



Application by National Highways for M3 Junction 9 Improvement Scheme
The Examining Authority's written questions and requests for information (ExQ1)
Issued on 25 May 2023

The following table sets out the Examining Authority's (ExA's) written questions and requests for information - ExQ1. If necessary, the examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ2.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annexe C to the Rule 6 letter of 18 April 2023. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with a number indicating an issue number, for example, 1 = General and Cross-topic Questions, 2 = Agriculture, Geology and Soils; the full list of topics is shown in the index on page 4. The second part of the unique reference is 1 (indicating that it is from ExQ1) and the third part of the reference is a unique number for the question. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact M3Junction9@planninginspectorate.gov.uk and include 'M3 Junction 9 Improvement Scheme' in the subject line of your email.

Responses are due by Deadline 2: 15 June 2023



Abbreviations used:

BoR	Book of Reference	OLEMP/LEMP	(Outline) Landscape and Ecological Management Plan
CA	Compulsory Acquisition	PA2008	The Planning Act 2008
DCO	Development Consent Order	PRoW	Public Right(s) of Way
EA	Environment Agency	REAC	Register of Environmental Assessment Commitments
EM	Explanatory Memorandum	RR	Relevant Representation
ES	Environmental Statement	SAC	Special Area of Conservation
ExA	Examining Authority	SDNP	South Downs National Park
fiEMP	First Iteration of Environmental Management Plan	siEMP	Second Iteration of Environmental Management Plan
GhG	Greenhouse Gas	SoCG	Statement of Common Ground
HCC	Hampshire County Council	SoR	Statement of Reasons
HRA	Habitats Regulations Assessment	SoS	Secretary of State
LIR	Local Impact Report	SSSI	Site of Special Scientific Interest
LPA	Local Planning Authority	tCO2e	Tonnes (t) of Carbon Dioxide (CO2) Equivalent (e)
NPS	National Policy Statement	TP	Temporary Possession
NPSNN	National Policy Statement for National Networks	WCC	Winchester City Council



The Examination Library

References in these questions set out in square brackets and starting with APP (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link which will be updated as the examination progresses:

[Examination Library](#)

Relevant Representations

References in these questions set out in square brackets and starting with RR (eg [RR-01]) are to Relevant Representations submitted. The Reference can be seen by the following link which will be updated as the examination progresses:

[Relevant Representations](#)

Citation of Questions

Questions in this table should be cited as follows:

Q : issue reference: ExQ reference: question number. For example, Q1.1.1 – refers to question 1 in this table.



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ExQ1	Question to:	Question:
1. General and Cross-topic Questions		
Q1.1.1	Application Boundary The Applicant	Please explain the requirement for the extent of the application boundary with particular emphasis on the M3 north and south of Junction 9, or signpost the ExA to where this can be found.
Q1.1.2	Highway Extents The Applicant	Please provide a plan which details the proposed post-completion highway boundary and the areas maintainable by relevant highway authorities.
	Monitoring - General The Applicant	The ExA is concerned that mitigation and enhancements which require ongoing monitoring and maintenance are not sufficiently detailed in the application and therefore not secured in the Development Consent Order (DCO). Paragraph 6.1.3 of the First Iteration Environmental Management Plan (fiEMP) [APP-156] states that specific monitoring requirements are being developed and will be included in the siEMP. Please give a full explanation of why specific monitoring details cannot be given at this stage, what is meant in this paragraph by “this will be done through the DCO process” and why appendix Q has no information or suggestion of what will be included in the siEMP. Please also explain how the outcomes of any post-construction monitoring will be rectified as necessary, both on-site and off-site, to ensure that Biodiversity Net Gain and other mitigation commitments are delivered.
Q1.1.3	Mitigation - General The Applicant	As will be set out in more detail in the individual subject areas below, the ExA is concerned with the Applicant’s overall approach to detailing mitigation in this ES. The Applicant’s approach relies heavily on statements in the ES on commitments to mitigation contained in the Register of Environmental Actions and Commitments (REAC), which is within the fiEMP [APP-156]. The corresponding mitigation measures within the REAC are not identified in the ES. The fiEMP [APP-156] itself relies on a series of documents, such as various management plans for which no outline version has been provided, to detail such mitigation. Implementation of the mitigation is considered light in detail and heavily reliant on matters being resolved at the detailed design stage and crucially, after consent would have been granted. The ExA is concerned that the approach fails to provide adequate details of how the Applicant intends to mitigate the effects of the Proposed Development, and the ExA cannot be certain at this stage that mitigation measures or practices would be adequate. The Applicant is required to take note of the ExA’s initial view and either provide a statement response here, and/ or respond to the individual concerns in questions below and submit the additional documents required.
Q1.1.4	Mitigation - General The Applicant	The fiEMP [APP-156] details a number of responsibilities for the Environmental Manager during construction to support and influence the control measures required to implement the mitigation controls that support the required outcomes of the Environmental Statement (ES). Please explain what the reporting lines for this role will be and how they will be able to influence, manage and change operation and practice of the contractor and Applicant.

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ExQ1	Question to:	Question:
Q1.1.5	Environmental Management Plan The Applicant	The fiEMP [APP-156] has a number of appendices which will not be completed until the siEMP is completed during detailed design; these reference important ongoing management strategies for Biodiversity. Please provide a draft of these missing appendices or a detailed summary of what each of these appendices will contain.
Q1.1.6	The Scheme and its Surroundings Figures The Applicant	A number of plans in the Chapter 2 series of figures appear to be missing some detailed elements (drawing 'layers') and, for example, do not show the existing carriageway. Please review these and amend as appropriate.
Q1.1.7	SoCG – Historic England The Applicant	In their Relevant Representation (RR) [RR-041], Historic England stated that they have finalised their comments and discussions and will not continue to be part of the examination. A Statement of Common Ground (SoCG) between the Applicant and Historic England has commenced and the ExA requested in the Rule 6 letter that this is finalised. Please confirm if finalising the SoCG is accepted between both parties or if alternative proposals are recommended.
Q1.1.8	Construction phasing The Applicant	The Outline Traffic Management Plan [APP-161] details a summary of the construction phasing. Please provide an update on the construction sequencing detailing all aspects of the works and any proposed traffic diversion routes required at each phase.
Q1.1.9	Recycling The Applicant	The application in various parts states that the principal contractor is committed to diverting 95% of waste from landfill, however there is additionally a locked-in surplus of material which will be diverted to landfill which is outside of the control of the contractor to influence. The wording of this across the documents may be misleading. Please review these statements within the application and revise the text to ensure there is clarity on the percentage of waste and recycling for the scheme.
Q1.1.10	Various Plans The Applicant	Some plans in the application have a key reference called "PROPOSED HIGHWAY WORK OUTLINE". Please explain what this is intended to represent and why it is only shown on some of the sets of plans. The line is not clear to see on the plans, if it is intended to retain this reference, please update the plans so that this is visible.
Q1.1.11	Examination Library The Applicant	There are four sets of figures associated with the ES - Chapter 2 - The Scheme and its Surroundings [APP-061 to APP-064]. These figures contain a variety of different plans which relate to the wider ES in various ways. Please update the Examination Library to list the sets of plans which are contained in each of the four documents. Please also review if any other generic grouping of plans with non-specific document titles would benefit from an expanded listing in the Examination Library.

ExQ1	Question to:	Question:
2. Agriculture, Geology and Soils		
Q2.1.1	Introduction The Applicant	Paragraph 9.1.3 of Chapter 9 of the ES [APP-050] states that the ground condition assessment was undertaken when surplus spoil was expected to be generated but design development has led to spoil being deposited within the boundary. However paragraph 19.9.28 and Table 10.16 of Chapter 10 of the ES, Material Assets and Waste [APP-051], states that 135,000 tonnes of soil will be removed from site. Please clarify the position in this regard.
Q2.1.2	Assumptions and limitations The Applicant	Paragraph 9.4.22 of Chapter 9 of the ES [APP-050] states that the application boundary has changed since the ground investigation works were completed and there are some areas of the current application boundary which have not been investigated by intrusive means. Please detail, or signpost the ExA to, the areas that this is relevant to and what assessment has been made to inform the judgement that additional investigation was not required.
Q2.1.3	Assumptions and limitations The Applicant	It is accepted that the historic filling station on the A33 has been partly developed and there is evidence that the fuel tanks have been made safe to the satisfaction of the lead local authority. Is there sufficient evidence that the area around the tanks has been tested for potential historic pollution, and if so please explain this assessment?
Q2.1.4	Historic Landfill Sites The Applicant	Chapter 9 of the ES [APP-050] references some historical landfill sites by name however the names are not shown on fig 9.1 in the Geology and Soils – Figures [APP-071]. Please can names be added to fig 9.1 to allow cross referencing.
Q2.1.5	Foundation Design The Applicant	Chapter 9 of the ES [APP-050] highlights that there is a risk to the groundwater from piling operations. This chapter of the ES suggests that final foundation design is not completed therefore piles may not be used, however other parts of the application suggest piles will be used. Please provide clarification on foundation designs and the potential impact on groundwater and correct those parts of the application which potentially conflict in this regard.
Q2.1.6	Mitigation The Applicant	Paragraph 9.8.12 of Chapter 9 of the ES [APP-050] states that the siEMP will include 'standard good practice from the contractor'. Please provide details of what these standard practices will likely include in addition to those already shown in the fiEMP [APP-156].

ExQ1	Question to:	Question:
3. Air Quality		
Q3.1.1	Consultation The Applicant	Table 5.1 of Chapter 5 of the ES [APP-046] states that Eastleigh Borough Council were consulted and raised concerns as to the impact on Eastleigh and the AQMA and also requested consideration of impacts on allotments near M3. The Applicant's response states that receptors at the allotments indicate no exceedance of relevant air quality thresholds. Please confirm that this has been discussed with EBC and they have responded to the update.
Q3.1.2	Consultation The Applicant	Table 5.1 of Chapter 5 of the ES [APP-046] states that Winchester City Council (WCC) were consulted and raised concerns as to the impact of traffic diversions during construction. The Applicant's response states that relevant additional receptors have been assessed. Please confirm that this has been discussed with WCC and they have responded to the update.
Q3.1.3	Construction phase dust The Applicant	Paragraph 5.4.11 of Chapter 5 of the ES [APP-046] states that "all sensitive receptors (human and designated habitats) within distance bands 0-50m, 50-100m and 100-200m of the construction works have been identified and are presented in Figure 5.3". However, Figure 5.3 [APP-065] only shows designated habitats and not sensitive human receptors. Please can you clarify if the sensitive human receptors should be on Fig 5.3 and if not, why not.
Q3.1.4	Construction phase dust The Applicant	The fiEMP [APP-156] details daily inspections to monitor dust from construction will be undertaken. Please detail where and how these inspections will measure dust levels and what criteria will be used for intervention. Please also explain how these interventions are to be met through the construction contract.
Q3.1.5	Study area The Applicant	Paragraph 5.4.27 of Chapter 5 of the ES [APP-046] states that "Representative sensitive receptors have been selected.....through consultation with the Environmental Health Departments at WCC and EBC...". Please confirm that following consultation these parties agreed with the locations chosen and if not, why not.
Q3.1.6	Likely significant effects The Applicant	Paragraph 5.9.7 of Chapter 5 of the ES [APP-046] states that the likely significant effects of construction following mitigation are unlikely to be significant. However the mitigation measures that are being relied upon are quite generic, in particular, the River Itchen Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) construction dust mitigation measures are not well defined. Please give a more detailed explanation of the mitigation measures and provide a dust assessment for each of the construction sequences and activities detailing what are the likely dust generation levels and how the dust reduction, suppression, screening and monitoring will take place, highlighting the impact on areas of sensitivity.

ExQ1	Question to:	Question:
Q3.1.7	Likely significant effects The Applicant	Paragraph 5.9.35 of Chapter 5 of the ES [APP-046] lists the 7 receptors located in the proximity of the A34 and A33 at Kings Worthy however receptor R43 is repeated twice in the text. Please update this with the correct list of receptors.
Q3.1.8	Likely significant effects The Applicant	Paragraph 5.10 of Chapter 5 of the ES [APP-046] states that the Proposed Development has no significant effects identified and therefore no monitoring is required. LA 105 chapter 4 states that monitoring is required if mitigation is used. Although the application has stated that no essential mitigation is required, there are embedded mitigation measures relating to noise that are detailed in Chapter 4 of the ES. Please explain why it is considered that monitoring is not required pursuant of LA 105 Chapter 4 for embedded mitigation.

4. Alternatives		
Q4.1.1	General Assessment principles The Applicant	Notwithstanding the details provided in the National Policy Statement for National Networks (NPSNN) Accordance Table [APP-155] in relation to NPSNN paragraph 4.26: <ul style="list-style-type: none"> • Please identify all legal and policy requirements relating to the assessment of alternatives applicable to the Proposed Development and summarise the Applicant's compliance with those requirements. • Please identify any such legal or policy requirements where compliance has not yet been agreed with the relevant statutory regulator? For example, in relation to the Habitats Directive, the Water Framework Directive or flood risk.
Q4.1.2	General Assessment principles The Applicant	The ES Chapter - Chapter 3: Assessment of Alternatives [APP-044] paragraph 3.4.1 makes reference to NPSNN paragraph 4.27 which states that all projects should be subject to an options appraisal, which should consider viable modal alternatives and may also consider other options. The NPSNN Accordance Table [APP-155] in relation to NPSNN paragraph 4.26, confirms that the Proposed Development has been subject to a full options appraisal process. Please explain whether any consideration has been given to viable modal alternatives and other options in this case, and if these alternatives have not been considered please explain why that represents a reasonable and proportionate approach.
Q4.1.3	The ES assessment of alternatives The Applicant	The ES Chapter - Chapter 3: Assessment of Alternatives [APP-044] paragraph 3.11.11 states that Solution 2, amongst other things, would improve access for non-road users to Kings Worthy and had the potential to encourage greater active travel whilst also encouraging access to the South Downs National Park (SDNP). Please explain and outline the aspects of Solution 2 that would achieve that potential?

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ExQ1	Question to:	Question:
Q4.1.4	The ES assessment of alternatives The Applicant	The ES Chapter - Chapter 3: Assessment of Alternatives [APP-044] paragraph 3.13.3 indicates that there was optionality about where the main construction compound could be sited. A compound to the north of the site at Christmas Hill (located outside of the SDNP) was considered in earlier iterations of the scheme but this was reconsidered when all aspects of the Proposed Development were reviewed by the newly appointed contractor. Please explain further the reasons for this reconsideration.
Q4.1.5	The ES assessment of alternatives The Applicant	The ES Chapter - Chapter 3: Assessment of Alternatives [APP-044] paragraph 3.13.25 explains that further work was undertaken after statutory consultation to reduce the impact of the main construction compound at Area A through examining location, size and configuration options and paragraph 3.13.26 presents the result of that exercise in Insert 3.10. Please explain further how the reduction in footprint has been achieved and indicate the proposed extent and location of the planting that would take place between the main site compound area and the gyratory. How would the provision of advance planting in this location be secured by the draft DCO [APP-019]?
Q4.1.6	The ES assessment of alternatives The Applicant	The ES Chapter - Chapter 3: Assessment of Alternatives [APP-044] section 3.14 considers the walking, cycling and horse-riding route optioneering. Please explain further why engineering reasons of built cost, time and disruption factors associated with Option 2A were preferred to the reduced tree loss associated with Option 1? Does that Option choice reflect the response to any consultation responses?
Q4.1.7	The ES assessment of alternatives The Applicant, South Downs National Park Authority	The ES Chapter - Chapter 3: Assessment of Alternatives [APP-044] section 3.16 'Design changes following statutory consultation (2021)' paragraph 3.16.4 outlines that the design of the earthworks between Easton Lane and Long Walk was revisited and redesigned in consultation with the SDNP Authority in order to respond to some of the concerns. Please explain further the nature of those concerns, the proposed changes to landform and topography that resulted and whether any further changes are considered to be necessary in this location?
Q4.1.8	The ES assessment of alternatives The Applicant, Hampshire County Council	A number of RRs including that of Hampshire County Council (HCC) refer to impacts on the local highway network, including the operation of the A33/B3047 junction. The Case for the Scheme [APP-154] section 2.10 relates to the 2022 meeting between the Applicant and HCC regarding this 'Cart and Horses Junction'. Please explain the consideration given to the option of including associated improvements to the junction in response to the additional traffic resulting from the scheme within the DCO application and why the parties agreed that it was not possible for the scheme to be amended to incorporate this within the DCO scheme. Please indicate whether any further discussions have been held between the Applicant and HCC on this topic and, if so, what progress has been made.

ExQ1	Question to:	Question:
5. Biodiversity, Ecology and Natural Environment (including Habitats Regulations Assessment (HRA))		
Q5.1.1	Figures The Applicant	Figure 8.3 [APP-070] details the SACs within 30km of the application boundary. It is accepted that this is to show Bat related SACs however the key does not define this clearly. Please consider if this is clear and if all SACs within the 30km boundary should be shown or the key definition changed.
Q5.1.2	Consultation The Applicant	Please advise on the current status of consultation with Natural England and the EA. Table 8.1 of Chapter 8 of the ES [APP-049] is a summary of additional consultation since the 2021 statutory consultation and this shows that the last and only consultation was in 2021. There are a number of comments in appendix K which suggest that further feedback and consultation is required with both organisations.
Q5.1.3	Consultation The Applicant	Table 8.1 of Chapter 8 of the ES [APP-049] shows the summary of response from Natural England which stated that badger bait marking survey information was requested. The response suggests this is not yet concluded and information will be provided in the relevant licence application. As this request was in 2021 can the Applicant confirm that these surveys have been undertaken in the intervening period and the results have not impacted on the assessment of impact?
Q5.1.4	Consultation The Applicant	Table 8.1 of Chapter 8 of the ES [APP-049] shows the summary of response from Natural England requested that the scheme design ensured connectivity for wildlife. The response does not detail what has been done to ensure this and only references the current design. Can the Applicant confirm that this consultation request has been discussed with Natural England and the outcome of the design explained to ensure that this consultation comment has been satisfied or signpost the ExA to where this can be found.
Q5.1.5	Assessment Methodology The Applicant	Paragraph 8.4.6 of Chapter 8 of the ES [APP-049] states that 5 ponds could not be surveyed due to landowner permission in 2021. Has any attempt been made subsequently to get approval to survey these ponds and if not, what measures are proposed to ensure any potential great crested newts in these ponds are managed.
Q5.1.6	Assessment Methodology The Applicant	Paragraph 8.4.9 of Chapter 8 of the ES [APP-049] explains that due to the age of the surveys a review of the baseline data has been periodically undertaken. Please detail the reviews undertaken and also detail the 'recent habitat survey data' that demonstrates that there have been no substantive changes in habitats within the application boundary
Q5.1.7	Baseline Conditions The Applicant	Paragraph 8.6.28 of Chapter 8 of the ES [APP-049] states that the baseline conditions since the biodiversity surveys were undertaken are unlikely to significantly change. Please explain what measures are being undertaken to ensure that this assumption is correct and how the Applicant proposes to manage this ongoing assumption through to commencement of construction?

ExQ1	Question to:	Question:
Q5.1.8	Design, Mitigation and Enhancements The Applicant	Paragraph 8.8.12 to 8.8.29 of Chapter 8 of the ES [APP-049] variously details the essential mitigation to be employed during construction, however a number of the bullet points appear to relate to embedded mitigation which is part of the scheme design and not related to construction activities. Please review and be clear what is proposed essential mitigation during construction phase and what is mitigation as a function of the scheme design.
Q5.1.9	Design, Mitigation and Enhancements The Applicant	Paragraph 8.8.12 of Chapter 8 of the ES [APP-049] states that hedgerows which cannot be retained may be translocated where possible. Please explain what circumstances would lead to this being inappropriate and what measures will be taken to maximise the potential for translocation, how this would be undertaken and where the receptor sites would be.
Q5.1.10	Design, Mitigation and Enhancements The Applicant	Paragraph 8.8.23 of Chapter 8 of the ES [APP-049] states that "Where practicable, construction phase lighting would be designed to reduce light spill on important light-sensitive important biodiversity features, in particular the River Itchen corridor which is known to support bats and otters". Please explain what lighting would be used and how it would be designed to reduce the impact as stated. Please also explain in what circumstances it would not be practicable to use such mitigation.
Q5.1.11	Design, Mitigation and Enhancements The Applicant	Paragraph 8.8.29 of Chapter 8 of the ES [APP-049] states that further surveys may be required, please detail or signpost the ExA to what the expectation is for this over the period from the start of the examination and commencement of construction. Please confirm if this is subject to the SoCG with Natural England and the EA.
Q5.1.12	Design, Mitigation and Enhancements The Applicant	There are references to the mitigation plan for the River Itchen which state "Measures will align with the Environment Agency River Itchen Restoration Strategy. These areas are likely to include riparian planting and / or channel narrowing by marginal planting". Please explain in more detail, or signpost the ExA, as to what measures are proposed and where, and how they complement the restoration strategy.
Q5.1.13	Design, Mitigation and Enhancements The Applicant	Paragraph 8.8.30 of Chapter 8 of the ES [APP-049] outlines the operational mitigation provided, however there is little explanation as to what this is and refers to the Outline Landscape and Ecological Management Plan, Appendix 7.6 [APP-102]. Overall, it is not clear what the operational mitigation provided will be for individual species. Please summarise the operational mitigation for species.
Q5.1.14	Outline Landscape and Ecological Management Plan The Applicant	Paragraph 1.1.11 of The Outline Landscape and Ecological Management Plan (OLEMP), Appendix 7.6 [APP-102] states that "The OLEMP and subsequent LEMP would be reviewed periodically (at least annually) to determine whether the management activities are meeting the objectives". Please detail who would be conducting this and how findings will be reviewed, actioned and financed and are secured within the DCO.

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Responses due by Deadline 2: 15 June 2023

ExQ1	Question to:	Question:
Q5.1.15	Net Gain appendix The Applicant	The Biodiversity Net Gain Assessment, Appendix 8.2 [APP-131] explains the risk factors associated with including chalk grassland in the net gain calculation. Please explain what the risks are with regard to the scheme and what is being proposed to mitigate these risks. Please also detail any other similar risks that are included in or have influenced the calculation.
Q5.1.16	Net Gain appendix The Applicant	In The Biodiversity Net Gain Assessment, Appendix 8.2 [APP-131], there is mention of the potential for additional funds for further habitat enhancement. Please detail what the opportunities would be resulting from this and what the enhancement will be targeted on. Please also explain why this should not be included in the DCO.
Q5.1.17	Species Surveys Winchester City Council	In the RR response from WCC [RR-102] to the application it is stated that additional information is required for some species. Please explain what this information is and if it has been discussed with the Applicant.
Q5.1.18	Habitat Regulations Assessment The Applicant	The Brook Lamprey Condition Assessment: APEM (2017) River Itchen Brook Lamprey Condition Assessment Report does not appear to have been provided with the Application. The Applicant is requested to provide a copy of this report to the Examination.
Q5.1.19	Habitat Regulations Assessment The Applicant	The Applicant is requested to provide, for the mitigation measures described in Section 4: appropriate Assessment of the Habitats Regulations Assessment (HRA) [APP-158] secured within the fiEMP [APP-156], the numbered references within the fiEMP [APP-156] Table 3.2 in order to clarify the specific measures relied upon to conclude no Adverse Effects on Integrity of the River Itchen SAC.
Q5.1.20	Habitat Regulations Assessment The Applicant	The Applicant is requested to explain why Natural England the EA are not listed as consultees under Requirement 3(1)
Q5.1.21	Habitat Regulations Assessment The Applicant	Pedestrian fencing is relied upon to mitigate potential operational disturbance effects to otters (qualifying feature of the River Itchen SAC) and conclude no Adverse Effect on the Integrity of a European Site (AEoI). Can the Applicant indicate where in the draft DCO [APP-019] this mitigation has been secured
Q5.1.22	Habitat Regulations Assessment Natural England	Can Natural England confirm whether it is satisfied with the conclusions of the HRA report and the mitigation and monitoring measures proposed

ExQ1	Question to:	Question:
6. Climate Change and Resilience		
Q6.1.1	General climate change and policy The Applicant	<p>The NPSNN, paragraphs 4.37 to 4.47, sets out how the NPS puts Government policy on climate change adaptation into practice, and in particular how applicants and the Secretary of State should take the effects of climate change into account when developing and consenting infrastructure. The NPSNN Accordance Table [APP-155] refers to the ES Chapter 14 [APP-055] which considers the scheme's vulnerability and resilience to climate change.</p> <p>Please specify in summary all appropriate mitigation or adaptation measures that have been identified for the scheme including any changes, or additions to the proposed mitigation since the preparation of the ES.</p> <p>Please clarify and confirm the period that they are intended to cover.</p>
Q6.1.2	General climate change and policy The Applicant	<p>In relation to NPSNN paragraph 4.43, the NPSNN Accordance Table [APP-155] refers to ES Chapter 14 (Climate) [APP-055], section 14.16, which sets out the essential mitigation measures that have been incorporated into the scheme's design. Please summarise how the ES demonstrates that there would be no critical features of the scheme which might be seriously affected by more radical changes to the climate beyond that projected in the latest set of UK climate projections?</p> <p>In Chapter 14, paragraph 14.16.7, it is stated that further considerations in relation to landscape planting and wildfire risk would be undertaken at detailed design. Should such mitigation be specified more precisely at this stage in the REAC Tables or otherwise secured through the draft DCO [APP-019]?</p>
Q6.1.3	General climate change and policy The Applicant	<p>The ES Chapter 14 [APP-055] Table 14.13 provides an assessment of likely significant effects of climate change on the scheme.</p> <p>In relation to structures including bridges, signage, and end users (walkers, cyclists and horse-riders, drivers) and the potential effects of an increase in wind speed in winter due to climatic change, please provide further justification for the conclusion reached that any effect would not be significant.</p> <p>As regards end users and the potential impact of risk to health during heatwaves as well increased risk from wildfires, please explain the operation of the National Highways standard emergency procedures for wildfires on or around the strategic road network.</p>
Q6.1.4	Greenhouse Gas emissions The Applicant	<p>The ES Chapter 14 [APP-055] paragraph 14.5.40, sets out the assessment assumptions and limitations including that the Greenhouse Gas (GhG) assessment is based on preliminary design information that was available at the time of assessment. Please provide further evidence to support the assertion that the selection of reasonable worst-case assumptions have been made and that the inclusion of some</p>

ExQ1	Question to:	Question:
		elements of scheme design at the detailed design stage would not result in new or different likely significant effects to those reported in section 14.10.
Q6.1.5	Greenhouse Gas emissions The Applicant	The ES Chapter 14 [APP-055] paragraph 14.5.11, indicates that data on emissions was also gathered at a local authority and south-east England level for additional context purposes. Please provide a full explanation as to why these emissions were not taken further within the assessment to provide appropriate context for the project's GhG emissions and comment upon the value of the project's assessment made against the UK economy carbon budget in the absence of such a comparison.
Q6.1.6	Greenhouse Gas emissions The Applicant	<p>The ES Chapter 14 [APP-055] paragraph 14.5.37 states that the GhG assessment is inherently cumulative and Chapter 15 Cumulative effects [APP-056] paragraphs 15.3.11 and 15.3.12 set out the GhG assessment approach to the consideration of cumulative effects and affirm that the cumulative assessment of different developments together with the scheme is inherent within the GhG methodology:</p> <ul style="list-style-type: none"> • Please explain in more detail the inherent nature of the cumulative assessment within the GhG methodology and the approach to assessing the scheme's GhG emissions against the UK carbon budgets. • Please provide further details to explain why there is no reasonable basis upon which an assessment can be made on the carbon emissions impact of the scheme at a local, regional, or sectoral level.
Q6.1.7	Greenhouse Gas emissions The Applicant	<p>The ES Chapter 14 [APP-055], paragraph 4.9.10 advises that where practicable, measures to reduce GhG emissions would be secured through the fiEMP [APP-156]. In relation to those measures:</p> <ul style="list-style-type: none"> • There are a number of Climate measures specified in the REAC table including C1-C3, C7 and C11 which relate, amongst other things to the use of materials, equipment, and lower carbon energy sources for which there are no monitoring requirements proposed. Please explain why it is not considered necessary for these aspects of the climate mitigation to be monitored. • There are other Climate measures specified in the REAC table where the monitoring requirements include site inspections. Please explain when and by whom these Climate measures site inspections will be conducted. Should this be more precisely be specified in the REAC table or the body of the fiEMP [APP-156]? • The fiEMP [APP-156], paragraph 6.1.3, indicates that specific monitoring and reporting requirements are still to be developed, some in consultation with third party stakeholders and this will be done through the DCO process and detailed design. Does this apply to any Climate measures? If so, please explain why they cannot be specified at this stage.

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> The REAC table includes item C12 which relates to delivering substantial tree planting proposed within the scheme, as shown on Figure 2.3 (Environmental Masterplan) of the ES [APP-062]. Provision is made for periodic monitoring of planting to ensure appropriate establishment. Please provide further details as to when and by whom such monitoring will be carried out. Should this be more precisely specified in the fiEMP [APP-156] or otherwise secured through the draft DCO [APP-019]?
Q6.1.8	Greenhouse Gas emissions The Applicant	<p>The ES Chapter 14 [APP-055], paragraph 14.10.20, confirms that the scheme emissions have been benchmarked against similar schemes. The comparison is provided in ES Appendix 14.3 (GhG Benchmarking) [APP-148]. It is asserted that the construction related emissions are comparable with other projects on a per kilometre basis and that since the scheme's transport model covers the region of south-east England, end user emissions are considerably higher than that of the other schemes which use much smaller study areas. Table 14.3.1 M25 Junction 10/A3 11.6 km Interchange gives a figure for End user emissions /annum of 218,190 tCO₂e compared to 3,214,777 tCO₂e for this scheme. Please provide further details and data to support the assertions made in relation to the comparison with similar schemes.</p> <p>Please provide information in relation to the differing study areas that have been considered and the comparison on a per kilometre basis figures.</p>
Q6.1.9	Construction Contract – Sustainability The Applicant	<p>The ExA understands that the Applicant has appointed a contractor to undertake the construction of the scheme and support the project development. Please summarise the sustainability requirements of the contract, the proposed performance indicators which will be used to measure this and, where commercially acceptable, what commitments have been proposed by the contractor. Please explain how this will be secured in the DCO.</p>
Q6.1.10	Construction Carbon Emissions The Applicant	<p>Please can the Applicant explain what construction practices are proposed to reduce carbon attributable to the construction process and what initiatives and innovations are being considered to reduce embodied and direct carbon emissions. For the avoidance of doubt, please confirm that the GhG emissions attributable to construction, as detailed in Table 14.4 of the ES Chapter 14 [APP-055], are the emissions post mitigation measures.</p>
Q6.1.11	General climate change and policy The Applicant	<p>The ExA notes that the Transport Action Network and Dr Andrew Boswell comment that the Proposed Development should be compared against local and regional transport carbon budgets. Please could these parties suggest how such budgets could be identified, taking into account that the Government has not issued any forecasts of cumulative carbon emissions at a scale below the national level.</p>

ExQ1	Question to:	Question:
Q6.1.12	General climate change and policy The Applicant	Please could the Applicant explain why the observed temperature/precipitation for 1981 to 2000 was chosen as a comparison period for the United Kingdom Climate Projections 2018 (UKCP18) projections for temperature and precipitation.
Q6.1.13	General climate change and policy The Applicant	The ExA notes that peat has been identified in the vicinity of the proposed River Itchen footbridge. The Ground Investigation Report [APP-164] states that the full extent and nature of the peat at that location is unknown and further ground investigation works would be required to inform the design of the bridge foundations. Please can the Applicant confirm the timing of such works and where they are secured.
Q6.1.14	Greenhouse Gas emissions The Applicant	Please can the Applicant clarify whether the conclusions of the operational GhG emissions assessment relied on the results of the sensitivity test undertaken against DfT's Transport Decarbonisation Plan.
Q6.1.15	Greenhouse Gas emissions The Applicant	It is stated in ES Chapter 14 [APP-055] paragraph 14.5.40 that the GhG assessment was based on "reasonable" worst case assumptions. Please can the Applicant explain what is meant by 'reasonable' in this context.
Q6.1.16	Culminative Climate Effects The Applicant	Please could the Applicant confirm whether the approach to the assessment of cumulative climate effects was agreed with any relevant body, such as the relevant local authority.
Q6.1.17	Culminative Climate Effects The Applicant	It is stated that further information on climate cumulative effects is contained in ES Chapter 15 [APP-056], however that simply repeats the information in ES Chapter 14 [APP-055]. Please could the Applicant confirm whether information has been omitted from ES Chapter 15 in error.
Q6.1.18	Greenhouse Gas emissions The Applicant	It is unclear from the wording of Section 14.9 of ES Chapter 14 [APP-055] if any essential construction mitigation measures were taken into account in the GhG assessment and therefore informed its conclusions. Please could the Applicant explain which mitigation measures were taken into account in the assessment of significance.
Q6.1.19	Mitigation The Applicant	In reaction to mitigation, reference is made to the OLEMP and the postconsent detailed LEMP within the REAC contained within the fiEMP [APP-156], however these are not referenced in the draft DCO [APP-019]. Please could the Applicant consider whether they should be explicitly included in the draft DCO and provide an explanation if that is considered unnecessary.
Q6.1.20	Mitigation The Applicant	In relation to the vulnerability of the Proposed Development it is unclear whether the suggested alternative road routes and means of transport road users could use in the event of a climate hazard causing traffic disruption, described in ES Chapter 14 [APP-055] paragraphs 14.17.4 – 14.17.6, are considered to be additional mitigation measures and were taken into account in the assessment. Please could the Applicant clarify.
Q6.1.21	Mitigation The Applicant	It is stated in the ES Climate chapter that the proposed embedded and essential mitigation measures are contained in the fiEMP [APP-156], however it does not identify the corresponding measures therein.

ExQ1	Question to:	Question:
		Please could the Applicant identify the relevant items in the REAC (contained in the fiEMP [APP-156]) that correspond to the measures described in the chapter.

7. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations		
Q7.1.1	The scope and purpose of the Compulsory Acquisition Powers sought The Applicant	The Statement of Reasons (SoR) [APP-022], section 3, considers the source and scope of the powers set out in the draft DCO [APP-019]. Paragraph 3.3.2 explains that Article 28 provides for the extinguishment of public rights of way (PRoW). The draft DCO Schedule 4 Part 1 lists three existing PRoWs and Part 2 lists two private rights of way that would be stopped up pursuant to that article. Please explain in further detail: <ul style="list-style-type: none"> • The need to seek these powers for these existing rights of way. • What alternatives to this approach in each case have been explored?
Q7.1.2	The scope and purpose of the Compulsory Acquisition Powers sought The Applicant	The SoR [APP-022], section 2.5, relates to alternatives and flexibility and paragraph 5.3.5, states that the land included in the draft DCO [APP-019] is the minimum land-take required to construct, operate, maintain, and mitigate the scheme, and that the limits of deviation have been drawn as tightly as possible so as to avoid unnecessary land-take. To assist with the consideration of whether the extent of the land to be acquired is no more than is reasonably required for the purposes of the development to which the development consent will relate: <ul style="list-style-type: none"> • For the avoidance of doubt, please set out and justify the extent of the flexibility that the submitted scheme would allow in terms of limits of deviation and parameters providing dimensions where relevant • How would it be ensured that powers of Compulsory Acquisition (CA) would not be exercised in respect of land not ultimately required as a result of the detailed design process
Q7.1.3	The scope and purpose of the Compulsory Acquisition Powers sought The Applicant	The Explanatory Memorandum (EM) [APP-020], paragraphs 4.105 and 4.106, explain that Article 27 allows for rights over land to be acquired as well as the land itself, and also for new rights to be created over land. This includes the power to impose restrictive covenants. It provides for such rights as may be required to be acquired by the undertaker over land which it is authorised to acquire under Article 24. The public benefit of this is stated to be that it would allow the undertaker to reduce the area of outright acquisition if possible and rely on rights instead: <ul style="list-style-type: none"> • Please explain further why the area of outright acquisition cannot be more precisely identified at this stage?

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> How can it be ensured that Article 27 would be utilised in this way and that the Article 24 powers of CA would not be exercised in respect of land that could instead be made the subject of new rights or covenants? What type of review process and/or control could be put in place to reflect this aim?
Q7.1.4	<p>The scope and purpose of the Compulsory Acquisition Powers sought</p> <p>The Applicant</p>	<p>The SoR [APP-022], paragraph 3.3.2, explains that Article 27 allows rights over land to be acquired instead of outright acquisition. The land in which only new rights may be acquired is specified in Schedule 5 of the draft DCO [APP-019] as being Plot 6/5 relating to work no 21. Please provide further details as to why it is necessary and reasonable to acquire new rights over this particular plot of land?</p>
Q7.1.5	<p>The scope and purpose of the Compulsory Acquisition Powers sought</p> <p>The Applicant</p>	<p>The SoR [APP-022], paragraph 3.3.2, refers to Article 27 and Table 2 of Annex A of the SoR provides a description of the land which is subject to the acquisition of rights or the imposition of restrictive covenants:</p> <ul style="list-style-type: none"> The Annex A Tables do not appear to be numbered. Please clarify? Please provide an indication of the anticipated content and/or an initial draft of any restrictive covenants intended to be imposed. Should a requirement for consultation with relevant owners/occupiers as regards the drafting of any such restrictive covenants be imposed?
Q7.1.6	<p>The scope and purpose of the Compulsory Acquisition Powers sought</p> <p>The Applicant</p>	<p>The SoR [APP-022], paragraph 3.3.8, indicates that this article would enable the Applicant to choose instead of acquiring the whole of the land pursuant to Article 24, to acquire only the subsoil underneath, or airspace over the land. Please indicate the circumstances in which this power might be used, and the anticipated purposes of any land so acquired?</p>
Q7.1.7	<p>The scope and purpose of the Compulsory Acquisition Powers sought</p> <p>The Applicant</p>	<p>The SoR [APP-022] Annex A includes a number of plots that are not required for specific works but the purpose for which they are to be acquired is stated as being: "Land required for the purposes associated with or ancillary to the construction, operation or maintenance of the Authorised Development". Please provide further details in respect of each of those plots the anticipated ancillary activities and explain why the land is needed for this purpose?</p>
Q7.1.8	<p>The scope and purpose of the Compulsory Acquisition Powers sought</p> <p>The Applicant</p>	<p>The SoR [APP-022] paragraphs 3.4.2 to 3.4.5, explain Article 34 which relates to the temporary use of land for carrying out the authorised development. In relation to the Order Land that would fall within the scope of Article 34 (a) (ii):</p> <ul style="list-style-type: none"> Please explain why this power is necessary and why all land that is to be the subject of temporary possession (TP) powers cannot be identified in advance in Schedule 7 of the draft DCO [APP-019]?

ExQ1: 25 May 2023

Responses due by Deadline 2: 15 June 2023

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> What is the purpose for which TP needs to be taken of this 'other land'?
Q7.1.9	<p>The scope and purpose of the Compulsory Acquisition Powers sought</p> <p>The Applicant</p>	<p>The SoR [APP-022], paragraph 3.4.10, indicates that the powers to use land temporarily for maintaining the scheme ensures that the land is available for maintenance works during a five-year period from when that part of the scheme is first opened for use. The definition of "maintenance period" in Article 35(11). Please explain further why this is regarded as being a reasonable period within which this power can be exercised and why a shorter period could not be inserted in Article 35(11)?</p>
Q7.1.10	<p>The scope and purpose of the Compulsory Acquisition Powers sought</p> <p>The Applicant</p>	<p>For the avoidance of doubt, please confirm the total number of plots falling within each of Parts 1 to 3 of the Book of Reference (BoR) [APP-024] and the SoR Annex A Parts 1 to 3 [APP-022].</p>
Q7.1.11	<p>The scope and purpose of other rights and powers</p> <p>The Applicant</p>	<p>The SoR [APP-022] paragraph 3.5.1, explains that in addition to powers of CA, if made, the DCO would also confer other rights and powers on the Applicant that may interfere with property rights and private interests. Article 23 would authorise the Applicant to enter onto any land within the Order Limits or which may be affected by the authorised development to undertake various survey and investigative works, including trial holes. Article 23(2) provides for a 14 day notice period to be given to the owner/occupier of the land.</p> <ul style="list-style-type: none"> Please explain and define the land outside the Order limits which "may be affected by the authorised development". How would that land be ascertained and how can it be ensured that this power would be reasonably exercised for a necessary purpose? Please specify the types of surveys and investigations for which this power would be utilised? Please provide justification for a 14 day notice period and consider whether this is unreasonably short and should be extended to 28 days?
Q7.1.12	<p>Compulsory Acquisition of the land, rights and powers that are sought by the draft DCO</p> <p>The Applicant</p>	<p>The SoR [APP-022], section 5.4, sets out the Applicant's compelling case in the public interest for the proposed CA. Paragraph 5.4.5 concludes that there is a compelling case in the public interest for the Scheme to be delivered. However, whilst Table 5.1 outlines the benefits delivered by the Scheme and its objectives, there is little mention of any consideration given to private loss. Please provide further explanation in relation to the following:</p> <ul style="list-style-type: none"> What assessment, if any, has been made of the effect upon individual Affected Persons and their private loss that would result from the exercise of CA powers in each case.

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> If no such exercise has been undertaken, please explain why it is considered unnecessary to do so in this case? What is the clear evidence that the public benefit would outweigh the private loss and how has that balancing exercise between public benefit and private loss been carried out?
Q7.1.13	<p>Whether there is a compelling case in the public interest for the Compulsory Acquisition of the land, rights and powers that are sought by the draft DCO</p> <p>The Applicant</p>	<p>The SoR [APP-022], paragraph 2.3.1, and Table 5.1 sets out the Scheme objectives and the expected benefits that would be delivered. Please indicate whether the five public benefits claimed within Table 5.1 comprise a complete list and require any update?</p>
Q7.1.14	<p>Whether there is a compelling case in the public interest for the Compulsory Acquisition of the land, rights and powers that are sought by the draft DCO</p> <p>The Applicant</p>	<p>The SoR [APP-022], section 4.9, outlines the steps the Applicant has taken to acquire land by negotiation and the status of those negotiations is set out at Annex B to the SoR. Please provide further details, with examples where available:</p> <ul style="list-style-type: none"> Whether such engagement has helped to shape the proposals and enabled the Applicant to make changes to designs, including the extent of land-take, to minimise the private loss. Please provide detail, where available, of any direct and indirect impacts thereby identified.
Q7.1.15	<p>Whether there is a compelling case in the public interest for the Compulsory Acquisition of the land, rights and powers that are sought by the draft DCO</p> <p>The Applicant</p>	<p>What weight has the Applicant attached to the compensation that would be available to those entitled to claim it under the relevant provisions of the national Compensation Code in its assessment of private loss?</p>
Q7.1.16	<p>Whether all reasonable alternatives to Compulsory Acquisition been explored</p> <p>The Applicant</p>	<p>The CA Guidance, paragraph 25, state that applicants should seek to acquire land by negotiation wherever practicable. As a general rule, authority to acquire land compulsorily should only be sought as part of an order granting development consent if attempts to acquire by agreement fail.</p> <ul style="list-style-type: none"> Please demonstrate the Applicant's compliance with this aspect of the CA Guidance. Has the Applicant offered full access to alternative dispute resolution techniques for those with concerns about the CA of their land or considered other means of involving those affected?

ExQ1	Question to:	Question:
Q7.1.17	Whether all reasonable alternatives to Compulsory Acquisition been explored The Applicant	In the light of the DCLG Guidance related to procedures for the compulsory acquisition of land (CA Guidance), paragraph 8: <ul style="list-style-type: none"> • How can the ExA be assured that all reasonable alternatives to CA (including modifications to the scheme) have been explored? • Set out in summary form, with document references where appropriate, what assessment/comparison has been made of the alternatives to the proposed acquisition of land or interests therein in each case.
Q7.1.18	Whether all reasonable alternatives to Compulsory Acquisition been explored The Applicant	The SoR [APP-022], section 5.5, refers to the non-statutory consultation, between January and February 2018, and the statutory consultation in summer 2021, and the selection of the preferred route and subsequent design changes. <ul style="list-style-type: none"> • Please explain what, if any, account has been taken of responses to pre-application consultation (both in relation to statutory and non-statutory consultation) in the location, route, and design of the scheme in considering whether there are reasonable alternatives to CA. • Please provide further details of the examples given in section 5.5 and the Consultation Report [APP-025], highlighting the instances examples of location/route changes and changes to design development options which resulted in reduced land-take within the application scheme in response to public consultation.
Q7.1.19	Whether adequate funding is likely to be available The Applicant	In the light of the CA Guidance, paragraph 18, what evidence is there to demonstrate that adequate funding is likely to be available to enable the CA within the statutory period following any DCO being made?
Q7.1.20	Whether adequate funding is likely to be available The Applicant	Please summarise the evidence relied upon to support the conclusion that there is a reasonable prospect that the scheme, if granted consent, would actually be taken forward and in what time period?
Q7.1.21	Whether adequate funding is likely to be available The Applicant	The Funding Statement,[APP-023], indicates that the scheme has a most-likely estimate of £215 million to cover all costs to deliver the Scheme from Options stages through to the opening for traffic. This estimate includes an allowance for compensation payments relating to the CA of land interests in, and rights over, land and the TP and use of land. It also takes into account potential claims under Part 1 of the Land Compensation Act 1973, Section 10 of the Compulsory Purchase Act 1965 and Section 152(3) of the Planning Act 2008.

ExQ1: 25 May 2023

Responses due by Deadline 2: 15 June 2023

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> • How can the ExA be satisfied as to the reliability of that estimated figure, and what is its degree of accuracy? • Whilst the Funding Statement indicates that the costs of meeting any valid blight claim will be met by the Applicant, please confirm that the resource implications of a possible acquisition resulting from a blight notice have been taken account of in the overall cost estimate.
Q7.1.22	<p>Whether the purposes of the proposed Compulsory Acquisition justify interfering with the human rights of those with an interest in the land affected</p> <p>The Applicant</p>	<p>What degree of importance has been attributed to the existing uses of the land proposed to be acquired in assessing whether any interference would be justified, and why?</p>
Q7.1.23	<p>Whether the purposes of the proposed Compulsory Acquisition justify interfering with the human rights of those with an interest in the land affected</p> <p>The Applicant</p>	<p>The SoR [APP-022], paragraph 6.2.1, acknowledges that the Scheme may have an impact on individuals. Paragraph 6.2.2 refers to both Article 1 of the First Protocol and Article 8 of the European Convention on Human Rights in the context of the exercise powers of CA sought through the draft DCO. Whilst it is stated that no commercial buildings or residential properties are being acquired as part of the Scheme:</p> <ul style="list-style-type: none"> • Please identify all those properties where it is anticipated that Article 8 rights may be a relevant consideration and indicate whether any agreement has been reached with those owners/occupiers affected in this way? • Please explain separately for each property the necessity and justification for seeking the application of CA or TP powers and how that would comply with Article 8?
Q7.1.24	<p>Whether the purposes of the proposed Compulsory Acquisition justify interfering with the human rights of those with an interest in the land affected</p> <p>The Applicant</p>	<p>The SoR [APP-022], paragraph, states that the Applicant has carefully considered the balance to be struck between individual rights and the wider public interest. Please explain more precisely the factors which have been placed in the balance (including references to any paragraphs of the relevant NPS and Government Guidance), the weight attributed to those factors and how this exercise has actually been undertaken?</p>
Q7.1.25	<p>Whether the purposes of the proposed Compulsory Acquisition justify interfering with the human</p>	<p>The SoR [APP-022], paragraph, states that to the extent that the DCO would affect individuals' rights, the proposed interference with those rights would be in accordance with law, proportionate and justified in the public interest.</p>

ExQ1: 25 May 2023

Responses due by Deadline 2: 15 June 2023

ExQ1	Question to:	Question:
	rights of those with an interest in the land affected The Applicant	<ul style="list-style-type: none"> • How has the proportionality test been undertaken? • Explain further the proportionate approach which has been taken in relation to each plot?
Q7.1.26	Whether the purposes of the proposed Compulsory Acquisition justify interfering with the human rights of those with an interest in the land affected The Applicant	In relation to the Applicant's duties under section 149 of the Equalities Act 2010: <ul style="list-style-type: none"> • Please explain how the Applicant has had regard to its public sector equality duty in relation to the powers of CA sought and where this can be identified in the Equalities Impact Assessment [APP-167]; • Have any Affected Persons been identified as having protected characteristics?
Q7.1.27	The accuracy of the Book of Reference, Land Plans and points of clarification The Applicant	Please confirm that the BoR [APP-024] accurately set out the various plots and interests. Please identify any inaccuracies that have come to light since the submission of the application and any further updates that need to be made at this stage.
Q7.1.28	The accuracy of the Book of Reference, Land Plans and points of clarification The Applicant	The SoR [APP-022], paragraph 4.4.1 and 4.4.3, states that diligent inquiry to identify all persons with an interest in land and diligent inquiry to identify affected landowners and occupiers, those with another type of interest in land and those with a potential claim was undertaken by the Applicant's expert land referencing supplier. The process is described in the BoR [APP-024]. <ul style="list-style-type: none"> • Please comment on the reliability and accuracy of the BoR in the light of those inquiries. • Please provide further details of the process for identifying Category 3 persons. • Explain why that process overall should be regarded as a conservative approach towards identifying Category 3 persons and why the inclusion of only those who may experience a perceptible increase in noise of 3 decibel or greater from the existing background noise level to the predicted noise level represents a precautionary approach?
Q7.1.29	The accuracy of the Book of Reference, Land Plans and points of clarification The Applicant	What assurance and evidence can the Applicant provide of the accuracy of the land interests identified as submitted and indicate whether there are likely to be any changes to the land interests, including the identification of further owners/interests or monitoring and update of changes in interests?

ExQ1	Question to:	Question:
Q7.1.30	The accuracy of the Book of Reference, Land Plans and points of clarification The Applicant	Explain how the BoR [APP-024] complies with the guidance published by the former Department for Communities and Local Government – Planning Act 2008: Guidance related to procedures for the compulsory acquisition for land Annex D, paragraph 10?
Q7.1.31	The accuracy of the Book of Reference, Land Plans and points of clarification The Applicant	Please explain how the proposed new rights and restrictive covenants have been identified in the BoR [APP-024] and cross-referenced to the relevant draft DCO articles?
Q7.1.32	The accuracy of the Book of Reference, Land Plans and points of clarification The Applicant	The SoR [APP-022] Table 4.1 sets out the parcels of land in unknown ownership. Please confirm that this represents an up to date list of those plots of land where ownership still remains unknown and indicate whether and, if so, what further steps are intended to be carried out to ascertain the ownership of these unregistered parcels of land?
Q7.1.33	Known inaccuracies Affected Persons/Interested Parties	<ul style="list-style-type: none"> • Are any Affected Persons or Interested Parties aware of any inaccuracies in the BoR [APP-024], SoR [APP-022] or Land Plans [APP-006]? • If so, please set out what these are and provide the correct details.
Q7.1.34	The acquisition of Statutory Undertakers' land – s127 PA2008 The Applicant	<p>The SoR [APP-022], paragraph 7.4.5, states that adequate protection for statutory undertakers' assets will be included within the protective provisions in the draft DCO and/or in asset protection agreements between the Applicant and the undertaker. The Applicant therefore considers that the statutory undertakers will not suffer serious detriment to the carrying on of the undertaking as a result of the CA of the land or as a result of the acquisition of rights over land.</p> <ul style="list-style-type: none"> • Have any Protective Provisions and/or asset protective agreements between the various parties been agreed. If not, please identify any outstanding areas of disagreement? • For each Statutory Undertakers, please explain why the protective provisions set out in Parts 1 and 2 of the relevant draft DCO schedule are considered to provide adequate protection and why the Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of the undertaking. • For each of the Statutory Undertakers listed in the SoR Annex C please indicate the nature and purpose of the works to be carried out on their land and whether s127, 138 or both applies to the powers sought in respect of their interest.
Q7.1.35	Other matters	In the light of the CA Guidance, paragraph 19, please demonstrate:

ExQ1	Question to:	Question:
	The Applicant	<ul style="list-style-type: none"> • How potential risks or impediments to implementation of the scheme have been properly managed? • The account taken of any other physical and legal matters pertaining to the application, including the need to obtain any operational and other consents applicable to this type of development.
Q7.1.36	Other matters The Applicant	The SoR [APP-022] section 7.6, refers to the Consents and Agreements Position Statement [APP-021] which identifies the other consents, licenses, permits and agreements that are required for the scheme to be implemented. Please indicate whether there are any changes to the status and/or timeframe for each consent, licence, permit, and agreement listed within that Statement since the application was submitted
Q7.1.37	Objections to the grant of powers of compulsory acquisition and temporary possession The Applicant	<p>The RR of Geoffrey Michael Fairris [RR-030] refers to his access rights along Long Walk/Fulling Mill Lane. The ExA notes that he is included in the BoR [APP-024] Part 1 as a Category 1 owner in respect of Plots 4/1c and 5/2d and in Part 2 as a Category 3 person:</p> <ul style="list-style-type: none"> • Please explain the need for the powers sought in respect of this land and justification for any proposed interference with access rights for this land. • Whether a lesser or alternative area of land would meet those needs? • The consideration that has been given to the impact upon and the implications for the human rights of this individual in seeking these powers.
Q7.1.38	Objections to the grant of powers of compulsory acquisition and temporary possession Michael Fairris	Please provide a further explanation of your access rights over the land at Long Walk/Fulling Mill Lane and how you consider they would be affected by the scheme?
Q7.1.39	Objections to the grant of powers of compulsory acquisition and temporary possession The Applicant	<p>The RR of Jonathan William Muir [RR-053] refers to his need to access his land at Abbots Worthy via the gate adjoining the A33 while the works are being undertaken and when they are complete. The ExA notes that he is listed in the BoR [APP-024] Part 1 as a Category 2 person in respect of rights of access in respect of Plot 3/2b and in Part 2 as a Category 3 person and also Part 3 in respect of the same plot.</p> <ul style="list-style-type: none"> • Please explain the need for any powers sought in respect of this land justification for any proposed interference with rights of access to it. • Why can the ability to access this land from the A33 not be retained? • Whether a lesser or alternative area of land or point of access would meet those needs?

ExQ1: 25 May 2023

Responses due by Deadline 2: 15 June 2023

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> The consideration that has been given to impact upon the SSSI as a result of any interference and any implications for the human rights of this individual in seeking these powers.
Q7.1.40	Objections to the grant of powers of compulsory acquisition and temporary possession Jonathan William Muir	Please provide a further explanation and details of your need to access your property via the A33 and how you consider this would be affected by the scheme?
Q7.1.41	Objections to the grant of powers of compulsory acquisition and temporary possession Cornerstone Telecommunications Infrastructure Ltd	Please provide further explanation of your interest in this land and how that would be affected by the scheme? Please indicate whether the protective provisions set out in the draft DCO Rev 1 Schedule 10 Part 2 for the protection of operators of the electronics communications code networks are agreed? If not, either provide copies of preferred wording for Protective Provisions, or if you have provided it elsewhere (such as in a SoCG), signpost where it can be found and explain why you do not want the wording as currently drafted to be used.
Q7.1.42	Objections to the grant of powers of compulsory acquisition and temporary possession Addleshaw Goddard LLP on behalf of Southern Gas networks Plc (SGN)	The ExA notes that SGN will require appropriate protective provisions to be included within the Order to protect its statutory undertaking and to ensure that public safety is not compromised. Please indicate whether the protective provisions set out in the draft DCO Rev 1 Schedule 10 Part 1 for the protection of electricity, gas, water, and sewerage undertakers are agreed? If not, either provide copies of preferred wording for Protective Provisions, or if you have provided it elsewhere (such as in a SoCG), signpost where it can be found and explain why you do not want the wording as currently drafted to be used.
Q7.1.43	General The Applicant and Hampshire County Council	The Applicant is acquiring land permanently which, following completion, will form part of the local highway network not maintained by the Applicant. Please clarify the future status of such land ownership over which highway will be maintained by the local highway authority and if agreement has been reached on this.

ExQ1	Question to:	Question:
8. Cumulative Impact		
Q8.1.1	Combined Effects The Applicant	<p>The ES Chapter 15: Cumulative Effects [APP-056], paragraph 15.7.1, states that the assessment of combined effects on residential dwellings/residents identified a temporary significant effect at White Hill Cottage on Easton Lane. The proposed mitigation set out within the fiEMP [APP-156] includes the early planting of new woodland to the south of White Hill Cottage to help screen the works and the further mitigation set out in paragraph 15.7.6 for engagement to be undertaken with the occupant/owner of that property. However, for this particular receptor:</p> <ul style="list-style-type: none"> • Please explain why there are no more practicable and proportionate mitigation steps being proposed, such as the provision of noise insulation and screen fencing/acoustic barriers? • Please provide further details of the proposed advance planting including its specification, extent, timing and maintenance and the means whereby this would be secured through the draft DCO? • Please justify the need for the extent of the land-take during construction and the acquisition of permanent rights at that particular location.
Q8.1.2	ES assessment approach The Applicant	<p>The ES Chapter 15: Cumulative Effects [APP-056], paragraph 15.3.35, explains that the significance of cumulative effects has been assessed qualitatively where quantified assessment was not possible. Where multiple effects of varying significance occurred on the same receptor, professional judgement has been used to determine the overall significance of the effect ensuring that a worst case was also assumed. Please explain and give examples, where possible, to demonstrate that a worst case has been assumed in the exercise of professional judgement.</p>
Q8.1.3	Combined Effects The Applicant	<p>The ES Chapter 15: Cumulative Effects [APP-056], paragraph 15.6.29, concludes that the combined effect experienced by Worthy Park HPG during construction of the scheme is considered to be slight adverse and not significant. Please provide further justification and explanation for the combined effect conclusion in relation to this receptor.</p>
Q8.1.4	Combined Effects The Applicant	<p>The ES Chapter 15: Cumulative Effects [APP-056], paragraph 15.5.43, concludes that the combined effect on the South Down National Park is not anticipated to be significant. The Table 15.2 criteria has been used to determine the significance of cumulative effects. Please provide further justification to support the view that the combined effect would not be significant with specific reference to the Table 15.2 criteria, identifying the role of professional judgment in this assessment.</p>
Q8.1.5	Combined Effects The Applicant	<p>The ES Chapter 15: Cumulative Effects [APP-056], in relation to the combined effect upon residential dwellings during construction for landscape and visual impact identifies a very large adverse effect at Easton Lane, and for noise and vibration identifies moderate adverse significant effects at residential</p>

ExQ1: 25 May 2023

Responses due by Deadline 2: 15 June 2023

ExQ1	Question to:	Question:
		receptors located at Easton Lane, St Mary's Close and London Road. The temporary moderate adverse significant combined effect at White Hill Cottage, located on Easton Lane is identified. However, for the avoidance of doubt, please confirm that all relevant residential properties have been assessed in relation to combined effects and that there are no other residential properties in these locations that would have the potential to experience significant adverse cumulative effects.
Q8.1.6	Monitoring and mitigation The Applicant	The ES Chapter 15: Cumulative Effects [APP-056], section 15.7, gives consideration to monitoring and mitigation, and paragraph 15.7.4 indicates that the assessment for combined effects on residential dwellings/residents is considered to be significant. Please provide further justification and reasons to support the view expressed that: "...it is not anticipated to result in a greater significance of effect than individual topic assessments", and therefore no need for additional mitigation and monitoring for those properties over and above that identified in the individual topic assessments and set out within the fiEMP [APP-156].
Q8.1.7	Cumulative effects with other projects The Applicant	The ES Chapter 15: Cumulative Effects [APP-056], paragraph 15.7.2, in relation to the assessment of cumulative effects with other developments identified that both developments ID 72 and ID 79 are anticipated to increase traffic on the local network during construction, and therefore have minor impacts on journey time reliability. There has been considerable concern expressed in the RRs in relation to potential effects upon traffic congestion and hence journey times during construction. Please provide further details of the assessment of the potential traffic impact of those schemes and the justification for the conclusions reached in each case.
Q8.1.8	Cumulative effects with other projects The Applicant	Please can the Applicant confirm whether the other developments identified for inclusion in the cumulative assessment were agreed with the relevant local planning authorities
Q8.1.9	NPSNN The Applicant, Winchester City Council	The NPSNN Accordance Table [APP-155] in relation to NPSNN paragraph 4.16, notes that there is potential for cumulative effects on human health during construction with regards to air quality and noise from two 'other developments' (ID 72 and ID 79). Please comment upon the reliability of the assumption made that, in relation to air quality and noise levels, best practice measures would be implemented and, as a result, no cumulative effects are anticipated on human health during construction.

ExQ1	Question to:	Question:
9. Draft Development Consent Order		
Q9.1.1	Article 2 Definition of “maintain” The Applicant	<p>The definition of “maintain” in the draft DCO [APP-019] includes “replace”.</p> <p>The EM [APP-020] paragraph 4.5(b) does not include an explanation as to why it is considered necessary and reasonable to include “replace” in this definition. Please provide such an explanation for this aspect of the definition.</p> <p>Given that the definition of “maintain” should not result in works being authorised which have not been assessed in the ES in accordance with the EIA regulations, please confirm that all these works have been so assessed and identify where this is recorded.</p>
Q9.1.2	Article 2 – Definition of “Order land” The Applicant	Please will the Applicant confirm that the Land Plans [APP-006] and the BoR [APP-024] refer to the same land, neither more nor less? If there are differences, please explain what they are, including by reference to a plan.
Q9.1.3	Article 2 – Definition of “the environmental statement” The Applicant	This is defined as the documents certified by the Secretary of State as the ES for the purposes of this Order. It is referred to in Schedule 11 of the initial draft DCO [APP-019] as the “Environmental Statement Volume 6, document 6.1 to 6.4.” Please indicate whether there are any other documents that should be included in the definition at this stage and confirm that this will be appropriately updated in the event that further documents are submitted that require inclusion during the course of the Examination.
Q9.1.4	Article 2 – Definition of “street” The Applicant	Please explain why it is necessary to include within this definition land on the verge of a “street”?
Q9.1.5	Article 2(2) The Applicant	The EM [APP-020] states that Article 2(2) expands the definition of rights over land. Please provide the rationale behind the inclusion of this expanded definition?
Q9.1.6	Article 2 Part 1 Winchester City Council, Hampshire County Council, South Downs National Park Authority	Please comment generally on the definitions in Article 2 of the draft DCO [APP-019] and, in particular, whether any amendment to those definitions is sought?
Q9.1.7	Article 3 – Disapplication of legislative provisions The Applicant	<ul style="list-style-type: none"> • Please comment generally on the effect of this Article given that its consequence would be that certain consents would no longer need to be obtained. • Would there still be sufficient regulation of the activities that fall within Article 3(1) (a) to (g)?

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> (The EM [APP-020], paragraph 4.12, acknowledges that the consent of the Environment Agency (EA) and the relevant drainage authorities to the inclusion of these provisions in the Order will be needed and these consents are being sought. Where necessary, protective provisions are being discussed with the relevant regulators. Please provide an update on the progress of these discussions and indicate whether protective provisions have now been agreed?
Q9.1.8	Article 3 (1) (h) - Disapplication of legislative provisions The Applicant	<ul style="list-style-type: none"> The EM [APP-020], paragraph 4.13, refers to Article 33 in relation to the Temporary Possession (TP) of land – should this reference be to Article 35? The EM [APP-020], paragraph 4.13, indicates that Article 3 also disapplies the provisions of the Neighbourhood Planning Act 2017 relating to the temporary possession of land. This is on the basis that the TP of land is dealt with by Articles 34 and 33 and whilst the wording of those provisions is well established, the 2017 Act contains untested provisions. Notwithstanding that previous DCOs have similarly disapplied the Neighbourhood Planning Act, please provide a reasoned justification as to why it is necessary and reasonable to disapply it in this case? Why is it not proposed to align the TP powers in the draft DCO [APP-019] with the section 20(3) Neighbourhood Planning Act 2017 three months' notice period?
Q9.1.9	Article 3 Environment Agency and Hampshire County Council	Regarding the draft DCO [APP-019] Article 3, please comment generally on the effect of Article 3 and whether relevant protective provisions have been discussed and agreed?
Q9.1.10	Article 5 - Development consent etc. granted by the Order The Applicant	Regarding the draft DCO [APP-019] Article 5, please comment on the situation where highways within the authorised development are not maintainable by the Applicant and if such highways should be excluded from this article.
Q9.1.11	Article 8 – Limits of deviation The Applicant	The EM [APP-020], paragraph 4.29, states that the limits of deviation referred to in Article 8 and shown on the application plans have been taken into account in the preparation of the ES and the potential impacts of a deviation within the permitted limits have been assessed. Whilst the ExA notes the references to the limits of deviation set out in the ES Chapters 2 and 4, for the avoidance of doubt, please provide confirmation that this has been done in all instances and provide all the relevant ES chapter and paragraph references to support this
Q9.1.12	Article 8 – Limits of deviation The Applicant	ES Chapter 4 Environmental Impact Assessment Methodology [APP-045], paragraph 4.4.1, refers to the application of the 'Rochdale Envelope' in assessing the effects of the Scheme from an environmental perspective. The Planning Inspectorate advice note nine: Rochdale Envelope (Planning Inspectorate, 2018) states: "The 'Rochdale Envelope' approach is employed where the nature of the Proposed Development means that some details of the whole project have not been confirmed (for

ExQ1	Question to:	Question:
		<p>instance the precise dimensions of structures) when the application is submitted, and flexibility is sought to address uncertainty”. However, it also indicates that the need for flexibility should not be abused</p> <ul style="list-style-type: none"> • Please explain further how the parameters for the scheme can be regarded as being ‘clearly defined’ and sufficiently detailed to enable a proper assessment to be carried out which considers the ‘worst case’ scenario. • Please explain further how the approach to the description of the development consistently addresses the uncertainty and necessary flexibility across all relevant application documents. • Please explain how notwithstanding the flexibility incorporated within the scheme the ExA can be assured that the likely significant environmental effects from the Proposed Development have been properly assessed and presented in the ES. • Please explain and justify the extent of the vertical and lateral deviations set out in Article 8 and the different approach for different works including those within ES Chapter 2 Tables 2.2 and 2.3 [APP-043]?
Q9.1.13	Article 8 – Limits of deviation The Applicant	In the draft DCO [APP-019] Article 8 sub section (c), please confirm if the statement ‘.....work number 1j and 1m as shown on the land plans...’ should read works plans.
Q9.1.14	Article 8 – Limits of deviation Winchester City Council, South Downs National Park Authority, Environment Agency and Hampshire County Council	Regarding the draft DCO [APP-019] Article 8, please indicate whether there are any outstanding concerns in relation to the proposed limits of deviation or whether any drafting amendments are sought in relation to Article 8?
Q9.1.15	Part 3 – Streets. Article 11 - Street works The Applicant	The EM [APP-020] paragraph 4.36, explains that this article authorises interference with any street within the Order limits, rather than just those specified in a schedule. Whilst the ExA notes that this article is based on article 8 of the model provisions, please explain the need for a power of this scope and why the relevant streets cannot be identified in advance?
Q9.1.16	Part 3 – Streets . Article 12 – Power to alter layout etc of streets The Applicant	<p>The EM [APP-020] paragraph 4.39, explains that Article 12 (1)(3)(b) means that the power The power is subject to giving the local street authority not less than 42 days’ notice to the street authority of any exercise of the power and may not be exercised without the consent of the street authority where that authority is a public authority.</p> <ul style="list-style-type: none"> • Please explain the need for a power of this scope in relation any street within the Order limits?

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> Please explain why a similar safeguard is not provided where the street authority is not a public authority and justify the approach as being reasonable?
Q9.1.17	Part 3 – Streets . Article 13 – Application of the 1991 Act Hampshire County Council	The EM [APP-020] paragraph 4.43 indicates that certain provisions of the 1991 Act listed in that paragraph will not apply. However, these are designed primarily to regulate the carrying out of street works by utility companies in respect of their apparatus. Please confirm that the Council has no concerns in relation to the disapplication of this aspect of the 1991 Act and that Article 13 does not have any adverse implications for its ability to manage and coordinate activities on the highway.
Q9.1.18	Part 3 – Streets . Article 14 – Construction and maintenance of new, altered or diverted streets and other structures The Applicant, Hampshire County Council	The draft DCO [APP-019], Part 3, Article 14 sub-paragraph (3) states where a footpath, cycle track or bridleway is constructed, altered or diverted under this Order it must be maintained by and at the expense of the local highway authority from its completion. Please confirm that this includes those which are adjacent to or contiguous with a trunk road and if there are any other exceptions.
Q9.1.19	Part 3 – Streets . Article 14 – Construction and maintenance of new, altered or diverted streets and other structures The Applicant, Hampshire County Council	The draft DCO [APP-019], Part 3, Article 14 Sub-paragraph (6) states that in the case of a bridge constructed under this Order to carry a highway over a special road or trunk road, the highway surface above the waterproofing membrane will be maintained by and at the expense of the local highway authority and the structure of the bridge must be maintained by and at the expense of the undertaker unless otherwise agreed in writing with the local highway authority. Please confirm and clarify is 'surface' relates only to the carriageway surfacing and that there is a process of agreeing this with the local highway authority, including the relevant commuted sums. Please confirm how any such commuted sums are secured within the DCO.
Q9.1.20	Article 18 – Access to works The Applicant	<p>The EM [APP-020] paragraph 4.75, indicates that Article 18 allows means of access to be created within the Order limits and anticipates that this article will be relied on by the undertaker to provide temporary accesses as required during the construction period.</p> <ul style="list-style-type: none"> Please provide further justification for this general power which would permit the creation of means of access without examination and set out any draft DCO controls that would be applicable to its exercise. Given that the intended purpose of this article is to make provision of 'temporary accesses' should the article include specific reference to the temporary nature of the development within its scope?
Q9.1.21	Article 18 – Access to works The Applicant	The EM [APP-020] paragraph 4.76, states that the provisions of this article confer slightly broader powers than those contained in the Highways Act 1980, which allows a highway authority to provide “a

ExQ1	Question to:	Question:
		<p>new means of access to any premises” where it considers it “necessary or expedient in connection with the construction, improvement or alteration of a highway” to do so.</p> <ul style="list-style-type: none"> • Whilst the ExA notes the Applicant’s desire for the works to be carried out expeditiously, please consider whether the words in the article should reflect those in the Act and reference to “with the consent of the street authority” should be included to provide reasonable safeguards for those affected by the new means of access. • Alternatively, should provision be included for giving notice
Q9.1.22	<p>Article 20 – Traffic Regulation The Applicant</p>	<p>The EM [APP-020] paragraph 4.84, explains that Article 20 would allow the powers authorised by this article to be exercised by the undertaker, at any time up to 12 months after the opening of the authorised development for public use, in so far as it is necessary or expedient for the purposes of the construction, maintenance or operation of the authorised development.</p> <ul style="list-style-type: none"> • Please explain why it is considered necessary for this power to extend beyond the opening of the authorised development for a period of this length? • Why is it considered necessary to have the power in 4.84 (c) to authorise the use as a parking place of any road and in what circumstances is it envisaged that this power would be utilised?
Q9.1.23	<p>Article 20 – Traffic Regulation Winchester City Council and Hampshire County Council</p>	<p>Please explain and comment generally upon the implications of and any concerns relating to this article of the draft DCO [APP-019].</p>
Q9.1.24	<p>Part 4 – Article 21 – Discharge of water The Applicant</p>	<p>The EM [APP-020] paragraph 4.92, indicates that Article 21(5) requires the undertaker to take reasonably practicable steps to ensure that any water that is discharged is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension. Please indicate how that would be achieved in practice and identify any other controls that would secure this?</p>
Q9.1.25	<p>Part 4 – Article 21 – Discharge of water Environment Agency</p>	<p>Please comment on the Article 21 provisions generally, and in particular, on the safeguards provided by Article 21(3) and (5).</p>
Q9.1.26	<p>Article 22 – Protective works to building The Applicant</p>	<p>Notwithstanding the reference to the Model Provisions and recent made DCOs referred to in the EM [APP-020] paragraph 4.94, explain further why it is necessary to have this power in the circumstances of this particular project?</p>
Q9.1.27	<p>Article 22 – Protective works to building</p>	<p>The power granted by Article 22(1) would extend to “any building which may be affected by the authorised development as the undertaker considers necessary or expedient”. Should this power be restricted to buildings within the Order limits and, if not please explain why?</p>

ExQ1: 25 May 2023

Responses due by Deadline 2: 15 June 2023

ExQ1	Question to:	Question:
	The Applicant	
Q9.1.28	Article 23 – Authority to survey and investigate land The Applicant	Please reconsider whether the period of 14 days notice provides a reasonable period for the landowner to prepare for the exercise of the power of entry, for example, where the land may be used for accommodating livestock. Please explain why a period of 28 days notice of surveys or investigations could not be provided?
Q9.1.29	Part 5 - Powers of Acquisition Article 27 - Compulsory acquisition of rights and imposition of restrictive covenants The Applicant	The power granted by Article 27 would allow the undertaker to acquire existing rights and create new rights over any of the Order land, rather than just the rights described in the BoR [APP-024]. <ul style="list-style-type: none"> • Please provide specific and clear justification for seeking this wide ranging power over all of the Order land and indicate how the power would be used? • Please explain further why all of the plots which are to be subject to the acquisition or creation of rights and has set these out in the BoR, land plans [APP-006] and Schedule 5 to the Order cannot be identified in advance? • In the light of Advice Note 15, paragraph 24.1, and Good Practice point 9, please provide justification which is specific to each of the areas of land over which the power is being sought, rather than generic reasons and include a clear indication of the sorts of restrictions which would be imposed.
Q9.1.30	Article 35 - Temporary use of land for maintaining the authorised development The Applicant	The EM [APP-020] paragraph 4.138, provides that the undertaker may take temporary possession (TP) of land within the Order limits, as required for the purpose of maintaining the authorised development at any time within a period of five years from the date on which that part of the authorised development is first opened for use. Please explain further the need for this power and justify the period of time within which this power may be exercised?
Q9.1.31	Article 35 - Temporary use of land for maintaining the authorised development The Applicant	The EM [APP-020] paragraph 4.139 explains that Article 35 (4) restricts the power so that the undertaker may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance of the part of the authorised development for which possession of the land was taken. However, there is no back-stop period within which the maintenance activities must be completed and hence no encouragement for the undertaker to cease possession of the land sooner than later. Does that represent a reasonable approach and explain why a long-stop date by which the TP of this land must cease cannot be included?
Q9.1.32	Article 36 – Statutory Undertakers The Applicant	The EM [APP-020] paragraph 4.144, states that reference is made to the Order land in this article so that this power is not restricted to apparatus which has been specifically shown on the Land Plans [APP-006] and described in the BoR [APP-024]. Please provide further details to explain why it is impractical to show and describe all such apparatus at the outset?

ExQ1: 25 May 2023

Responses due by Deadline 2: 15 June 2023

ExQ1	Question to:	Question:
Q9.1.33	Article 36 – Statutory Undertakers The Applicant	Please note that where a representation is made under section 127 PA2008 and has not been withdrawn, the Secretary of State will be unable to authorise Article 29 unless satisfied evidence that the tests in section 127 would be met. Where appropriate, the Applicant is requested to provide evidence that the tests in sections 127 or 138 PA2008, as appropriate, would be met.
Q9.1.34	Article 36 – Statutory Undertakers The Applicant	Please identify the relevant Statutory Undertakers where Protective Provisions have not yet been agreed and provide an update on the progress of such negotiations.
Q9.1.35	Article 36 – Statutory Undertakers Statutory Undertakers (Southern Water Services Limited, Southern Gas Networks plc, Scottish & Southern Energy Power Distribution Limited, Telent Technology Services Limited, British Gas Trading Limited, Mobile Broadband Networks Limited, EE Limited, Cornerstone Telecommunications Infrastructure Limited, BT Limited, SSE Services plc, Virgin Media Limited, Vodafone Limited, Huchison 3G UK Limited)	The relevant Statutory Undertakers are requested to set out their views as to whether the section 127 and 138 tests would be met or indicate and whether they are content with the protective provisions set out in the draft DCO [APP-019]?
Q9.1.36	Part 6 Operations - Article 39 - Felling or lopping of trees and removal of hedgerows The Applicant	The EM [APP-020] paragraph 4.158, makes reference to the Hedgerow Regulations 1997. Explain why this power is necessary in relation to hedgerows given the existing powers available to the Applicant to remove hedgerows under those regulations?
Q9.1.37	Part 6 Operations - Article 39 - Felling or lopping of trees and removal of hedgerows The Applicant	Notwithstanding the details provided in Schedule 8 of the draft DCO [APP-019], please explain in detail why it is necessary to partially remove the important hedgerows specified in that schedule?
Q9.1.38	Part 6 Operations - Article 39 - Felling or lopping of trees and removal of hedgerows	The ExA also notes that the draft DCO [APP-019] Schedule 1 also includes as authorised development, in connection with the construction of any of the works, further development within the Order limits

ExQ1	Question to:	Question:
	The Applicant	consisting of “(k) the felling of trees and hedgerows”. Please justify the inclusion of this as part of the authorised works and explain the relationship between this provision and Article 39 and Schedule 8?
Q9.1.39	Article 40 Trees subject to Tree Preservation Orders The Applicant	The EM [APP-020], paragraph 4.159, states that the undertaker may fell or lop any tree described in Schedule 9, cut back its roots or undertake such other works described in column (2) of that Schedule relating to the relevant part of the authorised development described in column (3) of that Schedule, if the undertaker reasonably believes it to be necessary to do so to prevent the tree or shrub. Notwithstanding the details provided in Schedule 9, please specifically identify the trees concerned by reference to a plan and explain why in practice it is anticipated that this power is necessary to carry out the works in respect of the trees for the reasons authorised.
Q9.1.40	Part 7 Miscellaneous and General -Article 42 application of landlord and tenant law The Applicant	Please explain why this Article is necessary allows the terms of the lease to override any statutory provisions relating to landlord and tenant law given the particular circumstances of this project?
Q9.1.41	Article 43 – Operational land for purposes of the 1990 Act The Applicant	The EM [APP-020], paragraph 4.165, states that the effect of this article is that the land within the Order limits is to be treated as the operational land of a statutory undertaker for the purposes of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015/596. Please explain why this Article is necessary to ensure that the full range of permitted development afforded to under that Order are enjoyed given the particular circumstances of this scheme?
Q9.1.42	Schedule 2 – Requirements The Applicant	The EM [APP-020], paragraph 5.5, states that the requirements provide that the various schemes, details and plans to be approved must, where appropriate, reflect the measures included in the ES. The requirements also provide that the approved schemes, details and plans must be implemented as approved, unless further amendments to them are approved and a general provision to this effect is provided at Requirement 17. Requirement 17 relates to ‘Further information’ Please explain how it secures the matters referred to in the EM paragraph 5.5?
Q9.1.43	Schedule 2 – Requirements – Article 11 - Traffic management The Applicant	This article state that no part of the authorised development is to commence until a traffic management plan for the construction of that part of the authorised development has been submitted to and approved in writing by the Secretary of State following consultation with the local highway authority. Please confirm if this is intended to be for work on the trunk road network or any road.
Q9.1.44	Schedule 2 – Requirements – Article 13 - Surface water drainage	This article states that no part of the authorised development is to commence until written details of the surface water drainage system have been submitted to and approved in writing by the Secretary of State following consultation with the relevant planning authority, the lead local flood authority and the

ExQ1	Question to:	Question:
	The Applicant	EA. Please explain why the local highway authority is not included in the list of consultees as they will also be the maintaining authority for part of the development.
Q9.1.45	Requirement 3 – EMP The Applicant	The EM [APP-020], paragraph 5.9, indicates that Requirement 3 also specifies the authorised working hours during construction, which are to be from 07:00 to 19:00 on Mondays to Friday and 07:00 to 13:00 on Saturdays, with no working hours on Sundays and public holidays with certain permitted exceptions. Please justify and explain why these working hours regarded as reasonable given the relationship between the site and residential properties in some locations. Please also justify the exceptions sought to those working hours, and the anticipated duration of the exceptions 3(2)(b) (i) to (iv)?
Q9.1.46	Requirement 5 – Landscaping The Applicant	The EM [APP-020], paragraph 5.16, states that Requirement 5 differs from the model provisions in that the undertaker is also required to carry out surveys prior to commencement, and the landscaping scheme that is prepared must be based on the environmental masterplan and the results of those surveys. Whilst 5(2) does indeed state that: “The landscaping scheme prepared under sub-paragraph (1) must be based on the EMP (First Iteration) and the results of the surveys undertaken under sub-paragraph (1)”, 5(1) does not on its face include any requirement to undertake surveys. Please explain how this aspect of the requirement is secured?
Q9.1.47	Requirement 5 – Landscaping The Applicant	Should the landscaping scheme also be required to include the following: “(g) landscaping works associated with any fences and walls (as appropriate)”?
Q9.1.48	Requirement 6 – Implementation and maintenance of landscaping The Applicant	The EM [APP-020], paragraph 5.17 Requirement 6 provides for the implementation and maintenance of landscaping in accordance with the scheme approved under Requirement 5. Sub-paragraph (3) provides for the replacement of trees and shrubs which become diseased or damaged within a period of 5 years after planting. Notwithstanding the inclusion of this requirements in the model provisions, Please consider whether a 10 year maintenance period might be more appropriate in the particular circumstances of this case?
Q9.1.49	Requirement 8 Land and groundwater contamination The Applicant	Whilst it is noted that the EA is included as a consultee under this requirement, should it also include provision for the (2) The undertaker must provide to the planning authority and the EA a copy of any risk assessment referred to in sub-paragraph (1) as soon as reasonably practicable after its completion.
Q9.1.50	Requirement 9 – Archaeology The Applicant	9(6) On completion of the authorised development, suitable resources and provisions for long term storage of the archaeological archive will be discussed with the City Archaeologist. Rather than discussions should this not be included as mandatory provision? How would any resources be secured – included in a S106?

ExQ1: 25 May 2023

Responses due by Deadline 2: 15 June 2023

ExQ1	Question to:	Question:
Q9.1.51	Requirement 10 Protected species The Applicant	Please consider whether the written scheme should be submitted to and approved in writing by the SoS after consultation with NE otherwise no independent review of the scheme?
Q9.1.52	Requirement 13 – surface water drainage The Applicant	Should this also include provision for the surface water drainage system to be thereafter maintained in good working order?
Q9.1.53	Requirement 14 – Noise mitigation The Applicant	Whilst there is provision in this article for the noise mitigation to be retained, should it also include provision for it to be maintained in good working order?
Q9.1.54	Additional requirements Winchester City Council, South Downs National Park Authority and Hampshire County Council	Please comment as to whether any additional Requirements would be necessary to secure required matters including any monitoring and mitigation measures? If so, please provide, for the ExA's consideration, draft Requirements for any such topic areas where there is perceived to be a need for them to be imposed giving reasons for their imposition
Q9.1.55	Additional requirements Environment Agency	Please explain further the need, if any, for additional Requirements to cover matters relevant to the EAs remit. Please provide draft Requirements for those topic areas for the ExA's consideration giving reasons for their imposition
Q9.1.56	Additional requirements Applicant and BNP Paribas on behalf of Royal Mail	The Royal Mail RR [RR-083] seeks specific requirements to protect its future ability to provide an efficient mail sorting and delivering service during the construction of the scheme. Please indicate whether the safeguards sought have been agreed and if an additional requirement is sought then please provide that in draft form.
Q9.1.57	Section 106 and other agreements The Applicant	Please indicate whether it is anticipated that any s106 or other agreements will be required to secure mitigation and other matters that are considered to be necessary in connection with the scheme? If so, please provide an update in relation to their progress. If a s106 agreement is being pursued, please provide an initial draft agreement in response to this question.
Q9.1.58	Schedule 3 Part 1 The Applicant	The draft DCO [APP-019] Schedule 3 Part 1, Table states : 'M3 northbound carriageway from a point 540 metres from the proposed M3 Junction 9 gyratory southern bridge to the proposed A34 northbound diverge between point 30 and 23 of sheets 6 and 8 of the classification of road plans, comprising 878 metres.' This is shown on sheets 8,7 and 6 (although the ref numbers are only shown on sheets 8 and 6) – please clarify and amend as necessary.

ExQ1	Question to:	Question:
Q9.1.59	Schedule 3 Part 1 The Applicant	The draft DCO [APP-019] Schedule 3 Part 1, Table states : M3 southbound carriageway from a point 1066 metres from the proposed M3 Junction 9 gyratory northern bridge to a point 790 metres from the proposed M3 Junction 9 gyratory southern bridge between point 34 and 35 on sheets 5 and 8 of the classification of road plans, comprising 1984 metres This is shown on sheets 8,7, 6 and 5 (although the ref numbers are only shown on sheets 8 and 5) – please clarify and amend as necessary.
Q9.1.60	Schedule 3 Part 1 The Applicant	The draft DCO [APP-019] Schedule 3 Part 1, Table states : M3 southbound merge from a point 182 metres from the proposed M3 underpass southern portal to a point 782 metres from the proposed M3 Junction 9 gyratory southern bridge between point 18 and 36 on sheet 6 and 8 of the classification of road plans, comprising 1311 metres This is shown on sheets 8,7 and 6 (although the ref numbers are only shown on sheets 8 and 6) – please clarify and amend as necessary
Q9.1.61	Schedule 3 Part 4 The Applicant	The draft DCO [APP-019] Schedule 3 Part 4, Table states : Easton Lane northbound from a point 126 metres from the proposed M3 Junction 9 gyratory southern bridge to a point 145 metres from the proposed M3 Junction 9 gyratory southern bridge between point 46 and 47 on sheet 7 of the classification of road plans, comprising 38 metres. Please confirm that point 47 in the correct place on the plan.
Q9.1.62	Schedule 3 Part 5 The Applicant	The draft DCO [APP-019] Schedule 3 Part 5, Table states : M3 northbound between point 45 and 25 on sheets 8 and 6 of the speed limit plans, comprising 876 metres. This is shown on sheets 8,7 and 6 (although the ref numbers are only shown on sheets 8 and 6) – please clarify and amend as necessary
Q9.1.63	Schedule 3 Part 5 The Applicant	The draft DCO [APP-019] Schedule 3 Part 5, Table states : M3 southbound between point 49 and 50 on sheets 5 and 8 of the speed limit plans, comprising 1980 metres. This is shown on sheets 8,7, 6 and 5 (although the ref numbers are only shown on sheets 8 and 5) – please clarify and amend as necessary
Q9.1.64	Schedule 3 Part 5 The Applicant	The draft DCO [APP-019] Schedule 3 Part 5, Table states : M3 southbound onslip merge between point 19 and 52 on sheets 6 and 8 of the speed limit plans, comprising 1305 metres This is shown on sheets 8,7 and 6 (although the ref numbers are only shown on sheets 8 and 6) – please clarify and amend as necessary
Q9.1.65	Schedule 3 Part 8 The Applicant	The draft DCO [APP-019] Schedule 3 Part 8, Table states : Cycle track between the Cart and Horses Junction (Kings Worthy) to the existing NCN Route 23 adjacent to Tesco and the proposed gyratory

ExQ1: 25 May 2023**Responses due by Deadline 2: 15 June 2023**

ExQ1	Question to:	Question:
		between points 16, 4 and 15 as shown on sheets 3 and 7 of the rights of way and access plans, comprising 2606 metres. This is shown on sheets 3,5,6,7 (although the ref numbers are only shown on sheets 3 and 7) – please clarify and amend as necessary
Q9.1.66	Schedule 3 Part 8 The Applicant	The draft DCO [APP-019] Schedule 3 Part 8, Table states : "Bridleway between the proposed gyratory and Easton Lane between point 3 and 4 as shown on sheet 7 of the rights of way and access plans, comprising 277 metres." Point 3 is on sheet 4 and not shown on sheet 7 – please clarify and amend as necessary
Q9.1.67	Schedule 3 Part 8 The Applicant	The draft DCO [APP-019] Schedule 3 Part 8, Table states : Bridleway between Easton Lane and Long Walk between point 1 and 2 on sheet 4, 6 and 7 of the rights of way and access plans, comprising 1197 metres. Sheets should be 4,5,6 and not 4,6,7 – please clarify and amend as necessary
Q9.1.68	Schedule 4 Part 2 The Applicant	The draft DCO [APP-019] Schedule 4 Part 2, Table states : "Between point 51 and 52 on sheet 3 of the classification of road plans, comprising 33 metres." on the plan this is shown as points 50 and 51 – please clarify and amend as necessary
Q9.1.69	Schedule 4 Part 1 The Applicant	The draft DCO [APP-019] Schedule 4 Part 1, The 3 last rows on the table relate to PRoW. Please confirm that the reference points between the table and plans are detailed correctly and that the substitute lengths are correctly referenced. Please amend as necessary.

ExQ1	Question to:	Question:
10. Flood Risk, Groundwater and Surface Water		
Q10.1.1	Consultation The Applicant	Paragraph 13.2.1 and Table 13.1 of Chapter 13 of the ES [APP-054] states that the EA were last consulted in 2021. There are a number of comments in Consultation Report Appendix K [APP-038] which suggest that further feedback and consultation is required with the EA. Please update the ExA on the status of the consultation.
Q10.1.2	Assessment methodology The Applicant, Hampshire County Council	Section 13.4 of ES Chapter 13 [APP-054] explains that although the findings of the initial ground investigation works undertaken to inform the design of the Proposed Development did not cover the entire application site it is considered that they provide sufficient detail to allow a robust assessment of potential impacts at this stage. Please can the EA and HCC (as Lead Local Flood Authority) confirm whether it considers that the works undertaken are sufficient to identify all of the relevant hydrological receptors that may be affected by the Proposed Development.
Q10.1.3	Flooding The Applicant	Paragraph 13.6.49 of Chapter 13 of the ES [APP-054] states that the flood zones within the study areas are shown in ES Figure 13.1 (Study Area and Receptors) [APP-075] however this does not seem to be the case. It is accepted that the flood zones are shown in Appendix A of the FRA. Please update the figure or Chapter 13 accordingly to ensure this is clarified.
Q10.1.4	Mitigation The Applicant	Paragraph 13.8.22 of Chapter 13 of the ES [APP-054] states that dewatering in the River Itchen will be required for drainage outfall and headwall construction. As this is very high sensitivity operation, please provide details of designs, outline method statements and other information provided to the EA and explain how this will be secured in the DCO.
Q10.1.5	Assessment of likely significant effects The Applicant	Paragraph 13.9.20 of Chapter 13 of the ES [APP-054] states that a HEWRAT assessment has not been specifically undertaken for the construction works to assess the impact of the construction works on the ground water and that the mitigation measures proposed would ensure no measurable impact upon the aquifer and groundwater receptors. Please explain what assumptions about mitigation have been made to form this assessment.
Q10.1.6	Water Quality The Applicant	Please explain if any discussions have been progressed with regard to potential enhancements which would support improvements to water quality in the River Itchen catchment within or out with the application boundary.
Q10.1.7	Flood Risk Activity Permit (FRAP) The Applicant	In light of the Applicant's proposal to disapply the need to obtain a FRAP for the proposed new River Itchen cycle/footbridge, please could the Applicant provide the additional information to the Examination as requested by the EA in its RR [RR-027].

ExQ1	Question to:	Question:
Q10.1.8	Flood and Water Quality The Applicant	Please detail the maintenance regime for the proposed road drainage system and explain how this will ensure the flood and water quality assessments will remain relevant; or signpost the ExA to where this can be found. Please also explain how this is secured in the DCO.

11. Historic Environment		
Q11.1.1	Mitigation Winchester City Council, Historic England, South Downs National Park Authority	Please confirm that you are satisfied with the contents of the ES - Appendix 6.8: Archaeology and Heritage Outline Mitigation Strategy [APP-096] and the means whereby a programme of archaeological mitigation would be secured by Requirement 9 of the draft DCO [APP-019]. If not, please outline any drafting changes that are sought.
Q11.1.2	Mitigation Applicant, Winchester City Council, Historic England, South Downs National Park Authority	The ES - Appendix 6.8: Archaeology and Heritage Outline Mitigation Strategy [APP-096], paragraph 5.1.1, states that: "In order to make the material publicly available the detailed mitigation package will allow for deposition of the archive, either at a local repository with sufficient space or explore the possibility of contributing to a cultural collecting infrastructure fund". The draft DCO [APP-019] Requirement 9(6) provides that: "On completion of the authorised development, suitable resources and provisions for long term storage of the archaeological archive will be discussed with the City Archaeologist". Please comment as to whether that drafting is sufficiently precise to enable this provision to be effectively enforced and indicate the means whereby any suitable resources and provision for long-term storage would be arranged and funded.
Q11.1.3	Mitigation The Applicant	The ES - Appendix 6.8: Archaeology and Heritage Outline Mitigation Strategy [APP-096], paragraph 3.1.1, states that: "... design of all surfacing and resurfacing will aim to reduce noise and will have a heritage benefit." Please specify and explain further the use of noise attenuating road surfaces to reduce noise pollution close to designated heritage assets and the extent of any reduction that would be achieved together with a list of the heritage assets that would benefit as a result of that noise reduction.
Q11.1.4	NPSNN The Applicant	The ES NPSNN Accordance Table [APP-155] does not include NPSNN paragraph 5.130 which makes reference to the desirability of sustaining and, where appropriate, enhancing the significance of heritage assets, and the contribution of their settings. Please correct this omission and indicate whether the scheme would enhance the significance of any heritage assets and, if not, why can this not be achieved?
Q11.1.5	Enhancement opportunities	The ES Chapter 6: Cultural Heritage [APP-047] states that at consultation stage the South Downs National Park Authority responded to the effect that the scheme should include proposals for enhancement. Please indicate whether you are content with the opportunities for enhancement and

ExQ1	Question to:	Question:
	South Downs National Park Authority	community outreach that is provided within the fiEMP [APP-156], or whether any other enhancement opportunities are sought?
Q11.1.6	Enhancement opportunities The Applicant	The ES Chapter 6: Cultural Heritage [APP-047], paragraph 6.8.10, alludes to several other enhancement opportunities which are noted in the fiEMP [APP-156] including public art, QR codes, push notification and interpretation boards which could form part of trails highlighting the nature of archaeology within the Itchen Valley and area surrounding Winchester. Whilst it is noted that these enhancement measures have not formed part of the ES assessment, please confirm that these opportunities would be pursued and developed during detailed design. If so, can this be made more explicit with a clear commitment in the fiEMP [APP-156]?
Q11.1.7	NPSNN The Applicant	The ES NPSNN Accordance Table [APP-155] in relation to NSPNN paragraph 5.131 identifies that the scheme would result in changes to a small part of the wider setting of St Gertrude's Chapel (scheduled monument, NHLE: 1005518). Whilst the details set out in ES Chapter 6: Cultural Heritage [APP-047] paragraphs 6.9.3 and 6.9.23 are noted, please summarise, and explain in more detail the slight change to the wider setting of the scheduled monument that would occur and the factors leading to the conclusion that this change would not alter the character of the asset or how its significance is appreciated?
Q11.1.8	Conservation Areas The Applicant	The ES Non-Technical Summary [APP-153] paragraph 4.2.12 indicates that a small section of construction works adjacent to the A33 falls within the Kings Worthy Conservation Area and there would also be works within the setting of the Abbots Worthy Conservation Area. Please specify those key elements of the conservation areas considered to be relevant and explain further and in more detail why it is said that these works would not impact upon those key elements, as identified in the Kings Worthy Conservation Area Technical Assessment (Winchester City Council, 1997), and the Abbots Worthy Conservation Area Technical Assessment (Winchester City Council, 1997), and would therefore, not impact upon the special character and appearance of the conservation areas.

ExQ1	Question to:	Question:
12. Landscape Impact and Visual Effects and Design		
Q12.1.1	Design approach The Applicant	<p>The NPSNN sets out criteria for “good design” for national network infrastructure and paragraph 4.28 states that visual appearance should be a key factor in considering the design of new infrastructure. The ES Non-Technical Summary [APP-153], paragraph 2.4.1, explains the design features that have been developed and incorporated into the scheme and the NSPNN Accordance Table [APP-155] sets out the Applicant’s position in relation to this paragraph. However, given the sensitive location of the site and its relationship with the SDNP, further details are sought:</p> <ul style="list-style-type: none"> • Please summarise the means by which the scheme’s design has taken into account aesthetics including its contribution to the quality of the surrounding area. • Please indicate the extent to which the Applicant has made use of professional, independent advice on the design aspects of the scheme and explain how good design principles have been embedded into the proposal. • Please summarise and explain how the design process has been conducted to date and how the proposed design has evolved. • Please indicate the regard that has been had to ‘Design Principles for National Infrastructure’, published by the National Infrastructure Commission (February 2020) in respect of Climate, Places, People and Value in the design of the scheme.
Q12.1.2	Design Approach The Applicant, South Downs National Park Authority, Hampshire County Council, Winchester City Council	<p>Whilst it is recognised that given the nature of the development there may be a limit on what can be achieved in terms of the aesthetics of certain aspects of the infrastructure, notwithstanding the details provided in the Design and Access Statement [APP-162] which sets out the high level principles that have driven the design of the scheme, has consideration been given the production of a specific ‘design code’ or ‘design approach document’ which would establish the approach to delivering the detailed design specifications such as bridges, and fencing and choice of materials which could be secured by a draft DCO requirement?</p>
Q12.1.3	Design Approach South Downs National Park Authority, Winchester City Council	<p>The Design and Access Statement [APP-162] paragraph 2.2.4 states that the “aim of the solution proposed has been to balance spoil placement through creation of landform which are sympathetic in profile and form and maximise environmental mitigation within this part of the South Downs National Park”. Is it agreed that the design of the Proposed Development has achieved this aim or are there any further design changes and positive design opportunities that are sought?</p>
Q12.1.4	Design Approach The Applicant	<p>The Design and Access Statement [APP-162] advises that a Highways England Design Review Panel was completed on 30 March 2021. The Review Panel recommended that: “the team now focus particularly on the most appropriate way to place the engineering into the landscape”. The Review</p>

ExQ1	Question to:	Question:
		<p>Panel also highlighted the need to think about climate change and to look for further positive opportunities:</p> <ul style="list-style-type: none"> • Please summarise and explain how the design of the scheme has achieved these design aims? • Please identify all aspects of design that reflect the need to accommodate climate change. • Following the Design Review Panel response what further positive design opportunities have been achieved?
Q12.1.5	Landscape and Visual Effects The Applicant	In the light of the NPSNN, paragraph 5.148, please explain how the requirements set out in Defra's English national parks and the broads: UK government vision and circular 2010 or successor documents have been fulfilled?
Q12.1.6	Landscape and Visual Effects The Applicant	The land within the application boundary partially lies within the SDNP. The ES Non-Technical summary [APP-153], paragraphs 4.3.7 and 4.3.12, confirms that within the SDNP construction activities would result in a moderate adverse effect on the special landscape qualities of the SDNP and the operation of the scheme will result in significant effects on the landscape in winter one year after opening including moderate adverse effects on the landscape character of the SDNP. Given those findings, please explain how the Secretary of State can be satisfied that it would be ensured that the project will be carried out to high environmental standards and set out any proposed measures to enhance the environment.
Q12.1.7	Landscape and Visual Effects The Applicant	The ES Chapter 7: Landscape and Visual [APP-048], paragraph 7.11.8, indicates that refinement to the scheme design during the detailed design stage could mitigate the reported effects further. Please provide additional details as to how and what further mitigation might be achieved at detailed design stage and how it can be ensured that such further mitigation would be a consideration at that time?
Q12.1.8	Landscape and Visual Effects The Applicant	The ExA notes from the RR of WCC [RR-102], that they have made further section requests directly to the Applicant and 3D views of gantry signage, bridges and tunnels are required. Please arrange for those section and 3D views to be submitted to the Examination.
Q12.1.9	Landscape and Visual Effects The Applicant	<p>The ES - Appendix 7.7: Technical Note Lighting Assessment of Gantry Signage [APP-103], paragraph 1.1.1, states that it has focused on the gantry mounted signage elements which are lit to ensure these are designed appropriately in the context of the SDNP Dark Sky Nature Reserve.</p> <p>Please indicate how the proposals for illuminating the signs and the design features which have been assessed, for example the typical arrangement set out in Figure 7.7.1, will be secured through the draft DCO [APP-019]?</p>

ExQ1	Question to:	Question:
		<p>There are a number of references, for example at paragraph 3.7.4, to matters which “should be considered in detail design PCF Stage 5”. Please explain what reliance can be placed on those lighting design matters being considered further at that stage and how that would be ensured through the draft DCO?</p>
Q12.1.10	<p>Landscape and Visual Effects The Applicant</p>	<p>The ES - Appendix 7.7: Technical Note Lighting Assessment of Gantry Signage [APP-103], paragraph 4.1.1, states that the proposed illuminated gantry signs will add lit elements into the currently unlit (from fixed installations) M3 corridor but concludes that, as this is in the context of the townscape and urban edge of Winchester which includes light sources, it is not anticipated to negatively affect or impede on the SDNP dark skies reserve. Please provide further explanation and details to support this conclusion or state whether this is simply a matter of professional judgement.</p>
Q12.1.11	<p>Landscape and Visual Effects The Applicant</p>	<p>The ES - Appendix 7.3: Schedule of Landscape Effects [APP-099] – Table 1.1: Relevant Mitigation Measures sets out the embedded mitigation which includes modifications to topography and landform and re-profiling of existing landform; the illumination of the carriageway, junctions, underpasses, and gantry-mounted signage. The essential mitigation includes the creation of new areas of chalk grassland and creation of areas of species rich grassland with chalk grassland characteristics. The REAC Tables of the fiEMP [APP-156] items LV1 – LV24 also set out mitigation measures. Notwithstanding the plans and details already submitted:</p> <ul style="list-style-type: none"> • Please summarise and indicate including by reference to submitted plans the manner and location of the modifications and re-profiling that would take place. • Please confirm the gradients to be achieved in the earthworks integrated into the existing landform and those of land to be returned to agricultural use. • Please also indicate how it is intended that all aspects of the embedded and essential mitigation would be secured and enforceable through the draft DCO. <p>In that respect, are the environmental actions/commitments in the relevant REAC tables drafted with sufficient precision to ensure enforceability?</p> <p>The OLEMP [APP-102] states at paragraph 1.1.4 that “The LEMP would be substantially in accordance with the OLEMP”. The REAC Tables Item LV3 provides for the approval of the LEMP by the SoS prior to the start of the Proposed Development but does not require it to be substantially in accordance with the OLEMP nor does the Draft DCO R5 mention the OLEMP/LEMP. Should the Draft DCO and/or the REAC Tables include such a specific reference to secure all relevant mitigation referred to in the ES?</p>
Q12.1.12	<p>Landscape and Visual Effects</p>	<p>The ES - Appendix 7.3: Schedule of Landscape Effects [APP-099] Table 1.2: Schedule of Landscape Effects explains that the ES assessment of the operational effects by Year 15 places reliance upon the</p>

ExQ1	Question to:	Question:
	The Applicant	growth and development of structural landscape elements. Please confirm that this has taken into account in the assessment of the potential effects of climate change and that the finding set out would apply both during winter and summer months?
Q12.1.13	Landscape and Visual Effects The Applicant	<p>The ES - Appendix 7.3: Schedule of Landscape Effects [APP-099] Table 1.2 in the baseline description for the SDNP puts forward the proposition that the application site sits within a narrow band of Environmental Light Zone E2. At operation Year 1 it is acknowledged that light levels would increase because of the new gantry mounted signage, with elevated light sources visible. It is however considered that this would not alter the Environmental Light Zone (E2) in which the gantries are present.</p> <p>Please provide further justification and reasons to support the view that the site sits within E2 and indicate the extent of the area asserted to be within E2.</p> <p>In terms of lighting, the conclusion reached is that there would be long-term permanent (but very small-scale) effects arising from illumination of the PRow underpasses and gantry mounted signage. Please provide further justification and explanation to support the view that the effects would indeed be very small-scale.</p> <p>It is recognised that light levels would increase within the new underpasses for safety and security reasons. However, the conclusion reached in terms of change is that this would be very small-scale with obtrusive light limited to surrounding environs due to the orientation of the underpass, surrounding landform and landscape screening. Please provide further justification and explanation to support the view that the change would be very small-scale.</p>
Q12.1.14	Landscape and Visual Effects The Applicant	<p>The ES - Appendix 7.3: Schedule of Landscape Effects [APP-099] Table 1.2 accepts that vegetation losses would continue to be perceivable in the landscape and mitigation planting would not yet have been established by Operation Winter Year 1, resulting in a slight increase in visibility of vehicles on the highway and in the worst case increased audibility of traffic within areas of the SDNP. Whilst the conclusion reached is that there would be negligible changes for the wider designation, in a worst case scenario this would result in perceived decreases to tranquillity within the immediate environs to the scheme. Please indicate whether any other mitigation has been considered and could be utilised in respect of the potential worst case increased audibility of traffic within areas of the SDNP (as reported in Chapter 11 (Noise and Vibration) of the ES [APP-052]) in order to safeguard the tranquillity of the SDNP.</p>
Q12.1.15	Landscape and Visual Effects The Applicant	<p>The ES - Appendix 7.3: Schedule of Landscape Effects [APP-099] Table 1.2 indicates that audibility of traffic by Operation Summer Year 15 would remain as reported at Year 1, but due to the establishment of the proposed landscape mitigation there would be less visibility of traffic from the accessible areas of the designation. It is recognised that whilst there would be improved access to the SDNP from</p>

ExQ1	Question to:	Question:
		<p>Winchester, these routes may be popular so more people may be present which could impact perceived tranquillity.</p> <ul style="list-style-type: none"> • Given that background, please provided further details and explanation to support the assertion that tranquillity within the immediate environs of the scheme would be improved over that experienced at Year 1. • Please also summarise and explain the reference to “Long-term beneficial effects on tranquillity within the western part of the South Downs National Park”.
Q12.1.16	Landscape and Visual Effects The Applicant	<p>The ES - Appendix 7.3: Schedule of Landscape Effects [APP-099] Table 1.2 ‘Protected trees and vegetation’ includes reference to Tree Preservation Orders (TPOs) and Important Hedgerows Area TPO 00039-2003-TPO, located on land on the south-west corner of the existing gyratory roundabout. As identified in Appendix 7.5: Preliminary Arboricultural Impact Assessment (AIA) of the ES [APP-101], TPO 00039-2003-TPO (a small section of tree group 43 (Category B)) would be partially lost as a result of the realigned highway and M3 J9 gyratory. Given that these TPO trees would be partially lost, please explain further the conclusion reached that the effect of the construction activities would be short-term (3 years) and reversible.</p>
Q12.1.17	Landscape and Visual Effects The Applicant	<p>The ES - Appendix 7.3: Schedule of Landscape Effects [APP-099] Table 1.2 indicates that the application boundary includes a number of Important Hedgerows (under the Hedgerow Regulations 1997), along Easton Lane (H6 and H7) located east of the existing M3 Junction 9 gyratory, and Long Walk (H1, H2, and H3) as shown on the Protected Trees and Hedgerows to be Removed Plans [APP-017]. It is recognised that construction access would result in a number of small sections of hedgerow and hedgerow trees being removed. Please explain further why it is necessary to remove these sections of Important Hedgerows and provide evidence to support the conclusion that the changes would fall into the category of being partially reversible and partially permanent effects?</p>
Q12.1.18	Landscape and Visual Effects The Applicant	<p>The ES - Appendix 7.3: Schedule of Landscape Effects [APP-099] Table 1.2 includes reference to the landscape features within the application boundary and outlines the topography of the landscape within the application boundary.</p> <p>Please explain further the proposals for landform reprofiling and the use of soils and chalk excavated as part of the wider construction works to re-profile the natural landform in this area.</p> <p>How would it be ensured that the raised profile thus created would be in keeping with the overall topographical form of the western slopes of the Downs?</p>
Q12.1.19	Landscape and Visual Effects The Applicant	<p>The ES - Appendix 7.3: Schedule of Landscape Effects [APP-099] Table 1.2 includes reference to the PRow network. There are a number of existing PRows within the application boundary and its environs which form part of a wider local network that may be affected by the scheme. Please summarise and</p>

ExQ1	Question to:	Question:
		explain further the increased overall connectivity between Winchester and the SDNP by the end of the construction period and the factors relevant to the achievement of long-term permanent improved connectivity across the local PRoW network as a whole by Year 15.
Q12.1.20	Landscape and Visual Effects The Applicant	<p>The NPSNN Accordance Table [APP-155] considers paragraphs 5.150-5.153 of the NPSNN:</p> <ul style="list-style-type: none"> • In relation to paragraph 5.151 bullet point 2 whilst it is recognised that the M3/J9 are either within the SDNP itself or within its setting what consideration has been given to “meeting the need in some other way” that might have a lesser impact on the SDNP as opposed to the consideration of an alternative location? • In relation to paragraph 5.151 bullet point 3 it is stated that National Highways has actively sought to avoid or moderate any detrimental effects. Please summarise and explain the ‘substantial changes to the scheme design’ whereby this has been achieved? • The NPSNN paragraph 5.152 refers to “any benefits outweighing the costs very significantly”. Notwithstanding the details provided in the Case for the Scheme [APP-154] please summarise and explain the reliance placed on direct and indirect economic benefits, and improved journey times as part of the overall package of permanent benefits.
Q12.1.21	Landscape and Visual Effects The Applicant	<p>The NPSNN Accordance Table [APP-155] considers paragraphs 5.159-5.161 of the NPSNN.</p> <ul style="list-style-type: none"> • Notwithstanding the details provided in the Table, please summarise, and explain the consideration given to ‘reducing the scale of a project or making changes to its operation to help avoid or mitigate its visual and landscape effects’. • Please summarise and explain the consideration given to the use of materials and designs for the scheme. • How does the design reflect the beauty of the natural, built and historic environment through which it passes and provide for any enhancement of that environment?
Q12.1.22	Landscape and Visual Effects Winchester City Council, South Downs National Park Authority	<p>The ES Chapter 7 Landscape and Visual [APP-048] presents the findings of the assessment of the construction and operation of the proposed development.</p> <ul style="list-style-type: none"> • Are you content with the assessment methodology and the recording of baseline information in the Landscape and Visual Impact Assessment (LVIA) and the approach to the LVIA assessment? • Do you have observations on the limits of deviation proposed in the scheme? • Are you content with the detailed mitigation measures in relation to landscape impact and visual effects set out in the REAC Tables of the fiEMP [APP-156] including whether they have been

ExQ1: 25 May 2023

Responses due by Deadline 2: 15 June 2023

ExQ1	Question to:	Question:
		<p>drafted with sufficient precision to ensure enforceability? For example, LV13 in relation to earthworks, LV18 in relation to the creation of chalk grassland and LV20 in respect of ongoing management and maintenance.</p> <ul style="list-style-type: none"> • Are you satisfied with the presentation of baseline photographs and visualisations prepared for the scheme? • Are you satisfied with the approach adopted by the Applicant in relation to the night-time assessment of lighting on landscape and visual receptors? • What, if any, further mitigation is considered necessary and how should such measures be secured? For example, should the Draft DCO include a specific reference to the OLEMP/LEMP to secure all relevant mitigation referred to in the ES?
Q12.1.23	Landscape and Visual Effects The Applicant	<p>The ES Non-Technical Summary [APP-153] paragraph 4.3.14, confirms that by summer 15 years after opening, a moderate adverse significant effect would remain at Easton Lane:</p> <ul style="list-style-type: none"> • Please indicate the consideration given to whether any further mitigation could be provided in this location, for example, in relation to the carrying out of land profiling/bunding and/or additional landscape mitigation planting. • For the avoidance of doubt, please confirm the position relation to the effect in this location during the winter months after 15 years. • In terms of the various adverse effects identified in paragraph 4.3.14 at various locations one year after opening, can you indicate a timeline over the 15 year period for any perceived reduction in adverse effect to be achieved?
Q12.1.24	Landscape and Visual Effects The Applicant	<p>The assessment of landscape and visual effects shown in The ES Chapter 7 [APP-048] does not include an assessment of effects for the winter season in Operational Year 15. Given the reduced screening and/filtering of views by vegetation in the winter months, how can the ExA be assured that the worst-case operational scenario has been assessed?</p>

ExQ1	Question to:	Question:
13. Noise and Vibration		
Q13.1.1	Assessment approach The Applicant	Paragraph 11.4.38 of Chapter 11 of the ES [APP-052] explains that information from the contractor about plant is “as expected at this point in the process” and the potential plant used is shown in ES Appendix 11.1 [APP-137]. All assumptions show industry standard plant as detailed in BS 5228-1:2009. Please advise if any alternative plant and equipment is being considered.
Q13.1.2	Assessment approach The Applicant	Referring to paragraph 11.4.39 of Chapter 11 of the ES [APP-052] please explain what is meant by a 'sub-phase' or signpost the ExA to where this is detailed.
Q13.1.3	Design, mitigation and enhancements The Applicant	Paragraph 11.8.2 of Chapter 11 of the ES [APP-052] states that low noise surfacing will be present “where new surfaces will be laid”. Please detail the extent of the new surfacing within the application boundary and also if there is any expected surfacing of the existing highway network to be undertaken out with the application boundary. Please also explain what maintenance policies exist to ensure that future resurfacing will include low-noise surfacing as an ongoing requirement and how this is secured within the DCO.
Q13.1.4	Design, mitigation and enhancements The Applicant	Paragraph 11.8.4 of Chapter 11 of the ES [APP-052] lists some of the potential mitigation measures that could be employed during construction to reduce the impact of noise and vibration. These, along with those shown in the fiEMP [APP-156], are broad and generic and considered best practice. Please supply information on the considered likely mitigation required in addition to general good practice for the construction of the Proposed Development.
Q13.1.5	Assessment of likely significant effects The Applicant	In respect of paragraph 11.9.18 of Chapter 11 of the ES [APP-052] please confirm that Kings Worthy and Abbots Worthy Parish Councils have been informed of the outcome of the results of the assessment carried out at the two primary schools following their request, and if so what the response has been.
Q13.1.6	Assessment of likely significant effects The Applicant	Fig 11.19 in the Noise and Vibration – Figures [APP-073] shows the changes in noise in the operational condition (daytime). The difference in colours between ‘minor increase’ and moderate increase’ is not clear and some areas are covered by label-arrows. Please amend the colours to ensure clarity.
Q13.1.7	Construction plant assumptions The Applicant	Paragraph 11.4.47 of Chapter 11 of the ES [APP-052] and ES Appendix 11.1 [APP-137] detail the Construction Activities in the Noise and Vibration Assessment. Please explain:- <ul style="list-style-type: none"> • the extent of the geographical area that has been considered for each operation • how each separate activity has been assessed against the receptors.

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> how the number of items of plant and equipment to be used have been assessed and confirm that this is appropriate.

14. Policy and Need		
Q14.1.1	NPSNN The Applicant	On 14 March 2023, the Government published its draft updated NPSNN for consultation. Please can the Applicant provide full details of how the Proposed Development accords with the policy as set out in the draft consultation document, having regards to the advice contained within Paragraphs 1.16 and 1.17 in relation to transitional provisions.
Q14.1.2	Road Investment Strategy The Applicant	The Road Investment Strategy 2 (RIS2) details a number of projects in the area south of the M3. Please explain what impact these may have on the application or signpost the ExA to where in the application this is detailed.
Q14.1.3	Port Strategy The Applicant	The Solent Freeport was officially designated in December 2022. The Case for the Scheme [APP-154] highlights the importance of the Port of Southampton but does not mention the establishment of the Freeport. Please explain what impact the Solent Freeport designation will have on the application or signpost the ExA to relevant references in the documentation.
Q14.1.4	Planning policy context Hampshire County Council, Winchester City Council, South Downs National Park Authority, Parish Councils	Paragraph 1.5 of The Case for the Scheme [APP-154] states the policy context and lists national and local policies that have been used. Please confirm that this list is relevant and complete or highlight potential omissions.
Q14.1.5	Planning policy context The Applicant	Please provide a copy of the local plan and other relevant policies to the ExA.
Q14.1.6	NPSNN Applicant	<p>The NPSNN paragraph 2.7 refers to the need for development to improve resilience on the networks to adapt to climate change and extreme weather events. The Case for the Scheme [APP-154] sets out the means whereby the application seeks to respond to this.</p> <ul style="list-style-type: none"> Please explain in more detail the role that would be played in this respect by new landscaping and planting and the incorporation of drought tolerant and waterlogging species. Should reference to the provision of such species to increase resilience to climate change be included within the REAC Table [APP-156] at this stage given that the scheme's planting specifications will be provided at detailed design stage through a DCO requirement?

ExQ1	Question to:	Question:
Q14.1.7	Local Planning Policy South Downs National Park Authority	Please indicate whether your authority agrees with the Applicant's position as set out in the Case for the Scheme [APP-154], paragraph 9.7.1, that the scheme would comply with Policy SD3 of the South Downs National Park (SDNP) Local Plan (2019). If not, please explain why.
Q14.1.8	Local Planning Policies Winchester City Council, Hampshire County Council, South Downs National Park Authority	The Case for the Scheme [APP-154] Appendix A 'Local Policy Assessment' sets out the Applicant's assessment of the scheme in relation to local planning policies. Please indicate whether you are content that the scheme would comply with all other relevant local planning policies, including those relating to climate change resilience and adaptation, contained within the local plan documents for your authority. If not, please explain why.
Q14.1.9	Local Planning Policy Hampshire County Council	The Case for the Scheme [APP-154], paragraph 6.5.5, states that the emerging Hampshire Local Transport Plan 4 (LTP4) identifies M3 Junction 9 as an international gateway and part of the SRN which is a strategic transport infrastructure priority for Hampshire. It asserts that the scheme accords with the emerging LTP4 by delivering targeted improvements to the SRN and improving journey time reliability at this key transport interchange which facilitates intensive movements of freight cargo. Please confirm that this is agreed and that the scheme would accord with LTP4 in this way.
Q14.1.10	NPSNN Applicant	The Case for the Scheme [APP-154] Table 3.2 in relation to the NPSNN strategic objective to provide 'Networks which support the delivery of environmental goals and the move to a low carbon economy' refers to ES Chapter 14 (Climate Change), paragraph 14.10.16, which concludes that the scheme is not anticipated to give rise to a significant effect on climate. Please explain why it is considered to be a reasonable and appropriate approach to consider the increase in the magnitude of emissions from the scheme as a percentage of the UK's 4th, 5th, and 6th carbon budgets in isolation?
Q14.1.11	Scheme objectives Applicant	The Case for the Scheme [APP-154], section 3.5, sets out the key objectives of the scheme which include the objective "To reduce delays at M3 Junction 9 on all links M3, A33 and A34". Whilst it is noted that the scheme would reduce the delays at key areas currently congested, please explain the level of reduction expected and indicate whether all delays at key areas would be eliminated. If not, what level of delay is anticipated to remain and at what times?
Q14.1.12	Scheme objectives Applicant	The Case for the Scheme [APP-154], section 3.5, sets out the key objectives of the scheme which include the objective to support economic growth and ensure the junction can accommodate additional traffic. Please provide further details of the anticipated wider economic benefits of £41.8 million and how this is expected to stimulate local development sites and economic activity.
Q14.1.13	Case for the Scheme	The Case for the Scheme [APP-154] includes Table 5.2: Present Value of Scheme Construction Costs. Please explain what is comprised in the supervision and preparation costs.

ExQ1	Question to:	Question:
	Applicant	
Q14.1.14	Case for the Scheme Applicant	The Case for the Scheme [APP-154], paragraph 5.7.1, indicates that the scheme costs were prepared by the Applicant, including construction, and operating and maintenance, which were rebased to 2010 market prices so that all costs and benefits reported in this section are present values in 2010 prices, discounted to 2010 with a total PVC of £112.7M. Please explain why the costs have been rebased in that way and can the relevant figures as at today's date be provided? Please also explain when the current cost estimates were completed and what assessment was made for both current and future construction inflation and if that assessment has remained relevant.
Q14.1.15	Case for the Scheme Applicant	The Case for the Scheme [APP-154], paragraph 5.7.5, in relation to environmental impacts provides figures for minor negative impacts for noise (£1.3M), moderate positive impacts for local air quality (£4.7M) and moderate negative impacts for greenhouse gases (£-14.6M). Please provide further details and explanation of the derivation of these figures and an indication as to the degree of reliability that can be placed upon them.
Q14.1.16	Case for the Scheme Applicant	The Case for the Scheme [APP-154], paragraph 5.5.4, considers the social impacts of the scheme including physical activity. Whilst it is noted that the scheme would improve cycle connectivity for the National Cycle Network route 23, please explain how this translates into an assessment of the benefits associated with the fitness impact of increased physical activity as "moderate beneficial".
Q14.1.17	NPSNN South Downs National Park Authority	The NPSNN, paragraph 5.151, sets out three aspects of the scheme that the Secretary of State should assess when determining whether there are exceptional circumstances that would support the grant of development consent in the SDNP. These are the need for the development; the cost of, and scope for, developing elsewhere, outside the designated area or meeting the need for it in some other way; and the detrimental effect on the environment. The Case for the Scheme [APP-154], paragraph 7.3.92, makes the point that the M3 and Junction 9 are either within the SDNP itself or within its setting. Hence, there is no realistic alternative location in which to carry out the proposed improvement works. Please confirm that this aspect of the 'exceptional circumstances' assessment is agreed? Please also indicate whether you are content with the extent to which the predicted detrimental effect on the environment, the landscape, and recreational opportunities would be moderated with greater access to the SDNP from Winchester being provided? Is it agreed that the proposed scheme as it stands meets the 'exceptional circumstances' test set out in the NPSNN paragraph 5.151?

ExQ1	Question to:	Question:
15. Population and Human Health		
Q15.1.1	Baseline The Applicant	Paragraph 12.6.1 of Chapter 12 of the ES [APP-053] details that there is one residential property affected within the application boundary. Please confirm if all alternative options have been assessed with regard to the need for temporary land required for the electricity cable diversion through White Mill Farm Cottage.
Q15.1.2	Baseline The Applicant	Table 12.8 of Chapter 12 of the ES [APP-053] details the community land usage within 500m of the application boundary. Please explain how the assessment of 'frequency of use/community use' has been made to form the view that the likely usage is greater or less than 50% of the community.
Q15.1.3	Baseline The Applicant	Table 12.9 of Chapter 12 of the ES [APP-053] details the development land and businesses within 500m of the application boundary. Please explain how the sensitivity rating was assessed and if this was based on more factors than employment size.
Q15.1.4	Baseline The Applicant	Table 12.11 of Chapter 12 of the ES [APP-053] details existing PRoW or routes that directly interact with the Proposed Development. Please explain what surveys were undertaken and any other supporting data used to establish the frequency of use.
Q15.1.5	Assessment of likely significant effects The Applicant	Table 12.22 of Chapter 12 of the ES [APP-053] details the sensitivity of the study area communities to changes in health determinants. Please explain how the sensitivity of health determinant has been assessed to allow a rating of low, medium or high.
Q15.1.6	Design, mitigation and enhancements The Applicant	Paragraph 12.8.7 of Chapter 12 of the ES [APP-053] states that advance warning will be given to landowners with respect to impacts of land drainage. Please detail what discussions have already commenced with landowners in this regard and also when and what warning will be given.
Q15.1.7	Assessment of likely significant impacts The Applicant	Paragraphs 12.9.76 to 12.9.78 of Chapter 12 of the ES [APP-053] details the likely significant effects on agricultural land holdings. This assessment appears to be limited to severance impacts. Please explain if other factors have been considered in concluding that there are no significant effects on agricultural land holdings.
Q15.1.8	Assessment of likely significant impacts The Applicant	Paragraph 12.9.89 of Chapter 12 of the ES [APP-053] states that access to healthcare facilities will be positive based on improved local journey times. Please explain how this assessment has been quantified to support this assessment or signpost the ExA to where this can be found.

ExQ1	Question to:	Question:
16. Traffic and Transport (Including Public Rights of Way)		
Q16.1.1	De-trunking The Applicant and Hampshire County Council	Please provide an update on the status of the de-trunking agreement with the local highway authority. Please also confirm that the highway identified as being de-trunked is correct.
Q16.1.2	Traffic regulation orders The Applicant and Hampshire County Council	Please confirm that in addition to speed limits, only clearways and no overtaking traffic regulations will be required as Traffic Regulation Orders for the scheme. Please also confirm that these proposals, in particular where they affect the Local Highway Authority, have been consulted upon and agreed, explaining any outstanding agreements.
Q16.1.3	Classification of road plans The Applicant and Hampshire County Council	Please confirm that the proposals for classification of highways, in particular where they affect the Local Highway Authority, have been consulted upon and agreed. In addition, please confirm that the boundary between the gyratory and adjacent non-trunk roads is correct and agreed (as shown on Sheet 7 of the plans [APP-012]).
Q16.1.4	Traffic (Cart and Horse Junction) Applicant	There appears to be conflicting information in the application documentation regarding the Cart and Horse junction and what changes may or may not be deemed necessary by the Applicant and within the application boundary. There are also conflicting replies to consultation in this regard and how those consultation replies have been taken forward into the application. Please provide a clear statement of the position of the junction within the application, including any statements from the Stage 1 safety audit relating to the A33 and the Cart and Horses junction.
Q16.1.5	Combined appraisal/ Transport Assessment Report The Applicant	Figures 4-3 to 4-11 in the Combined Modelling and Appraisal report [APP-163] and figures 7-3 to 7-11 in the Transport Assessment Report [APP-166] showing actual traffic flows in PCU for AM peak, Inter-Peak and PM Peak flows. Please confirm if this is PCU per hour or total PCU for the period and update the figures accordingly to ensure clarity.
Q16.1.6	Combined appraisal/ Transport Assessment Report The Applicant	Figures 4-3 to 4-11 in the Combined Modelling and Appraisal report [APP-163] and figures 7-3 to 7-11 in the Transport Assessment Report [APP-166] show that there is an increase in traffic flow on the A33 in most scenarios. Please explain the reason for this predicted increase.
Q16.1.7	Combined appraisal/ Transport Assessment Report The Applicant	Figures 4-3 to 4-11 in the Combined Modelling and Appraisal report [APP-163] and figures 7-3 to 7-11 in the Transport Assessment Report [APP-166] show that there is an increase in traffic flow on the A31, Petersfield Road in most scenarios. Please explain the reason for this predicted increase and also explain how far eastwards this increase is seen and what impact that may have.
Q16.1.8	Combined appraisal/ Transport Assessment Report	Appendix D in the Combined Modelling and Appraisal report [APP-163] and Appendix B of in the Transport Assessment Report [APP-166] show the predicted link volume to capacity ratios for 2042.

ExQ1: 25 May 2023

Responses due by Deadline 2: 15 June 2023

ExQ1	Question to:	Question:
	The Applicant	This shows that the M3, south of Junction 9, will see the ratio move to a 'red' status, showing that the ratio of volume to capacity is greater than 85%. Please explain what the reason is for this increase and how this will be monitored.
Q16.1.9	Combined appraisal The Applicant	Please advise of the measures to meet active travel provisions and how local active travel plans have been used and assessed. Please detail, or signpost the ExA to, what agreements and discussions have been held with the local authorities in this regard.
Q16.1.10	Combined appraisal The Applicant	Section 2.5 of the Combined Modelling and Appraisal Report [APP-163] details road traffic collisions between 2015 and 2019. Please explain why data has only been used up to 2019 and provide an update on incidents since this date and explain if this has an impact on any assumptions and design assessment.
Q16.1.11	Combined appraisal The Applicant	Section 2.5 of the Combined Modelling and Appraisal Report [APP-163] details road traffic collisions between 2015 and 2019 with Figure 2-5 showing the location of Historical Collision Data around the M3 Junction 9. Please explain if this collision data shows all records within the application boundary and if not, why not. Please also explain if collision data for the Cart and Horse junction has been reviewed by the Applicant.
Q16.1.12	Combined appraisal The Applicant	HCC highlight potential impacts to wider network and any complementary/additional measures that may be needed' the Applicant has stated that that none are needed. Please advise on the status of this conversation with HCC and what has led to this conclusion.
Q16.1.13	Combined appraisal The Applicant	The Combined Modelling and Appraisal Report [APP-163] details the changes in traffic predicted for Easton Lane from the gyratory to Winchester. It states that there will be increased traffic due to the increased attractiveness of A252 and access to Winchester. Please explain the origin/destination of this additional traffic and explain in more detail the reason for this. Please also provide a summary of the impact of changes in traffic flow on Easton Lane taking account of all environmental factors.
Q16.1.14	Combined appraisal The Applicant	The scheme cost and benefits assessment in Section 5.4 and Appendix G of The Combined Modelling and Appraisal Report [APP-163] states that no optimism bias has been included in the cost as all risks and inflation have been included in the base costs. Please detail the risks that have been costed-in and the inflation assumptions that have been made and what percentage this is for each of the main elements of the total scheme cost.
Q16.1.15	Transport Assessment Report The Applicant	The Transport Assessment Report [APP-166] details 10 routes which have been used to assess changes in journey times; please explain why these routes were chosen.

ExQ1: 25 May 2023

Responses due by Deadline 2: 15 June 2023

ExQ1	Question to:	Question:
Q16.1.16	Transport Assessment Report The Applicant	Paragraph 9.1.5 of the Transport Assessment Report [APP-166] shows the pedestrian and cycling counts were undertaken over 2 days in 2016. Please explain how these are judged to be a representative sample to inform the design and why no other counts have been undertaken since 2016.
Q16.1.17	Combined appraisal The Applicant	In their RR, Action on Carbon in Twyford [RR_002] have expressed concern about traffic changes affecting the village of Twyford. Please signpost the ExA to any details in the application regarding this or explain what changes have been seen through traffic modelling.
Q16.1.18	Outline Traffic Management Plan The Applicant	ES - Chapter 2 - The Scheme and its Surroundings - Figures (Part 3 of 4) [APP-063] shows the traffic diversion routes for various road closures. Paragraph 3.3.57 of the Outline Traffic Management Plan [APP-161] states that planned diversion routes for main carriageway closures have been issued for consultation with all stakeholders for review and comments. Please advise who these stakeholders are and if the diversion routes have been agreed and if not, why not. Please also explain if any condition surveys and remedial works on diversion routes have been agreed and if so how these will be secured in the DCO.
Q16.1.19	Outline Traffic Management Plan The Applicant	Table 3.11 in the Outline Traffic Management Plan [APP-161] details the diversion routes proposed during construction which are shown as routes on the diversion plans shown in Fig 2.5 of the ES - Chapter 2 - The Scheme and its Surroundings - Figures (Part 3 of 4) [APP-063]. Table 3.11 does not detail which plan is related to which description; please can this be added to ensure clarity. In addition, there appear to be a number of diversion route plans missing compared to the table. Please clarify if this is the case and update as necessary.
Q16.1.20	Outline Traffic Management Plan The Applicant	Please provide details of the duration, frequency and predicted traffic flows for each temporary diversion route detailed in Table 3.11 of the Outline Traffic Management Plan [APP-161] .
Q16.1.21	Outline TM plan The Applicant	Paragraph 3.3.57 of the Outline Traffic Management Plan [APP-161] states that Coordination meetings will take place with the Local Authority network management teams and all diversion routes will be discussed. Please advise when it is proposed that these co-ordination meetings will commence and how feedback will be managed and incorporated into the proposals. Please also explain if these co-ordination meetings will include other parties in addition to the network management team. Please also explain how these requirements are secured in the DCO.
Q16.1.22	Outline TM plan The Applicant	The RR from Cllr Steve Cramoysan (WCC) [RR-104] raises the issue of Satellite Navigation devices promoting unsuitable diversion routes during construction to avoid potential congestion. Please detail how this potential will be mitigated and managed.

ExQ1: 25 May 2023

Responses due by Deadline 2: 15 June 2023

ExQ1	Question to:	Question:
Q16.1.23	Design and Access Statement The Applicant	Paragraph 4.3.20 of the Design and Access Statement [APP-162] states that the review panel suggests moving away from the language of 'mitigation' to that of 'positive opportunities'. Please detail where this approach is seen and explain how this differs from the mitigation proposals shown in the ES.
Q16.1.24	Design and Access Statement The Applicant	Section 6.2 of the Design and Access Statement [APP-162] details the safety principles. Please provide the Stage 1 safety audit or signpost the ExA to details of the audit and how the findings have influenced the design.
Q16.1.25	Design and Access Statement The Applicant	Paragraph 6.2.11 discusses material choices for sustainable design and details only warm mix asphalt. Please provide a detailed list, or signpost the ExA to other relevant parts of the ES, to show all sustainable materials that will be considered and what impacts they will have.
Q16.1.26	Rights of way The Applicant	The Rights of Way and Access Plans [APP-008] can in places, be difficult to read due to overlapping and similar coloured legends. Please review these and update to ensure clarity.
Q16.1.27	Rights of way The Applicant	Figure 2.6 of the ES - Chapter 2 - The Scheme and its Surroundings - Figures (Part 3 of 4) [APP-063] shows the temporary diversions for PRoW. This plan does not show clearly what diversion is proposed for what PRoW. Please provide full details of the duration and frequency and diversion route for the closure of each PRoW. Please also explain if any condition surveys and remedial works on diversion routes have been agreed and how this will be secured on the DCO.
Q16.1.28	Rights of way The Applicant	New PRoWs to be created as shown in Schedule 1 Part 9 of the draft DCO [APP-019] are not detailed consistently on the plans. For clarity please show new and existing PRoWs with clear explanation.
Q16.1.29	Rights of way The Applicant	Please confirm that changes to the published route of NCR23 are agreed and with all relevant parties, including Sustrans. Please explain if NCR23 should be shown on the Rights of Way and Access Plan. Please explain if in The Scheme and its Surrounding Figures Part 2 of 4 sheet 8 of 11, NCR23 should be shown through the gyratory as the plans show a discontinuity in the detailing of the route.
Q16.1.30	Rights of way The Applicant	In the Rights of Way and Access Plans [APP-008], the key to the plans details a reference "FC/1" and states that this is referred to in Schedules 3 and 4 of the DCO. This reference can only be found in Schedule 4; please can this be clarified and amended.
Q16.1.31	Rights of way The Applicant	The Rights of Way and Access Plans [APP-008] do not state the references and location of the rights of way as shown on the Hampshire County Council Definitive Maps. Please can the maps be updated to show this for clarity.

ExQ1	Question to:	Question:
Q16.1.32	Rights of way The Applicant	Please provide clarity on the proposed legal status, usage, layout (e.g. shared/segregated) and widths of all proposed walking, cycling and horse-riding routes. Please also explain the decision-making process and reasoning of these proposals.
Q16.1.33	Stopping up of highway The Applicant and Hampshire County Council	Please confirm that the proposed sections of highway to be stopped up are all necessary and that the land will be returned to the Applicant. Additionally, please confirm that the local highway authority agrees to the process and the proposals for work on highway where they will be the maintaining authority.

17. Waste and Material Resource		
Q17.1.1	Mineral Safeguarding Area The Applicant	Within the application boundary there is a mineral safeguarding area. Please confirm that the lead Local Authority for the Hampshire Minerals and Waste Plan has been consulted on this in general and whether they were consulted on the Minerals and Safeguarding Assessment [APP-136] and made any comments.
Q17.1.2	Assessment methodology The Applicant	Paragraph 10.4.23 Chapter 10 of the ES [APP-051] states that “information relating to the sources of construction materials, and the likely level of recycled content is not available at this stage of the Scheme”. Please update the ExA on progress with this and provide information on the recycled content of proposed construction material and how this will be secured within the DCO.
Q17.1.3	Mitigation The Applicant	Chapter 10 of the ES [APP-051] table 10.13 details mitigation measures which are mostly generic and non-specific. Please provide additional specific detail of how and where the mitigation shown and listed in the fiEMP [APP-156] will be implemented.
Q17.1.4	Mitigation The Applicant	Chapter 10 of the ES [APP-051] references the Principal Contractor being committed to diverting 95% of waste from landfill. Please give further details on the anticipated remaining residual waste elements and how the figure of 95% will be monitored, improved upon and secured in the DCO.
Q17.1.5	Waste The Applicant	Chapter 10 of the ES [APP-051] states that the majority of waste from the site is predicted to be inert earthworks and surplus excavated material. There is no indication of where the material may be disposed of. Please provide details of options for disposal locations and distance to be travelled. Please also update the ExA regarding further discussions and design refinements being progressed to reduce this surplus.