

M3 JUNCTION 9 NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT

Local Impact Report

15 June 2023

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1. Summary

1.1 This report outlines Winchester City Council's assessment of the impacts of the development set against the Development Plan. The council is in the process of completing a Statement of Common Ground with the applicant which should be read in conjunction with this report.

1.2 The table below summarises the current status of the council's view on the local impacts associated with the proposed scheme as currently submitted.

Topic Area	Positive Impact	Neutral or Limited Impact	Negative Impact
Principle of Development	The proposal is supported by the Winchester Movement Strategy and whilst the development plan does not contain any specific policies the principle is found to be acceptable.		
Climate			The proposal is in conflict with climate change policies and aims of the action plan. Mitigation is required.
Heritage Assets	No adverse impact is made and the assessment is comprehensive.		
Archaeology		Whilst the majority is agreed, there are a number of clarification points.	
Environmental Health		Whilst the majority is agreed, there are a number of clarification points.	
Biodiversity		Whilst the majority is agreed, there are a number of clarification points.	
Landscape		There are a number of clarification points. The significant concerns of the South Downs National Park are noted, the site is part of the setting of the National Park.	

1.3 A number of points of clarification have been communicated with the applicant and the council will continue to review the application and any additional information in a positive manner.

2. Introduction

2.1 Terms of Reference

2.1.1 This report comprises the Local Impact Report of Winchester City Council (hereafter WCC). WCC are one of the host authorities for the M3 Junction 9 Improvement Works alongside Hampshire County Council (HCC) and the South Downs National Park Authority.

The majority of the junction works and roadways sit within the jurisdiction of WCC whilst Hampshire County Council are the Highway Authority for the area.

2.1.2 WCC has had regard to the purpose of LIRs as set out in s60(3) of the Planning Act 2008 (as amended), DCLG's Guidance for the examination of applications for development consent and the Planning Inspectorate's Advice Note One, Local Impact Reports, in preparing this LIR.

2.2 Scope

2.2.1 The LIR's main purpose is to identify Local Plan Policies and other material considerations and outline the extent the proposal does or does not accord with those policies.

2.2.2 To achieve this, the report is divided into sections to first introduce the relevant local policies before dividing into topic areas.

Each topic area starts with an assessment of the relevant policy.

2.2.3 WCC are drafting a Statement of Common Ground with National Highways (hereafter 'the applicant') which also takes account of any issues raised within this report.

3. Site Description & The Proposal

3.1 Site Description

3.1.1 The application site sits to the east of the city of Winchester, tightly bounded on its western side by Winnall, an area which contains a large industrial estate and commercial units. Other parts of the scheme also border residential areas such as Highcliffe (to the south of the scheme).

3.1.2 The boundary of the South Downs National Park sits tightly to the eastern edge of the current carriageway. The area known as ‘Winnall Moors’ (to the west of the development site and separated by the Winnall Industrial Estate) also forms part of the National Park. The National Park therefore forms an important part of the setting of the application site.

3.1.3 Junction 9 is a major access route into the city of Winchester for residential, commercial and visitor traffic. The division of the A34 and A33 to the north of the junction also serves a large amount of local and passing traffic.

3.1.4 The immediate area is characterised by commercial development and large highway infrastructure. However the character immediately changes to the east of the junction upon entering the National Park, which is undeveloped arable land in this location.

3.2 The Proposal

3.2.1 The sections of the development which fall within WCC jurisdiction comprise of:

- Widening the existing carriageway
- Introduction of dedicated lanes for traffic to travel between the M3 and A34 Northbound and A34 / A272 southbound.
- Landscaping and drainage infrastructure.
- Long Walk – Easton Public Right of Way improvements and Kings Worthy – Winnall all-users route (shared between WCC and SDNP)
- Installation of gantries and associated lighting.

4. Development Plan and Relevant Policies

4.1 Winchester Local Plan Part 1 – Joint Core Strategy

4.1.1 The Winchester District Local Plan Part 1 (Joint Core Strategy) was adopted on 20 March 2013. The Plan (hereafter called LPP1) was created as a joint strategy by WCC and the South Downs National Park Authority. Following adoption of the South Downs Local Plan on 2 July 2019, LPP1 only applies to areas outside of the National Park.

4.1.2 The policies of LPP1 relevant to the application are set out in Table 1 below. Within each *Assessment of Impacts* section an explanation of the policy's relevance will be made.

Table 1.

DS1	Development Strategy and Principles
MTRA1	Development Strategy Market Towns and Rural Area
MTRA4	Development in the Countryside
CP10	Transport
CP13	High Quality Design
CP14	The Effective Use of Land
CP15	Green Infrastructure
CP16	Biodiversity
CP17	Flooding, Flood Risk and the Water Environment
CP19	South Downs National Park
CP20	Heritage and Landscape Character
CP21	Infrastructure and Community Benefit

4.2 Winchester Local Plan Part 2 – Development Management and Site Allocations

4.2.1 The Winchester District Local Plan Part 2 (Development Management and Site Allocations) was adopted on 5 April 2017. The Plan (hereafter called LPP2) works alongside the LPP1 to form the Development Plan of the Winchester District.

4.2.2 The policies of LPP2 relevant to the application are set out below in Table 2. Within each *Assessment of Impacts* section an explanation of the policy's relevance will be made.

Table 2

DM1	Location of New Development
DM10	Essential Facilities and Services in the Countryside
DM15	Local Distinctiveness
DM16	Site Design Criteria
DM17	Site Development Principles
DM18	Access and Parking
DM19	Development and Pollution
DM20	Development and Noise
DM21	Contaminated Land
DM22	Telecommunications, Services and Utilities
DM23	Rural Character
DM24	Special Trees, Important Hedgerows and Ancient Woodlands
DM25	Registered Parks and Gardens
DM26	Archaeology
DM29	Heritage Assets
DM31	Locally Listed Heritage Assets

4.3 Winchester District Local Plan 2018 – 2039 (Emerging)

4.3.1 WCC is currently updating the Development Plan. Once adopted, the emerging plan will replace LPP1 and LPP2 to form the overarching Development Plan for the district.

4.3.2 The Plan remains in early stages of production and the Regulation 18 consultation ended on 14 December 2022.

Consultations are currently being reviewed and any proposed changes that result from the consultation will be subject to a sustainability appraisal and Local Plan Viability Assessment before being consulted on again at the Regulation 19 consultation.

4.3.3 No future policies or allocations are directly dependent on the junction improvement.

4.3.4 There may be implications for the 'Cart & Horses' junction, which will be the access point for one of the Local Plan site allocations (KW2 - Land Adjoining the Cart & Horses).

Discussions are underway between HCC and the applicant and this becomes more important if the junction is to also service an allocated site.

4.3.5 Policy W6 of the emerging Plan provides for development within Winnall (generally) and includes a requirement (v) for this to demonstrate how it will link with the junction 9 improvements.

4.3.6 There are several other site allocations in and around Winchester which may have an impact on the junction, either individually (particularly Sir John Moore Barracks) or cumulatively.

These are:

- W1 Barton Farm (already permitted),
- W2 Sir John Moore Barracks,
- W3 St Peters Car Park,
- W4 Courtenay Road,
- W5 Bushfield Camp,
- W7 Central Winchester Regeneration,
- W8 Station Approach,
- W9 Bar End Depot,
- W10 River Park,
- W11 Winchester University / Hospital,
- KW1 Cornerways and Merrydale.
-

Improvement of the junction is likely to benefit all of these sites in general terms, some more directly than others.

4.4 Other Supporting Documents

4.4.1 Carbon Neutrality Action Plan 2020 – 2030

4.4.1.1 Winchester City Council declared a Climate Emergency in June 2019. Responses to the climate emergency run through all decisions made by the council, including how it responds to Nationally Significant Infrastructure Projects.

4.4.1.2 The CNAP focuses on how the council aims to achieve carbon neutrality and;

- Actions it will take to reduce/eliminate or offset its own carbon emissions.
- Actions it can take to support and help others; individuals, businesses, agencies and organisations, to take action so that the district becomes carbon neutral.
- Actions that promote climate resilience including biodiversity; waste and recycling, planning and development; and commerce and economy.

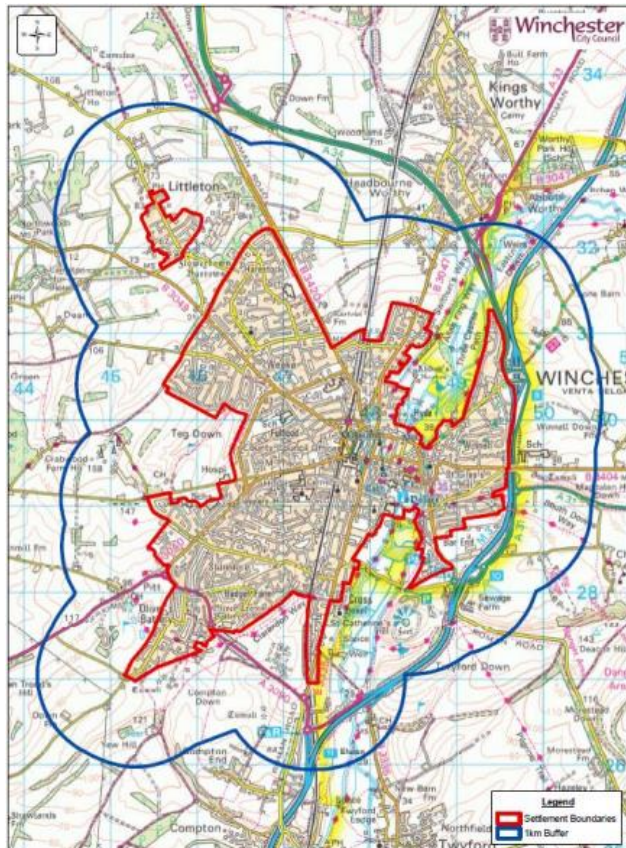
As such its focus is on carbon emission reduction and elimination, with mitigation /off setting used as a means to balance carbon emissions to achieve net zero gain. The baseline year of 2017 is used as this the most currently available data and gives the council's carbon emissions as 4,187 tonnes CO² e and the District's as 629,000 tonnes CO²e, increasing by an additional 205,000 tonnes CO² e when the motorways are included.

4.4.1.3 The total emissions from Winchester district in 2017 were 834,000 tonnes if the motorway emissions are included. For the purpose of the Action Plan the scope will exclude motorways as these are national infrastructure and will require a national response.

The council will focus on measures that reduce the need to travel by car though public transport campaigns and collaborating with the public and private sector to enhance services. In addition it will look to increase the EV charging network and though procurement and contracts require fleet vehicles to be ultra-low emission.

4.4.2 Winchester Air Quality Emerging SPD (draft 2021)

4.4.2.1 This SPD sets out the Council's requirements for reducing air pollution emissions from new development on all land that is either in or within 1km of the Winchester settlement area as shown on the map below. The application site sits within the 1km buffer.



4.4.2.2 The SPD supplements the existing local plan policies aiming to improve air quality in the SPD area and also help to achieve the aims of the Council’s Air Quality Action Plan (AQAP) for the Air Quality Management Area in Winchester City Centre by achieving compliance with the nitrogen dioxide (NO²) annual mean Air Quality Strategy objectives of:

- Improve local air quality and reduce public health impacts;
- Attract investment in clean technology, sustainable travel and renewable energy; and;
- Provide clarity and consistency for planners, developers and local communities.

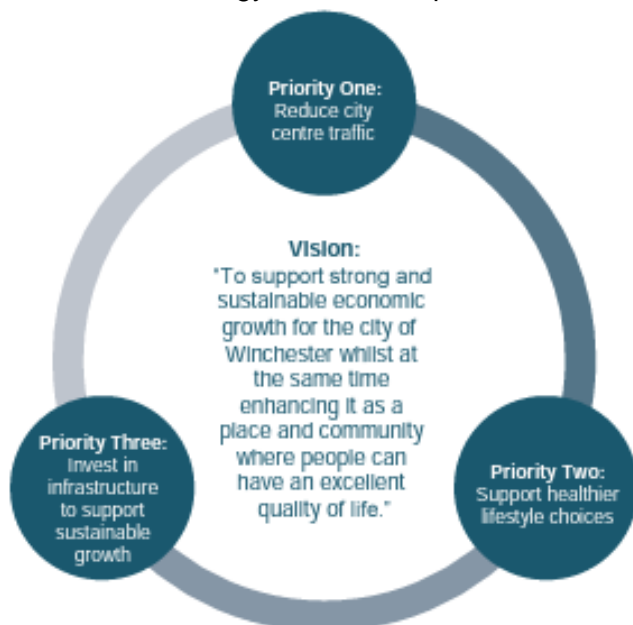
4.4.3 City of Winchester Movement Strategy

4.4.3.1 The City of Winchester Movement Strategy has been developed in partnership by Hampshire County Council and Winchester City Council.

It is a joint policy document that sets out an agreed vision and long-term priorities for travel and transport improvements in Winchester over the next 20-30 years. The Strategy applies to the following area and includes the application site:



4.4.3.2 The Strategy sets 3 main priorities as shown below:



5. Assessment of Impacts

5.1 Principle of Development

Plan	Policy	Relevance
LPP1	DS1	DS1 sets out the overarching spatial strategy for development in the district, linking to policies MTRA1 and 4 as below.
	MTRA1	A small part of the application site sits within the defined settlement boundary of Winchester Town. Within this area, development is acceptable in principle subject to compliance with the Development Plan as a whole and material planning considerations.
	MTRA4	The remainder of the site lies within designated countryside. In this area, policy MTRA4 only allows development which has an operational need for a countryside location (and allows certain exemptions such as business expansion and tourism).
LPP2	DM10	Acknowledging that MTRA4 restricts countryside development, DM10 allows exemptions for projects which serve local communities. Developments need to be located on the site for operational reasons and there must be an identified need. This includes development by statutory undertakers and public utility providers.
	DM22	Utilities and service development is allowed in countryside locations provided that a number of criterion are met. DM22 covers development such as the laying of pipelines and provision for public utilities.

5.1.1 Due to the scale and nature of the development, the Winchester District Development Plan does not include policies which explicitly allow the principle of major road infrastructure projects.

5.1.2 That being said, it is highlighted that the application site is largely within defined countryside and as such policies which preserve the countryside and its rural character apply.

Policies within the Development Plan do provide exemptions to countryside development and it is acknowledged that the location of the works are fixed as an improvement to existing and long-standing infrastructure.

5.1.3 The performance against other more technical policies of the Development Plan are assessed in detail within each section below.

5.2 Climate

Plan	Policy/Aim	Relevance
LPP1	DS1	DS1 sets out an important requirement for all development in the district where proposals will be expected to: <i>“address[] the impact on climate change, renewable energy, air quality, green infrastructure, recycling/waste, flooding issues and the water environment”</i>
CNAP	Target Reduction - Transport	Transport accounts for 36% of the council’s carbon emission and residents saw this as the top priority for the council to address and as action for individuals. Transport accounts for nearly half of the district carbon emissions and tackling this is the council's first priority.

5.2.1 WCC declared a Climate Emergency in June 2019. Responses to the climate emergency run through all decisions made by the council, including how it responds to Nationally Significant Infrastructure Projects.

5.2.2 WCC has two net zero targets: one is to be carbon neutral as a council by 2024 and the second to be carbon neutral as a district by 2030. These are set out in the current Council Plan, the emerging Local Plan and in the Carbon Neutrality Action Plan.

The additional carbon generated by this scheme is therefore directly in opposition to and works against targets to achieve a reduction in carbon emissions.

5.2.3 Turning to baseline data first, within 14.14 (Climate Change Baseline Conditions) the data used is considered out of date as it stops at 2010 and does not include the warmest years on record which have occurred in the last decade. The applicant should use data up to 2020 as a minimum.

5.2.4 Within 14.14.3, Historic climate averages during the period 1981-2010 (for the closest climate station to land within the Application Boundary at Martyr Worthy) have been obtained from the Met Office website (Met Office, N.Db).

Given the warmest years on record have taken place within the last decade, using 2010 as an end point results in the data being out of date for this context and data up to 2020 should be used as a minimum. The applicant’s response to this point as raised in the Relevant Representation (3.102 RR-102b) is noted and the council will review this further submission.

5.2.5 Within 14.14.6, Winchester City Council SFRA (Halcrow, 2007) identifies that there are historic flood records dating from 1997 to 2006 within the Winchester City Council local authority area; the source is identified to be a combination of groundwater, fluvial flooding and foul/combined systems. The nearest recorded flood report to the Scheme is approximately 750m south-west on Wales Street; flooding is reported to have occurred from sewer flooding (date not specified).

Flooding has occurred more recently in Winchester City Centre, with significant events in 2014 and 2020. This data must be included. It is not satisfactory to say Date not Specified and flooding should be evaluated to 2020 at least, and not stop at 2006.

5.2.6 Emissions generated by the scheme are set out on Appendix 14.2 *Operational GHG Emissions*. The GHG emissions predicted to be generated have been assessed as:

Phase	Emissions (tCO2e)
Construction	37,070 tCO2e
Annual Operation (above DN scenario) – 2027	2,969 tCO2e
Operation (above DN scenario) – 60 years cumulative	139,759 tCO2e

5.2.7 The comparison of operational emissions compared to other schemes is noted. The submitted information demonstrates a significant increase compared to other schemes. Clarification on the reasoning why the M3 scheme is much higher compared to other similar projects is required.

5.2.8 Paragraph 14.5.12 of the ES states '*The Scheme has been designed to avoid or reduce effects on emissions.*' The council disputes this as evidenced by the increase in GHG in the construction and operation of this scheme, and the lack of effective mitigation or offsetting measures to address the increase.

5.2.9 Under the Climate Change Act 2008, the 6th carbon budget (2033-2037) sets a budget of 965,000,000 tCO2e which requires a reduction of 78% in GHG emissions compared to the 1990 baseline by 2035 in national GHG emissions. Major infrastructure projects must play their part in working towards the UK's net zero ambitions and the associated required pace of reductions.

The emerging National Networks National Policy Statement, recently published for consultation, is in agreement that nationally significant road schemes should play their part in *reducing* GHG overall, not increasing them, and the draft NNNPS has been updated to reflect the Government's net zero ambitions.

Table 5.1 of Appendix 3 of the draft NNNPS presents a summary on the significant and uncertain effects identified along with recommended mitigation measures. It recommends mitigation to reduce uncertainty and potential to produce a significant negative effect.

Table 5-1: AoS assessment results

Potential effects	Mitigation measures recommended
<p>Greenhouse Gas Emissions Uncertain effect on greenhouse gas emissions from construction and maintenance activities (Road, Rail and SFRIs) – this relates to Draft NNNPS / Alternative 1 / Alternative 2.</p>	<p>All new SRN, rail and SRFIs could be required to ensure they can be delivered without impacting on ability to meet net zero GHG emissions at a network/investment programme level.</p>
<p>Greenhouse Gas Emissions Uncertain effect on greenhouse gas emissions from road users due to investment in road infrastructure (Operation) – this relates to Draft NNNPS / Alternative 1 / Alternative 2.</p>	<p>All new SRN, rail and SRFIs could be required to ensure they can be delivered without impacting on ability to meet net zero GHG emissions at a network/investment programme level.</p>

5.2.10 It is noted that the applicant’s assessment suggest that the scheme will contribute to an overall increase of 0.001% compared to the 6th carbon budget. On this basis, the applicant states that the emissions are not considered significant.

Whilst taking account of the approach outlined in LA 114 3.20, the substantial increase in emissions in the operational phase, particularly when compared to other road improvement schemes, is considered to make a large and excessive contribution which counteract the national efforts to meet carbon reduction targets.

5.2.11 WCC therefore considers the increase in emissions arising from both the construction and operation of the scheme to be significant. The council requests the applicant reappraises its conclusion that the increase in GHG emissions is *not significant* and therefore puts in place the appropriate mitigation, offsetting and monitoring measures required.

5.2.12 The applicant is following a hierarchy of avoid / prevent, reduce, and remediate. The mitigation proposed is walking and cycling lanes, however emission reduction impact of these is not quantified and these routes are not along the main M3/A34 routes but local traffic and therefore are unlikely to match the proposed annual increase in emissions that National Highways has assessed. An attempt at quantifying the modal shift from car transport to walking/cycling should be attempted.

It does not seem that the ‘prevent, reduce’ or ‘offset’ options have been considered for the M3/A34 traffic.

5.2.13 Sections 14.9.6 and 14.9.17/18 outline the mitigation planned for both the construction and operational phases. These are very short paragraphs which do not contain

attempted calculations of the mitigations. Without these, the effectiveness cannot be assessed.

5.2.14 Construction measures put forward such as low temperature asphalt seem to be good practice, but do not contain innovations such as low carbon materials including low carbon concrete, renewable energy to power electric equipment as standard and so on. Chapter 14 of the ES is very light on detail running only to a couple of pages in length. No quantified offsetting solutions are put forward.

The council would like to see significant additional thought, innovation and planning to go into the mitigation phases.

5.2.15 If it is found that emissions cannot be reduced sufficiently, then the council requests that offsetting measures be brought forward incorporated such as tree planting quantified via the Woodland Carbon Code or other nature based solutions, so that the overall GHG impact of the scheme becomes net zero or even carbon negative.

5.2.16 Future proofing the design to allow for hydrogen fuelling points for heavy transport at this significant transport interchange could be one means of offsetting. Another means of mitigation would be to provide the council with Carbon Offsetting Funds that could reduce emissions by the annual emissions. Whilst employment of apprentices is encouraged, this cannot equate to offsetting.

5.2.17 WCC notes that Chapter 16.1.2 of the ES outlines where monitoring is required of identified significant adverse effects. Where monitoring is required, this is secured within the Record of Environmental Actions and Commitments which forms part of the first iteration Environmental Management Plan (fiEMP) (Document Reference 7.3).

Monitoring of non-significant residual effects is not required by the EIA Regulations, therefore in Table 16.1 monitoring is not proposed for non-significant residual environmental effects. As the council considers the GHG emissions arising from the scheme to be significant, we request that an additional section is added to Chapter 16 to consider mitigation, offsetting and monitoring of GHG arising from the scheme. This should include construction phase traffic emissions as well as that arising from soil disturbance and movements and construction materials.

5.2.18 WCC understands that traffic models were developed in 2018 using NTEM (National Trip End Model) 7.2 (published Feb 2017). These travel forecasts are pre-pandemic and indeed pre-date the significance of the Climate Change challenge being recognised in Government's Net Zero Strategy and the publication of NTEM 8.0 (Aug 2022). As the publication of NTEM 8.0 predates the submission of the EIA, it is questioned why the most recent data was not used.

5.2.19 Travel and work patterns have changed since the pandemic. The council requests that traffic models are recalculated using the 2022 NTEM 8.0 figures. We would also like to see the assessment for the scheme take into account post-pandemic work and travel patterns.

5.2.20 Whilst it is acknowledged that the scheme would have regional and national benefits in improving a congested junction, the proposal conflicts with policy DS1 and the aims of the CNAP as it is not considered to address the impact of climate change and fails to mitigate additional emissions. WCC respectfully request a fair and rigorous investigation of the construction and importantly the additional operational carbon footprint to ensure the recommendation is sound on this aspect of the application.

5.3 Historic Environment (including Archaeology)

Plan	Policy	Relevance
LPP1	CP20	The policy notes that the LPA will continue to conserve and enhance the historic environment and support new development which recognises, protects and enhances the District's distinctive landscape and heritage assets.
LPP2	DM25	DM25 allows development provided it does not have a detrimental impact on the historic significance or distinctive character of a park, garden, cemetery or battlefield. The closest registered garden is Magdalen Hill Cemetery.
	DM26	Where there is evidence that heritage assets (archaeology) exist above or below ground, permission will be granted where it provides provision to preserve remains in situ and makes provision for the investigation and recording of any archaeological remains.
	DM29	Works which would cause an unacceptable level of harm to the special interest of a heritage asset or its setting will not be supported.
	DM31	Demolition or damaging alterations to unlisted buildings (non-designated heritage assets) will not be permitted unless retention is not feasible or where the benefit is outweighed by public benefit.

5.3.1 In terms of heritage assessment, the submission is comprehensive and professional. The scheme would not result in any direct impacts on built heritage assets, any impacts would be indirect, resulting from a change to the settings of those assets. Such impacts are minor in scale and severity.

5.3.2 It is important to consider any alterations to road signage in the locality as a consequence of the modified junction. There are a number of conservation areas (Kings Worthy and Abbots Worthy) and the applicant and Highway Authority should be made aware it is desirable to limit such things to the minimum necessary so as to avoid visual clutter and limit adverse impacts on the character and appearance of the conservation area. The council welcomes the provision of 3D visuals as mentioned in the applicant's response to relevant representations (RR-102c).

5.3.3 The conclusions contained in Chapter 6 (Cultural Heritage) of the submitted Environmental Statement in respect of impacts on built heritage are considered sound.

5.3.4 Turning to archaeology, all relevant National and Local Planning Policy and guidance have been fully considered within the ES and accepted sector methodologies and standards utilised for the ES.

5.3.5 The detailed Cultural Heritage Baseline (document ref. 6.3 ES Appendix 6.1) comprises a comprehensive and sound baseline study and includes scheme information and assessment work missing from or not available at the PEIR stage.

5.3.6 Together with document ref. 6.1 ES Chapter 6, these provide a detailed assessment of the archaeological potential of the scheme area, a suitable setting assessment

5.3.7 However, WCC does have the following points of clarification which have been shared with the applicant:

- For clarity, all pre-construction strip, map and sample excavation in the main works area (Section 3.3 of the A&H OMS) will need to include all working zones within the scheme limits.
- Para. 6.7.2 of ES chapter 6 identifies potential direct impacts on archaeological remains arising from compression of superficial deposits in areas of fill. Section 3.3 of the A&H OMS confirms that areas of both cut and fill will be subject to archaeological mitigation (strip, map and excavate) *where existing overburden to be removed / a strip is required*. All areas of fill (including those where any overburden is not to be removed / the area striped) may result in compression effects to archaeological remains and so should be subject strip, map and excavation mitigation.
- The detailed A&H Mitigation Strategy and WSI(s) will need to be drafted in light of the final soil management plan as included in any DCO that may be granted.
- Archaeological outreach and public engagement related to pre-construction / construction phase archaeological mitigation work and at the operational phase (e.g. information panels / use of digital technology / heritage trails should be explicitly included in the A&H OMS (and future final A&H Mitigation Strategy / WSI). Although this matter is included in the fiEMP (Enhancement – Cultural Heritage - EH1), this

should be secured through a direct reference in the draft / final DCO in addition to inclusion in the AH OMS.

- Further information on the detailed mitigation package regarding archive deposition / a contribution to a cultural collecting infrastructure fund should be sought (para. 5.1.1 A&H OMS).
- Para. 3.1.1 of the A&H OMS states that placement of gantries, lighting and signage will be considered carefully / placed to limit indirect impacts on heritage receptors. Historic England and WCC Conservation should be consulted at the detailed design stage to ensure this. Note: reference to this is included in the fiEMP (item CH3) and secured by Requirement's 4 & 12 of the draft DCO. Table 6.1 of ES Chapter 6 also references this.
- Appropriate provisions should be made for the ongoing management and maintenance of information panels and other related physical outreach / engagement elements provided as part of the scheme's mitigation (as well as for any digital technologies used).
- fiEMP – Table 3.2 Record of environmental actions and commitments: ref. CH1 – the detailed Archaeology and Heritage Mitigation Strategy and WSI should also be agreed with the City Archaeologist ahead of submission to the SoS.

5.3.8 Further clarification has been provided within the response to ExAQ1. Whilst the proposal is considered to comply with CP20, DM25, DM29 and DM31 as the submitted information has sufficiently assessed impact on heritage assets, there are areas of clarification required prior to confirmation that the proposal complies with policy DM26 in terms of archaeology.

5.4 Environmental Health (including Air Quality and Noise)

Plan	Policy	Relevance
LPP2	DM17	Only development which does not cause unacceptable levels of pollution to neighbours by means of noise, smell, dust or other pollution will be allowed.
	DM19	Development which generates pollution or is sensitive to it will only be permitted where it achieves an acceptable standard of environmental quality. Proposals should comply with national statutory standards relating to environmental quality. The potential for unacceptable pollution by odour, light intrusion, ambient air quality, water pollution, contaminated land and construction phase impacts must be considered for all development.

	DM20	Development which generates noise pollution will only be permitted where it does not have an unacceptable impact on human health or quality of life.
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5.4.1 The current levels of harmful emissions in Winchester currently exceed national standards and legislation requires that the City Council and County Council work together to develop an action plan. The city centre is currently designated as an Air Quality Management Area (AQMA).

5.4.2 This air quality issue is particularly relevant when there is an accident between junction 13 of the M3 and Burlington Cross on the A34. Winchester's AQMA is showing improved results, but there is no room for worsening as WCC is close to the 10% leeway against the current government levels on NO².

When the M3/A34 is blocked, as it would be during construction works, Winchester city centre can be brought to a stand-still which has both an economic and air quality impact. WCC would welcome further discussions to understand what steps are being taken to manage accidents on the network (both during construction and in operation) to prevent the continued impact of diversions on Winchester city centre.

5.4.3 The Winchester Movement Strategy notes that the development is 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.

5.4.4 WCC has no high level objection in principle to the assessment methodology of the Environmental Statement. However these conclusions rely on the assumption that various mitigation measures will be implemented principally through commitments made in the draft DCO and delivered through the Environmental Management Plan (EMP).

5.4.5 The EMP is considered to require further detailed work before the conclusions with Chapters 5 and 11 can be fully agreed with.

5.4.6 Further information is required on the following:

- Noise and air quality submissions have focussed on the proposed traffic diversion routes however it is likely that alternative roads would be used based for drivers using local knowledge of short-cuts and sat-nav diversions to avoid heavy traffic on official diversion routes. Whilst it is appreciated it is difficult to predict driver behaviour in the future, the current submission does not allow a contingency to allow for this which questions the noise and air quality conclusions in relation to these impacts during the construction period.
- Chapter 11 concludes that only with mitigation are construction stage impacts acceptable at identified sensitive receptors. It references that these will be delivered through measures identified within the Environmental Management Plan. It is noted that proposed conditions 3 and 14 of the draft DCO relate to such matters. However,

the first iteration does not contain the referenced Noise and Vibration Management Plan (Appendix J noting this will be provided during the second iteration). Until this mitigation is detailed WCC cannot audit or fully accept these conclusions.

- In terms of air quality it is stated that construction dust impacts will also be mitigated through the Environmental Management Plan and it is acknowledged this is included as requirement 3 of the draft DCO. However, again details will not be provided until the second iteration of the Environmental Management Plan so WCC are unable to fully audit or accept these conclusions at this stage.
- The commitment to a Section 61 Control of Pollution Act 1974 prior consent is welcomed and early dialogue is requested so WCC can be satisfied that the mitigation this delivers will provide the level of mitigation assumed within Chapter 11 of the Environmental Statement.

5.4.7 Whilst no overarching objection is made to the approach taken by the applicant, there remains areas where clarification is required including the impact on air quality within Winchester city centre during heavy periods of traffic during the construction and operational parts of the scheme. At present the mitigation proposed cannot be fully assessed and WCC is unable to confirm the proposals would comply with policies DM17, DM19 and DM20.

WCC will continue to review submitted information in a positive manner.

5.5 Biodiversity

Plan	Policy	Relevance
LPP1	CP15	The policy ensures that existing green infrastructure is maintained, protected and enhanced. A key requirement is the encouragement to maintain public access to and within the natural environment.
	CP16	Development which maintains, protects and enhances biodiversity, delivering a net gain, will be supported.

5.5.1 As highlighted within WCC's relevant representation and response to ExAQ1, further information has been requested during the course of the examination.

5.5.2 Whilst no overarching objection is made to the details supplied within the first iteration EMP, full species mitigation strategies will be detailed within the second iteration.

However, WCC requires additional information at this stage to determine whether the proposed mitigation and compensation measures for certain protected species are likely to

be sufficient. The list below includes an update of the latest correspondence with the applicant following queries raised within the Relevant Representation:

- Bats – WCC received the Ground Level Tree and At Height Assessment for Potential Bat Roosts report in May 2023. No evidence of bats was recorded but potential features were noted. Removal of trees with bat potential is not until 2025/2026. Precautionary methods for low potential trees. Emergence surveys for the moderate potential trees are scheduled during 2024/2025.
- Dormouse - Draft details of phasing of vegetation clearance during construction received on 2/3/23. Pre-Submission Screening comments from Natural England on the draft dormice licence application (March 2023) received on 19/4/23. It has been confirmed Natural England are comfortable with this approach and use of translocation. Updated draft dormice licence application & phasing for planting expected to be shared by 15 June.
- Badger – Badger Bait Marking/Reverse Bait Marking Survey Report July 2022 received on 2/3/23. Likely rationale for the red pellets is that a badger from sett 7 visited Location 1 on a single occasion. Further information on the Proposal for Badger Sett Closure has been received. This is a technical note setting out the strategy for moving badgers from the main sett on site to the proposed new artificial sett (the Scheme was not seeking to apply for a Natural England Development License and the badger sett would be closed under the class license of a specialist). Further badger surveys being undertaken during 2023 and 2024 prior to closure of the main active sett on site. The applicant has been asked directly whether the badger sett crossing will be maintained.
- Birds – 2023 bird survey results expected to be shared in July.
- Reptiles – Arboricultural Impact Assessment mapped the vegetation to be retained, while mitigation strategies and biodiversity features would be included in the second iteration of the EMP. Reptile surveys would be updated in spring 2023 and mitigation strategies are being developed in consultation with the contractor as construction phasing is developed.

There are many potential receptor sites within the Application Boundary. The applicant has advised that both verges of the M3, farmland between the A33 and A34, and the farmland east of the M3 all host potential receptor sites. Reptile mitigation measures (hibernacula) are shown on the Environmental Masterplan.
- Update on responsibility of land management – The Scheme position is outlined in paragraphs 1.19 and 1.1.12 of Appendix 7.6 (OLEMP) of the ES (Document Reference 6.3). The current management plan is for 25 years. WCC assume that National Highways will retain ownership of the chalk grassland, and hence would remain responsible for land management for the duration of the operational life of the Scheme.

5.5.3 Whilst no overarching objection to the approaches taken is made, WCC are continuing to work with the applicant to review relevant data in order to confirm that the requirements of policies CP15 and CP16 would be met.

5.6 Landscape

Plan	Policy	Relevance
LPP1	CP19	New development should be in keeping with the context and the setting of the landscape of the South Downs National Park. Development within and adjoining the South Downs National Park which would have a significant detrimental impact to the rural character and landscape should not be permitted unless it can be demonstrated that the proposal is of over-riding national importance, or its impact can be mitigated.
LPP2	DM15	Developments need to respect the qualities, features and characteristics that contribute to the distinctiveness of the local area. Recognised public views, features and skylines should be conserved or enhanced.
	DM23	The site is outside of a settlement boundary and DM23 applies. Developments will only be permitted where they do not have an unacceptable effect on the rural character of the area by means of visual intrusion, introduction of incongruous features or impacts on the tranquillity of the rural environment.

5.6.1 Further correspondence and information has been supplied by the applicant following the Relevant Representation and the majority of queries have been answered and are considered acceptable.

5.6.2 It is noted that the scheme plans to have a balance in cut and fill however it appears there will still be considerable spoil removed from site which equates to numerous vehicle movements.

5.6.3 3D visualisations of gantries have been provided and show that, as expected, the gantries are visible. It is noted the submitted viewpoints are set at a distance. It is therefore assumed that no public viewpoints can be made closer to the gantries and it would be appreciated if this was confirmed by the applicant.

5.6.4 The ground used for the temporary haul road will be reinstated in a number of ways depending upon finished levels and ultimate use of the land. There will be some occasions

where the granular material being used for the haul road will be retained with levels built up above. This raises ground levels and affects the SDNP topography and potentially affects ground conditions with stone remaining in place. Confirmation of the final topography (assuming haul road is retained) and soil testing to ensure that reinstatement can be successfully established is required.

5.6.5 The application site forms a key part of the setting of the South Downs National Park by reason of its scale and proximity. As neighbouring authority, WCC is bound by the statutory duty in Section 11a of the National Parks and Access to the Countryside Act 1949 to consider the park’s statutory purposes.

5.6.6 WCC wish to note the significant concerns raised by the South Downs National Park within their Local Impact Report and note the conflict with a number of South Downs Local Plan policies.

The SDNP have pro-actively requested further information in order to address the majority of concerns and WCC will review this additional information alongside neighbouring authority colleagues throughout the process.

5.6.7 Whilst a number of queries have been addressed, there are further areas of clarification required and whilst no over-arching objection is made on the impact of the development on the Winchester landscape, compliance with policies DM15 and DM23 cannot yet be confirmed.

5.6.8 In addition, the significant concerns raised by the SDNP are noted and WCC has a duty to consider the setting of the National Park for development within its area. Compliance with policy CP19 cannot be agreed in this regard however WCC will continue to review further information and work alongside the applicant and neighbouring authorities

5.7 Trees

Plan	Policy	Relevance
LPP2	DM24	Development should not result in the loss of deterioration of ancient woodlands, important hedgerows, special trees, distinctive ground flora and the space required to support them.

5.7.1 Sufficient planting density is needed to compensate the loss of the trees listed below and the new planting should ensure there is a net gain of new trees planted to mitigate the loss of the high number of trees to facilitate the proposal.

5.7.2 There will be an impact on visual public amenity value due to the number of individual trees and groups of trees being removed, with the additional impact of removing Ash trees because of Ash dieback needing removal regardless of the development for public safety.

5.7.3 Whilst a significant number of trees are proposed for removal, provided that sufficient compensation is secured including a net gain and planting for GHG emission mitigation, an objection is not raised and the proposal is considered to comply with policy DM24.

6. General Remarks

6.1 Highways

6.1.1 As Highway Authority WCC defer to the expertise of Hampshire County Council to provide comments on the general highway impacts of the scheme.

6.1.2 It is however important to note that the exclusion of the A33/B3047 ('Cart and Horses') Junction has consistently been raised as an area of concern throughout the process by the host authorities including WCC.

The junction is excluded from the application site but will be impacted by an increased level of traffic as a consequence of the scheme. The junction is a significant part of the local highway network and the comments of the County Council are supported.

The proposed scheme would have negative impacts on the existing junction which has been subject to recent accidents and fatalities and should therefore be included within the application in order to mitigate and prevent further incidents.

Any improvements to the junction should be secured by legal mechanisms to ensure works are completed within an acceptable timeframe.

6.2 Public Rights of Way & Non-Motorised Routes

6.2.1 Policy CP15 of the LPP1 supports proposals which encourage public access to and within the natural environment. The alterations to the PROW allow greater access for more users to the countryside and National Park which is a benefit of the scheme.

6.2.2 Policy DM23 notes that developments in the locality of Public Rights of Way should not detract from the enjoyment of the countryside. Given users in this area are currently met with highway infrastructure and noise as existing this is not considered to be an adverse issue.

6.2.3 The provision of non-motorised user routes at Long Road – Easton and Kings Worthy – Winnall are supported. The applicant has worked with host authorities in the pre-submission stage to upgrade the routes to accommodate more users.

6.2.4 DCO Requirements should be used to secure the width of the routes and details of their surfacing, alongside legal status as a dedicated non-motorised route.

6.3 Impact Beyond Application Site

6.3.1 The northern part of the design at the junction of the B3407 and A33 is not clear. Investigation of this issue would enable the applicant to demonstrate there is a clear plan as

to how the design for road, cycle and footways link to the current highway network at the northern end of the site on the A33.

6.3.2 The impact of the southern turning point for diversions is on the B3336. Further clarification is requested on the works being carried out to reduce the impact of the likely congestion, as additional and heavy traffic uses junction 11. There is local concern that the diversions would result in excessive traffic delays in this area. This would interfere with pedestrian movement in this area, as it is a popular walking route for those wishing to access the Itchen Way.