

Date: 15 June 2023  
Our ref: 437101  
Your ref: M3 Junction 9 Improvement



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## **BY EMAIL ONLY**

Dear Sir or Madam,

### **M3 Junction 9 Improvement Scheme, Winchester SO23 7TY**

#### **The Examining Authority's written questions and requests for information**

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

Thank you for your consultation with Natural England as part of the Examining Authority's written questions. Please find below Natural England's response.

#### **Q5.1.22 Can Natural England confirm whether it is satisfied with the conclusions of the HRA report and the mitigation and monitoring measures proposed?**

Natural England have welcomed early engagement on this project through our Discretionary Advice Service, and have worked with National Highways and Stantec to progress a number of aspects of the proposals. This has included providing comments on drafts of the Habitats Regulations Assessment (HRA) screening report and appropriate assessment.

Natural England are satisfied with most elements of the HRA, including the mitigation measures proposed for both the construction and operational phases of the development. There remain some outstanding concerns as regards the assessment of air quality impacts.

Natural England and National Highways are actively engaged in discussions to address outstanding concerns regarding the potential impacts of changes in air quality on designated sites as a result of this scheme. We understand that the developer will undertake further work on this aspect. This may require some updates to the HRA report, for example, should any Likely Significant Effects (LSEs) on the River Itchen Special Area of Conservation (SAC) be identified these will require further consideration within the Appropriate Assessment.

Future work due to be undertaken includes additional examination of air quality impacts in-combination with other projects, particularly beyond the scheme's opening year, and in-combination impacts with other non-road projects. Work is also being undertaken to ensure that all relevant types of airborne pollutants are considered, including acid deposition. Natural England will continue to engage on this issue and will be pleased to review any updates and further documents as these are produced.

The HRA screening stage identifies a number of potential LSEs on the River Itchen SAC via several pathways including; changes in water quality, hydraulic conditions, or other habitat degradation (both during construction or when the scheme is operational), species disturbance and mortality to white-clawed crayfish, if present, during construction, and disturbance to otter during operation. 'Changes to water quality' includes the potential impacts of siltation on the designated species, including salmonids, that are particularly sensitive to siltation when spawning.

A number of mitigation measures have been proposed, including the implementation of pollution prevention measures as set out in detail within the drainage strategy report. A multi-stage Sustainable Drainage System (SuDs) will be constructed in a phased manner ahead of any impacts arising from the construction works. Maintenance of these features is considered within the '*Proposed M3J9 Runoff Pollution Assessment Method and Control Measures (Technical Note)*', including the periodic removal of built up sediments within the proposed attenuation basins. A minimum of 90% capacity within these basins will be maintained at all times in the maintenance cycle. It is noted that the maintenance schedule as detailed is for the lifetime of the network.

Two new drainage outfall structures will be installed, and an existing outfall refurbished, partially within the River Itchen SAC. In this area the existing habitat consists of highly modified wooded river banks and in-river habitat at this location, neither of which are identified as qualifying features of the SAC. Based on the conservation objectives for the River Itchen SAC, the information provided in the HRA, and the small scale of the proposed works we concur with the conclusion that there will be no Adverse Effect on Integrity of the River Itchen SAC as a result of habitat degradation during construction and operation. We consider overall this scheme could result in a net benefit to the River Itchen in terms of improved water quality of discharge compared to current baseline.

Temporary damming and dewatering of River Itchen around each structure will be required during construction. The temporary damming and dewatering will be localised around the drainage outfall locations, and extend approximately 5-10 meters along the riverbank, and across no more than 50% of the river channel width. In-river working required for installation of drainage outflows will avoid sensitive periods. Construction methods will adhere to guidance issued by the Environment Agency on working methods and timing restrictions in relation to avoiding impacts to fish within the River Itchen. Due to the localised, small scale and temporary nature of the works, provided best practice methods are produced and implemented by suitably experienced contractors, we concur that any potential adverse effect on integrity of the SAC through changes to hydraulic conditions will be mitigated.

National Highways has agreed to undertake post-construction monitoring for a period of 5 years to ensure that the drainage features, including the attenuation basins, function correctly as they become fully established. It is welcome that commitment G17 of the Register of Environmental Actions and Commitments within the First Iteration Environmental Management Plan states that appropriate measures shall be implemented to ensure the resilience of the proposed construction mitigation measures during extreme weather events.

The above commitments and mitigation measures should be secured within the Draft Consent Order.

If this raises any questions please do not hesitate to contact me.

Yours sincerely

Mary Bell  
Sustainable Development Senior Adviser  
Thames Solent Team  
Natural England