monitoring and enforcement and whether any additional measures would be required.
- Highway safety and safety of vulnerable road users on the strategic, local and PRow network.
- Complementary measures and how routes outside of the application boundary are assessed.

**Waste and material resource** – to include:

- Adequacy of the proposed arrangements for the management of hazardous and non-hazardous waste both on-site and off-site and the means whereby that would be secured.
- Adequacy of the proposed arrangements for the management of any adverse effects associated with the use of materials and the means whereby that would be secured.
- Whether the waste arisings would have an adverse effect on the capacity of existing waste management facilities to deal with other waste arisings in the area.
- Whether adequate steps have been taken to minimise the volume of waste arisings, and of the volume of waste arisings sent to disposal.
- Impact upon the Mineral Safeguarding Area and whether any proposed mitigation would be sufficient to safeguard mineral resources.



## Draft Examination Timetable

The Examining Authority (ExA) is under a duty to **complete** the Examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.

The Examination of the application primarily takes the form of the consideration of written submissions. The ExA will also consider any oral representations made at hearings.

Item	Matters	Date
1. 1	<p><b>Procedural Deadline A</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Written submissions on the Examination Procedure, including any submissions about the use of virtual methods</li> <li>• Requests to be heard orally at the Preliminary Meeting</li> <li>• Requests by Interested Parties to be heard orally at the Open Floor Hearing (OFH1)</li> <li>• Suggested locations for site inspections (Accompanied or Unaccompanied), including justification, for consideration by the ExA</li> </ul>	<b>2 May 2023</b>
2.	<b>Preliminary Meeting</b>	<b>16 May 2023 10:00am</b>
3.	<b>Open Floor Hearing (OFH1) (if requested)</b>	<b>17 May 2023 10.00am</b>
4.	<p>Issue by the ExA of:</p> <ul style="list-style-type: none"> <li>• Examination Timetable</li> </ul> <p>Publication of:</p> <ul style="list-style-type: none"> <li>• The ExA's Written Questions (ExQ1)</li> </ul>	<b>As soon as practicable after the PM</b>
5.	<p><b>Deadline 1 (D1)</b></p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Post hearing submissions including written summary of oral submissions at OFH1 (if required)</li> </ul>	<b>6 June 2023</b>

	<ul style="list-style-type: none"> <li>• Comments on Relevant Representations (RRs)</li> <li>• Summaries of all RRs exceeding 1500 words</li> <li>• Applicant's draft itinerary for Accompanied Site Inspection (ASI)</li> <li>• Requests by Affected Persons (defined in section 59(4) of the Planning Act 2008) to be heard at a Compulsory Acquisition Hearing (CAH)</li> <li>• Comments on any further information/submissions accepted by the ExA</li> <li>• Notification by statutory parties of their wish to be considered as an IP by the ExA</li> <li>• Statement of commonality for SoCG (see Annex F)</li> <li>• Responses to any further information requested by the ExA for this deadline</li> </ul>	
6.	<p><b>Deadline 2 (D2)</b></p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Responses to ExQ1</li> <li>• Responses to OFH1 summaries</li> <li>• Comments on the Applicant's draft itinerary for the ASI</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Rules</li> <li>• Comments on Statement of Commonality for Statements of Common Ground (SoCG)</li> <li>• Comments on any further information requested by the ExA and received by <b>Deadline 1</b></li> <li>• Written Representations (WRs), including summaries of all WRs exceeding 1500 words</li> <li>• Initial SoCGs</li> </ul>	<b>15 June 2023</b>

	<ul style="list-style-type: none"> <li>• Local Impact Reports (LIR) from Local Authorities</li> <li>• Comments on any updated Application documents</li> <li>• Responses to comments on RRs</li> <li>• Updated Book of Reference (BoR) and schedule of changes to BoR</li> <li>• Updated Statement of Reasons (SoR)</li> <li>• Applicant's revised draft DCO</li> <li>• Updated DCO signposting document</li> <li>• Updated Navigation Document</li> <li>• Notification of wish to attend Accompanied Site Inspection 1 (ASI1)</li> <li>• Responses to any further information requested by the ExA to this deadline</li> </ul>	
<b>7.</b>	<b>Publication by the ExA of:</b> <ul style="list-style-type: none"> <li>• ExA's final itinerary for the ASI</li> </ul>	<b>22 June 2023</b>
<b>8.</b>	<b>Dates reserved for:</b> <ul style="list-style-type: none"> <li>• Open Floor Hearing (OFH2) (if required)</li> <li>• Accompanied Site Inspection 1 (ASI1)</li> </ul>	<b>Week commencing 10 July 2023</b>
<b>9.</b>	<b>Deadline 3 (D3)</b> <ul style="list-style-type: none"> <li>• Comments on WRs</li> <li>• Comments on LIRs</li> <li>• Comments on initial SoCGs</li> <li>• Comments on responses to ExQ1</li> <li>• Comments on any additional information received by D2</li> <li>• Comments on Applicant's first revised draft DCO</li> <li>• Updated BoR and schedule of changes to BoR</li> <li>• Updated SoR</li> <li>• Updated DCO signposting document</li> <li>• Updated Navigaton document</li> <li>• Updated NPS tracker</li> </ul>	<b>17 July 2023</b>

	<ul style="list-style-type: none"> <li>• Written submission of oral submissions at OFH2 (if required)</li> <li>• Responses to any further information requested by the ExA for this deadline</li> </ul>	
<b>17</b>	<b>Dates reserved for:</b> <ul style="list-style-type: none"> <li>• <b>Issue Specific Hearings</b></li> </ul>	<b>Week commencing 31 July 2023</b>
<b>18</b>	<b>Dates reserved (if required) for:</b> <ul style="list-style-type: none"> <li>• <b>Issue Specific Hearings</b></li> </ul>	<b>Week commencing 7 August 2023</b>
<b>19</b>	<b>Deadline 4 (D4)</b> For receipt by the ExA of: <ul style="list-style-type: none"> <li>• Post hearings submissions including written summaries of oral cases</li> <li>• Revised/updated SoCGs (if any)</li> <li>• Applicant's revised draft DCO (if any)</li> <li>• Updated DCO signposting document</li> <li>• Updated BoR and schedule of changes to BoR</li> <li>• Updated SoR</li> <li>• Updated Navigation Document</li> <li>• Updated NPS tracker</li> <li>• Comments on any additional/information/submissions received by D3</li> <li>• Responses to any further information requested by the ExA for this deadline</li> </ul>	<b>18 August 2023</b>
<b>20</b>	<b>Publication by the ExA of:</b> <b>Second Written Questions (ExQ2)</b> (if required)	<b>25 August 2023</b>
<b>21</b>	<b>Dates reserved for:</b>	<b>Week commencing 11 September 2023</b>

	<b>Compulsory Acquisition Hearing (CAH1)</b> (if required)	
<b>22</b>	<p><b>Deadline 5 (D5)</b></p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Post hearing submissions including written summaries of oral cases</li> <li>• Responses to ExQ2 (if issued)</li> <li>• Comments on Applicant’s revised dDCO</li> <li>• Comments on any revised/updated SoCGs</li> <li>• Updated BoR and schedule of changes to BoR</li> <li>• Updated SoR</li> <li>• Updated DCO signposting document</li> <li>• Updated Navigation Document</li> <li>• Updated NPS tracker</li> <li>• Comments on any additional info or submissions received by D4</li> <li>• Responses to any further information requested by the ExA for this deadline</li> <li>• Notification of wish to attend Accompanied Site Inspection 2 (ASI2) (if required)</li> </ul>	<b>22 September 2023</b>
<b>23</b>	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> <li>• Report on the Implications for European Sites (RIES) (if required)</li> <li>• ExA’s commentary on, or schedule of changes to, the draft DCO and Section 106 documentation (if required)</li> <li>• Written Questions (ExQ3) (if required)</li> </ul>	<b>6 October 2023</b>
<b>24</b>	<p><b>Dates reserved for:</b></p> <ul style="list-style-type: none"> <li>• <b>Open Floor Hearing</b>(if required)</li> <li>• <b>Issue Specific Hearing</b> (if required)</li> <li>• <b>Compulsory Acquisition Hearing (CAH2)</b> (if required)</li> </ul>	<b>Week commencing 9 October 2023</b>

	<ul style="list-style-type: none"> <li>• <b>Accompanied Site Inspection 2 (ASI2)</b> (if required)</li> </ul>	
<b>25</b>	<p><b>Date reserved for issue by the ExA of:</b></p> <p>Any request for further information under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (if required)</p>	<b>16 October 2023</b>
<b>26</b>	<p><b>Deadline 6 (D6)</b></p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Post hearing submissions including written summary of oral case</li> <li>• Responses to ExQ3 (if issued)</li> <li>• Responses on ExA commentary, or schedule of changes to the dDCO and S106 (If required)</li> <li>• Comments on responses to ExQ2 (if issued)</li> <li>• Updated BoR and schedule of changes to BoR</li> <li>• Updated SoR</li> <li>• Applicant's revised draft DCO</li> <li>• Updated DCO signposting document</li> <li>• Updated Navigation Document</li> <li>• Updated NPS tracker</li> <li>• Comments on any additional information or submissions received by D5</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Procedure Rules</li> </ul>	<b>27 October 2023</b>
<b>27</b>	<p><b>Deadline 7 (D7)</b></p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on the RIES</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Procedure Rules</li> </ul>	<b>3 November 2023</b>
<b>28</b>	<p><b>Deadline 8 (D8)</b></p> <p>For receipt by the ExA of:</p>	<b>10 November 2023</b>

	<ul style="list-style-type: none"> <li>• Comments on responses to ExQ3 (if issued)</li> <li>• Final DCO to be submitted by the Applicant in the SI template with the SI template validation report</li> <li>• Final updated BoR and schedule of changes to BoR in clean and tracked versions</li> <li>• Final SoCGs</li> <li>• Final Statement of Commonality of SoCG</li> <li>• List of matters not agreed where SoCG could not be finalised</li> <li>• Final Navigation Document/Guide to the application</li> <li>• Final NPS tracker in clean and tracked versions</li> <li>• Final signed and dated section 106 (if any)</li> <li>• Final SoR in clean and tracked versions</li> <li>• Final SoR</li> <li>• Final First Iteration Environmental Management Plan including updated Table 3.2: Record of Environmental Actions and Commitments</li> <li>• Closing submissions</li> <li>• Comments on any additional information/submissions received by <b>Deadline 7</b></li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Procedure Rules</li> </ul>	
<b>29</b>	The ExA is under a duty to complete the Examination of the application by the end of the period of six months	<b>16 November 2023</b>

### Submission times for Deadlines

The time for submission of documents at any Deadline in the timetable is 23:59 on the relevant Deadline date, unless instructed otherwise by the ExA.

### **Publication dates**

All information received will be published on the [project webpage](#) as soon as practicable after the Deadlines for submissions.

### **Hearing agendas**

Please note that for Issue Specific Hearings and Compulsory Acquisition Hearings the ExA will publish a high-level agenda alongside the notification of the hearing to help inform your decision about whether to register to participate. A detailed draft agenda will be made available on the project webpage at least five working days in advance of the hearing date. However, the actual agenda on the day of each hearing may be subject to change at the discretion of the ExA. For Open Floor Hearings agendas may not be published.

### **Report on the Implications for European Sites (RIES)**

Where an Applicant has provided a No Significant Effects Report (NSER) or a Habitats Regulations Assessment Report (HRAR) with the application, the ExA may decide to issue a RIES during the Examination. The RIES is a factual account of the information and evidence provided to the ExA on HRA matters during the Examination up to the date of the publication of the RIES, for the purposes of enabling the Secretary of State, as competent authority, to undertake its HRA. It is not the ExA's opinion on HRA matters. Comments on the RIES will be invited by the ExA and any received will be taken into account as part of the ExA's Recommendation to the Secretary of State. The ExA may also raise questions in the RIES to confirm or clarify matters that remain outstanding.

The Secretary of State may rely on the consultation on the RIES to meet its obligations under Regulation 63(3) of The Habitats Regulations 2017.



## Notification of initial hearings

Date	Hearing	Start time	Venue and Joining details
16 May 2023	Preliminary Meeting	<b>Seating available at venue from:</b> <b>9:15am</b> <b>Virtual Arrangements Conference from:</b> <b>9:30am</b> <b>Hearing starts:</b> <b>10:00am</b>	Mercure Wessex Hotel Winchester Paternoster Row Winchester Hampshire SO23 9LQ and By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered
17 May 2023	Open Floor Hearing (OFH1)	<b>Seating available at venue from:</b> <b>9:15am</b> <b>Virtual Arrangements Conference from:</b> <b>9:30am</b> <b>Hearing starts:</b> <b>10:00am</b>	Mercure Wessex Hotel Winchester Paternoster Row Winchester Hampshire SO23 9LQ and By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered
<p><b>NOTE:</b> If any of the above hearings are no longer required then notification that a particular date is no longer required will be published as soon as practicable on the <a href="#">project webpage</a>, providing reasonable notice to Interested Parties of the decision to cancel them.</p>			

**You must register by 2 May 2023 if you intend to participate in the hearings and provide all the information requested (see below).**

If you simply wish to observe the hearings then you do not need to register as you will be able to either:

1. Attend the physical event to observe the proceedings;
2. watch a livestream of the event - a link to the livestream will be made available on the [project webpage](#) shortly before the event is scheduled to begin; and/or
3. watch the recording of the event which will be published on the project webpage shortly after the event has finished.

Any request to participate in a hearing **must include** the following information:

- Name and unique reference number (found at the top of any letter or email from the Planning Inspectorate);
- email address (if available) and contact telephone number;
- name and unique reference number of any person/organisation that you are representing (if applicable);
- for blended events, confirmation of whether you will participate virtually or in-person;
- confirmation of the hearing(s) you wish to participate in, the agenda item(s) on which you wish to speak and/or brief details of the topic(s) that you would like to raise;
- for Compulsory Acquisition Hearings, the plot number(s) of the relevant land provided in the [Book of Reference](#) and the Land [Plans](#); and
- the [Examination Library](#) reference number (with paragraph/page number where appropriate) of any documents you wish to refer to.

It is important that notifications from Interested Parties to participate in hearings is submitted separately from any other written submission. Please select the appropriate Deadline and Submission Item under the [Make a submission tab](#) and ensure the submission is titled appropriately to allow us to quickly identify which event the notification relates to. **Annex H** provides further information about the [Make a submission tab](#). Please contact the Case Team using the contact details at the top of this letter if you require any support to attend a hearing.

### Hearing agendas

High-level agendas for these hearings have been published alongside this notification on the [project webpage](#) to help inform your decision about whether to register to participate.

For Issue Specific Hearings and Compulsory Acquisition Hearings the ExA will publish a detailed draft agenda on the project webpage at least five working days in advance of the hearing date. However, the actual agenda on the day of each hearing

may be subject to change at the discretion of the ExA. For Open Floor Hearings an agenda may not be published.

### **Procedure at hearings**

The Examination will principally be a written process (see the Planning Inspectorate's [Advice Note 8.4: The Examination](#)), supplemented where necessary by various types of hearings. Please refer to the [Advice Note 8.5: Hearings and site inspections](#) and [Advice Note 8.6: Virtual Examination events](#) as these provide important information about hearing procedures.

The procedure to be followed at hearings is set out in Rule 14 of The Infrastructure Planning (Examination Procedure) Rules 2010. The ExA is responsible for the oral questioning of a person giving evidence and the process affords very limited scope to allow cross-questioning between parties.

### **Hearing livestream and recording**

A link to a livestream for each hearing will be made available on the [project webpage](#) shortly before any hearing is due to open. The livestream is available to anybody who wishes to observe a hearing in real time.

All hearings are recorded, and the recordings will be made available on the [project webpage](#) as soon as practicable after the close of the hearing. The recordings allow any member of the public who is interested in the application and the Examination to find out what has been discussed.

## Other Procedural Decisions made by the Examining Authority

The Examining Authority (ExA) has made the following Procedural Decisions:

### 1. Statements of Common Ground (SoCG)

In relation to some of the Principal Issues identified in **Annex C** to this letter, the ExA would be assisted by the preparation of SoCGs between the Applicant and certain Interested Parties. The draft Examination Timetable at **Annex D** to this letter therefore establishes **Deadline 2** for submission of the Initial SoCGs with the final SOCGs to be submitted at **Deadline 8**. Please also note that the ExA has requested a companion 'Statement of Commonality for SoCGs' with an initial version at **Deadline 1** and a final version at **Deadline 8**.

The aim of a SoCG is to agree factual information and to inform the ExA and all other parties by identifying where there is agreement and where the differences lie at an early stage in the Examination process. It should provide a focus and save time by identifying matters which are not in dispute or need not be the subject of further evidence. It can also usefully state where and why there may be disagreement about the interpretation and relevance of the information. As indicated above, the ExA therefore requests that SoCGs clearly identify and summarise within them principal areas of disagreement, as well as matters which have been agreed. Unless otherwise stated or agreed, the SoCG should be agreed between the Applicant and the other relevant Interested Party or parties, and submitted **by the Applicant**.

The ExA notes that no SoCGs were submitted with the Application. It is also noted that the document "Progress with Statements of Common Ground" ([Ref 7.12](#)) has been submitted and contained within that document is a list of parties which the applicant proposes to complete a SoCG with along with a summary of progress on certain topics. The ExA accepts this document includes parties it would wish to see SoCGs developed with and requests that the Applicant continues to focus on currently agreed topics with an emphasis on the following areas:

#### A. **Winchester City Council**, to include:

- Principle of development
- Economic and social impacts, including any implications for The Winchester District Local Plan 2018 – 2039 (Emerging)
- Environmental Impact Assessment, including issues relating to cumulative effects
- Impact of the scheme on the National Park and its setting
- Traffic and transport including The Winchester Movement Strategy
- WCC declared climate emergency of June 2019
- Noise, air quality, lighting and disturbance
- Construction Environmental Management Plan including traffic and NMU diversion routes

- Any other potential effects including on heritage assets, biodiversity, landscape and visual impact, flood risk and contamination
- Compulsory Acquisition (as applicable)
- The draft DCO

**B. South Downs National Park Authority, to include:**

- Principle of development
- Climate impact
- Traffic and transport, including traffic modelling and assessment of alternatives including The Winchester Movement Strategy
- Effects on the Public Rights of Way Network and on cyclists, pedestrians and horse riders
- Impact of the scheme on the National Park, landscape a visual, chalk grassland and habitat and its setting
- Economic and Social impacts
- Environmental Impact Assessment, including issues relating to cumulative effects
- Noise, air quality, lighting and disturbance
- Construction Environmental Management Plan including traffic and NMU diversion routes
- Agriculture, farming and soil
- Any other potential effects including on heritage assets, archaeology, biodiversity, flood risk and contamination
- Mitigation measures
- The draft DCO

**C. Hampshire County Council, to include:**

- Principle of development
- Climate impact
- Traffic and transport, including traffic modelling and assessment of alternatives including The Winchester Movement Strategy
- Effects on the Public Rights of Way Network and on cyclists, pedestrians and horse riders
- Impact of the scheme on the National Park and its setting
- Economic and social impacts
- Environmental Impact Assessment, including issues relating to cumulative effects
- Noise, air quality, lighting and disturbance
- Construction Environmental Management Plan including traffic and NMU diversion routes
- Any other potential effects including on heritage assets, archaeology, biodiversity, landscape and visual impact, mineral safeguarding areas, flood risk and contamination
- Compulsory Acquisition (as applicable)
- The draft DCO

**D. Environment Agency**, to include:

- EIA Methodology
- Biodiversity, habitats and nature conservation including issues related to
  - i. the Applicant's Habitats Regulations Assessment report and effects on European sites and features;
  - ii. the effects on protected species and habitats;
  - iii. mitigation measures and enhancements, including likely effectiveness of mitigation, monitoring procedures, how mitigation will be secured within the draft DCO;
- Impact on River Itchen, The Itchen Navigation and surrounding areas
- Impact on flood risk zones
- Ground and surface water protection
- Climate
- The Construction Environmental Management Plan including Register of Environmental Actions and Commitments and how approvals are secured within the DCO
- Geology and soils
- Drainage
- Environment Management Plan
- The draft DCO

**E. Natural England**, to include:

- Biodiversity, habitats and nature conservation including issues related to
  - i. the Applicant's Habitats Regulations Assessment report and effects on European sites and features;
  - ii. the effects on protected species and habitats;
  - iii. mitigation measures and enhancements, including likely effectiveness of mitigation, monitoring procedures, how mitigation will be secured within the draft DCO
- Noise, air quality, lighting and disturbance
- Water quality and road drainage including impact of River Itchen and The Itchen Navigation
- Climate
- The Construction Environmental Management Plan including Register of Environmental Actions and Commitments.
- Licence applications and how they are secured in the DCO.
- The draft DCO

**F. Historic England**, to include:

- The effects on heritage assets and consideration of cumulative effects
- Archaeological considerations.
- Outline Construction Environmental Management Plan (including Record of Environmental Actions and Commitments).

- The draft DCO

SoCGs should cover where relevant:

- Methodology for environmental assessments including assessment of cumulative effects.
- Data collection methods.
- Baseline data.
- Data/statistical analysis, approach to modelling and presentation of results.
- Full expression of expert judgements and assumptions.
- Identification and sensitivity of relevant features and quantification of potential impact.
- Likely effects, including construction and operational effects.
- Feasible and deliverable mitigation and method for securing such mitigation within the DCO.

**All of the SoCGs listed above should cover the Articles and Requirements in the draft Development Consent Order.** Any Interested Party seeking that an Article or Requirement is reworded should provide the form of words which are being sought.

If a particular SoCG cannot be agreed between the parties by **Deadline 2**, or if any local authority position needs to be signed off at a higher level, draft versions of that SoCG are requested to be submitted **by the Applicant** at that deadline. The position of the relevant Interested Parties should then be confirmed in the course of the Examination. The draft Examination Timetable makes provision for updated SoCGs to be submitted at various Deadlines with final versions by **Deadline 8**.

The content of SoCGs will help to inform the ExA about the need to hold any Issue Specific Hearings during the Examination, and to enable the ExA and the Applicant to give notice of such hearings at least 21 days in advance of them taking place.

## **2. Accompanied Site Inspection – suggested locations**

The draft Examination Timetable at **Annex D** to this letter includes dates reserved for an Accompanied Site Inspection (ASI) week commencing 10 July 2023.

The ExA requests that Interested Parties submit suggested locations for the ExA to visit as part of an ASI by **Procedural Deadline A (2 May 2023)**. The request must include:

- Sufficient information to identify the location;
- the issues to be observed at the location;

- information on whether the site can be accessed via public land; and
- the reason why the location has been suggested.

**Interested Parties should be aware that ASIs are not an opportunity to make any oral representations to the ExA about the Proposed Development.** However, participants may be invited by the ExA to indicate specific features or sites of interest.

The Applicant is requested to prepare a draft itinerary for the ASI to be submitted by **Deadline 1**. This should include:

- Relevant locations referred to in the Relevant Representations received;
- any other locations at which the Applicant has predicted likely significant environmental effects; and
- the locations suggested by Interested Parties submitted by **Procedural Deadline A**.

Comments by Interested Parties on the Applicant's draft itinerary must be submitted by **Deadline 2 (15 June 2023)**.

The ExA will consider each suggested site location, including those provided in the Applicant's draft itinerary, to determine if it could be viewed from public land on an unaccompanied basis or if it is necessary to view it on an accompanied basis. The ExA will also consider if it would be appropriate to make arrangements for access only to be provided to specific sites such that they could be inspected as part of an Unaccompanied Site Inspection on an access required basis.

The ExA will publish its final itinerary at least five working days before the date of the ASI.

### **3. Additional Submissions**

In addition to the documentation submitted by **Procedural Deadline A** the ExA has exercised its discretion and made a Procedural Decision to accept the following Additional Submissions:

- Book of Reference by National Highways
- Statement of Reasons by National Highways

### **4. Request for other documents**

#### **The Guide to the Application (Navigation Document)**

The ExA requests that, at the deadlines specified in the Examination Timetable, the Applicant provides an updated Introduction to the Application Appendix A Application Document Tracker [Ref 1.4](#) which provides a list of the most up-to-date documents before the Examination and with those documents



which are subsequently superseded clearly identified. A final version must be submitted at **Deadline 8 on 10 November 2023** before the close of the Examination.

### **National Policy Statement for National Networks Accordance Table (NPSNN Accordance Table)**

The ExA requests that, at the deadlines specified in the Examination Timetable, the Applicant provides an updated NPSNN Accordance [Ref 7.2](#) which provides an updated assessment of the Scheme's conformity with the NPSNN or any subsequent relevant NPS should that NPS be superseded during the Examination period. A final version must be submitted at **Deadline 8 on 10 November 2023** before the close of the Examination.

### **Statement of Reasons (SoR) Annex B and C**

The ExA requests that, at the deadlines specified in the Examination Timetable, the Applicant provides as standalone documents an updated Annex B Schedule of all objections made by representation to the granting of compulsory acquisition powers and progress of negotiations with those affected persons and Annex C Schedule of Engagement with Statutory Undertakers. Please include within the standalone Annex B additional columns for the relevant Work No(s) and the relevant DCO articles that would authorise the acquisition of the rights and/or powers sought over the plot. For Appendix C, please include an indication as to whether protective provisions have been agreed and included within the latest version of the draft DCO. A final version of both Annex B and Annex C must be submitted at **Deadline 8 on 10 November 2023** before the close of the Examination.

### **Progress with Statements of Common Ground**

The ExA requests that, at the deadlines specified in the Examination Timetable, the Applicant provides an update to the Progress with Statements of Common Ground [Ref 7.12](#). A final version of the Progress with Statements of Common Ground must be submitted at **Deadline 8 on 10 November 2023** before the close of the Examination.

### **First Iteration Environmental Management Plan**

The ExA requests the Applicant to provide any updated version of the First Iteration Environmental Management Plan including Table 3.2 Record of Environmental Actions and Commitments as necessary during the course of the Examination and a final version of that plan at **Deadline 8 on 10 November 2023** before the close of the Examination

## **5. Notification by Statutory Parties of their wish to be considered as an Interested Party**

The ExA has made a procedural decision that, in order to facilitate a timely start to the Examination, Statutory Parties should have decided whether

they wish to be considered as an IP and notified the Planning Inspectorate of their decision by **Deadline 1 on 6 June 2022**. Please note, the ExA will consider any specific, and well-reasoned requests for additional time to be provided before issuing the final timetable.

## Availability of Examination Documents

The application documents and Relevant Representations are available on the [project webpage](#).

All further documents submitted in the course of the Examination will also be published under the [Documents tab](#) of the project webpage.

## The Examination Library

For ease of navigation, please refer to the Examination Library (EL) which is accessible by clicking the blue button under the Documents tab. The EL is updated regularly throughout the Examination.

The EL records and provides a hyperlink to:

- Each application document;
- each representation made to the Examination; and
- each Procedural Decision made by the Examining Authority.

Each document is given a unique reference which will be fixed for the duration of the Examination. **Please quote the unique reference number from the EL when referring to any Examination Documents in any future submissions that you make.**

## Electronic deposit locations

Documents can be viewed electronically, free of charge, at the electronic deposit locations listed in the table below. Please note that you will need to bring a form of identification and register as a member/library member in order to use a computer at these locations.

Local authority	Venue/address	Opening hours	Printing costs
Winchester Discovery Centre	Jewry Street, Winchester, SO23 8SB	Mon, Tues, Thurs, Fri, Sat – 9.30am-5.00pm Wed – 9.30am – 1.30pm Sun – Closed	15p per copy for black and white (A4) 60p per sheet for colour (A4) 30p per copy for black and white (A3)

**Annex G**

			£1.20 per sheet for colour (A3)
<b>Local authority</b>	<b>Venue/address</b>	<b>Opening hours</b>	<b>Printing Costs</b>
Winchester Tourist Information Centre	Winchester Guildhall, High Street, Winchester SO23 9GH	Mon, Tues, Wed, Thurs, Fri, Sat – 10.00am-5.00pm  Sunday – Closed	35p per copy (A4)
<b>Local authority</b>	<b>Venue/address</b>	<b>Opening hours</b>	<b>Printing Costs</b>
Winchester City Council Customer Services Centre	City Offices, Colebrook Street, Winchester, SO23 9LJ	Mon, Tues, Wed, Thurs – 8.30am-5.00pm  Fri – 8.30am-4.30pm  Sat, Sun – Closed	20p per sheet
<b>Local authority</b>	<b>Venue/address</b>	<b>Opening hours</b>	<b>Printing Costs</b>
Kings Worthy Community Centre	Fraser Road, Kings Worthy, SO23 7PJ	Lesley York/Jackie Porter  07867512341	Printing facilities available on request
<b>Local authority</b>	<b>Venue/address</b>	<b>Opening hours</b>	<b>Printing Costs</b>
Winnall Community Centre	Garbett Road, Winchester SO23 0NY	Mon, Tues, Wed, Thurs – 6.30pm-12.00am  Fri – 6.00pm-12.00am  Sat – 12.00pm-12.00am  Sun – 12.00pm-10.30pm	Printing facilities available upon request

## Information about the Make a submission tab

The [Make a submission tab](#) is available on the project webpage.

You will need to enter your unique reference number ('Your ref' found at the top your postcard or email from the Planning Inspectorate) beginning either 2003 or M3J9. If you are making a submission on behalf of another person or organisation, and do not have your own unique reference number, then you should enter the unique reference number of the person or organisation you are representing. If you are not a registered Interested Party then it is at the discretion of the Examining Authority whether or not your submission is accepted.

Submissions will be published on the [project webpage](#) as soon as practicable following the close of the relevant Deadline. For further information about publishing submissions please view our [Privacy Notice](#).

You will be able to submit a document (upload file), make a text representation or both. It is possible to upload multiple files for each individual submission item. Electronic attachments should be clearly labelled with the subject title and not exceed 50MB.

Submissions **must not include hyperlinks** to documents/evidence hosted on a third party website eg technical reports, media articles etc. See the Planning Inspectorate's [Advice Note 8.4: The Examination](#) for further information about making written submissions. All submissions must be made in a format that can be viewed in full on the National Infrastructure Planning website. Any submissions that exceed 1500 words should also be accompanied by a summary; this summary should not exceed 10% of the original text.

You should select the relevant Deadline for your submission and then, on the next webpage, select the appropriate Submission item as described in the Examination Timetable at **Annex D** to this letter. Please ensure you make a separate submission for each Submission item and **do not duplicate your submission**. If you consider that your submission does not fit the description of any of the submission items then please select the Submission item 'Other' and ensure that it is titled appropriately.

If you experience any issues when using the [Make a submission tab](#) please contact the Case Team using the contact details at the top of this letter and they will assist.