

### M3 JUNCTION 9 NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT

Examining Authority First Written Questions – Response 15<sup>th</sup> June 2023

ExQ1	Question	Response
Q5.1.17	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.	The requirements have been discussed with the applicant. An updated draft dormice mitigation licence application and phasing plan for planting is expected to be shared with WCC by 15 June. 2023 bird survey results are expected to be shared with WCC in July. The applicant has been asked to confirm whether the badger crossing point will be maintained.
Q8.1.9	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.	This relies on an unquantified "Best Practice" that is understood will be implemented primarily through the environmental management plan (the delivery of which is a requirement of the proposed DCO). However, the first iteration of this plan does not contain the relevant information to comment fully on the validity of such an assumption. We therefore consider we are unable to be satisfied regarding this matter until a more detailed management plan (2 <sup>nd</sup> iteration) is available for consideration.
Q9.1.6	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?	The exclusion of archaeological and contamination works is noted in the definition of <i>commence (commencement)</i> However WCC are satisfied the wording of Schedule 2, Part 1, para 9 would prevent the accidental disturbance of archaeological remains and the trigger of the requirement is suitable. Requirement 8 supplies similar securities for contamination.
Q9.1.14	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	The 5.0m deviation for work numbers 1j and 1m seems excessive and it is important that supporting mitigation plans (landscape and

	whether any drafting amendments are sought in relation to Article 8?	ecological for example) also provide sufficient flexibility to mitigate any variation. 1j in particular is close to the River Itchen which requires strict ecological control.  No adverse comments on remaining deviations.
Q9.1.23	Please explain and comment generally upon the implications of and any concerns relating to this article of the draft DCO [APP-019]. ( <i>Article 20 – Traffic Regulation</i> )	No comment – defer to Hampshire County Council as Highways Authority.
Q9.1.54	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	No additional requirements requested.  Amendment to Schedule 2, Part 1, Requirement 14 (Noise Mitigation) has been discussed with the applicant. Present wording reads ' <i>following consultation with the relevant planning authority</i> '.  A key area for WCC to consider is noise impact on residents (which are largely within the WCC District). The current wording is ambiguous and may result in consultations being sent to the South Downs National Park Authority instead of WCC, denying an assessment on residential impact.  The applicant has agreed to explicitly refer to Winchester City Council in this requirement and a revised DCO draft is expected.
Q11.1.1	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.	It is considered that Requirement 9 of the draft DCO will satisfactorily secure a programme of archaeological mitigation work excepting that appropriate provisions and contributions for the installation of and ongoing management and maintenance of on-site archaeological interpretation (including digital interpretation elements) should be secured via a Section 106 legal agreement.

		<p>The contents of the Archaeology and Heritage Outline Mitigation Strategy are not currently considered to be fully satisfactory and should be redrafted to include the following:</p> <ul style="list-style-type: none"> <li>• Details of a proposed programme of outreach and public engagement work (social value) relating to the archaeological mitigation work (pre-construction / construction phase) and information panels / public art / heritage trails (operational phase). This would ensure these mitigation elements are directly linked to and thus secured by Requirement 9 of the draft DCO.</li> <li>• Confirmation that all areas of fill (not just where a site strip is required / overburden is to be removed) will be subject to archaeological mitigation as set out in the A&amp;H OMS. This is due to potential compression effects on any buried heritage assets as well as the resulting inaccessibility of such assets, precluding future opportunities to realise their inherent evidential values.</li> <li>• That the detailed A&amp;H MS and subsequent Written Scheme of Investigation should be drafted in consideration of the final soil management plan and the impacts which would arise from this.</li> <li>• Confirmation that strategies for on-site archaeological interpretation and digital interpretation (operational phase) will be subject to consultation and agreement between relevant parties (including WCC, SDNPA, Highways England and their consultants together with Historic England).</li> <li>• That the detailed A&amp;H Mitigation Strategy and Written Scheme of Investigation will be agreed with the WCC City Archaeologist ahead of submission to the Secretary of State.</li> </ul>
Q11.1.2	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	The current drafting is not considered sufficiently precise to enable this provision to be effectively enforced.

	<p>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.</p>	<p>Should the appropriate local repository (in this instance the Hampshire Cultural Trust is the designated collecting repository) have insufficient capacity to receive the archive, no other relevant archive has been identified. Furthermore it is unclear if any could be due to recognised capacity issues within Museum archives across the south-east region.</p> <p>The possibility of contributing to a cultural collecting infrastructure fund is stated as an alternative. However no details of the anticipated level of any financial contribution, to whom this would be made (the HCT or other body*?) nor details of an appropriate mechanism to secure this have been provided.</p> <p>Accordingly the current drafting is considered to be insufficiently detailed and vague such that is not considered to be enforceable nor provide sufficient certainty that the archive will be housed in a suitable repository and remain publicly accessible following the completion of the post-excavation stages of the archaeological mitigation programme.</p> <p>Further details of the proposed archive mitigation provision, including suitable resources and funding arrangements for long-term storage in an appropriate repository are required.</p> <p>*In terms of a cultural collecting infrastructure fund, sector proposals regarding potential future regional archive stores serving areas without archive capacity are at the discussion stage and are unlikely to be in place to house this archive should the need arise.</p>
Q12.1.2	<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-</p>	<p>The use of design documents has not been discussed to date however this would be a supported additional requirement.</p>

	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?	There has not been a clear 3D visual of infrastructure such as bridges so it is important that the appearance of the infrastructure as a whole is agreed to prevent multiple designs being used.
Q12.1.3	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?	The cut and fill required and therefore placement of soil is proving difficult to understand clearly including the quantity leaving site. We believe that the open download of SDNP would be harmed by raising the levels as the natural line of the topography will be affected. The current topography is that of folds, not cuttings which the proposed road plus raising the ground levels will produce. Further consideration on the levels and ultimate topography is required to ensure the nature of the open downland is not harmed.
Q12.1.22	The ES Chapter 7 Landscape and Visual [APP-048] presents the findings of the assessment of the construction and operation of the proposed development. <ul style="list-style-type: none"> <li>• 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?</li> <li>• Do you have observations on the limits of deviation proposed in the scheme?</li> <li>• 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 drafted with sufficient precision to ensure enforceability? For example, LV13 in relation to earthworks, LV18 in</li> </ul>	<ul style="list-style-type: none"> <li>• Yes the methodology and baseline info approach is acceptable</li> <li>• No observations.</li> <li>• Table 3.2 G1 – Landscape Clerk of Works to be appointed LV1 – winter and summer surveys required LV9 – query whether rabbit fencing around areas of seedling/whip planting been considered as alternative to guards. LV10 – further details on compounds required LV13 – further details on earthworks required</li> </ul>

	<p>relation to the creation of chalk grassland and LV20 in respect of ongoing management and maintenance.</p> <ul style="list-style-type: none"> <li>• Are you satisfied with the presentation of baseline photographs and visualisations prepared for the scheme?</li> <li>• Are you satisfied with the approach adopted by the Applicant in relation to the night-time assessment of lighting on landscape and visual receptors?</li> <li>• 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?</li> </ul>	<p>LV18 – regrading the existing topography to accommodate a cut for the road will effect the landscape  LV19 – drainage features are proposed in areas uncharacteristic of the landscape character. They are artificially too steep on their slopes  LV20 – noted as a repeat of LV22</p> <ul style="list-style-type: none"> <li>• Yes</li> <li>• Yes</li> <li>• Wider swaths of planting of at least 25m in depth should be provided along the SDNP edge of the M3 for screening and tranquillity with planting also at the top of slopes. The draft DCO must include specific references to any landscape and environmental document that refers to mitigation</li> </ul>
Q14.1.4	<p>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.</p>	<p>The Winchester Movement Strategy is mentioned in paragraph 1.5.13.  The Winchester Carbon Neutrality Action Plan 2020 – 2023 is excluded from this list. This is covered within WCC’s Local Impact Report in further detail.</p>
Q14.1.8	<p>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 adaption, contained within the local plan documents for your authority. If not, please explain why.</p>	<p>Please refer to Local Impact Report for the detailed assessment of Local Policy.  To summarise:</p> <ul style="list-style-type: none"> <li>• Proposals are considered to comply with Principle policies (DS1, MTRA4, DM10, DM22)</li> <li>• Proposal does not address climate change and is in conflict with policy DS1</li> <li>• The proposal is considered to comply with Heritage policies (CP20, DM25, DM29, DM31). However there are</li> </ul>

		<p>areas of clarification concerning Archaeology which prevent compliance with policy DM26 at this stage.</p> <ul style="list-style-type: none"><li>• For air quality and noise, as further information is awaited in the second EMP, unable to confirm mitigation is suitable and unable to confirm compliance with DM17, DM19, DM20 at present.</li><li>• Further information awaited on biodiversity surveys so unable to confirm policies CP15 and CP16 met.</li><li>• There are areas of clarification required to assess impact on the landscape, compliance with policies DM15 and DM23 cannot yet be confirmed.</li><li>• Significant concern is raised by the SDNP and WCC is required to assess setting. Compliance with policy CP19 not yet confirmed.</li><li>• Whilst there remains significant tree loss, provided mitigation is provided there is no objection and the scheme is in compliance with DM24.</li></ul>
--	--	--



**Winchester**  
City Council