

**M3 Junction 9 Improvement**

**Application by National Highways for an Order Granting Development Consent**

**Local Impact Report**

**Hampshire County Council**

**15 June 2023**



**Hampshire**  
County Council

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## **Executive Summary**

Hampshire County Council has assessed the impacts of the M3 Junction 9 Improvement Scheme (the Scheme) on those areas it has statutory and other responsibilities for. In doing so, the County Council reiterates its overall support for the Scheme, noting the benefits it would bring to the local economy.

However, there are local impacts that the County Council is seeking additional mitigation for. The County Council maintains its position with regard to the impact the Scheme will have on the safe operation of the Cart and Horses junction, and requests that mitigation is secured within the DCO or alternatively through a legal agreement.

Alongside this, the County Council has set out its position on a number of the Articles within the DCO, specifically seeking additional protection for its interests as the local highway authority. In addition, further protections are sought with regard to the Public Rights of Way impacts, and the County Council's role in discharging its powers as Lead Local Flood Authority.

As the local Public Health authority, the County Council recognises the benefits the Scheme would realise with regard to active travel improvements and improved air quality in Winchester.

## **1. Introduction**

- 1.1. For the purposes of this application, Hampshire County Council is the statutory Local Highway Authority (which includes not only metalled vehicular roads but also public rights of way), Lead Local Flood Authority and has responsibilities for Public Health.
- 1.2. The County Council is broadly supportive of the improvement Scheme and the benefits it will bring to the wider economy. The Scheme includes improvements to active travel to facilitate more local trips being carried out by non-motorised modes of transport, and is expected to improve the air quality in Winchester. However, the County Council has concerns about detailed aspects of the proposal which are set out in the Report and will need to be addressed in order to enable the County Council to provide its full support to the Scheme.
- 1.3. The County Council is currently in discussions with the applicant with the intention of preparing a Statement of Common Ground on a number of matters of particular relevance to this application. Accordingly, this Local Impact Report has been prepared to give details of the impact of the proposed development within the area of the County Council. Further comments and views on the County Council's position on the proposed development will be forthcoming in the Statement of Common Ground as well as the County Council's Relevant Representations responses to the Examining Authority's questions and any further written representations provided to the Examining Authority.

## **2. Site description and surroundings**

- 2.1 The proposed Junction 9 improvement scheme is located to the north east of Winchester, with the South Downs National Park bordering to the east, and Winnall Industrial Estate to the west.
- 2.2 The site is dominated by the existing Junction 9 layout, providing connections from the M3 to the A34 on the Strategic Road Network, together with connections to local roads including the A272 Spitfire Link and Easton Lane. A number of retail units, industrial parks and a large superstore are all located off Easton Lane. National Cycle Network (NCN) Route 23 also passes through the junction from west to east. Junction 9 is formed from a gyratory that sits above the mainline M3 with all arms, apart from the A3272 controlled by traffic signals. The dominant flow of traffic is from the A34 to the M3 south and vice versa. Subsequently the traffic signals are configured to cater for this flow but with regular queuing and congestion taking place at peak times. This in turn affects the capacity of the local road network with subsequent queuing and delay.

- 2.3 North of the junction, the A33 connects with the A34. The A33 provides access to local villages in the immediate vicinity, together with access further north to Basingstoke. Immediately north and adjacent to the site redline, is the A33 junction with the B3047 in the form of a staggered crossroads. This is a busy junction providing access to the Itchen Valley from the west and to Winchester to the east. The junction provides right turning lanes on the main line A33 with give way markings and has been subject to recent improvement schemes including new road markings and speed reduction from 50mph to 40mph.

### **3. Details of the proposal**

- 3.1 National Highways propose to replace the existing Junction 9 with a new layout that would facilitate free flow movement between the A34 and M3 south. This would include new link roads north of the current Junction 9 between the M3 and the A34. Traffic will be able to move directly between the A34 and M3 and avoid the gyratory. The existing gyratory bridges over the M3 will be demolished and replaced to provide a smaller gyratory. This will facilitate access to the A327, Easton Lane and local access to the M3, A34 and A33. The A34 will be separated from the A33 slip roads. The A33 will run in parallel with a section of the A34 before connecting to the Junction 9 gyratory via a new section of road.
- 3.2 A new multiuse pedestrian and cycle link is proposed connecting from the A33/B3047 junction to the proposed gyratory where it will connect with the existing NCN 23 via subways through the gyratory.
- 3.3 An additional footpath, cyclepath and bridleway is proposed on the eastern side of the Scheme to link Easton Lane with Long Walk. Such a route would provide a circular leisure path for those using the South Downs National Park with a link to the other paths around Long Walk with their links to local villages.
- 3.4 The construction period for the project is expected to begin after the granting of the Development Consent Order and be completed by 2027.

### **4. Relevant planning history and any issues arising**

- 4.1 The planning history provided in the applicant's Planning Statement accompanying the submission is considered to sufficiently capture the relevant planning history within Hampshire, albeit that the Local Impact Reports of Winchester City Council and South Downs National Park Authority may be of relevance in relation to any subsequent applications and decisions considered to be of relevance to the determination of this application.

## **5. Planning Policy**

- 5.1 The County Council is content with the planning policy context as presented by the applicant in the Planning Statement, and as supplemented by the individual Local Impact Reports of Winchester City Council and South Downs National Park Authority.

## **6. Highways and Transportation**

### *6.1 Sustainable Transport*

- 6.1.1 The Scheme will deliver an enhanced shared use 3 metre wide footway and cycleway which will provide a link between Kings Worthy at the A33/B3047 junction to the existing shared use footway and cycleway at Easton Lane. The provision of the route is supported as it will provide an improved facility to enable walking and cycling between Kings Worthy and the land uses at Winnall.
- 6.1.2 It is noted that the new shared use path will be transferred to the County Council's ownership for ongoing maintenance and management. As part of the Scheme a new footbridge is proposed that will carry the shared use path over the River Itchen. It is expected that the bridge structure will be maintained by National Highways, with the County Council responsible for maintaining the surface of the shared use path only although discussions are continuing with National Highways on the future maintenance responsibilities of the structure. In addition, the shared use path crosses under the proposed northbound A34 via a subway. The structure of the subway and lighting will be retained by National Highways for maintenance purposes, and only the surface of the shared use path will be maintained by the County Council.
- 6.1.3 There are no changes to the rail network or local bus network as a result of the Scheme.

### *6.2 Traffic flow impacts*

- 6.2.1 As set out in the accompanying Transport Assessment (TA) for the Scheme, the primary congestion and safety issues are associated with traffic travelling between the M3 south of Junction 9 and the A34. Traffic flow data was collected in 2019 (pre-COVID-19) indicating the high flows on the A34 and M3 at Junction 9.
- 6.2.2 The A34 Annual Daily Traffic (ADT) for 2019 indicates stable flows across the year, with a rise in the summer months, peaking in August. ADT flows are similar north and southbound.
- 6.2.3 To support the assessment of the Scheme a regional transport model was utilised to assess the transport impacts of the preferred option. This sets out the changes in flow as a result of the Scheme's implementation across future

assessment years compared with a scenario where the scheme did not proceed. A number of other factors such as committed development, planned transport and highway schemes and traffic growth have also been used in the assessment.

6.2.4 The model has been calibrated and validated and the County Council is satisfied with its use to model the impacts of the Scheme on regional traffic flows. The model has also been used to model journey times on a number of routes within the study area to demonstrate the impact of the Scheme on journey times. The routes include the M3 and A34 as well as key local routes in and around Winchester.

6.2.5 It is recognised that the model has more limited application when modelling changes on the local highway network given that the model has been designed to assess changes to strategic flows using the trunk road network. Therefore the County Council takes a more cautious approach to assessing the impact of the Scheme on the local network, and in particular with regard to specific junctions.

6.2.5 In the 2047 Do-Minimum scenario, congestion and delay on the M3 and A34 increases as set out in Table 5.9 of the TA:

Junction	Approach	Do-Minimum - AM				Do-Minimum - PM			
		Flow	Delay (s)	Avg Queue (m)	Max Q (m)	Flow	Delay (s)	Avg Queue (m)	Max Q (m)
M3 Junction 9	A272	391	100	30	177	405	138	76	402
	M3 southbound off-slip	263	88	21	81	356	170	87	192
	A34	2,699	28	75	593	2,697	37	870	2,099
	Easton Lane	603	165	150	184	1,230	91	107	181
	M3 northbound off-slip	2,320	19	30	196	1,972	54	695	2,594

It is noted that PM peak average queue lengths on the A34 and M3 northbound off slip are particularly extensive at 870 metres and 695 metres respectively.

6.2.6 The Scheme is modelled for 2027, 2042 and 2047 across the AM Peak, the Inter Peak period and the PM peak. 2047 represents the most robust scenario in terms of traffic impacts of the scheme.

6.2.7 Overall, the Scheme is forecast to result in reductions to traffic flows within Winchester. There are some exceptions to this, including on Easton Lane which is showing an increase in flows in each of the measured periods. This is linked to the Scheme which would encourage more trips to route via

Junction 9 following the removal of trunk road traffic. There are also some increases recorded on the A31 westbound and Alresford Road eastbound.

- 6.2.8 The impact of the scheme on the local highway network is considered to be mainly positive or neutral, with reductions in flows forecast for some radial routes and city centre routes. However the increases forecast for Easton Lane is likely to result in neutral or negative impacts as a result of drivers choosing to route this way with motorway traffic removed from the Junction 9 gyratory. Further assessment of the impacts of this additional impact will be necessary to understand the impact of additional traffic demands and determine if any further mitigation is required on this corridor.
- 6.2.9 The assessment of journey times on selected routes sets out those routes which will see journey time benefits as a result of the Scheme. In the 2047 assessment year, the Scheme is forecast to realise a journey time saving of four minutes in the PM peak on the A34 northbound route between the M3 Junction 10 and the A34 junction with A272. The equivalent journey in the AM peak realises a one minute journey time saving.
- 6.2.10 On the local network, Easton Lane is forecast to experience a journey time saving of four minutes in the PM peak eastbound direction, with more modest journey time savings in the westbound direction. Journey time savings are also forecast on the A33, A31/A272 routes and the north/south Winchester route. Overall, the County Council is satisfied that the traffic conditions on the local network are forecast to perform better in the Do Something scenario compared to the Do Minimum scenario.
- 6.2.11 An operational assessment of Junction 9 has been undertaken in the Do Something Scenario. Overall, this demonstrates that queuing and congestion will be reduced compared to the Do Minimum scenario as set out in Table 7.7 (AM Peak) and 7.8 (PM Peak) of the TA.

Junction	Approach	Do-Minimum - AM				Do-Something - AM			
		Flow	Delay (s)	Avg queue (m)	Max Q (m)	Flow	Delay (s)	Avg queue (m)	Max Q (m)
M3 Junction 9	A272	391	100	30	177	690	27	13	145
	M3 southbound off-slip / A34	263	88	21	81	1,368	11	7	77
	A33 (old A34)	2,699	28	75	593	399	29	9	91
	Easton Lane	603	165	150	184	1,057	11	15	146
	M3 northbound off-slip	2,320	19	30	196	703	21	14	89



Junction	Approach	Do-Minimum - PM				Do-Something - PM			
		Flow	Delay (s)	Avg queue (m)	Max Q (m)	Flow	Delay (s)	Avg queue (m)	Max Q (m)
M3 Junction 9	A272	405	138	76	402	611	24	8	87
	M3 southbound off-slip / A34	356	170	87	192	1,097	16	10	76
	A33 (old A34)	2,697	37	870	2,099	358	27	7	75
	Easton Lane	1,230	91	107	181	1,471	17	25	126
	M3 northbound off-slip	1,972	54	695	2,594	451	7	3	32

6.2.12 The County Council recognises that the Scheme will bring congestion and journey time benefits to the local network with resultant positive impacts for the policy ambitions contained within the Winchester Movement Strategy, as set out in the next section. However, it is requested that further analysis of the new gyratory is undertaken to determine whether an option to introduce traffic signals would benefit the operation of the junction given the queue lengths forecast, particularly on Easton Lane.

### 6.3 Winchester Movement Strategy

6.3.1 The Winchester Movement Strategy is the agreed transport strategy for Winchester. It sets out a shared vision and long-term priorities for travel and transport improvements in Winchester over the next 20-30 years. Hampshire County Council and Winchester City Council adopted the City of Winchester Movement Strategy in spring 2019, following an extensive process of engagement and public consultation.

6.3.2 The vision for the Strategy is to support strong and sustainable economic growth for the city of Winchester whilst at the same time enhancing it as a place and community where people can have an excellent quality of life. Three priorities have been identified to achieve this vision; reduce city centre traffic, support healthier lifestyle choices, and invest in infrastructure to support sustainable growth.

6.3.3 The Strategy is supportive of strategic highway improvements that deliver benefits to Winchester. From the evidence provided it is considered that the M3 Junction 9 improvements will generally help to achieve this aim. The Strategy states that “Enhancements to strategic road network capacity at M3 Junction 9 are being taken forward by Highways England [National Highways] and have been identified as a key enabler of traffic reduction in the city centre.

It is an important scheme that if delivered will support the effectiveness of the rest of the Strategy”.

- 6.3.4 Key to achieving the Strategy is improving streets within the city centre by reallocating road space from private vehicles to allow improvements for people walking and cycling, and to the public realm in the city centre, as shown in the diagram below.

Having completed the Phase 2 studies for these workstreams, the proposed approach for the delivery of the WMS over the next ten years can broadly be summarised as follows:



- 6.3.5 National Highways modelling of the M3 Junction 9 improvements show a reduction in traffic on a number of radial routes into the city centre and we assume there would be an overall decrease in traffic in the city centre as a result of the improvements. An aspiration of the Strategy is to “lock-in” the benefits of traffic reduction by:
- making changes to the one-way system
  - reallocating road-space on some routes into the city centre, including Andover Road
  - potentially introducing bus-gates on some routes into the city centre.

Other benefits could include air quality improvements and journey time reliability (e.g. during periods of peak congestion traffic diverts through the city).

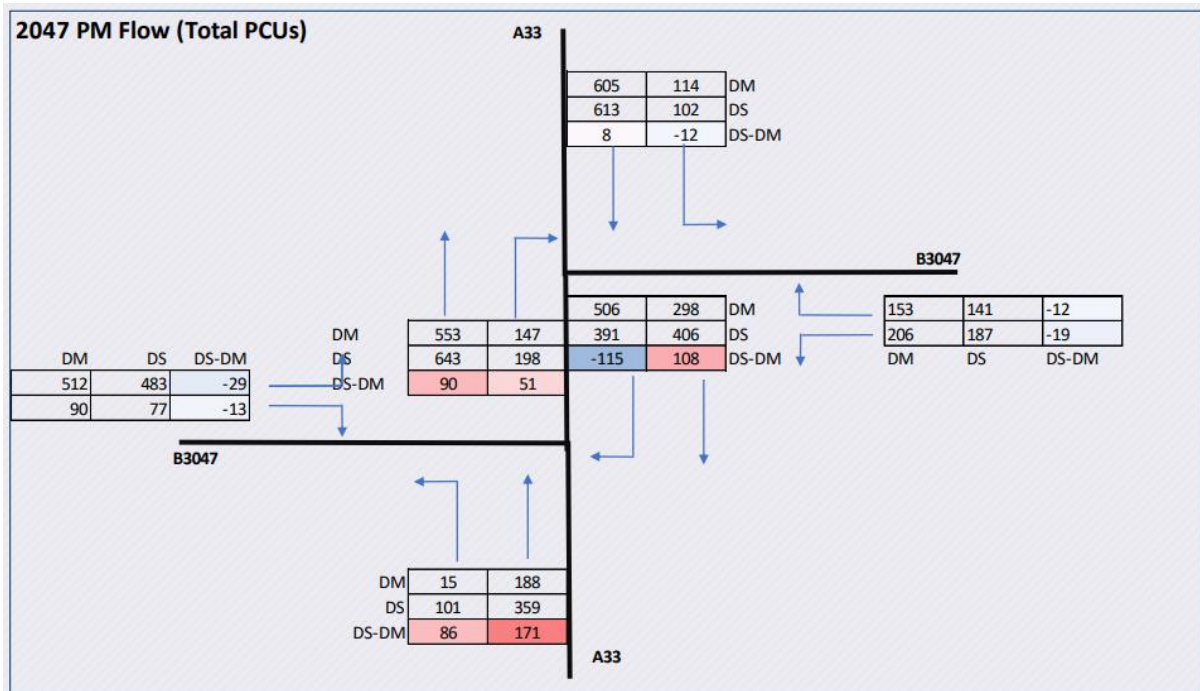
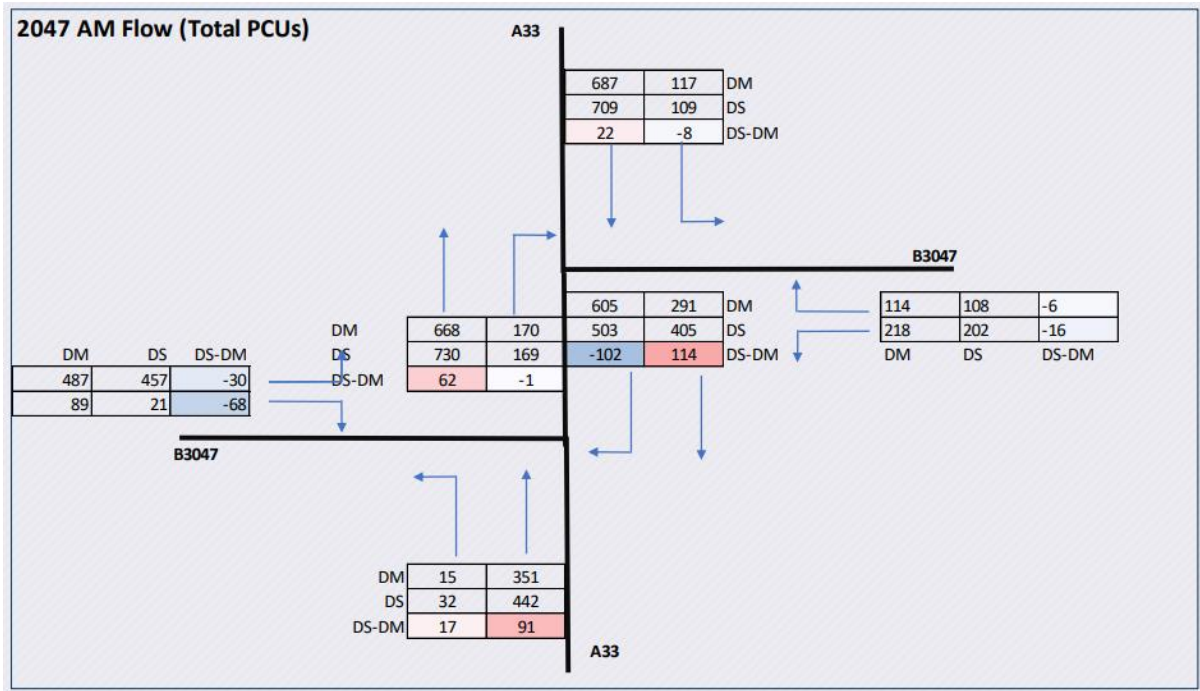
## 6.4 Highway safety

- 6.4.1 Accident data for a five-year period from 2015 to 2019 has been provided. Given the age of the data, it would be beneficial if the data is refreshed to include the most recent five-year period. As well as the A34 and M3, the study area includes local roads in the vicinity of the scheme including the A33. Further comments on the accident data for the A33/B3047 junction are provided in the next section. Overall, there were 80 collisions resulting in 106 casualties during the review period. Of these, one collision resulted in fatality (on the northbound diverge to M3 J9 off-slip) and 12 involved serious casualties. The majority of collisions were on the Junction 9 roundabout.
- 6.4.2 As assessment of forecast accidents over a 60 year period has also been undertaken, using Department for Transport COBALT software. Overall, this

forecasts a reduction of over 500 accidents over this time, which indicates that the Scheme will provide a safer layout in terms of accident numbers.

#### 6.5 *Impact on A33/B3047 (Cart and Horses) Junction*

- 6.5.1 The County Council has consistently advised the applicant of its concerns regarding the impact of the Scheme on the A33/B3047 (known locally as the Cart and Horses junction). Reference to the impact of the Scheme to this junction is made in the County Council's Preliminary Environmental Information Report consultation response, dated 8 July 2021, a further pre-application response to the applicant dated 4 March 2022 and the County Council's Relevant Representation to the Planning Inspectorate.
- 6.5.2 The County Council is disappointed that the junction was removed from the redline of the DCO at pre-application stage and does not agree with the applicant that the traffic impacts arising from the Scheme are acceptable without mitigation. The County Council maintains that this junction should be included within the redline of the DCO so that mitigation measures can be secured within the DCO. However, the County Council is prepared to work with the applicant to agree an alternative approach to securing mitigation with an appropriate development consent obligation legal agreement to secure the mitigation.
- 6.5.3 The Cart and Horses junction has been subject to previous safety led improvement schemes including alterations to the right turn lane arrangements, as well as a reduction in the speed limit on the A33 in the vicinity of the junction. In the last full five-year personal injury accident review period from 2018 to 2022 inclusive, there were six collisions recorded at the junction, resulting in one fatality, one serious injury and seven slight injuries.
- 6.5.4 The junction is the subject of local concern as evidenced through a recent petition presented to the meeting of the County Council on 24 November 2022.
- 6.5.5 In examining both the most recent five year accident period as well as accident records from previous years, the majority of accidents involved vehicles travelling north through the junction on the A33 coming from the A34 direction towards Basingstoke.
- 6.5.6 Following discussions with the applicant, a further analysis of the traffic impact of the Scheme on this junction has been provided using the applicant's strategic model. The 2047 forecasts are illustrated in the following tables for both AM peak and PM peak periods:



6.5.7 In both Peak periods, the Scheme is forecast to increase the number of northbound movements on the A33. In the AM Peak this is an increase of 91, and in the PM peak this is an increase of 171. The County Council is concerned that such an impact on traffic flows may result in additional accidents given the accident history of the junction.

6.5.8 The flows from the B3047 side arms are forecast to reduce, with the largest decrease being 68 less movements turning right out of the B3047 London

Road (Kings Worthy arm) in AM peak. However in the PM peak the equivalent reduction is just a 13 vehicle decrease. It is noted that there would be a decrease of 115 vehicles turning right into this arm from the A33.

6.5.9 The County Council has continued to progress an optioneering exercise at this junction to inform its discussions with the applicant to facilitate a scheme that would mitigate the impact of the Scheme on the performance of this junction, particularly with regard to highway safety. In addition, local modelling undertaken at the junction to inform the optioneering indicates that the junction would be operating over capacity with the Scheme in place using a local model rather than the strategic model.

6.5.10 The County Council is therefore concerned that without mitigation the impacts of the Scheme at this location would be negative and constitute an unacceptable impact on highway safety as set out in the National Planning Policy Framework, paragraph 111.

6.5.11 The County Council is in continued discussions with the applicant regarding the requirement for mitigation at this junction, including collaboration on the delivery of reconfigured junction. Whilst aspects of these discussions are progressing positively, the principle of mitigating the junction is yet to be agreed. Hampshire County Council would therefore request that the need for mitigation at the Cart and Horses Junction is secured through a section 106 obligation to enable the Highway Authority to ensure that appropriate mitigation at this key local junction is secured.

## 6.6 *Scheme interface with Hampshire network (including approach to detrunking)*

6.6.1 The scheme includes proposals that part of the existing trunk road network would become the responsibility of the County Council on completion of the scheme. The County Council requires written confirmation that the trunk road in question may be de-trunked and transferred before agreeing to take responsibility as local highway authority of the de-trunked road. This confirmation would be provided in accordance with the terms of a legal agreement to be entered into between the County Council and National Highways to govern the process including terms for the payment of commuted sums. Subject to this approach (and the County Council's position as set out in paragraph 6.6.7 of this report regarding structures) being adopted the County Council is broadly in agreement regarding the sections of highway to be de-trunked. However, there are some outstanding queries relating to the process by which this will be undertaken, and the legal definition of de-trunking as applied in the DCO. The process currently proposed appears to be stopping up of existing carriageways and remaking/altering as local highway. The plans provided appear to show sections of the M3 motorway (for example sections underneath the existing gyratory) being stopped up. Confirmation of which areas are to be de-trunked and the process by which the highway will be de-trunked are awaited from National Highway. In addition, the same process may not be appropriate for footway/cycleways, which may be better suited to a prohibition of driving order. This is still to be confirmed with National Highway.

- 6.6.2 Clarification is also required on the areas of carriageway which are proposed to be de-trunked. On current de-trunking drawings, the pinkwash area to be de-trunked differs in some areas to the red line highway boundary, and there are some areas where it is not clear whether the boundary treatment will be owned/maintained by National Highways or by the County Council. For example, on De-Trunking Plan Sheet 3 of 10 (Drawing Number HE551511-VFK-LSI-X\_XXXX\_XX-DR-ZL-6014) on the section of the A33 leading towards the Cart and Horses junction, the pink wash area shown to be de-trunked sits inside of the red line boundary. In addition, there is a central section between the two sides of the carriageway not shown in pinkwash. If this is to remain under National Highway ownership, then agreements will be required to maintain these areas. The County Council has requested a drawing which clearly shows which areas are being handed over to it on completion of the works, which will enable an appropriate agreement to be entered into.
- 6.6.3 Clarification is also required on areas of the carriageway which are proposed to be de-trunked and then subsequently stopped up. Where the intention is for highway to be stopped up the County Council believe it is unnecessary for the highway to be the subject of a prior de-trunking process which under the terms of the draft DCO would have the effect of transferring the carriageway and associated land to the County Council as local highway authority before the stopping up was concluded.
- 6.6.4 There are outstanding queries relating to details of where the strategic road network boundary lies, and where the local highway authority boundary lies, particularly in relation to the red line boundary spanning the A33 in close proximity to the Cart and Horses junction. The County Council has requested plans from National Highways to clearly define the highway boundary extents.
- 6.6.5 As set out above, the County Council is still in negotiations with National Highways regarding the impact on the Cart and Horses junction and it is the County Council's view that the Cart & Horses Junction should be included within the red line boundary for the Scheme. To facilitate these discussions the County Council has provided details of a scheme which would mitigate the impact of the Scheme on the Cart and Horses junction. This does require some minor amendments to the layout of the tie-in on the section of A33 on the approach to the Cart and Horses junction as shown on drawing number HE551511-VFK-LSI-X\_XXXX\_XX-DR-ZL-3003, therefore the County Council has requested that the design of the tie-in in this location is amended in order to facilitate delivery of a suitable mitigation scheme.
- 6.6.6 There are queries relating to National Highways equipment being located on County Council land, which are under discussion with National Highways. This could require either changes to the strategic road network/local highway network boundary, moving of the equipment into National Highways' land, or a suitable agreement to be entered into to allow National Highways to maintain their equipment.

- 6.6.7 Confirmation on whether ownership of existing structures are to be retained by National Highways or adopted by the County Council is still awaited. Hampshire County Council's preferred option would be for the structures to remain within the ownership of National Highways, and for it to solely be responsible for the surface layer of the carriageway. With regards new structures and any de-trunked structures to be adopted by the County Council, the County Council would expect the adoption to be subject to the payment of commuted sums for future maintenance. The County Council and National Highways are in discussion on the possible transference of any new or de-trunked structures to the local highway authority and how the detail of this process would need to be governed in the terms of a legal agreement. As set out in para 10.13 below, the County Council is seeking a form of security to ensure that any transfer is undertaken only in accordance with the terms of the relevant legal agreement either as a section 106 planning obligation or as a requirement in the DCO
- 6.6.8 Further information on the ownership and responsibility of drainage infrastructure is required.
- 6.6.9 There are outstanding queries relating to the access/egress rights and de-trunking of the access roads to the existing business park shown on the General Arrangement Plan Sheet 3 of 10 and Classification of Roads Plan Sheet 3 of 10. It is not clear from the drawings how this configuration will work for those leaving the business park and wanting to turn right, given the location of hatched markings required for the right turn lane. Or, whether this movement is appropriate with the anticipated increase in traffic on the A33. In addition, the access roads up to the edge of carriageway are shown as being in private ownership (including over footpaths and what appears to be highway verge), not shown as being de-trunked, and appear to give priority to vehicles rather than pedestrians.
- 6.6.10 The County Council fully supports and welcomes the provision of new pedestrian/cycle infrastructure. Detail is required on the boundary treatment to the proposed 3 metre wide footpath and cycle path. It is believed that this path will be fenced when running alongside the A34. However, it will be necessary for sufficient effective width still to remain for pedestrians/cyclists to safely and conveniently use the path (as stated in LTN1/20 Cycle Infrastructure Design Note), which would require the fence to be offset from the path, the path to be surfaced edge to edge, and for a suitable (smooth) surface on any fence to be provided.
- 6.6.11 The County Council understand that National Highways do not intend the section of footpath/cyclepath which passes underneath the A34 on General Arrangement Plan Sheet 6 of 10 to be lit. The County Council does not consider that this is acceptable and require confirmation that lighting will be included on this underpass.
- 6.6.13 Resurfacing of the carriageway on the General Arrangement Plan Sheet 7 of 10 is currently showing stopping just west of the gyratory on one side of the carriageway on Easton Lane, and south of the gyratory on Spitfire Link. The

County Council believe the resurfacing should continue to incorporate the Tesco roundabout on Easton Lane and the entrance to the site compound on Spitfire Link.

- 6.6.14 With regard to the road surface condition and impact of construction during the period of the works, the County Council would expect condition surveys to be carried out prior to the start of the works and at set points during and at conclusion of the works. This would apply to the A272 Spitfire Link which provides access to the main works compound and is where the majority of construction vehicles will impact on the local highway network. This detail would be included in Construction Traffic Management Plans for each phase of the works.
- 6.6.15 There are some outstanding queries and anomalies relating to where trunk roads and classified roads start and end. For example, on Classification of Road Plans Sheet 7 of 10 - where the local classified road appears to enter the gyratory which is part of the trunk road network. These details have been raised with National Highways and updated drawings are awaited.
- 6.6.16 Where the Scheme permits authorised works on the local highway network, or permits the construction and transfer of new highway (that is not trunk road or special road) to the County Council, or permits the de-trunking and transfer of highway to the local highway authority, the scheme will impact the County Council's highway network responsibility. The County Council and National Highways are discussing how to manage this impact by entering into legal agreements that will ensure that the impact is mitigated. The County Council has submitted draft heads of terms for legal agreements to National Highways to consider. The County Council would expect that the necessary legal agreements be completed during the examination, but would also seek a form of guarantee that the authorised works (where they impact the County Council as described above) did not commence until a relevant legal agreement had been completed and that thereafter the authorised works were carried out only in accordance with the terms of the relevant legal agreement. The County Council would request this security either in the form of a section 106 agreement or by an additional requirement in the DCO (as referred to in paragraph 10.13 of this report and response to ExAQ 9.1.54).

## 6.7 *Construction impacts*

- 6.7.1 The County Council has been briefed on the proposed diversion routes. The County Council expects full road closures to be limited to night-time working only, and to retain one-lane running whenever possible. It is noted that this is reflected in the Outline Traffic Management Plan. With regard to signing of diversions, the County Council has requested that when closures are required on the A34, diversions are signed from the A303 junction, taking traffic onto the M3, rather than diverting vehicles at the Three Maids Hill roundabout, which would add unnecessary traffic onto routes through Winchester. Further clarification on how pedestrian and cycle links towards Long Walk and beyond to Easton/The Worthy's will be maintained through the course of the works is required.



- 6.7.2 There will be significant resource implications relating to the processing of permits and checking that highways and structures to be adopted by the County Council meet our required standards. The County Council has a permit scheme adopted pursuant to sections 33A and 36 of the Traffic Management Act 2004 and the Traffic Management Permit Scheme (England) Regulations 2007 and is seeking confirmation in the terms of the DCO that National Highways will undertake all street works within the County Council's highway network in accordance with the terms of the permit scheme. The County Council is willing to work with National Highways to process permits for street works within the timescales set out in the draft DCO, certainty is needed that there will be a process by which the County Council's associated fees for permitting can be recovered in order to support the processing requirements within the timescales set out in the draft DCO.
- 6.7.3 Discussions are ongoing regarding the timeframes set out by National Highways for some aspects such as Temporary Traffic Regulation Orders/road closures etc. Whilst the County Council will work proactively with National Highways to facilitate delivery of their works and maintain their schedule, there are some legal requirements such as the timeframes for advertising of Traffic Regulation Orders which we are not in a position to alter.
- 6.7.4 The County Council has requested that more detail for traffic management and all other construction management requirements be included within the Outline Traffic Management Plan, as this will create the format for the more detailed traffic management plans which will be submitted for each phase. It is noted that there is cross referencing to the Environmental Statement Chapter 2 – The scheme and its surroundings and the first Iteration Environmental Management Plan (fIEMP) where information on diversion routes and management of construction traffic is included.

## **7. Public Rights of Way**

- 7.1 The proposed development has a number of impacts on the Public Rights of Way (PROW) network. Footpaths Itchen Valley 49 and Headbourne Worthy 6 both run alongside the Itchen River and tributaries and run under the existing A34. Bridleway Winchester 520 currently runs from the east of the site along Easton Lane into the existing M3 Junction 9 gyratory. Footpath Winchester 515 runs parallel to the west side of the M3 to the Easton Lane roundabout. Footpath 521 runs parallel to the west side of the M3 giving pedestrian access to Alresford Road (B3404) and its bridge over the M3, approximately 950 metres south of Junction 9. This is the closest road crossing, usable by pedestrians, cyclists, and equestrians as a diversion, should Junction 9 be closed to them. Bridleway Winchester 504 crosses the M3 approximately 1.4 kilometres south of Junction 9.
- 7.2 As the Local Highway Authority for public rights of way, the County Council has a duty to protect and assert the rights of the public to use the rights of way

network any alteration of the public right of way will impact the network. The County Council and National Highways are discussing how to manage this impact by entering into legal agreements for mitigation of this impact. The County Council has submitted draft heads of terms for these legal agreement to National Highways to consider. The County Council would expect that the necessary legal agreements should be completed during the examination but would seek a form of security that the authorised works (where they impact on the public right of way) would not commence until a relevant legal agreement had been completed and thereafter the authorised works were carried out in accordance with the terms of the relevant legal agreement. The County Council would request this security either under a section 106 agreement or by an additional requirement in the DCO (as referred to in paragraph 10.13 of this report and response to ExAQ 9.1.18). There must be no surface alterations to any rights of way, nor any works carried out which could affect their surface, without first obtaining the permission of the County Council. To ensure this, the DCO will need to include provisions which enable the Local Highway Authority to approve any works prior to them being carried out.

- 7.3** Impacts to the local PROW network will occur during construction. Temporary closures and diversions will be required. Adequate mitigation is required to manage and minimise these impacts. A PROW management plan, which may be part of a Construction Traffic Management Plan, would be a suitable document to assess, plan, manage, guide, and record this, based on a schedule of the effects on the PROW network. This would include needs and dates for temporary closures and diversions. Detrimental impacts to the public, including the duration of temporary closures, should be minimised.
- 7.4 The County Council request suitable notice of any temporary closures and diversions to be able to fulfil our role to notify the public.
- 7.5** Upon completion of the works, the County Council consider the development will have a positive impact and benefit the local PROW network. The main benefit being the addition of a new bridleway to the east of the M3, running north from Easton Lane (east of Junction 9) to Fulling Mill Lane, thereby connecting Bridleway Winchester 520 with Restricted Byway Itchen Valley 19. This enhances PROW network connectivity to the east of the motorway and into the South Downs National Park. Realignment of Bridleway Winchester 520, where in proximity to Junction 9, is also proposed. This seeks to maintain bridleway access into the centre of the gyratory, using mounting blocks to allow equestrians to lead their horses through the subway. This seeks to mitigate the height of the subway not being sufficient to ride horses through. Suitable notice should be given to allow dedication of the new Bridleway and permanent diversion of Bridleway Winchester 520. The County Council also seeks commuted sums for the additional public maintenance cost of the new bridleway. Footpaths Itchen Valley 49 and Headbourne Worthy 6 will both have new connections with the proposed new multiuse pedestrian and cycle link, enhancing active travel routes in the local area. Further details of these connections are requested for approval prior to construction. There are not considered to be any permanent negative impacts to the PROW network.

## **8. Lead Local Flood Authority**

- 8.1 As Lead Local Flood Authority, the County Council has the responsibility to assess the risk of surface water flooding, particularly related to new development, and also the approval of works on ordinary watercourses.
- 8.2 The proposed development will have a number of impacts in relation to these duties namely:
- Increase in impermeable area and the associated surface water drainage proposals;
  - Alterations to and provision of additional discharge points;
  - Severing of or adjustments to existing overland flow routes; and
  - Impacts on ordinary watercourses.
- 8.3 A drainage strategy report has been provided which has set out the proposals to manage the above points and to identify the mitigation considered appropriate.
- 8.4 The proposals are to use a mix of infiltration and conveyance features with attenuation to limit discharge to greenfield runoff rates. The discharge points would be primarily within the River Itchen which falls under the remit of the Environment Agency, however it is understood that these discharge points are acceptable in principle.
- 8.5 Drawings and calculations have been provided to demonstrate the suitability of the proposals at the different return periods requested and, on this basis, the overall strategy is considered appropriate.
- 8.6 Some site investigation has been undertaken with groundwater monitoring and infiltration testing at a range of locations across the site. This information should be provided as soon as possible during the DCO process to verify that the attenuation and pipe sizes are appropriate to achieve the discharge rates previously identified. This is the most critical of the outstanding information as there are some infiltration features that don't meet the required half drain times expected. These are linked to overland flow routes and sufficient information has been provided to allow assessment of flood risk but, if infiltration rates are lower than expected, adjustments to basin sizes would be required which could have a wider impact.
- 8.7 While the proposals are generally considered acceptable, some detail is yet to be provided and as the design progresses it is expected that revisions will be required. On this basis, amendments to Requirement 13 have been proposed (as detailed in the response to ExAQ 9.1.54).
- 8.8 Where the route severs existing watercourses or overland flow routes, additional drainage has been proposed to ensure continuity. Although culvert

sizes may change during the design process, this is considered suitable at this stage and would go through final approval as part of the Ordinary Watercourse Consent process under the Land Drainage Act 1991. The County Council require that its Ordinary Watercourse Consenting process (that operates under section 23 of the Land Drainage Act 1991) is not excluded under Article 3 (as referenced in the County Council's response to ExAQ 9.1.9 and para 10.2 of this report).

## **9. Public Health**

9.1 The County Council has statutory duties for Public Health, and as such has responsibility for promoting and protecting the public's health. The County Council welcomes the overall ambition to reduce congestion and increase the reliability of people's journey times, as well as improve safety by reducing delays and making traffic queues shorter. The way in which people travel has an impact on their wellbeing, both physically and mentally and hence development of more effective, less congested travel networks is vital for improving and promoting population health. It will be important that alternative modes and active travel routes are not compromised unnecessarily through both design and construction.

### *9.2 Population and Health*

9.2.1 The County Council encourage any measures taken to protect the health of residents, visitors and workers in the proposed red line of the site during construction as well as during future operation of the junction. Considerations beyond the red line will also be important for the scheme to consider in relation to public health impacts and outcomes. The County Council also welcome the ambition that the development will be health promoting as it improves access for pedestrians and cyclists and improves the highways environment for drivers and passengers through the reduction of traffic and congestion.

9.2.2 The strategic objectives of the proposed scheme link to health – reducing congestion hence the reduction of stress as well as exposure to air and noise pollution; improving road safety to avoid injuries and fatalities; improving the natural environment which has a synergistic effect on population health; improving access for walkers and cyclists which promotes active travel and supports mental wellbeing; as well as supporting economic growth as we know stable, prosperous employment is essential to wellbeing. A health-first approach to the proposed development that aligns with and underpins the strategic ambitions of the proposed scheme is welcomed. However, the County Council would have liked to see a full Health Impact Assessment produced in support of the DCO application. This would clearly outline any potential health impacts and how these will be directly mitigated.

9.2.3 As part of the Environmental Statement, it is felt that the inclusion of connectivity, active travel routes, PROW, landscape areas and tree planting are not recognised as key community assets within table 12.8 of the document. The document states there are no community assets within the red line however, the County Council would consider these routes to be community assets. While noted as PROW, it is felt this diminishes their community value and their contribution to public health assets and may harm outcomes. As these are likely to be compromised during construction works, we would advise that these areas are included as assets so that their public health values can be fully assessed as part of the EIA process.

### 9.3 *Air Quality, Traffic and Congestion*

9.3.1 It is recognised that no level of air pollution is a safe level of air pollution, and the County Council welcome stringent prevention and management measures. Winchester City Council has ambitions to significantly reduce air pollutant emissions, and recently consulted on an emerging air quality policy in the form of a Supplementary Planning Document. Hampshire Public Health therefore support the principle of any highways development which supports a reduction in air pollution in and around Junction 9 as a public health outcome.

### 9.4 *Climate*

9.4.1 The County Council welcome and encourage any measures taken to mitigate the impacts of climate change, and to support the reduction of the sizeable impact of transport through the proposed scheme. While Hampshire Public Health encourage the overall reduction of road vehicles that produce emissions contributing to climate change and, in turn impacting on population health, it supports measures proposed in this proposal that aim to reduce traffic and congestion, making roads more effective for those who use them. A body of evidence now shows active travel is a vital step in reducing air pollution and subsequent climate impacts, whilst also supporting population health through encouraging communities to walk, cycle and use public transport. Active travel is linked to positive impacts on mental and physical wellbeing through the reduction of risk of illness such as anxiety, overweight and obesity, cardiovascular disease and Type II diabetes. Encouraging children and families to be active from a young age supports good health throughout the life course.

### 9.5 *Noise and Vibration*

9.5.1 Whilst the County Council support the noise and vibration control measures that will be implemented during construction to avoid impact on nearby receptors, it encourages National Highways to mitigate this and the operational noise of the completed scheme as far as is possible due to the effects on nearby residents, schools, places of worship as well as healthcare and other facilities. The impacts of prolonged exposure to noise have been

evidenced by the World Health Organisation and the local environmental health team will need to be satisfied that the impacts of the scheme during construction and in its operational phase are at an acceptable level based on the evidence and modelling submitted.

## **10. Comments on specific Articles of Draft DCO**

- 10.1** The County Council has reviewed the submitted draft DCO in the context of its local interest. The County Council has commented on Articles in its response to the Examining Authority's first questions and within this report, but would further comment and summarise its position with regard to the specific articles of the draft DCO, the impact on the County Council and how in the County Council's view they would be improved;

### *Article 3 Disapplication of legislative provisions*

- 10.2** Article 3(1)(d) of the draft DCO seeks to disapply section 23 of the Land Drainage Act 1991. The County Council does not consent to the disapplication of section 23. The County Council's position is based on the fact that there is an existing consent scheme operating under section 23 of the LDA 1991 that is well run scheme that allows suitable lead in times, oversight by the Lead Local Flood Authority and cost recovery. It is not considered that there is any benefit to disapplying this legislation as the process would need to be replicated in protective provisions to satisfy the County Council's requirements.

### *Article 6 Maintenance of Authorised Development*

- 10.3** Where the future maintenance of the authorised development concerns maintenance of the County Council's highway network, the County Council would request some assurance in either the order or by agreement that National Highways will first obtain the consent of the County Council for any such relevant works on highway network which will by then be the County Council's maintenance responsibility.

### *Article 11 Street Works*

- 10.4** The County Council run the Hampshire County Permit Scheme pursuant to the Traffic Management Act 2004 and The Traffic Management Permit Scheme (England) Regulations 2007 for all street works taking place on its network. The County Council requires that all street works undertaken by the Applicant on the County Council's network pursuant to the DCO are undertaken in accordance with and pursuant to the terms of the County Council's Permit Scheme.
- 10.5** In discussion with National Highways, it has been confirmed that the applicant has not sought to expressly exclude the Hampshire County Permit Scheme. However, the County Council is concerned that the effect of Article 11 (and

the application and disapplication of parts of the New Roads and Street Works Act 1991) would run contrary to the operation of the Permit Scheme.

- 10.6 The County Council require an amend (as shown in bold) as follows to Article 11(3) and a new Article 11(4) (as shown in bold) so that it is clear that the Hampshire County Permit Scheme will apply to all street works:

*(3) Subject to **article 11 (4)** and article 13 (application of the 1991 Act), the provisions of sections 54 to 106 of the 1991 Act apply to any street works carried out under paragraph (1).*

***(4) Any street works carried out on highway that is not special or trunk road shall be carried out in accordance with the permit scheme.***

- 10.7 The County Council is content that the authorised development will not be subject to any restrictions under section 58 of the New Roads and Street Works Act 1991 however the County Council considers that there should be clarification that the authorised development once completed may be subject to an order under section 58 of New Roads and Street Works Act 1991 imposed by the County Council as Street Authority to prevent statutory undertakers from undertaking street works on the authorised development once completed. The County Council request a new Article 11(5) as below to address this concern.

***(5) Where works executed under the powers of this Order have taken place on highway that is neither special road or a trunk road the exclusions in Article 14(3) of section 58 (restriction on works following substantial road works) and schedule 3A (restriction on works following substantial street works) shall not apply to the local highway authority's power to impose restrictions under s.58 and schedule 3A after the works executed under the powers of this Order have been completed***

*Article 12 Power to alter layout etc of streets*

- 10.8 The County Council is concerned that the period of six weeks for a notification by the street authority on the decision as to whether to consent to proposed street works under Article 12(4) is not likely to be sufficient, especially if multiple requests are coming forward at any one time. To allow reasonable time for consideration of the requests the County Council would request a minimum of three months (to reflect the position in the County Council permit scheme). If National Highways require a shorter period, there will need to be some agreement in place to ensure appropriate additional resourcing of County Council officers to meet the timescales.
- 10.9 The County Council would also require that the order includes provision that any alteration is done to the street authority's reasonable satisfaction and requests that Article 12(2) is amended as follows:

*(2) The undertaker must **undertake any alteration of a street to the reasonable satisfaction of the street authority and restore any street that has been temporarily altered under this article to the reasonable satisfaction of the street authority.***

10.10 The County Council requests that the order include provisions for recovery of the County Council's costs in considering requests and inspecting and approving works, and would request an amend to Article 12(3)(b) as follows;

*(b) are not to be exercised without the consent of the street authority where that authority is a public authority **such consent shall be subject to terms for inspection of alteration of the works and recovery of the street authority's reasonable costs.***

*Article 14 Construction and maintenance of new, altered or diverted streets and other structures*

10.11 The County Council's position in respect of any authorised development referenced in;

- Article 14(1) of the draft DCO (construction of new highway to be the responsibility of the County Council)
- Article 14(2) (construction of new highway to be the responsibility of the County Council)
- Article 14(3) (construction, alteration or diversion of a footpath, cycle track or bridleway)
- Article 14(5) (de-trunking of a highway)
- Article 14(6) (construction of a bridge to carry a highway (other than a special road or a trunk road) over a special road or trunk road)
- Article 14(7) (construction of a bridge to carry a highway (other than a special road or a trunk road) over another highway which is not a special road or trunk road)

is that (in so far as it concerns existing County Council highway or highway that will be transferred to the County Council) the authorised development should take place and come into the County Council's responsibility only pursuant to the terms of a relevant legal agreement entered into between the County Council and National Highways. These terms would include meeting necessary design and safety standards, as well as in the case of the transfer of maintenance responsibility to the County Council for highway or highway structures under Article 14(1)-(3),(6) and (7) the conclusion of a 12 month period of maintenance evidenced by the issue from the County Council of a certificate of maintenance.

10.12 The County Council and National Highways are in discussion on this requirement and the County Council has provided a summary of heads of terms to National Highways to set out in what form each agreement would take.



10.13 To protect the County Council's requirement for agreements in this regard the County Council request that there is a form of security that any of the authorised development that will impact the County Council's current or future highway responsibility will not take place until the relevant legal agreement has been completed, and that the authorised development will then only take place in accordance with the terms of the relevant legal agreement. The County Council would expect this requirement to be secured either under a section 106 agreement or as an additional requirement within the DCO. To this end the County Council has included a possible draft requirement in response to ExAQ 9.1.54

10.14 The County Council also has concerns on the reference in Articles 14(1) – (3) to 'culverts, bunding or other structures laid under it or supporting it' and the impact of the Article in transferring the same to the County Council unless otherwise agreed. By default, the County Council would only expect highway structures that were within the highway extent to be transferred to the County Council's maintenance responsibility, with any additional structures or features to become local highway authority maintenance responsibility by agreement.

10.15 The County Council would also seek an amendment to Article 14(5)(b) to clarify that any alterations to the network to be de-trunked should be to the County Council's reasonable satisfaction;

*“(5) Where a highway is de-trunked under this Order—*

*(a) section 265 (transfer of property and liabilities upon a highway becoming or ceasing to be a trunk road) of the 1980 Act applies in respect of that highway; and*

*(b) any alterations to that highway undertaken under powers conferred by this Order prior to and in connection with that de-trunking **must be completed to the reasonable satisfaction of the local highway authority**, and unless otherwise agreed in writing with the local highway authority, be maintained by and at the expense of the local highway authority from the date of de-trunking.”*

10.16 The County Council would also seek an amendment to Article 14(6) to clarify that in the construction of highway surfacing to be maintained by the County Council over a bridge structure to be maintained by National Highways must be completed to the reasonable satisfaction of the County Council:

*“(6) In the case of a bridge constructed under this Order to carry a highway (other than a special road or a trunk road) over a special road or trunk road, the highway surface (being those elements over the waterproofing membrane) **must be completed to the reasonable satisfaction of the local highway authority and unless otherwise agreed in writing with the local highway authority from the issue of the relevant certificate of maintenance** 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*

- 10.17 The County Council and National Highways are still in discussion about the transfer to the County Council of any bridge structures (see para 6.6.7 of this report and response to ExAQ 9.1.19). Subject to agreement being reached, the County Council would also seek an amendment to Article 14(7) to clarify that in the construction of a bridge structure to be maintained by the County Council the bridge must be completed to the reasonable satisfaction of the County Council:

*“(7) In the case of a bridge constructed under this Order to carry a highway (other than a special road or a trunk road) over another highway which is not a special road or trunk road **the bridge must be completed to the reasonable satisfaction of the local highway authority and, unless otherwise agreed in writing with the local highway authority both the highway surface and the structure of the bridge must be maintained by and at the expense of the local highway authority from the issue of the relevant certificate of maintenance**”*

#### *Article 15 Classification of Roads*

- 10.18 The County Council has concerns about the impact of Article 15(4) and the transfer of de-trunked highway to the County Council. The County Council would not be able to agree an Article for transfer of liability of de-trunked roads on a date to be notified. As per the County Council’s position on Article 14(5) the County Council seeks security that no de-trunking will take place except by the terms of a relevant legal agreement. The County Council would request that Article 15(4) is amended accordingly;

*“(4) **On written confirmation from the local highway authority that the roads described in Part 3 (roads to be de-trunked) of Schedule 3 are in a state of repair and condition as is reasonably satisfactory to the local highway authority,** the roads described in Part 3 (roads to be de-trunked) of Schedule 3 are to cease to be trunk roads as if they had ceased to be trunk roads by virtue of an order made under section 10(2) of the 1980 Act specifying that date as the date on which they were to cease to be trunk roads”*

- 10.19 The County Council have concerns regards Article 15(5) in respect of the classification of roads and seek clarification on Schedule 3 Part 4 item 4 - Point 46 to 47 on Eastern Road. Point 47 is within the circulatory carriageway of the trunk road gyratory which is unnecessary and would make maintenance overly difficult.

#### *Article 16 – Temporary Stopping up and restriction of use of streets*

- 10.20 The County Council consider that a period for a decision on 28 days from the date of the application is too short a period for a decision to be made on proposal. The County Council require a minimum period of three months. If

National Highways require a shorter period, the County Council will need to enter an agreement to ensure appropriate resourcing of its officers to meet the required timescales.

*Article 17 Permanent stopping up and restriction of use of streets and private means of access*

- 10.21 The County Council has raised queries with National Highways with regard to the areas of highway to be stopped up, and needs better information to understand the approach proposed. In particular, the County Council is unsure why it is sought to de-trunk carriageway that will subsequently be stopped up.

*Article 19 Clearways*

- 10.22 Under the draft DCO the length of carriageway from the B3047 junction south to the new “on slip” roundabout will be a classified road. The County Council does not want this section to have a clearway order as it has taken the approach of removing clearways from its highway network.

*Article 28 Public rights of way*

- 10.23 The County Council are responsible for maintaining the Definitive Map and Statement as a record of public rights of way within its area. In order to administer this responsibility in respect of any extinguishment under the draft DCO the County Council requires notice of any extinguishment and propose new Article 28(4):

***(4) Prior to the extinguishment of each of the public rights of way identified in columns (1) to (3) of Parts 1 and 2 of Schedule 4 and shown on the rights of way and access plans, the undertaker must provide no less than [period to be confirmed by Countryside and ROW] notice to local highway authority.***

*Article 39 Felling or lopping of trees*

- 10.24 The County Council would require compensation for any highway trees that are removed pursuant to the authorised development and would seek appropriate terms in this Article, unless it can be agreed that compensation for any removal of the County Council’s highway trees will be payable (in accordance with a CAVAT valuation) pursuant to relevant legal agreements.

*Schedule 2 Paragraph 12 Detailed Design*

- 10.25 The County Council will have long term maintenance responsibility for those parts of the authorised development that are on highway (other than trunk road or special road). To avoid negative impact on the County Council’s responsibility as local highway authority, the County Council would request that it has the right to approve the detailed design in respect of any of the

authorised development works that will be either on its highway network or on those parts of the highway network to be transferred to the County Council. The County Council would suggest an additional sub-paragraph to schedule 2 paragraph 12;

***(2) In respect of any part of the authorised development that is to take place on either highway that is not trunk road or special road or on highway that will be de-trunked or is for the construction of a bridge that is intended to be the maintenance responsibility of the local highway authority that part of the authorised development is not to commence until the detailed design for that part of the authorised development has been submitted to and approved by the local highway authority such approval not to be unreasonably withheld.***

*Schedule 2 Paragraph 13 Surface water drainage*

10.25 The County Council is concerned that the requirements as submitted do not provide sufficient clarity in terms of what constitute an acceptable level of detail for the surface water drainage system. The County Council as Lead Local Flood Authority seeks an amendment to the requirements at Paragraph 13 sub-paragraphs (1) and (3) and new sub-paragraph (2):

*“(1) No part of the authorised development is to commence until written details of the surface water drainage system for that part, **in accordance with the flood risk assessment and drainage strategy** reflecting the mitigation measures in chapter 13 of the environmental statement and including means of pollution control, 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 Environment Agency.*

***(2) Written details of the surface water drainage system shall include***  
***(a) Updated infiltration testing to BRE 365***  
***(b) Updated hydraulic calculations***  
***(c) Updated drainage layout plans and exceedance flow route plans.***

*(3) The drainage system must be constructed **and maintained** in accordance with the approved details referred to in sub-paragraph (1) unless otherwise agreed in writing by the Secretary of State following consultation with the relevant planning authority, the lead local flood authority and the Environment Agency.”*

## 11. Conclusion

11.1 The County Council has set out the range of impacts the Scheme will have on the interests it has relating to the local highway network, flooding, public rights of way and public health. These impacts are set out for both the construction phase of the Scheme and the operational phase.

11.2 In addition, commentary has been provided on the impact of the DCO as currently drafted, setting out areas of concern for the County Council as well as the changes the County Council consider to be necessary to ensure that the Scheme can be delivered alongside those specific interests that the County Council represents.