

M3 Junction 9 Improvement

Scheme Number: TR010055

8.7 Draft National Policy Statement for National Networks Accordance Table

APFP Regulations 5(2)(q)

Planning Act 2008

**Infrastructure Planning (Applications: Prescribed Forms and
Procedure) Regulations 2009**

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**The Infrastructure Planning
(Applications: Prescribed Forms and
Procedure) Regulations 2009**

M3 Junction 9 Improvement
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**8.7 Draft National Policy Statement for National Networks
Accordance Table**

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1 Introduction

1.1 Purpose of this document

- 1.1.1 The Draft National Policy Statement for National Networks (draft NPS NN) Accordance Table relates to an application for a Development Consent Order (DCO) made by National Highways (the Applicant) to the Secretary of State for Transport (the SoS) via the Planning Inspectorate under Section 37 of the Planning Act 2008 (as amended). If made, the DCO would grant consent for the M3 Junction 9 Improvement Scheme (the Scheme).
- 1.1.2 On 14 March 2023 the Department for Transport released a Draft National Policy Statement for National Networks (draft NPS NN) consultation that closed on 6 June 2023.
- 1.1.3 As the proposed scheme was accepted for examination before the designation of the 2023 amendments, the 2014 National Policy Statement for National Networks (NPS NN) will remain in force in its entirety and have affect as per paragraphs 1.16 of the draft NPS NN. It is noted by the Applicant that the draft NPS NN is potentially capable of being important and a relevant consideration in the decision-making process.
- 1.1.4 This draft National Policy Statement for National Networks (draft NPS NN) Accordance Table is supplementary to the submitted **National Policy Statement for National Networks Accordance Table (7.2, Rev 2)** as a result of the draft NPS NN being released for consultation.
- 1.1.5 Each relevant draft NPS NN paragraph is set out with commentary as to the extent of compliance by the Scheme with its terms. The Accordance Tables reference other relevant documentation submitted as part of the Application and provide a summary where appropriate.
- 1.1.6 The table below considers the following chapters from the draft NPS NN:
- Chapter 4: General policies and considerations
 - Chapter 5: Generic impacts

2 Draft NPS NN Chapter 4 – General policies and considerations

Table 2.1: Chapter 4 – General policies and considerations

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
General principles of assessment		
4.2	Subject to the detailed policies and protections in this National Policy Statement (NPS) and the legal constraints set out in the Planning Act 2008, there is a presumption in favour of granting development consent for national networks Nationally Significant Infrastructure Projects (NSIPs) that fall within the need for infrastructure established in this NPS. The statutory framework for deciding NSIP applications where there is a relevant designated NPS set out in section 104 of the Planning Act 2008.	<p>Noted. Paragraph 1.16 – 1.17 of the draft NPS NN addresses the transitional provisions relating to the draft and states:</p> <p>“The Secretary of State has decided that for any application accepted for examination before designation of the 2023 amendments, the 2015 NPS should have effect in accordance with the terms of that NPS. The 2023 amendments will therefore have effect only in relation to those applications for development consent accepted for examination after the designation of those amendments.</p> <p>However, any emerging draft NPSs (or those designated but not having effect) are potentially capable of being important and relevant considerations in the decision-making process. The extent to which they are relevant is a matter for the relevant Secretary of State to consider within the framework of the Planning Act 2008 and with regard to the specific circumstances of each Development Consent Order application.”</p>

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4.3	<p>In considering the proposed development, and in particular, when weighing its adverse impacts against its benefits, the Examining Authority and the Secretary of State should take into account:</p> <p>its potential benefits, including faster and more reliable journey times, the facilitation of economic development, including job creation, reducing geographical disparities, connectivity, housing, social and environmental improvement, and any long-term or wider benefits;</p> <p>its potential adverse impacts, including any longer-term and cumulative adverse impacts, as well as any measures to avoid, reduce, mitigate, or compensate for any adverse impacts.</p>	<p>There is a strong need case for the Scheme in order to address the significant existing congestion and road safety issues on the M3. While it is recognized that great weight is attached to conserving the South Downs National Park, it is also considered that addressing the existing road safety issues and removing an impediment to strategic economic growth is in the public interest.</p> <p>Section 3.5 of the Case for the Scheme (7.1, Rev 1) outlines the five key strategic objectives supported by the Highways England Delivery Plan 2015-2020. Section 4 outlines the Transport case for the Scheme and Section 5 sets out the economic case for the Scheme, and outlines the economic, environmental, and social impacts of the scheme and provides a means of establishing how the scheme supports its objectives and sub-objectives.</p> <p>As summarised in Section 5 of the Case for the Scheme (7.1, Rev 1), the transport economic analysis indicates that the Scheme is forecast to generate economic benefits in the order of £152.3M with consideration of user benefits plus the effects of delays during construction, accident benefits, indirect taxation benefits, and monetised environmental impacts.</p> <p>The greatest benefit relates to user travel time savings, amounting to £155.5M, which are predominantly due to the</p>

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		<p>provision of the free-flow movement between the A34 and the M3. The Scheme has wider economic benefits of £41.8M.</p> <p>Potential environmental effects, mitigation and enhancements, are assessed within Chapters 5-14 of the ES (6.1, Rev 1 – Rev 2) and cumulative effects are considered in Chapter 15 (Cumulative Effects) of the ES (6.1, APP-056).</p>
4.4	<p>Should the Secretary of State decide to grant development consent for an application where details are still to be finalised, this will need to be reflected in appropriate requirements in the Development Consent Order. If development consent is granted for a proposal and a later stage the applicant wishes, for technical or commercial reasons, to construct it in such a way that it is outside the terms of what has been consented (for example, because its extents will be greater than has been provided for in terms of the consent), it will be necessary to apply for a change to be made to the Development Consent Order. The application to change consent should in line with the government's guidance on the procedures for making a change to a Development Consent Order for NSIPs and may need to be accompanied by environmental information to supplement that which was included in the original environmental assessment.</p>	<p>Noted, the Applicant is cognisant of the Government's guidance relating to the necessary procedures for making a change to the Development Consent Order (DCO).</p>
Business Case		

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4.5	<p>Applications for road and rail projects (with the exception of those for strategic freight interchanges) will normally be supported by a business case prepared in accordance with Treasury Green Book principles and the Department's Transport Business Case guidance and Transport Analysis Guidance. Transport Appraisal Guidance assesses the cost, benefits, and risks of alternative ways to meet government objectives. It helps decision makers to understand the potential effects, trade-offs, and overall impact of options by providing objective evidence base for decision making. The purpose of the economic dimension of the business case is to identify the proposal that delivers best public value to society, including wider social and environmental benefits; however, the economic case is one of five cases that comprise the business case, and government decisions are based on all five. The information provided will be proportionate to the development. This information will be important for the Examining Authority and the Secretary of State's consideration of the benefits and adverse impacts of a proposed development. It is expected schemes brought forward through the Development Consent Order process by virtue of section 35 of the Planning Act 2008, should also meet this requirement.</p>	<p>The Combined Modelling and Appraisal Report (7.10, Rev 1) and Section 5 of the Case for the Scheme (7.1, Rev1) present the anticipated economic benefits and dis-benefits of the Scheme. These impacts are monetised in order to estimate the Scheme's economic worth.</p> <p>Key figures are set out below:</p> <p>Over the 60-year appraisal period, the Scheme is forecast to generate economic benefits in the order of £152.3M with consideration of user benefits plus the effects of delays during construction, accident benefits, indirect taxation benefits, and monetised environmental impacts.</p> <p>The greatest benefit relates to user travel time savings, amounting to £155.5M, which were predominantly due to the provision of the free-flow movement between the A34 and the M3.</p> <p>The Scheme is forecast to achieve wider economic benefits of £41.8M.</p> <p>The accident assessment indicated an overall reduction in accidents with a corresponding benefit of £22.9M over the appraisal period.</p> <p>The assessment has used the DfT Transport Analysis Guidance (TAG) data book version 1.18 (May 2022).</p>

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4.6	<p>The Department's Transport Appraisal Guidance is updated regularly. This is to allow the evidence used to inform decision-making to be up to date. Where updates are made during the course of preparing analytical work, the updated guidance is only expected to be used where it would be material to the investment decision and in proportion to the scale of the investment and its impacts.</p>	<p>See response to draft NPS NN paragraph 4.5 relating to the scheme economic appraisal, which is presented in Chapter 5 of the Combined Modelling and Appraisal Report (7.10, Rev 1). The Economic Appraisal was carried out using standard procedures and economic parameters as defined by Department for Transport (DfT) Transport Analysis Guidance (TAG) Unit A1.</p> <p>Economic appraisal parameters were taken from TAG data book version 1.18 (May 2022), which was the current version at the time. An economic parameters sensitivity test was undertaken using TAG data book version 1.19 (June 2022 forthcoming updates), which demonstrated that forthcoming updated guidance did not have a material impact on the Scheme Assessment.</p>
Local Transport Model		
4.7	<p>Applications for road and rail projects should be supported by a local transport model to provide sufficiently accurate detail of the impacts of a project. The modelling will usually include national level factors around the key drivers of transport demand such as economic growth, demographic change, travel costs and labour market participation, as well as local factors. The Examining Authority and the Secretary of State do not need to be concerned with the national methodology and national assumptions around key drivers of transport demand. An assessment of benefits</p>	<p>The modelling assessment comprises a strategic model complemented with a local operational model. Chapter 4 of the Transport Assessment Report (7.13, Rev 1) provides a summary of the transport models and their development. The strategic model used is a derivation of the South East Regional Transport Model (SERTM), including updates for this stage. This model is referred to as the M3 Junction 9 Model, which underwent a number of further enhancements for the purpose of the assessment in line with the DfT's TAG. Calibration and validation focussed on the area of Winchester</p>

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	<p>and costs of schemes under a range of scenarios should reflect future uncertainty, in addition to the core case. The modelling should be proportionate to the scale of the scheme and include appropriate sensitivity analysis to consider the impact of uncertainty on project impacts.</p>	<p>to strengthen the model and make it suitable for the analysis of impacts of the Scheme.</p> <p>In PCF Stage 2 (Options Selection) an operational assessment model was developed using PTV-VISSIM software version 11. The VISSIM micro-simulation model of M3 Junction 9 was used to test the updated Scheme in Preliminary Design.</p> <p>The traffic forecasts are dependent on household and employment growth for car trips and DfT's Road Traffic Forecasts (RTF) 2018 for goods vehicles. TAG Unit M-4 recommends the production of an Uncertainty Log (UL) to summarise the local planning assumptions in relation to the nature, likelihood, timing, size, and other details of the future developments. The UL was based on information provided by Hampshire County Council. The forecasts were constrained to TEMPro 7.2 trip end projections. This process retained the trip end projections associated with the new developments in the zones where the developments are located. In the remaining model zones, background was growth reduced to meet the overall TEMPro trip end projections for the local authorities for which detailed development assumptions were specified. In areas outside these authorities, the TEMPro 7.2 trip end assumptions were used without any further adjustment. The Variable Demand Model (VDM) was used to predict the future changes in demand for private vehicle travel with and without the Scheme.</p>

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		<p>Based on this approach the VDM was applied to forecast the demand impacts of both the Do-Minimum (DM) as well as the Do-Something (DS)). The Do-Minimum represents a without Scheme scenario using the strategic and operational traffic models, it includes all the changes unrelated to the Scheme which are considered more than likely to be in place prior to the respective future year. The Do-Something scenario includes the Scheme.</p> <p>Together these models have been used to evaluate current and future conditions at M3 Junction 9 and on the adjacent road network. The strategic model has been used to provide the initial assessment of any strategic implications of the Scheme, as well as the basis for forecasting future year traffic demand matrices. This included scenario testing relating to development land-use and associated low and high travel demand growth relative to the core forecasting assumptions. The operational model was used to assess the network performance impacts of the Scheme at M3 Junction 9 and the immediate road network.</p> <p>Chapter 5 of the Combined Modelling and Appraisal Report (7.10, Rev 1) presents a summary of the economic cost-benefit assessment of the Scheme, based on the transport modelling and application of TAG, including alternative growth scenarios and sensitivity testing of the economic parameters.</p>

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Wider Strategies		
4.8	<p>In the case of SRFIs, judgement of viability will be made within the market framework and take account of government strategies, including the Future of Freight Plan, any identification of a National Freight Network and interventions such as investment in the strategic rail freight network and Great British Railway Strategic Plans. The radial proximity of a proposed site from existing SRFIs will be considered to ensure SRFIs are strategically located and do not abstract traffic from an extant SRFI and are strategically and technically viable. Additionally, the number of SRFI connections on any section of the route should not adversely affect the operational reliability of the wider network or impact performance of other services.</p>	<p>Not relevant to the Application.</p>
4.9	<p>The Examining Authority should only recommend, and the Secretary of State should only impose, requirements in relation to a development consent, that are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects. Development consent obligations should only be sought where they are necessary to make the development acceptable in planning terms, directly related to the proposed development and fairly and reasonably related in scale and kind to the development. Community Infrastructure Levy (or any successor to it) may also be payable on NSIP applications.</p>	<p>Schedule 2 of the Draft DCO (3.1, Rev 2) includes suggested requirements that are considered necessary, relevant to both planning and the proposed scheme, enforceable, precise, and reasonable in all other respects.</p> <p>The Explanatory Memorandum (3.2, APP-020) explains the purpose and effect of each provision in the draft DCO.</p>

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Environmental Assessment		
<p><i>Note: The government has announced plans to bring forward legislation to replace the existing EU-generated systems of Environmental Impact Assessment and Strategic Environmental Assessment with a domestic framework of environmental assessment. The new system would be brought forward through subsequent regulations following further consultation. Environmental assessment would still be required and if introduced relevant plans and projects would have to comply with such regulations. Until a new system is implemented, current legislation on environmental assessment continues to apply.</i></p>		
4.10	<p>NSIP applications need to include an environmental assessment. This assessment is undertaken under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) framework which requires project to be accompanied by an Environmental Statement. Regulations 14 of and Schedule 4 to the Environmental Impact Assessment (EIA) Regulations set out the information that should be included in the environmental statement.</p>	<p>An Environmental Statement (ES - 6.1, APP-042 - APP-153) has been prepared in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (the EIA Regulations).</p> <p>The ES (6.1, APP-042 - APP-153) presents a description of the Scheme, the likely significant effects (both beneficial and adverse) and measures to mitigate any adverse effects using the hierarchical mitigation system outlined in Table 4.5 of Chapter 4 (Environmental Assessment Methodology) of the ES (6.1, APP-045).</p> <p>Regulation 14(3) of the EIA Regulations requires the ES to be based on the most recent Scoping Opinion adopted. The ES (6.1, APP-042 - APP-153) is based on the 2020 Scoping Opinion, received from the Secretary of State in November 2020, which is the most recent Scoping Opinion adopted.</p>
4.11	<p>A key part of the environmental assessment is the consideration of cumulative effects. The applicant should provide information on how the effects of the proposals would combine and interact with the effects of other</p>	<p>Chapter 15 (Cumulative Effects) of the ES (6.1, APP-056) considers the cumulative effects of the Scheme. Two types of cumulative effects have been considered:</p>

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	<p>developments, where relevant. For most practical purposes this means the applicant should consider the impact of other existing and committed developments within an appropriate geographical area and assess the additional impact of their own development. Other evidence, for example, from a Transport Business Case, appraisals of sustainability of relevant NPSs or strategic environmental assessment of development plans, may assist the Secretary of State in reaching decisions on proposals and on mitigation measures that may be required. The Secretary of State should consider how the accumulation of, and interrelationship between, effects identified in the environmental assessment might affect the environment, economy, or community as a whole, even though they may be acceptable when considered on an individual basis with mitigation measures in place.</p>	<ul style="list-style-type: none"> ▪ Cumulative effects – effects that occur either as a result of changes caused by other developments reasonably acting cumulatively with the effects of the Proposed Scheme; and ▪ Combined effects – effects from the combined effect of several different impacts acting together on a single receptor, such that the combined effect would be more significant than the individual effects. <p>Chapter 15 (Cumulative Effects) of the ES (6.1, APP-056) has been prepared with reference to the Planning Inspectorate’s Advice Note 17: Cumulative Effects Assessment (Planning Inspectorate, 2019), guidance on cumulative effects contained in Design Manual for Roads and Bridges (DMRB) LA104 (National Highways, 2019), the NPS NN (DfT, 2014) and the 2020 Scoping Opinion.</p> <p>Chapter 15 (Cumulative Effects) of the ES (6.1, APP-056) 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). ID 72 at Easton Lane is for “<i>creation of a new McDonalds restaurant with drive-thru facility, car parking, landscaping and associated works.</i>” ID79 at Land West Of Winnall Manor Road is for the “<i>demolition of existing buildings, alteration to access, erection of up to 2100sqm office floorspace, up to 158 bed purpose built student accommodation; parking; landscaping; and associated features.</i>”. These two other</p>

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		<p>developments, along with the Scheme, would be subject to compliance with local and national policy and the imposition of appropriate planning conditions, and will need to minimise air quality and noise emissions. It is also assumed that best practice measures would be implemented, which would reduce and mitigate the potential for environmental impacts. As a result, no cumulative effects are anticipated on human health during construction.</p> <p>The assessment of combined effects did not identify any effects that would result in a greater significance of effect than the individual topic assessments.</p> <p>No significant cumulative effects have been identified and no further mitigation measures to those outlined in the individual environmental topic chapters (Chapters 5-14) of the ES (6.1, Rev 1 – Rev 2) are proposed.</p>
<p>Habitat regulation assessments for internationally important sites</p>		
<p><i>Note: The government's "Nature Recovery Green Paper: Protected Sites and Species", consulted on changes to the Habitats Regulation Assessment process. If changes are made, relevant plans and projects would have to comply with such relevant regulations. Until a new process is implemented, current legislation continues to apply.</i></p>		
4.12	Under the Habitats Regulations, the Secretary of State must consider whether it is possible that a plan or project could likely have a significant effect (either alone or in combination with other plans or projects) on a protected site which forms part of the UK National Site Network (Special Areas of Conservation and Special Protection	A Habitats Regulations Assessment (7.5, APP-158) has been prepared so that, in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), the Competent Authority (in this case the Secretary of State) can make an 'Appropriate Assessment' of the implications of the Scheme on the National Site Network

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	<p>Areas) or on any site to which the same protection is applied as a matter of policy (i.e. listed or proposed Ramsar sites, possible Special Areas of Conservation, and sites used to compensate for adverse effects of habitat sites). The term 'habitat sites' is used to refer collectively to such sites throughout this NPS. Such an assessment should be made with due regard to the conservation objectives of any relevant habitat site(s).</p>	<p>i.e. to undertake an HRA. The Habitats Regulations Assessment (7.5, APP-158) comprises two parts – the Screening Report and the Statement to Inform an Appropriate Assessment.</p> <p>An assessment of likely significant effects to the National Site Network from the Scheme is set out in the Habitats Regulations Assessment (7.5, APP-158) so that, in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), the Competent Authority (in this case the Secretary of State) can make an 'Appropriate Assessment' of the implications of the Scheme on The National Site Network i.e. to undertake an Habitats Regulation Assessment (HRA).</p> <p>Natural England was consulted regarding the HRA and other matters specific to the Project (details are provided within the document). The HRA Evidence Plan was submitted to Natural England and the Environment Agency in May 2021 for comment.</p>
4.13	<p>The applicant should seek early advice of the appropriate Statutory Nature Conservation Body and provide the Secretary of State with such information as the Secretary of State may reasonably require, to determine whether or not the plan or project should proceed to the Appropriate Assessment stage of the Habitats Regulation Assessment.</p>	<p>An assessment of likely significant effects to the National Site Network from the Scheme is set out in the Habitats Regulations Assessment (7.5, APP-158) so that, in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), the Competent Authority (in this case the Secretary of State) can make an 'Appropriate Assessment' of the implications of the</p>

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		<p>Scheme on The National Site Network i.e. to undertake an Habitats Regulation Assessment (HRA).</p> <p>Natural England was consulted regarding the HRA and other matters specific to the Project (details are provided within the document). The HRA Evidence Plan was submitted to Natural England and the Environment Agency in May 2021 for comment.</p>
4.14	<p>Where a proposed plan or project is considered likely to have a significant effect on a habitat site, the applicant must provide sufficient information with the application to enable the Secretary of State to make an appropriate assessment of these likely effects in view of the site's conservation objectives. The assessment may consider the effect of any mitigation measures and the Statutory Nature Conservation Body must be formally consulted on the assessment and its advice considered. The applicant should also consider agreeing an Evidence Plan with the Statutory Nature Conservation Body to help determine the information required.</p>	<p>The Habitats Regulations Assessment (7.5, APP-158) is included within the Application. This considers whether the proposed scheme has the potential to result in significant effects on habitat sites. The HRA concludes that, subject to the implementation of measures referred to in paragraph 6.2.2 of the HRA, no adverse effects on the River Itchen SAC are anticipated as a result of the Project alone, or in-combination with other projects or plans.</p> <p>An Evidence Plan prepared by the Applicant dated 7 May 2021 is included within Appendix E of the HRA (7.5, APP-158). Natural England and the Environment Agency were consulted on the scope of the Evidence Plan, and both organisations provided comments which informed the most recent iteration of the Evidence Plan, and the subsequent HRA (7.5, APP-158).</p>
4.15	<p>Such plans or projects may only proceed if the assessment concludes they will not adversely affect the integrity of the site or, notwithstanding a negative assessment, there are</p>	<p>See response to draft NPS NN paragraph 4.14 (above).</p>

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	<p>no alternative solutions, and they must provide for imperative reasons of overriding public interest. The applicant must demonstrate that they have sought advice from the Statutory Nature Conservation Body on whether the proposed compensation is appropriate to maintain the overall coherence of the National Sites Network. They must also show that the compensation is secured or provide an indication as to how it can be secured to maintain the overall coherence of the National Sites Network. Provision of such information will not be taken as an acceptance of adverse effects on integrity and if an applicant disputes the likelihood of adverse effects, it can provide this information without prejudice to the Secretary of State's final decision on the effects of the potential development on the habitats site. If, in these circumstances, the applicant does not supply information required for the assessment of a potential derogation, there will be no expectation that the Secretary of State will allow the applicant the opportunity to provide such information following the examination.</p>	
4.16	<p>During the pre-application stage, and without prejudice to the formal Habitats Regulation Assessment of the submitted plan or project, if the Statutory Nature Conservation Body gives an early indication that, irrespective of any anticipated mitigation measures, the proposed development is highly likely to lead to adverse effects on the integrity of one or more habitats sites, the applicant must include in their application such information</p>	<p>An assessment of likely significant effects to the National Site Network from the Scheme is set out in the Habitats Regulations Assessment (7.5, APP-158) so that, in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), the Competent Authority (in this case the Secretary of State) can make an 'Appropriate Assessment' of the implications of the</p>

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	required to assess a potential derogation under the Habitat Regulations.	<p>Scheme on The National Site Network i.e. to undertake a Habitats Regulation Assessment (HRA).</p> <p>Natural England has been consulted regarding the HRA and other matters specific to the Project (details are provided within the document). Natural England has not indicated that they believe the Scheme will result in adverse effects on the integrity of one or more habitats sites, or that they feel a derogation would be required.</p>
Alternatives		
4.17	<p>Applicants should comply with all legal requirements, and any policy requirements set out in this NPS, on the assessment of alternatives. For example, current requirements include:</p> <ul style="list-style-type: none"> ▪ The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 requires projects with significant environmental effects to include an outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects; ▪ There may also be other specific legal requirements for the consideration of alternatives, for example, under the Conservation of Habitats and Species Regulations 2017 (as amended) and Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 	<p>Chapter 3 (Assessment of Alternatives) of the ES (6.1, APP-044) presents a summary of the alternative Scheme options considered. In evaluating the relative advantages and disadvantages of each, not all alternatives have been explored to an equal level of detail. For example, some options have been appraised and eliminated from further consideration early in the design-development process, whereas other options have been retained to a much later stage in the process, having been subject to repeated analysis and refinement.</p> <p>A Consultation Report (5.1, APP-025) has been prepared to provide an account of the pre-application consultation activities undertaken by the Applicant and to explain how consultation responses have been taken into account in the preparation of the application for the Scheme.</p>

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	<ul style="list-style-type: none"> ▪ There may also be policy requirements in the NPS, for example, flood risk sequential test and the assessment of alternatives for developments in National Parks, the Broads, and Areas of Outstanding Natural Beauty (AONB) – where there is a policy or legal requirement to consider alternatives, the applicant should describe the alternative considered, in compliance with these requirements and in a proportionate manner. 	<p>A Habitats Regulations Assessment (7.5, APP-158) has been prepared so that, in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended), the Competent Authority (in this case the Secretary of State) can make an ‘Appropriate Assessment’ of the implications of the Scheme on the National Site Network i.e. to undertake an HRA. The Habitats Regulations Assessment (7.5, APP-158) comprises two parts – the Screening Report and the Statement to Inform an Appropriate Assessment.</p> <p>A Water Framework Directive Assessment (7.7, APP-160) has been undertaken. This concludes that the Scheme will not have any significant long-term impacts on the ecology of water quality within water bodies, does not result in a significant change away from baseline conditions for the overall Water Framework Directive (WFD) water bodies and will not result in deterioration of the current WFD potential of the River Itchen, Nun’s Walk Stream and Itchen Navigation Canal surface water bodies. The works will not affect the ability for the key actions identified in the River Basin Management Plan to be implemented for the catchment. As such, the works are compliant with the WFD and will not prevent the water bodies from achieving Good status in the future.</p> <p>An FRA (7.4, APP-157) has been undertaken. The Scheme constitutes ‘Essential Infrastructure’ as defined in the NPPF</p>

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		<p>and National Planning Policy Guidance (NPPG). The Scheme is predominantly within Flood Zone 1, although some area adjacent to the watercourses are located in Flood Zone 2 and Flood Zone 3. 'Essential Infrastructure' is considered appropriate in Flood Zone 1 and in Flood Zone 2 and Flood Zone 3 it is appropriate subject to the Sequential Test and Exception Test being met. The FRA (7.4, APP-157) demonstrates that the Scheme passes these tests.</p> <p>Section 7 of the Case for the Scheme (7.1, Rev 1) considers in detail the compliance of the Scheme in relation to its development within the South Downs National Park.</p>
4.18	<p>National road or rail schemes that have been identified in relevant Road or Rail Investment Strategies will have been subject to an options appraisal process where relevant in line with existing Transport Appraisal Guidance, and proportionate consideration of alternatives will have been undertaken as part of the investment decision making process. The options appraisal may include other viable options for achieving the objectives of the project, including (where appropriate) other modes of travel, regulation, or other ways of influencing behaviour in line with Department for Transport guidance. The Examining Authority and the Secretary of State should satisfy themselves that the options appraisal process has been undertaken.</p>	<p>The Scheme was included the Department for Transport's (DfT) Road Investment Strategy 2015/16 – 2019/20 (2015) (RIS1) and Road Investment Strategy 2 2020–2025 (2020) (RIS2). The RIS2 outlines that the Scheme is to be funded within the Road Period 2 (RP2), covering the financial years 2020/21 to 2024/25.</p> <p>The Scheme has been subject to a full options appraisal process as described in Chapter 3 (Assessment of Alternatives) of the ES (6.1, APP-044) and Section 2 of the Case for the Scheme (7.1, Rev 1).</p>
4.19	<p>Where an options appraisal process has been undertaken, it should not be necessary to consider alternatives except where para 4.17 applies or in the wholly exceptional</p>	<p>Noted, see response to draft NPS NN paragraph 4.17 and 4.18 (above).</p>

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	<p>circumstances where case law would require consideration of alternatives as the proposed development involves such obvious adverse effects that the possibility of an alternative site or an alternative location within the site proposed by the applicant avoiding such adverse effects becomes a relevant planning consideration. In those exceptional circumstances where alternatives might be relevant, consideration of them should be proportionate. Where alternative schemes proposed are vague or inchoate, or have no real possibility of coming about, they are either irrelevant, or where relevant, will be given little or no weight, and the extent to which they are considered should be determined accordingly.</p>	<p>It is not considered that this paragraph applies to the Scheme.</p>
Biodiversity net gain		
4.20	<p>Biodiversity net gain is an approach to development that delivers measurable improvements for biodiversity by creating or enhancing habitats in association with developments. Applicants should therefore not just look to mitigate direct harms, but also to identify and deliver opportunities for nature recovery and wider environmental opportunities by providing net gains for biodiversity.</p>	<p>Appendix 8.2 (Biodiversity Net Gain Assessment Report) of the ES (6.3, APP-131) assesses that the Scheme would result in a predicted net gain in biodiversity (+4.14%) and a predicted net gain in hedgerow units (+3.60%).</p> <p>The Scheme would provide a net increase of over 9.6 ha of chalk grassland, which is appropriate to the local area. The protection and enhancement of this habitat is a key theme within the South Downs Local Plan (adopted July 2019) and has been a key theme within consultation responses from stakeholders. However, the use of this habitat type suppresses the overall result of the metric, due to risk factors associated with this habitat type. For example, if 'other</p>

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		<p>neutral grassland' was provided in place of chalk grassland then the overall biodiversity net gain (BNG) score for the Scheme would change from +4.14% to +14.93%. This demonstrates that the Scheme can comfortably deliver over 10% BNG. However, whilst a change from chalk grassland to other neutral grassland would be technically feasible, given the wider benefits, chalk grassland has been taken forward as being most appropriate habitat for the Scheme.</p> <p>In summary, the Applicant has maximised opportunities for building in beneficial biodiversity features into the Scheme.</p>
4.21	<p>Applicants should use the most appropriate version of the Department of Environment, Food and Rural Affairs (Defra) biodiversity metric (as advised by Defra) to calculate their biodiversity baseline and inform their biodiversity net gain outcomes, and to present this data as part of their application. Biodiversity net gain should be applied in conjunction with the mitigation hierarchy and does not change or replace existing environmental obligations.</p>	<p>BNG for the proposed scheme has been calculated using Defra Metric 3.1 Calculation Tool (published April 2022), which was the latest version of the metric available at the time. The data is presented in Appendix 8.2 (Biodiversity Net Gain Assessment Report) of the ES (6.3 APP-131), which also confirms the steps undertaken through Scheme design evolution to implement the mitigation hierarchy, prior to consideration of the biodiversity metric.</p>
4.22	<p>Biodiversity net gain can be delivered onsite or wholly or partially off-site and should also be set out within the application for development consent. When delivering biodiversity net gain off-site, development should do this in a manner that best contributes to the achievement of relevant wider strategic outcomes, for example, by increasing habitat connectivity or enhancing other ecosystem service outcomes. Reference should be made</p>	<p>Appendix 8.2 (Biodiversity Net Gain Assessment Report) of the ES (6.3, APP-131) assesses that the Scheme would result in a predicted net gain in biodiversity (+4.14%) and a predicted net gain in hedgerow units (+3.60%).</p> <p>The Scheme would provide a net increase of over 9.6 ha of chalk grassland, which is appropriate to the local area. The protection and enhancement of this habitat is a key theme</p>

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
	<p>to any Local Nature Recovery Strategy (which should be the primary reference point for those delivery biodiversity net gain off-site) and other relevant national and local plans and strategies, such as green infrastructure strategies, used to inform Biodiversity net gain delivery.</p>	<p>within the <i>South Downs Local Plan</i> (adopted July 2019) and has been a key theme within consultation responses from stakeholders. However, the use of this habitat type suppresses the overall result of the metric, due to risk factors associated with this habitat type. For example, if 'other neutral grassland' was provided in place of chalk grassland then the overall biodiversity net gain score for the Scheme would change from +4.14% to +14.93%. This demonstrates that the Scheme can comfortably deliver over 10% BNG. However, whilst a change from chalk grassland to other neutral grassland would be technically feasible, given the wider benefits, chalk grassland has been taken forward as being most appropriate habitat for the Scheme. In summary, the Applicant has maximised opportunities for building in beneficial biodiversity features into the Scheme.</p>
4.23	<p>A government Biodiversity Gain Statement will set out the concept for Biodiversity net gain for NSIPs. The Secretary of State will need to be satisfied that the biodiversity gain objective in any relevant biodiversity gain statement has been met.</p>	<p>Noted. The "Nationally Significant Infrastructure: action plan for reforms to the planning process" published 23 February 2023 Annex A, Action 9, sets out to "Incorporate Biodiversity Net Gain (BNG) requirements for all (terrestrial) NSIP projects from November 2025 and develop an approach for Marine Net Gain".</p> <p>Appendix 8.2 (Biodiversity Net Gain Assessment Report) of the ES (6.3, APP-131) sets out the position on BNG. See also response to paragraph 4.22 of the draft NPS NN (above).</p>
<p>Criteria for good design for national network infrastructure</p>		

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4.24	<p>Applicants should include design as an integral consideration from the outset of the proposal. Applying good design to national networks projects should not be limited to general aesthetics. High quality and inclusive design goes far beyond aesthetic considerations. It demonstrates an understanding of context, local needs, history and culture, enhances local landscape character, and is adaptable to future needs and technologies. The National Infrastructure Design Principles described good design as:</p> <p>a key aspect of sustainable development. It includes opportunities to enable decarbonisation, incorporates flexibility, and builds resilience against climate change. The functionality of projects, including fitness for purpose, resilience, and sustainability, is equally important.</p> <ul style="list-style-type: none"> ▪ helping to improve the quality of life for local communities. It promotes inclusion, cohesion and increases accessibility. It creates safe spaces with clean air that improve health and wellbeing. ▪ giving places a strong sense of identity, creating a sense of place, connecting communities, addressing community severance, and integrating into its surroundings. It makes a positive contribution to the local landscape within and beyond the project boundary. Good design enhances local culture and 	<p>The Design and Access Statement (7.9, APP-162) explains the design rationale behind the Scheme and sets out the context within which design development has taken place. It identifies the key opportunities and challenges which have influenced the design as well as the role that consultation / stakeholder engagement has played. Comments received from the independent design review panel and how they have been incorporated into the Scheme have also been summarised.</p> <p>The Scheme is a product of iterative design. Section 4 of the Design and Access Statement (7.9, APP-162) outlines the design evolution and engagement. Section 6.2 of the Design and Access Statement (7.9, APP-162) details the Scheme wide design principles.</p> <p>The Scheme design has responded to the environmental constraints presented by statutory and non-statutory designations and receptors. Assessment of these is detailed within the ES (6.1, APP-042 – APP-153) and these have contributed to the design narrative as set out in the Design and Access Statement (7.9, APP-162).</p> <p>Sustainable design is a fundamental consideration of the Scheme. Due to the lifespan of the proposals, the Scheme design considers potential change from future Climate Change, including designing in appropriate water attenuation features for extreme events, specifying durable materials,</p>

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	<p>character and supports local ecology, delivering through biodiversity net gain, while protecting wildlife corridors and irreplaceable nature assets and habitats.</p> <ul style="list-style-type: none"> adding value by defining issues clearly from the outset. Good design also finds opportunities to add value beyond the main purpose of the infrastructure to consider the wider benefits savings on cost, the environment, materials, and space. It is efficient in the use of material resources, sustainable materials and energy used in construction. 	<p>and including a diverse soft landscape species for resilience. Further details are provided within Chapter 6 of the Design and Access Statement (7.9, APP-162).</p> <p>The design draws on the character of the existing landscape including the South Downs National Park and its setting, as well as its ecology and heritage. This is detailed in Appendix 7.6 (Outline Landscape and Ecological Management Plan) of the ES Chapter 7 (6.3, APP-102) and shown on the Environmental Masterplan Figure 2.3 of the ES (6.2, APP-062).</p> <p>Mitigation measures incorporated into the design of the Scheme are reported as embedded mitigation in Chapter 4 (Environmental Assessment Methodology) of the ES (6.1, APP-045). Section 14.6 of Chapter 14: Climate of the ES (6.1, Rev 2) details all the mitigation in relation to Climate.</p> <p>Mitigation has been secured through incorporating the measures within the design of the Scheme and the application drawings submitted with the DCO application, which will be consolidated through the first iteration Environmental Management Plan (fiEMP) (7.3, Rev 2). Measures include retaining existing pavements where possible, reducing the volume of material required to construct the Scheme and using alternative materials that are less carbon intensive. For the operational stage of the</p>

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		<p>Scheme, mitigation includes the provision of high-quality accessible pedestrian and cyclist routes which will encourage and enable travel by low-carbon, sustainable modes.</p> <p>Efficient consumption and use of material resources, and the controlled production and disposal of waste during construction of the proposed scheme have also been considered in Chapter 10 (Material Assets and Waste) of the ES (6.1, Rev 1).</p> <p>Table 3.2 the Register of Environmental Actions and Commitments (REAC) in the fiEMP (7.3, Rev 2) includes mitigation measures outlined above.</p>
4.25	<p>A good design should meet the principal objectives of the scheme by applying the mitigation hierarchy to avoid, eliminate or substantially mitigate the identified problems and existing adverse impacts, by improving operational conditions, simultaneously minimising adverse impacts and contributing to the conservation and enhancement of the natural, built and historic environment. A good design will also be one that sustains the improvements to operational efficiency for as many years as is practicable, taking into economic, social, and environmental impacts.</p>	<p>See the response to draft NPS NN paragraph 4.24.</p> <p>The Scheme design has responded to the environmental constraints presented by statutory and non-statutory designations and receptors. Assessment of these is detailed within the ES (6.1, APP-042 – APP-153) and these have contributed to the design narrative as set out in the Design and Access Statement (7.9, APP-162). The Scheme proposals are integrated with the sensitive landscape and where necessary appropriate mitigation has been included. In addition, the Scheme results in a number of environmental benefits, including improved habitat connectivity through newly created habitats including chalk grassland creation, and increased accessibility via the new walking, cycling and horse-riding routes.</p>

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4.26	In light of the above, scheme design will be a material consideration in decision making. The Secretary of State needs to be satisfied that national networks infrastructure projects are sustainable, having regard to appropriate industry good design guidance, and the applicant has considered, as far as possible, both functionality (including fitness for purpose and sustainability) and aesthetics (including the scheme's contribution to the quality of the area in which it would be located).	Sustainable design is a fundamental consideration of the Scheme. Due to the lifespan of the proposals, the Scheme design considers potential change from future Climate Change, including designing in appropriate water attenuation features for extreme events, specifying durable materials, and including a diverse soft landscape species for resilience. Further details are provided within Chapter 6 of the Design and Access Statement (7.9, APP-162) .
4.27	Applicants should have regard to the National Design Guidance, National Model Design Code, Local Nature Recovery Strategies, Local Air Quality Plans, the purposes of National Parks, Areas of Outstanding Natural Beauty, the Broads and any local design codes.	<p>The design of the Scheme takes into account National Highways 10 principles of good design, published in 'The Road to Good Design' (Highways England, 2018), to support its aspirations for a network that responds better to both people and places through improved design processes. These promote environmentally sustainable design that fits in context, whilst making roads safe, useful, and understandable.</p> <p>The Scheme as illustrated on the Environmental Masterplan responds to the relevant objectives and principles set out in the National Design Guide and National Model Design Code, including the relevant characteristics of well-designed places. The Design and Access Statement (7.6, APP-162) Section 6.2 includes the Scheme wide design principles in relation to safety, sustainable design, highways design, drainage, and the Rights of Way strategy and mobility.</p>

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		<p>The Chapter 7 (Landscape and Visual) of the ES (6.1, Rev 1) has been updated to consider the Winchester City Council Landscape Character Assessment (LCA) Supplementary Planning Document 2022.</p> <p>The Environment Act 2021 (c. 30, “the Act”) requires responsible authorities in England to prepare and publish Local Nature Recovery Strategies (LNRS). Responsible authorities are appointed by the Secretary of State. At the time of submission and at present, no relevant LNRS are in place and therefore cannot be considered in the assessment.</p> <p>Chapter 5 (Air Quality) of the ES (6.1, Rev 1) considers the Winchester City Air Quality Action Plan and Air Quality Supplementary Planning Document (SPD). The SPD lists types of development and required mitigation but this does not include Highways works. The assessment has been undertaken in accordance with DMRB LA105 guidance.</p> <p>The two purposes identified within Section 5(1) of the National Parks and Access to Countryside Act 1949 (as amended) are (a) to conserve and enhance the natural beauty, wildlife and cultural heritage and (b) to promote opportunities for the understanding and enjoyment of the special qualities of those areas by the public.</p> <p>Chapter 7 (Landscape and Visual) of the ES (6.1, Rev 1) assesses the impacts of the Scheme on the landscape.</p>

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		<p>Chapter 8 (Biodiversity) of the ES and the HRA provide assessments of the impacts on wildlife, and Chapter 6 (Cultural Heritage) assesses the impacts of the Scheme on cultural heritage. The Scheme has had regard to the purpose of the National Park and the duties for undertakers under 11A of the National parks and Access to Countryside Act 1949 (as amended). See also responses to draft NPS paragraphs 5.155, 5.162 – 5.165 with respect to the South Downs National Park.</p>
4.28	<p>In their application, applicants should be able to demonstrate how the design process was conducted, effective engagement with communities and stakeholders and how the proposed design evolved to maximise design outcomes. Where a number of different designs were considered, applicants should set out the reasons why the favoured choice has been selected with a clear articulation of the benefits. The Examining Authority and the Secretary of State should consider the ultimate purpose of the infrastructure and the operational, safety and security requirements which the design must satisfy.</p>	<p>The Design and Access Statement (7.9, APP-162) explains the design rationale behind the Scheme and sets out the context within which design development has taken place.</p> <p>It identifies the key opportunities and challenges which have influenced the design as well as the role that consultation / stakeholder engagement has played. The details of the engagement undertaken with stakeholders is set out in the Consultation Report (5.1, APP-025). Comments received from the independent design review panel and how they have been incorporated into the Scheme have also been summarised.</p> <p>Stakeholder engagement has been summarised in Section 4 of the Design and Access Statement (7.9, APP-162), and this demonstrates the integral part that this has played in helping shape the preliminary Scheme proposals submitted as part of the DCO. Engagement has included focused</p>

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		<p>consultation with statutory organisations and stakeholders and the wider public.</p> <p>The Scheme has been subject to a full options appraisal process as described in Chapter 3 (Assessment of Alternatives) of the ES (6.1, APP-044) and Section 2 of the Case for the Scheme (7.1, REV 1).</p>
4.29	<p>Applicants should consider taking independent professional advice on the design aspects of a proposal. A project board level design champion could be appointed, and a representative design panel used to maximise the value provided by the infrastructure. Also, the Design Council can be asked to provide design review for NSIPs and applicants are encouraged to use this service.</p>	<p>See the response to draft NPS NN paragraphs 4.24 - 4.25, 4.27 and 4.28.</p> <p>The design team comprises qualified and experienced professionals including highways engineers, landscape architects, planners, traffic modellers, drainage engineers, acousticians, biodiversity and other environmental professionals. A collaborative approach to design has been central to the development of the Scheme.</p> <p>Stakeholder engagement has been summarised in Section 4 of the Design and Access Statement (7.9, APP-162), and this demonstrates the integral part that this has played in helping shape the preliminary Scheme proposals submitted as part of the DCO. Engagement has included focused consultation with statutory organisations and stakeholders and the wider public. The Scheme design was also presented to an independent design review panel.</p>
Climate change adaption		

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4.32	Article 7 of the Paris Agreement establishes a global goal on adaption – of enhancing adaptive capacity, strengthening resilience, and reducing vulnerability to climate change in the context of temperature goal of the Agreement. It aims to significantly strengthen national adaption efforts, including through support and international cooperation.	Noted.
4.33	To support planning decisions, the government produces a set of UK Climate Projections and has developed a National Adaption Programme. In addition, the government’s Adaption Reporting Power invites authorities (a defined list of public bodies and statutory undertakers, including National Highways, Network Rail and the Office for Rail and Road) to assess the risks presented by a changing climate, include policies and actions to address climate risk and set out progress made.	Noted. As detailed in paragraph 14.3.1 of Chapter 14 (Climate) of the ES (6.1, Rev 2) , the Second National Adaptation Programme 2018-2023 has been considered within the assessment.
4.34	In certain circumstances, measures implemented to ensure a scheme can adapt to climate change may give rise to additional impacts. For example, as a result of protecting against flood risk, there may be consequential impacts on coastal change (see paragraphs 5.95 to 5.110). If this happens, the Secretary of State should consider the impact of the latter in relation to the application as a whole and the impact guidance set out in chapter 5 of this NPS.	Noted.
4.35	In preparing the measures to support climate change adaption applicants should consider whether nature-based	The proposed scheme design has considered a variety of options for the mitigation of potential surface water drainage

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	<p>solutions could provide a basis for such adaption. In addition to avoid further greenhouse gas emissions when compared with some more traditional adaption approaches, nature-based solutions can also result in biodiversity benefits as well as increasing absorption of carbon dioxide from the atmosphere (see also paragraphs 5.170 to 5.194) on the role of green infrastructure).</p>	<p>and flood risk impacts. As detailed in Section 14.64 of Chapter 14 (Climate) of the ES (6.1, Rev 2), sustainable drainage systems (SuDS) and attenuation storage have been designed to have a capacity to accommodate a 1 in 100-year flow event, with a climate change allowance of 40% features (e.g. attenuation ponds, swales, filter drains, etc.) have been used to reduce the impact of surface water runoff being discharged on the natural environment, thereby reducing flood risk and improving water quality. Further information is included in Appendix 13.1 (Drainage Strategy Report) of the ES (6.3, APP-142 – APP-143). Other measures to increase the Scheme’s resilience to climate change, including green infrastructure provision and species selection is set out in Section 14.16 of Chapter 14 (Climate) of the ES (6.1, Rev 2).</p>
4.36	<p>New national networks infrastructure will typically be a long-term investment and will need to remain operational over many decades, in the face of a changing climate. Consequently, applicants must consider the direct (e.g. flooding of other parts of the road or rail network) impacts of climate change when planning the location, design, build, operation and maintenance. The Secretary of State will need information on how the proposal will take account of projected impacts of climate change and remain resilient.</p>	<p>Chapter 14 (Climate) of the ES (.1, Rev 2) considers the Scheme’s vulnerability and resilience to climate change. This utilises UK Climate Projections 2018 (UKCP18) high emissions scenario across a 60 year period. To build in climate change resilience, the components of the Scheme have been designed to address the potential for increased rainfall and more extreme rainfall events. The drainage system incorporates flood alleviation measures, including attenuation storage with a capacity to accommodate a 1 in 100-year flow event, with a climate change allowance of 40%. Section 14.16 sets out the mitigation measures in relation to vulnerability to future climate change. With this mitigation in</p>

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		<p>place, no significant effects as a result of climate change are anticipated.</p> <p>The Scheme design considers potential change from future Climate Change, including designing in appropriate water attenuation features for extreme events, specifying durable materials, and including a diverse soft landscape species for resilience.</p> <p>The FRA (7.4, APP-157) has been completed in accordance with the 'Flood Risk Assessments: Climate Change Allowances' guidance, through the inclusion of the H++ allowance for potential increases in peak river flow. It is anticipated that climate change would cause alterations to the baseline flood zones. The Scheme design has incorporated the potential increase in flood levels, accounting for this through embedded mitigation.</p> <p>New landscaping and planting would create multifunctional habitat corridors within the Scheme and include the creation of new native woodland grassland and scrub. Consideration would be given to drought tolerance and waterlogging species at the detailed design stage.</p>
4.37	The Secretary of State should be satisfied that applications for new national networks infrastructure have taken into account the potential direct and indirect impacts of climate change. This should include using the latest UK Climate Projections and associated research and expert guidance	<p>See response to draft NPS NN paragraph 4.36 (above).</p> <p>The Scheme has been designed to avoid or reduce vulnerability to climate change. Embedded mitigation is listed within Chapter 4 (Environmental Impact Assessment (EIA))</p>

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	<p>(such as the Environment Agency’s Climate Change Allowances for Flood Risk Assessments) applicable at the time the environmental assessment was prepared as part of the Development Consent Order application, to ensure they have identified mitigation and adaption measures. This should cover the estimated lifetime of the new infrastructure, with a high level of climate resilience built-in from the outset. The applicant should also be able to demonstrate how the proposals can be adapted over their predicted lifetimes to remain resilient to a credible maximum climate change scenario. Should a revised set of UK Climate Projections or associated research be applicable after the preparation of environmental assessment, the Examining Authority should consider whether they need to request further information from the applicant.</p>	<p>Methodology of the ES (6.1, APP-045). Additional embedded and essential mitigation measures have been identified within this Chapter 14 (Climate) of the ES (6.1, Rev 2). This mitigation is also included within the fiEMP (7.3, Rev 2).</p> <p>Climate change is considered in both the assessment of the Scheme effects and the design of mitigation and enhancement measures. The consideration of the Scheme’s resilience to climate change is assessed qualitatively, based on the future climate trends outlined in Chapter 14 (Climate) of the ES (6.1, Rev 2). This utilises UK Climate Projections 2018 (UKCP18) high emissions scenario across a 60 year period. The assessment of the Scheme’s contribution to climate change, through release of GHG emissions, is a quantitative assessment against the legislated UK Government’s carbon budgets.</p> <p>The FRA (7.4, APP-157) has been prepared in accordance with the Environment Agency’s Climate Change Allowances for Flood Risk Assessments.</p>
4.38	<p>The Secretary of State should be satisfied that there are no features of the design of new national networks infrastructure critical to its safety or operation which may be seriously affected by more radical changes to the climate. Beyond that projected in the latest set of UK climate projections and taking account of the latest credible scientific evidence on, for example, sea level rise. The</p>	<p>See the response to draft NPS NN paragraphs 4.36 and 4.37 (above).</p> <p>Section 14.16 of Chapter 14 (Climate) of the ES (6.1, Rev 2) presents the essential mitigation measures that have been incorporated into the Scheme’s design.</p>

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	<p>Secretary of State should also be satisfied that necessary action can be taken to ensure the operation of the infrastructure over its estimated lifetime.</p>	<p>The impact of climate change on flood levels has been taken into consideration in the design of the Scheme in accordance with EA and DMRB guidance and the soffit of the proposed bridge is set at a significant freeboard above the design 1 in 100 year + climate change flood event.</p> <p>At the construction stage, the Scheme will continue to be designed in accordance with several UK and British Standards and DMRB guidance, including the foundations, structures and pavements/road surfaces, for example the BS EN 1991-1-5:2003 in relation to thermal action and Wind loading BS EN 1991-1-4:2005 in relation to wind loading.</p> <p>In terms of Essential Mitigation during operation, the Scheme’s planting specifications will be provided at detailed design stage as part of the discharge of requirements (Schedule 2 of the draft DCO (3.1, Rev 2)). The soft landscape planting strategy for the Scheme should follow a contextual approach with regards to native species selection and pattern and be appropriate to its locality. Species with enhanced attributes to drought tolerance and waterlogging will be considered and incorporated where practicable to increase resilience to climate change.</p>
4.39	<p>Any adaption measures should be based on the latest set of UK Climate Projections, the government’s latest UK Climate Change Risk Assessment, when available and in consultation with the Environment Agency’s Climate Change Allowances for Flood Risk Assessments. Any</p>	<p>See response to draft NPS NN paragraph 4.38 (above).</p> <p>The Scheme has been designed to avoid or reduce vulnerability to climate change. Embedded mitigation is listed within Chapter 4 (Environmental Impact Assessment (EIA))</p>

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
	<p>adaption measures must themselves be assessed as part of any environmental assessment, which should set out how and where such measures are proposed to be secured.</p>	<p>Methodology) of the ES (6.1, APP-045). Additional essential mitigation measures have been identified within Chapter 14 (Climate) of the ES (6.1, Rev 2). This mitigation is also included within the fiEMP (7.3, Rev 2).</p> <p>Climate change is considered in both the assessment of the Scheme effects and the design of mitigation and enhancement measures. The consideration of the Scheme’s resilience to climate change is assessed qualitatively, based on the future climate trends outlined in Chapter 14 (Climate) of the ES (6.1, Rev 2).</p>
4.40	<p>Adaption measures should be required to be implemented at the time of construction where necessary and appropriate to do so. However, where they are necessary to deal with the impact of climate change, and that measure would have an adverse effect on other aspects of the project and/or surrounding environment (for example, coastal processes), the Secretary of State may consider requiring the applicant to ensure that the adaption measure could be implemented should the need arise, rather than at the outset of the development (for example, reserving land for future extension or increasing the height of existing, or requiring new, sea walls). In these circumstances, the applicant should make a case to justify implementing adaption measures later, set out clearly how the design could be adapted and have mechanism in place (such as</p>	<p>Noted.</p>

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	Development Consent Order requirements) for monitoring and implementing of these future adaption measures.	
4.41	The generic impacts advice in this NPS provides additional information on climate change adaption. In particular this section should be read alongside paragraphs 5.95 to 5.110 (coastal change and marine impacts), paragraphs 5.120 to 5.145 (flood risk) and paragraphs 5.243 to 5.259 (water quality and resources).	Noted.
Pollution control and other environmental regulatory regimes		
4.42	The planning and pollution control systems are separate but complementary. The planning system controls the development and use of land in the public interest. It plays a key role in protecting and improving the natural environment, public health and safety, and amenity, for example by attaching conditions to allow developments, which would otherwise not be environmentally acceptable to proceed, and preventing harmful development which cannot be made acceptable even through requirements. Pollution control is concerned with preventing pollution through measures which prohibit or limit the release of substances to the environment from different sources to the lowest practicable level. It also ensures that ambient air, water, and land quality meet standards that guard against impacts to the environment or human health.	Noted.
4.43	Issues relating to discharges or emissions from a proposed project which lead to other direct and indirect impacts on air quality, water quality and land quality, or which include noise, light and vibration, may be subject to separate	Appendix A of the Consents and Agreements Position Statement (3.3, APP-021) details other consents and agreements that are expected to be sought for the Scheme,

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	<p>regulation under the pollution control framework or other consenting and licensing regimes. Relevant permissions will need to be obtained for any activities within the development that are regulated under those regimes before the activities can be operated.</p>	<p>this includes issues such as noise as detailed in reference G15 of the REAC within the fiEMP (7.3, Rev 2).</p> <p>With respect to air quality, operational emissions arising from road schemes do not fall within environmental regulatory regimes, and therefore does not require permitting.</p>
<p>4.44-4.45</p>	<p>Pollution from industrial sources in England and Wales is controlled through the Environmental Permitting (England and Wales) Regulations 2016 (the Environmental Permitting Regulations). Some projects covered by this NPS may be subject to the Environmental Permitting Regulations regime, which also incorporates operational waste management requirements for certain activities. When an applicant applies for an Environmental Permit, the relevant regulator (usually the Environment Agency but sometimes the local authority) requires that the application demonstrates that processes are in place to meet all relevant Environmental Permit requirements.</p> <p>The Environmental Permitting Regulations regime requires industrial facilities to possess an Environmental Permit and to meet limits on allowable emissions to operate. Larger industrial facilities undertaking specific types of activity are also required to use Best Available Techniques to reduce emissions to air, water, and land. In considering the impacts of the project, including residual impacts, the</p>	<p>Appendix A of the Consents and Agreements Position Statement (3.3, APP-021) details other consents and agreements that are expected to be sought for the Scheme and details how these will be obtained, including the applications that will be made to the Environment Agency.</p> <p>Where the project will be subject to the Environment Agency's environmental permitting regime, waste management arrangements during operations will be covered by the relevant permit.</p> <p>The Scheme is not classified an industrial facility, and therefore environmental permitting regulations relating to emissions of these facilities is not relevant.</p>

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
	<p>Secretary of State may wish to consult the regulator on any management plans that would be included in an Environmental Permit application.</p>	
4.46	<p>Applicants are encouraged to begin pre-application discussions with relevant regulators, such as the Environment Agency and the Marine Management Organisation, as early as possible. Where applicants wish to parallel track Development Consent Order and Environmental Permit applications, applicants should start work towards submitting the permit application at least 6 months prior to the submission of an application for a Development Consent Order. This will help ensure that applications take account of all relevant environmental considerations and that the relevant regulators are able to provide timely advice and assurance to the Examining Authority.</p>	<p>Discussions have taken place during development of the proposed scheme regarding likely requirements for environmental permits with the Environment Agency and other regulators.</p> <p>Pollution control measures are outlined in fiEMP (7.3, Rev 2), the Appendix 13.1 (Drainage Strategy Report) of the ES (6.3, APP-142 – APP-143) and Chapter 13 (Road Drainage and Water Environment) of the ES (6.1, APP-054). It is also considered throughout the assessment of likely significant effects in Section 13.9 of Chapter 13 (Road Drainage and Water Environment) of the ES (6.1, APP-054). Such measures have been prepared in consultation with the Environment Agency.</p>

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4.47	<p>Applicants must consult the Marine Management Organisation on national networks NSIPs which could affect any relevant marine areas as defined in the Planning Act 2008 (as amended by section 23 of the Marine and Coastal Access Act 2009). Applicants are encouraged to consider the relevant marine plans in advance of consulting the Marine Management Organisation. The Secretary of State's consent may include a deemed marine licence and the MMO will advise on what conditions should apply to the deemed marine licence. The Secretary of State, the Examining Authority and the Marine Management Organisation should co-operate closely to ensure that national networks NSIPs are licensed in accordance with legislation.</p>	<p>As stated in the Section 3.3 of the Consultation Report (5.1, APP-025) the Marine Management Organisation are not relevant to this Scheme because it is an inland scheme.</p>
4.48	<p>In considering an application for development consent, the Examining Authority and the Secretary of State should consider whether the development itself is an acceptable use of land, and on the impacts of that use, rather than the control of processes, emissions or discharges themselves. The Secretary of State will assume that the relevant pollution control regime and other environmental regulatory regimes, including those on land drainage, water abstraction and biodiversity, will be properly applied and enforced by the relevant regulator. The Secretary of State should act to complement but not seek to duplicate them.</p>	<p>Noted.</p>

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
4.49	<p>The Secretary of State should be satisfied that development consent can be granted taking full account of environmental impacts. Working in close cooperation with the Environment Agency and / or the pollution control authority, and other relevant bodies, such as the Marine Management Organisation, the Statutory Nature Conservation Bodies, Drainage Boards, and water and sewerage undertakers, the Secretary of State should be satisfied early in the process and through parallel tracking of the Development Consent Order and Environmental Permits, before consenting any potentially polluting developments, that:</p> <ul style="list-style-type: none"> • the relevant pollution control authority is satisfied that potential releases can be adequately regulated under the pollution control framework. • the effects of existing sources of pollution in and around the site are not such that the cumulative effect of the pollution when the proposed development is added would make the development unacceptable, particularly in relation to statutory environmental quality limits. 	<p>The Consents and Agreements Position Statement (3.3, APP-021) sets out the strategy for obtaining the relevant consents and associated agreements.</p> <p>Pollution control measures are outlined in fiEMP (7.3, Rev 2), the Appendix 13.1 (Drainage Strategy Report) of the ES (6.3, APP-142 – APP-143) and Chapter 13 (Road Drainage and Water Environment) of the ES (6.1, APP-054).</p> <p>Liaison is ongoing with the Environment Agency and Natural England to ensure that they are satisfied with good practice measures currently in place and outlined in Table 3.2 REAC within the fiEMP (7.3, Rev 2).</p>
4.50	<p>The Secretary of State should not refuse consent because of pollution impacts unless there is good reason to believe that any relevant necessary operational pollution control</p>	<p>Noted.</p>

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	permits or licences, or other consents would not be granted.	
Common law nuisance and statutory nuisance		
4.53	It is very important that, during the examination of a nationally significant infrastructure project, possible sources of nuisance under section 79(1) of the Environmental Protection Act 1990, and how they might be mitigated or limited, are considered by the Examining Authority so that they can recommend appropriate requirements that the Secretary of State might include in any subsequent order granting development consent. More information on the consideration of possible sources of nuisance is at paragraphs 5.111 to 5.119.	The Statement Relating to Statutory Nuisance (7.6, APP-159) has considered the potential for the Scheme to cause a statutory nuisance under Section 79(1) of the of the Environmental Protection 1990 Act ('EPA'). It concludes that, with the application of mitigation measures in the fiEMP (7.3, Rev 2) and the draft DCO (3.1, Rev 2) , it is considered that no statutory nuisance would arise during construction.
Safety		
<i>Road Safety</i>		
4.55	Highways developments provide an opportunity to make significant safety improvements and significant incident reduction benefits when they are well designed. Some developments may have safety as a key objective, but even where safety is not the main aim of a development, the opportunity should be taken to improve safety, including introducing the most modern and effective safety measures where proportionate. Consideration should also be given to wider transport objectives, including expanding active travel, creating safe and attractive walking, wheeling and cycling environments, enabling modal shift to sustainable	A key objective of the Scheme is to improve safety for all road users and reduce the annual collision frequency and severity ratio on the M3 Junction 9. Section 6.2 of the Design and Access Statement (7.9, APP-162) details the Scheme wide design principles. The Scheme would provide an improved junction, with free flowing connectivity between the M3 and the A34, improving safety on the strategic road network. A motorway junction and new link roads, built to current design standards would provide a safer route than the existing junction which is

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	<p>transport options including public transport and decarbonisation. In developing road schemes the applicant should have due regard to the needs of drivers and the imperative to ensure driver safety. Schemes should be developed with a mindset that accounts for need for drivers to rest, particularly Heavy Goods Vehicle drivers who need safe and secure roadside facilities that also cater for their welfare needs including the appropriate provision of high-quality washrooms, a catering offer and access to alternative fuel and digital infrastructure.</p>	<p>heavily congested and is prone to queuing traffic on the live M3 carriageway and the A34 southbound. Signage, Vehicle Restraint Systems (VRS) and associated infrastructure have been incorporated into the preliminary design to ensure the safety principles set out within the Design Manual for Roads and Bridges (DMRB) are considered and met (where possible).</p> <p>The design has been developed based on best practice and a review of the current personal injury collisions has been undertaken to identify areas which could be improved as part of the developed design, and to understand the residual effect of the scheme on road safety with a view to address any specific issues.</p> <p>The Scheme seeks to facilitate and encourage active travel and sustainable forms of transport. The Scheme is enhancing the National Cycle Network (NCN) 23 through the gyratory, enhancing the footway along the west of the Scheme through the provision of a footway and cycleway, and adding a new bridleway link to the east of the Scheme connecting Long Walk and Easton Lane. The provision of high quality and accessible pedestrian and cyclist routes would encourage and enable travel by low-carbon, sustainable modes.</p> <p>Roadside facilities on the M3 motorway include an existing 'Moto' services located 3.7 miles north-east of Junction 9 for road users travelling northbound and southbound. On the</p>

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		<p>A34 road there is an existing 'Roadchef' services located 6.6 miles north-west of Junction 9 at Sutton Scotney, also for road users travelling northbound and southbound. Both roadside facilities have dedicated parking for HGV drivers to stop and rest, as well as catering services and washrooms. The southbound M3 'Moto' services and A34 'Roadchef' in both directions provide overnight accommodation. All of the services provide electric vehicle charging points and WiFi. No new roadside facilities are proposed as part of the Scheme.</p>
4.56	<p>The applicant should undertake an objective assessment of the impact of the proposed development on safety including the impact of mitigation measures. This should use the methodology outlined in the guidance from the Department for Transport's Transport Appraisal Guidance and from National Highways. They should also put in place arrangements for undertaking the road safety audit process and ensuring their implementation. Road safety audits are a mandatory requirement for highway improvement schemes in the UK (including motorways). Road safety audits are intended to ensure that operational road safety experience is applied during the design and construction process so that the number and severity of collisions is as low as reasonably practicable.</p>	<p>See response to draft NPS NN paragraph 4.55 (above).</p> <p>Chapter 8 of the Transport Assessment Report (7.13, REV 1) describes the assessment of the overall impact of the Scheme on road safety, in accordance with Department for Transport's Transport Analysis Guidance and Highways England guidance.</p> <p>The accident assessment indicated an overall reduction in accidents and casualties. This shows a reduction of 537 accidents, including 68 Killed or Seriously Injured (KSI) casualties, with the Scheme in place compared to without.</p> <p>The design at the appropriate stages are/will be subject to independent Road Safety Audits. A Stage 1 Road Safety Audit has been completed on the design and the recommendations where practical have been accommodated within the design.</p>

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4.57	<p>The applicant should be able to demonstrate that their scheme is consistent with the national Strategic Framework for Road Safety and with the National Highways Safety Framework for the Strategic Road Network. Applicants will wish to show that they have taken steps that are reasonably required to:</p> <ul style="list-style-type: none"> • minimise the risk of death and injury arising from their development. • contribute to the overall reduction in road casualties. • contribute to the overall reduction in the number of unplanned incidents. • contribute to improvements in road safety for walkers and cyclists. 	<p>Throughout Scheme development, through a process of consultation and review, safe routes for walkers and cyclists have been incorporated into the Scheme. Through a rigorous process of risk review and assessment the Scheme looks to minimise the risk of death and serious injury and contribute to an overall reduction in casualties.</p> <p>The accident assessment indicated an overall reduction in accidents and casualties. This shows a reduction of 537 accidents, including 68 Killed or Seriously Injured (KSI) casualties, with the Scheme in place compared to without. Further details on the accident analysis and forecast Scheme benefits are included in the Combined Modelling and Appraisal Report (7.10, REV 1), Chapter 8 of the Transport Assessment Report (7.13, REV 1) and the Case for the Scheme (7.1, REV 1).</p>
4.58	<p>They will also wish to demonstrate that:</p> <ul style="list-style-type: none"> • they have considered the safety implications of their projects from the outset. • They are putting in place rigorous processes for monitoring and evaluating safety. 	<p>Safety has been considered throughout design development which has resulted in significant changes to the initial concept design. The Scheme has been subject to regular safety reviews through its development with comments being fed back to the design team through meetings, emails and technical notes.</p> <p>The process for monitoring and evaluating safety is set out in the Scheme Safety Plan which has been followed as part of the Scheme development.</p>

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		On completion of the Scheme, a Stage 3 Road Safety Audit will be undertaken to ensure Scheme delivery has minimised the potential for collisions, a further Road Safety Audit (Stage 4) will be undertaken to assess any collisions for the period 1 year after completion.
4.59	<p>The Secretary of State should not grant development consent unless satisfied all reasonable steps have been taken and will be taken to:</p> <ul style="list-style-type: none"> • minimise the risk of road casualties arising from the scheme. • contribute to improvements in the safety of the SRN. 	See the response to draft NPS NN paragraphs 4.55 – 4.58 (above).
Security considerations		
4.66 – 4.67	<p>Government policy is to ensure that, where possible, proportionate protective security measures are designed into new infrastructure projects at an early stage of in the project development. Where applications for development consent for infrastructure covered by this NPS relate to potentially critical infrastructure, there may be national security considerations.</p> <p>Where national security implications have been identified, the applicant should consult with the relevant security experts from the Centre for Protection of National Infrastructure and the Department for Transport, to ensure</p>	No national security implications have been identified for the proposed scheme and therefore the Centre for Protection of National Infrastructure have not been consulted.

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
	that security measures have been adequately considered in the design process and that adequate consideration has been given to the management of security risks. For some, this is a legal requirement as per section 119 of the Railways Act 1993. If the Centre for Protection of National Infrastructure and the Department for Transport (as appropriate) are satisfied that security issues have been adequately addressed in the project when the application is submitted to the Secretary of State, it will provide confirmation of this to the Secretary of State. The Secretary of State should not need to give further consideration to the details of the security measures in its examination.	
4.68	The applicant should only include sufficient information in the application as is necessary to enable the Examining Authority and the Secretary of State to examine the development consent issues and make a properly informed recommendation on the application.	Noted.
Health		
4.71	As described in the relevant sections of the NPS, where the proposed project has an effect on human beings, the applicant should assess these effects, identifying any potential adverse health impacts, and identify measures to avoid, reduce or compensate for adverse health impacts as appropriate. Enhancement opportunities should be identified by promoting local improvements for active travel and horse riders driven by the principles of good design to create safe and attractive routes to encourage health and wellbeing; this includes potential impacts on vulnerable	Chapter 12 (Population and Health) of the ES (6.1, APP-053) sets out the assessment methodology used to examine the effects of the Scheme on human health, following guidance laid out in the DMRB LA 112 Population and Human Health (National Highways, 2020). It identifies the determinants of human health i.e. the health outcomes that can be influenced by external factors such as the environmental, social or economic conditions in which individuals and/or communities find themselves. A qualitative assessment of likely effects on the key determinants of health

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	<p>groups within society i.e. those groups within society which may be differently impacted by a development compared with the wider society as a whole.</p>	<p>has been undertaken with reference to identified receptor groupings of relevant health determinants. The assessment has then been made as to the changes to health determinants as a result of the Scheme in combination with the sensitivity of the local population to these changes. No significant effects are identified on human health as a result of the Scheme.</p> <p>A key objective of the Scheme is to provide improvements for walkers, cyclists and horse riders, which represent different forms of active travel. Chapter 12 (Population and Human Health) of the ES (6.3, APP-053) sets out the walking, cycling and horse-riding opportunities that have been identified and embedded into the design of the Scheme (Section 12.8 Design, Mitigation and Enhancement Measures). This includes improvements in accessibility to the existing National Cycleway Network route 23, a walking/cycleway adjacent to the A33 between Kings Worthy and Winnall, and provision of a route between Easton Lane and the Highways Depot. These improvements are intended to provide safer routes than are currently available, which will help encourage their uptake for those travelling from Winchester into the South Downs National Park. No further enhancements have been identified as necessary within the assessment.</p> <p>In regard to identifying potential impacts on vulnerable groups within society, Chapter 12 Population and Human Health of the ES (6.3, APP-053) identifies broad vulnerable receptor</p>

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		<p>groups who may be disproportionately affected by the Scheme (e.g. older people, children etc.) within its baseline (Section 12.5 Study area) and they are considered within the significance assessment. However, the ES chapter has not undertaken a systematic assessment of protected characteristics group defined through the Equalities Act (2010). This is covered within the Equality Impact Assessment (7.14, APP-167) prepared for the Scheme.</p>
Accessibility		
4.73	<p>The government’s strategy for achieving equal access for disabled people is set out in the Inclusive Transport Strategy. The government expects applicants to improve access, wherever possible, on and around the national networks by designing and delivering schemes that take account of the accessibility requirements of all those who use, or affected by, national networks infrastructure, including disabled users.</p>	<p>The Scheme has considered local communities and access to the highway network providing safe routes between communities for pedestrians, cyclists, and vulnerable users. An Equality Impact Assessment (EqIA) (7.14, APP-167) has been undertaken and considers the potential effects of the Scheme on protected characteristic groups and seeks to identify any likely differential impacts on such persons. It also identifies opportunities to improve equality of opportunity and eliminate discrimination.</p> <p>The Scheme includes new and safer facilities for walkers, cyclists and horse-riders. These will better integrate with the cycle paths to the north-east and south-west of the Scheme.</p> <p>The Scheme has been designed to allow all gradients to be equal to or less than 1:20 to comply with DfT’s inclusive mobility impaired users. Also, the walking, cycling and horse-riding routes are designed for cyclists, and therefore as all horizontal gradients are suited for cyclists, they are also</p>

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		<p>considered acceptable for mobility impaired users. The range of opportunities and barriers to all forms of movements have been given due consideration in the design of the Scheme.</p> <p>The Scheme would also remove any obstacles along the footways, widening the footways/footpaths, reducing gradients, and providing more suitable surfacing. This would result in improved facilities for persons related to the protected characteristics of:</p> <ul style="list-style-type: none"> ▪ Disability: including people using a wheelchair, mobility scooter, or other mobility aid. ▪ Pregnancy and maternity: including people using a pushchair. <p>The provision of at grade formal crossing facilities has enabled the inclusion of facilities to help disabled users, these are to include tactile indicators (knurled rotating nobs) and audible signals that assist visually impaired users. The Scheme also provides tactile paving at dropped crossings to link with adjacent local network.</p> <p>The Scheme provides a number of underpasses, these avoid walkers, cyclists and horse-riders crossing busy traffic routes at grade, reducing conflicts and improving connectivity for vulnerable groups. Paragraph 5.1.7 of the EqIA (7.14, APP-167) identifies that there is a potential risk that, during construction, the temporary closure of routes due to the</p>

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		<p>Scheme may temporarily isolate walking, cycling and horse-riding users, particularly the disabled and the elderly and women during pregnancy and maternity due to the temporary diversions and/or closures, particularly for the footpath extending north of the National Highways depot. Connectivity between the junction and areas surrounding Abbots Worthy and Kings Worthy to the north may be reduced during construction.</p> <p>PRoW and footways will stay open as much as is practicable throughout the construction phase and suitable diversions will be put in place where possible, which will be suitable for use by those in a wheelchair, mobility scooter and for use with a pushchair. An Outline Traffic Management Plan (7.8, Rev 1) has been developed which includes measures to minimise any impact on pedestrians and cyclists and those with protected characteristics. A Communications Plan will also be developed which will include consulting with groups in the local area. This aims to reduce the impact of the construction work on those with protected characteristics identified as potentially affected by the Scheme.</p> <p>Section 6.2 of the Design and Access Statement (7.9, APP-162) explains that, due to the Scheme’s location in relation to the South Downs National Park, which is sensitive to new lighting arrangements, avoiding and minimising light pollution is a key consideration for the Scheme. The carriageways, junction and the slip roads would not be lit. The</p>

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		<p>Scheme will not provide a continuous system of lighting for the pedestrian/ cycle routes with only key areas benefiting from continuous illumination. Lighting would be required within the underpasses and subways due to the length of these facilities, which would be designed in accordance with the South Downs National Park Authority Dark Skies Technical Advice Note (2021). The approaches and exits to underpasses would not be lit. An EqIA (7.14, APP-167) has been completed. As part of this assessment the Equality, Diversity and Inclusion sifting Tool (EDIT) was used which is a tool designed to help National Highways project managers, designers and engineers make an informed decision about how equality issues relate to their Scheme. Application of this tool included a full consideration of the potential impacts on various user groups as a result of the design of walking, cycling and horse-riding routes and this has concluded that there would be no significant adverse impacts.</p> <p>Collaborative discussion will continue in the Detailed Design stage to ensure elements like surfacing, wayfinding and lighting are accessible.</p>
4.74 – 4.75	Applicants must comply with any obligations under the Equality Act 2010. Public Authority applicants are reminded of their duty to promote equality and to consider the needs of disabled people as part of their normal practice. The Public Sector Equality Duty requires that public authorities have due regard to the need to:	<p>See the response to draft NPS NN paragraph 4.73 (above).</p> <p>An EqIA (7.14, APP-167) has been prepared for the Scheme and meets the requirements of the Equalities Act 2010. The EqIA (7.14, APP-167) considers the potential impacts of the</p>

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	<ul style="list-style-type: none"> eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act. advance equality of opportunity between people who share a protected characteristic and people who do not share it. foster good relations between people who share a protected characteristic and people who do not share it. <p>All applicants are also reminded that the Secretary of State must have regard to the Public Sector Equality Duty when exercising their functions.</p>	<p>Scheme on protected characteristic groups during construction and operation.</p>
4.76	<p>As set out in paragraphs 4.5 to 4.6, applicants for road and rail projects (excluding SRFIs) will normally be supported by a business case prepared in accordance with the Transport Business Case guidance. This includes distributional analysis, including assessments stemming from the Equality Act public sector equality duty, where appropriate.</p>	<p>The Combined Modelling and Appraisal Report (7.10, REV 1) and Section 5 of the Case for the Scheme (7.1, Rev 1) present the anticipated economic benefits and dis-benefits of the Scheme. These impacts are monetised in order to estimate the Scheme's economic worth. Section 5 of the Combined Modelling and Appraisal Report (7.10, REV 1) summarises the Distributional Impact Appraisal undertaken.</p>
4.77	<p>Applicants should demonstrate the following where relevant:</p> <ul style="list-style-type: none"> all reasonable opportunities to deliver improvements in accessibility on and to the existing national road network, should be taken, including improvements for non-motorised users. 	<p>See response to draft NN NPS paragraph 4.73.</p> <p>Chapter 12 (Population and Health) of the ES (6.1, APP-053) identifies the Scheme's impact during construction on the PRoW network. For PRoW in the wider study area that do not directly interact with the Scheme, it is anticipated that</p>

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	<ul style="list-style-type: none"> • severance can be a problem in some locations, where appropriate, applicants should seek to deliver improvements that reduce community severance and improve accessibility. • National Network infrastructure should incorporate good design, as expanded on in paragraphs 4.24 to 4.29 which includes improving accessibility of infrastructure for users and inclusive design, 	<p>there would typically be no changes to accessibility or severance during construction.</p> <p>The Scheme has incorporated various proposals that improve the accessibility and connectivity across the PRoW network, including upgrades to the existing PRoW that cross Junction 9, including the NCN 23, and provision of safe walking routes along the length of the road used for recreation and commuting.</p> <p>Through the Scheme, the existing severance between Winchester and the South Downs National Park, created by the current M3 Junction 9 alignment, would be addressed, with improved, safe facilities to access open and recreational space. Further details are provided in Chapter 12 (Population and Health) of the ES (6.1, APP-053). In respect of good design see the response to draft NPS NN paragraph 4.24.</p>

3 Draft NPS NN Chapter 5 – Generic Impacts

Table 3.1: Chapter 5 – Generic Impacts

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
Air quality and emissions		
<i>Applicant's assessment</i>		
5.11	Where a project is likely to have adverse effects on air quality and / or where a project could lead to a deterioration in air quality in an area or lead to a new area where air quality breaches any national air quality limits or statutory air quality objectives, the applicant should undertake an assessment as part of their Development Consent Order application.	An air quality assessment has been undertaken (as detailed in Chapter 5 (Air Quality) of the ES (6.1, Rev 1)) in accordance with the methodology detailed in DMRB LA 105 (Highways England, 2019), to consider the impacts of the construction and operation of the Scheme. The assessment has determined the significance of air quality effects and the risk of breaches of national air quality limits or statutory air quality objectives and non-compliance with the Air Quality Regulations.
5.12	<p>The assessment should describe:</p> <ul style="list-style-type: none"> any air pollutant emissions, that would lead to a deterioration in air quality and their mitigation, distinguishing between the project stages, including any construction and operation, and taking account of emissions such as from any road traffic generated by the project. the predicted absolute emissions levels of the proposed project after mitigation methods have been applied. existing air quality levels, how they are monitored and the relative change in air quality from existing levels. 	<p>An air quality assessment has been undertaken (as detailed in Chapter 5 (Air Quality) of the ES (6.1, Rev 1)) in accordance with the methodology detailed in DMRB LA 105 (Highways England, 2019), to consider the impacts of both the construction and operation of the Scheme.</p> <p>Air quality modelling has been undertaken to determine existing air quality conditions at the time of opening both without (Do-Minimum scenario) and with the Scheme (DoSomething scenario). The air quality effects of the construction and operation of the Scheme, taking account of the impact of the predicted changes in traffic flows resulting</p>

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	<ul style="list-style-type: none"> any potential impacts on nearby protected habitats from air pollutant emissions. 	<p>from the Scheme are described in Section 5.9 of Chapter 5 (Air Quality) of the ES (6.1, Rev 1).</p> <p>Chapter 5 (Air Quality) of the ES (6.1, Rev 1) assessed the construction phase effects from dust and emissions and concludes that, following the implementation of measures within the fiEMP (7.3, Rev 2), there would be no significant effects on air quality as a result of the construction of the Scheme.</p> <p>The existing air quality conditions, and details of where and how they are monitored, are described in Section 5.6 of Chapter 5 (Air Quality) of the ES (6.1, Rev 1).</p> <p>Potential impacts on nearby protected habitats were assessed in accordance with the methodology detailed in DMRB LA 105 (Highways England, 2019), and described in Appendix 8.3 (Assessment of Operational Air Quality Impacts on Biodiversity) of the ES (6.3, APP-132).</p>
5.13	<p>Defra publishes future projections of UK air pollutant emissions based on evidence of future emissions, traffic and vehicle fleet. Projections are updated as the evidence base changes. The applicant's assessment should be consistent with this but may include more detailed modelling to demonstrate local impacts. If the latest future projections do not reflect the latest available evidence base at the assessment stage, applicants should still provide an</p>	<p>Emission factors derived from the Department for Environment, Food and Rural Affairs' (Defra's) Emission Factors Toolkit (EFT) (v11.0) have been used within the air quality assessment presented in Chapter 5 (Air Quality) of the ES (6.1, Rev 1). The latest background pollutants maps and tools published on the Defra air quality assessment website were also applied.</p>

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
	assessment using the latest future projections published by Defra. If an applicant believes they have robust additional supporting evidence that is likely to change the projected emissions, they should include this in their representation to the Examining Authority.	Uncertainty in future fleet forecasts has been addressed through application of a 'GAP-factor' trend adjustment factors discussed in Chapter 5 (Air Quality) of the ES (6.1, Rev 1) .
<i>Mitigation</i>		
5.14	Mitigation measures may affect the project design, layout, construction, operation and / or may consist of measures to improve air quality in pollution hotspots beyond the immediate locality of the scheme. Measures could include, but are not limited to, changes to the route of the new scheme, changes to the proximity of vehicles to local receptors in the existing route, physical means including barriers to trap or better disperse emissions, and / or speed control. Applicant should routinely look for opportunities within the design of the proposed development to embed nature-based solutions, such as urban woodlands and trees to assist with pollutant reduction and dispersal along major transport corridors. In addition to avoiding further greenhouse gas emissions when compared with some more traditional approaches, nature-based solutions can also result in biodiversity benefits as well as increasing absorption of carbon dioxide from the atmosphere (see also paragraphs 5.171 to 5.195 on the role of green infrastructure).	<p>There were no opportunities for enhancement specific to air quality identified in the air quality assessment, however as a consequence of the proposed scheme design, and the increased capacity of Junction 9 resulting in movement of strategic traffic to the M3, there is predicted to be air quality improvements within Winchester City Centre.</p> <p>Details of the design alternatives that have been considered, including the environmental factors which have influenced the decision making are outlined in Chapter 3 (Assessment of Alternatives) of the ES (6.1, APP-044).</p>

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5.15	The Secretary of State should consider whether mitigation measures are needed both for operational and construction emissions over and above any which may form part of the project application. In doing so the Secretary of State should have regard to the Air Quality Strategy or any successor to it and should consider relevant advice with Local Air Quality Management guidance.	<p>The assessment of construction and operational phase road vehicle exhaust emission impacts also concluded no significant effects at human health or biodiversity receptors in accordance with the Design Manual for Roads and Bridges (DMRB) LA 105 guidance. No mitigation is therefore required.</p> <p>A range of mitigation measures during the construction phase have been identified which would seek to suppress the dust generation rate and also mitigate its dispersion and maximise the use of existing vegetation barriers where practicable. The precise measures would depend on the intended construction methods and the degree of dust generation at each site and detailed in the fiEMP (7.3, Rev 2).</p>
5.16	The proposed mitigation measures should ensure that the net impact of the project does not delay the point at which a zone will meet compliance timescales.	<p>Noted see responses to draft NPS NN paragraphs 5.14-5.15 (above).</p> <p>Section 5.9 of Chapter 5 (Air Quality) of the ES (6.1, Rev 1) has determined whether the Scheme affects the UK's ability to comply with the Air Quality Regulations. The assessment concluded that the proposed scheme would not delay compliance with the Air Quality Regulations.</p>
<i>Decision making</i>		

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
5.18	<p>The Secretary of State should give air quality considerations substantial weight where a project would lead to a deterioration in air quality in an area or leads to a new area where air quality breaches any national air quality limits or statutory air quality objectives. However, air quality considerations will also be important where substantial changes in air quality levels are expected, even if this does not lead to any breaches of national air quality limits or statutory air quality objectives.</p>	<p>Section 5.9 of Chapter 5 (Air Quality) of the ES (6.1, Rev 1) has determined whether the Scheme affects the UK's ability to comply with the Air Quality Regulations. The assessment concluded that the proposed scheme would not delay compliance with the Air Quality Regulations or lead to a deterioration in air quality in an area or lead to a new area where air quality breaches any national air quality limits or statutory air quality objectives.</p> <p>The predicted changes in air quality levels are not considered to be 'substantial' as a majority of the predicted changes are <1% of the national air quality limits (both increases and decrease).</p> <p>A perceptible increase in annual average NO₂ concentrations is predicted (impacts >=1% of the air quality threshold) at 9 out of 55 modelled receptors. At all of these receptors the total annual average NO₂ concentrations do not exceed 75% of the air quality limit.</p> <p>At 13 out of 55 modelled receptors a perceptible decrease in annual average NO₂ concentration is predicted (reduction >1% of the air quality threshold). The decreased annual average NO₂ concentrations primarily occur within Winchester City Centre as a result of decrease traffic flows on the B3420 and Barn End Road. At R04 (on Bar End Road) the reduction exceeds 1.5µg/m³ and the overall concentration does not exceed the air quality limit.</p>

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
5.19	In all cases the Secretary of State must take account of any relevant statutory air quality limits or statutory air quality objectives. The Secretary of State should be content that the applicant has taken all reasonable steps to reduce emissions in the construction and operational stage of the development.	<p>The assessment of construction and operational phase road vehicle exhaust emission impacts also concluded no significant effects at human health or biodiversity receptors in accordance with the Design Manual for Roads and Bridges (DMRB) LA 105 guidance. No mitigation is therefore required.</p> <p>A range of mitigation measures during the construction phase have been identified which would seek to suppress the dust generation rate and also mitigate its dispersion and maximise the use of existing vegetation barriers where practicable. The precise measures would depend on the intended construction methods and the degree of dust generation at each site and detailed in the fiEMP (7.3, Rev 2).</p>
5.20	Where a project is likely to lead to a breach of such limits or objectives, the applicant should work with the relevant authorities to secure appropriate mitigation measures to avoid any breach and allow the proposal to proceed. Where a project is located within, or in close proximity to, a Local Air Quality Management Area or Clean Air Zone, applicants should engage with the relevant local authority to ensure the project is compatible with the local Air Quality Plan.	No opportunities for enhancement specific to air quality were identified in the air quality assessment (Chapter 5 (Air Quality) of the ES (6.1, Rev 1)), however as a consequence of the proposed scheme design, and the increased capacity of Junction 9 resulting in movement of strategic traffic to the M3, there is predicted to be air quality improvements within Winchester City Centre AQMA.
5.21	Any increase at all in air pollutant emissions is not a reason in itself to refuse development consent, though any deterioration in air quality should be given appropriate weight in coming to the decision.	The assessment of construction and operational phase road vehicle exhaust emission impacts also concluded no significant effects at human health or biodiversity receptors in accordance with the Design Manual for Roads and Bridges (DMRB) LA 105 guidance.

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5.22	Where the increase in air pollutant emissions resulting from the proposed scheme would significantly impact the government's ability to comply with a statutory limit or statutory air quality objective, the Secretary of State should refuse consent.	<p>Section 5.9 of Chapter 5 (Air Quality) of the ES (6.1, Rev 1) has determined whether the Scheme affects the UK's ability to comply with the Air Quality Regulations. The assessment concluded that the proposed scheme would not delay compliance with the Air Quality Regulations or lead to a deterioration in air quality in an area or lead to a new area where air quality breaches any national air quality limits or statutory air quality objectives.</p>
5.23	<p>The Secretary of State should refuse consent where, after taking into account mitigation, the air pollutant emissions resulting from the proposed scheme will either:</p> <ul style="list-style-type: none"> ▪ result in a zone/agglomeration which is currently reported as being compliant with the Air Quality Standards Regulations 2010 becoming non-compliant ▪ affect the ability of a non-compliant area to achieve compliance within the most recent timescales reported to the Examining Authority at the examination. 	
5.24	The Secretary of State should give positive weight to projects that embed nature-based solutions to assist with pollutant reduction and dispersal along major transport corridors.	<p>As detailed in Chapter 8 (Biodiversity) of the ES (6.1, APP-049) and shown on Figure 2.3 (Environmental Masterplan) of the ES (6.2, APP-062), habitat proposed to be retained and enhanced include native woodland. These habitats would remove air pollutants such as particulate matter over the lifetime of the Scheme.</p> <p>There is potential for carbon sequestration associated with the Scheme and the environmental proposals. As detailed in Chapter 8 (Biodiversity) of the ES (6.1, APP-049) and shown on Figure 2.3 (Environmental Masterplan) of the ES (6.2, APP-062), habitat proposed to be retained and</p>

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
		enhanced include native woodland, scrub and grassland. These habitats would sequester carbon over the lifetime of the Scheme.
Greenhouse Gas emissions		
<i>Applicant's assessment</i>		
5.29	A whole life carbon assessment should be used to measure greenhouse gas emissions at every stage of the proposed development to ensure that emissions are minimised as far as possible as we transition to net zero. This includes the construction, maintenance, operation and use of the asset across its entire lifecycle. This is critical at early stages of project planning, for example, the conception stage, because the ability to reduce whole life carbon emissions is increasingly more limited as the project passes through detailed design and enters construction.	In accordance with paragraphs 3.11 to 3.20 of DMRB LA 114 and PAS 2080 principles, changes in greenhouse gas emissions associated with the construction, maintenance and operation of the proposed scheme have been estimated and compared to relevant UK carbon budgets to assess their significance (see Table 14.7 of Chapter 14 (Climate) of the ES (6.1, Rev 2)). Whilst a whole life carbon assessment was undertaken at the current stage (as reported within Chapter 14 (Climate) of the ES (6.1, Rev 2)), whole life carbon assessments were not undertaken at earlier stages of the proposed scheme, as there was no requirement to do so under the NPS NN.
5.30	All proposals for national network infrastructure projects should include a whole life carbon assessment at critical stages in the project lifecycle, for example, the submission of a major business case. This should be conducted according to the guidance, standards and methodologies set out in Transport Appraisal Guidance Unit A3. Also refer to the Environmental Assessment at paragraphs 4.10 to 4.11 for more information about cumulative assessment.	A whole life carbon assessment has been undertaken, in accordance with TAG Unit A3. The Applicant's assessment of the monetary environmental impacts arising from the Scheme's Greenhouse Gas emissions is discussed in Section 5.5 of the Combined Modelling and Appraisal Report (7.10, REV 1) , and in Table A.11 of the Case for the Scheme (7.1, REV 1) . The Applicant's Carbon Tool V2.4 was used to assess the Greenhouse Gases emissions associated with the extraction,

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		<p>manufacturing, and transportation within the supply chain of permanent construction materials, plant equipment, temporary welfare facilities and construction waste.</p> <p>The Applicant's version of the EFT, based on emissions factors from the EFT V11.0 (Defra, 2021), was used to assess the operational impact of the Scheme on Greenhouse Gas emissions. This version of the EFT included revised vehicle fleet projections beyond 2030.</p> <p>Greenhouse gas benefits over the 60-year appraisal period were monetised using the standard TAG Greenhouse Gases Workbook with interpolation of greenhouse gas values between model years. Environmental impacts are incorporated in the assessed Scheme benefits and the Benefit Cost Ratio (BCR) as reported in the Combined Modelling and Appraisal Report (7.10, REV 1).</p>
5.31	<p>Having regard to current knowledge, a carbon management plan should be produced as part of the Development Consent Order submission and include:</p> <ul style="list-style-type: none"> • an explanation of the steps that have been taken to drive down climate change impacts at each of those stages. • how operational emissions and, where applicable, emissions from maintenance activities, have been reduced as much as possible through the application of best available technology for that type of technology 	<p>Following submission of the Environmental Statement (ES) (6.1, APP-042 – APP-153), further work is being undertaken to include the development of an internal Carbon Management Plan. The impact of residual carbon emissions on national and international efforts to limit climate change and potential cumulative effects are discussed within Section 14.10 of Chapter 14 (Climate) of the ES (6.1, Rev 2).</p>

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	<p>(recognising that in the case of road projects while the developer can estimate the likely emissions from road traffic, it is not solely responsible for controlling them).</p> <ul style="list-style-type: none"> • whether and how any residual carbon emissions will be (voluntarily) offset or removed using a recognised framework. <p>Where there are residual emissions, the level of emissions and the impact of those on national and international efforts to limit climate change, both alone and where relevant in combination with other developments at a regional or national level, or sector level, if statutory sectoral targets are development and come into force.</p>	
<i>Mitigation</i>		
5.32	<p>Applicants should look for opportunities within the design of the proposed development to embed nature-based or technological solutions to mitigate, capture or offset the emissions of construction.</p>	<p>Section 14.9 of Chapter 14 (Climate) of the ES (6.1, Rev 2) sets out climate mitigation for the Scheme. Mitigation measures incorporated into the design of the Scheme are reported as embedded mitigation. Embedded mitigation for the Scheme includes the following measures that avoid/prevent, reduce, and remediate GHG emissions:</p> <ul style="list-style-type: none"> ▪ The depth of cuttings and embankments throughout the Scheme have been carefully considered to remove a number of retaining walls where practical, reducing the volume of material required to construct retaining walls and their associated embedded carbon emissions

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		<ul style="list-style-type: none"> ▪ Use of warm mix asphalt (WMA) instead of hot mix asphalt, reducing embodied carbon associated with the production of materials ▪ Existing pavements are to be retained wherever possible within the scheme to reduce the requirement for additional materials and construction ▪ The bridleway to the east to link Easton Lane with Long Walk would be made from unbound material with a lower carbon intensity than asphalt ▪ Material excavated during construction is to be processed for use in the works wherever possible to reduce the amount of material disposed of ▪ Construction compounds are located close to the area of works which would reduce the distance of vehicle trips. <p>The Scheme has been designed to minimise the requirement for energy consuming operational equipment such as intelligent transport systems wherever possible. Energy efficient Light Emitting Diodes (LEDs) would be used throughout the Scheme.</p> <p>The Scheme seeks to facilitate and encourage active travel and sustainable forms of transport. The Scheme is enhancing the National Cycle Network (NCN) 23 through the gyratory, enhancing the footway along the west of the Scheme through the provision of a footway and cycleway, and adding a new bridleway link to the east of the Scheme connecting Long Walk and Easton Lane. The provision of a high quality and</p>

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
		<p>accessible pedestrian and cyclist routes would encourage and enable travel by low-carbon, sustainable modes.</p> <p>Selecting appropriate materials can also help to reduce the need for maintenance and replacement and GHGs associated with this. Weathering steel is proposed for the gyratory bridges which eliminates the need for a paint system and associated maintenance. Where practicable, measures to reduce GHG emissions would be secured through the fiEMP (7.3, Rev 2). The fiEMP (7.3, Rev 2) includes several mitigation measures covering transport, materials, waste and air quality during construction, these include:</p> <ul style="list-style-type: none"> ▪ Using materials with lower embedded GHG emissions and water consumption ▪ Using sustainably sourced materials where possible ▪ Using recycled or secondary materials where possible ▪ Efficient use of materials to reduce waste ▪ Management of plant and equipment use so that there is no unnecessary idling of engines and equipment is maintained to check they are operating optimally ▪ Welfare facilities would be enabled to integrate renewable energy technology to reduce reliance on diesel or petrol generators for electricity <p>There is substantial tree planting proposed within the Scheme, as shown on Figure 2.3 (Environmental Masterplan) of the ES (6.2, APP-062). At the detailed design</p>

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
		stage, the planting specifications and tree mix would be explored to assess options according to the potential to maximise the carbon sequestration benefits of landscape features.
5.33	Steps taken to minimise, capture and offset emissions in design and construction, should be set out in a Greenhouse Gas Reduction Strategy secured under the Development Consent Order. This Strategy could include, for example, mitigation through woodland creation on or adjacent to the site and registered with the Woodland Carbon Code contributing significantly to offsetting residual emissions. Applicants may wish to refer to the Institute of Environmental Management and Assessment Greenhouse Gas Management Hierarchy guidance when drafting their Greenhouse Gas Reduction Strategy.	A Greenhouse Gas Reduction Strategy has not been produced, as there is no requirement to produce such a document under the current version of the NPS NN. Relevant embedded (design) and essential mitigation measures are therefore described in Section 14.9 of Chapter 14 (Climate) of the ES (6.1, Rev 2) , which references the carbon reduction hierarchy set out in section 3.22.1 of the DMRB LA 114 Climate (Highways England, 2021). Additional areas of woodland are, however, proposed to be created within the DCO boundary, which as shown in Figure 2.3 (Environmental Masterplan) of the ES (6.2, APP-062) is estimated to result in a small increase in carbon sequestration during the operation of the proposed Scheme. There are currently no plans to register this woodland with the Woodland Carbon Code.
<i>Decision making</i>		
5.34	The Secretary of State must be satisfied that the applicant has as far as possible assessed the greenhouse gas emissions at all stages of the development.	A whole life carbon assessment was undertaken at the current stage (as reported within Chapter 14 (Climate) of the ES (6.1, Rev 2)). Whole life carbon assessments were not undertaken at earlier stages of the proposed scheme, as there was no requirement to do so under the NPS NN.
5.35	S.1(1) of the Climate Change Act 2008 reflects and puts into effect the UK's Nationally Determined Contributions as set out in the Paris Agreement and sets out that the carbon	As set out in Table 14.7 of Chapter 14 (Climate) of the ES (6.1, Rev 2) changes in carbon emissions as a result of the proposed scheme have been compared against the UK

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	<p>budgets are the mechanism by which the net zero target is to be achieved. Consequently, it can be reasonably concluded that an applicant who assesses the carbon impacts of its scheme against the carbon budget is to be taken as also to have assessed the carbon impacts of the scheme against the net zero target in the Climate Change Act 2008 and the UK's Nationally Determined Contributions, where the carbon budget is consistent with the Climate Change Act 2008 carbon target and the Nationally Determined Contributions.</p>	<p>Carbon Budgets, which are the mechanism by which the net zero target is to be achieved.</p>
5.36	<p>The Secretary of State should be content that the applicant has taken all reasonable steps to reduce the total greenhouse gas emissions from the whole life carbon perspective. The Secretary of State should also give positive weight to projects that embed nature-based or technological processes to mitigate or offset the emissions of construction and within the proposed development. However the important role national network infrastructure plays in supporting the process of economy wide decarbonisation, the Secretary of State accepts that there are likely to be some residual emissions from construction of national network infrastructure.</p>	<p>As set out in paragraph 14.9.2. of Chapter 14 (Climate) of the ES (6.1, Rev 2), the carbon reduction hierarchy, as defined in paragraph 3.22.1 in the DMRB, has been applied to mitigate the Scheme's GHG emissions. The carbon hierarchy sets out that measures to avoid/prevent and reduce emissions should be implemented prior to remediation or offsetting. Mitigation to avoid/prevent and reduce emissions are set out in section 14.9 of Chapter 14 (Climate) of the ES (6.1, Rev 2). Paragraph 14.9.17 of Chapter 14 (Climate) of the ES (6.1, Rev 2) confirms that tree planting is provided within the Scheme, which will provide carbon sequestration. The potential sequestration benefit has been estimated and presented in Table 14.5 of Chapter 14 (Climate) of the ES (6.1, Rev 2). However, this has not been factored into the climate impact assessment in order to provide a worst-case assessment of carbon impacts.</p>

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5.37	<p>Operational greenhouse gas emissions from some types of national network infrastructure cannot be totally avoided. Given the range of non-planning policies aimed at decarbonising the transport system, government has determined that net increase in operational greenhouse gas emissions is not, in itself, reasons to prohibit the consenting of national network projects or to impose more restrictions on them in the planning policy framework. Any carbon assessment will include an assessment of operational greenhouse gas emissions, but the policies set out in chapter 2 of the NPS, apply to these emissions. Operational emissions will be addressed in a managed, economy wide manner, to ensure consistency with carbon budgets, net zero and our international climate commitments. Therefore, approval of schemes with residual carbon emissions is allowable can be consistent with meeting carbon budgets, net zero and the UK's Nationally Determined Contribution.</p>	<p>Operational GHG emissions associated with the proposed scheme are set out in Table 14.6 of Chapter 14 (Climate) of the ES (6.1, Rev 2). These are compared to carbon budgets in Table 14.7 of Chapter 14 (Climate) of the ES (6.1, Rev 2).</p> <p>Whilst the proposed scheme is estimated to result in an increase in operational GHG emissions, primarily as a result of an increase in road user GHG emissions, the results in Table 14.7 indicate that estimated changes in GHG emissions as a result of the proposed scheme are negligible in comparison to relevant UK carbon budgets. On this basis, GHG emissions associated with the proposed scheme are considered unlikely to have a material impact on the ability of the UK Government to meet its carbon reduction targets and are therefore considered to be 'not significant', in line with DMRB LA 114 and the existing NNNPS.</p>
Biodiversity and nature conservation		
<i>Applicant's assessment</i>		
5.41 - 5.42	<p>The applicant should consider the full range of potential impacts on ecosystems (including habitats and protected species) and provide environmental information proportionate to the likely impacts of the infrastructure on biodiversity and nature.</p>	<p>The mitigation hierarchy has been embedded within the EIA process, and the design includes embedded mitigation to avoid potentially significant effects, where possible. Further essential mitigation measures have also been provided to be secured through DCO Requirement as set out in Section 8.8 of Chapter 8 (Biodiversity) of the ES (6.1, APP-049).</p>

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	<p>The applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geographical conservation interests as well as consider how their proposal will deliver Biodiversity net gain in line with the requirements in a Biodiversity Gain Statement as set out in paragraphs 4.20 to 4.23 above.</p>	<p>Assessment in relation to sites of geological importance are assessed within Chapter 9 (Geology and Soils) of the ES (6.1, APP-050).</p> <p>This is discussed in detail in Section 8 of the Case for the Scheme (7.1, REV 1).</p>
<i>Mitigation</i>		
5.43 – 5.44	<p>To avoid harm or disturbance in line with the mitigation hierarchy the applicant should demonstrate:</p> <ul style="list-style-type: none"> • developments are designed to avoid the risk of harm and to minimise the footprint of the development and / or to retain the site’s important habitat features. • developments are designed and landscaped to provide green corridors and minimise habitat fragmentation (for example using underpasses or green bridges to link habitats). • during construction, they will seek to ensure that activities will be confined to the minimum areas required for the works. • during construction and operation, best practice will be followed to ensure that risk of disturbance or damage to species and habitats follow the mitigation hierarchy (including as a consequence of transport access arrangements). For example, plan for construction work to be carried out at specific times to avoid sensitive times 	<p>Chapter 8 (Biodiversity) of the ES (6.1, APP-049) clearly sets out any likely significant effects on internationally, nationally and locally designated areas of ecological importance, on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity. The assessment considers the full range of potential impacts on ecosystems. Designated areas of geological importance are assessed within Chapter 9 (Geology and Soils) of the ES (6.1, APP-050). In all cases, the residual effects following the implementation of mitigation during the construction and operation of the Scheme effects were predicted to be not significant.</p> <p>Section 8.8 of Chapter 8 (Biodiversity) of the ES (6.1, APP-049) presents how the Scheme has taken advantage of opportunities to avoid impacts to biodiversity receptors, and to enhance biodiversity. Measures in relation to sites of geological importance are assessed within Chapter 9 (Geology and Soils) of the ES (6.1, APP-050). This is also</p>

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	<p>and location, such as breeding season for wild birds and lifecycles for migratory fish.</p> <p>If avoidance or reduction of harm is not possible, applicants should include appropriate mitigation measures, in line with the mitigation hierarchy, as an integral part of the proposed development, including identifying where and how these will be secured in the long term.</p>	<p>discussed in detail in Section 8 of the Case for the Scheme (7.1, REV 1).</p> <p>As an example, the current design has been subject to review and options appraisal to enable potential effects to important biodiversity receptors to be avoided where possible. This has resulted in:</p> <ul style="list-style-type: none"> ▪ The chosen route of the western walking and cycling route (see Chapter 3 (Assessment of Alternatives) of the ES (6.1, APP-044)) being located wholly outside the River Itchen SAC and SSSI, other than the proposed new foot/cycle bridge which spans these designated areas. ▪ The proposed new foot/cycle bridge over the River Itchen SAC/SSSI would be a clear span structure, with no piers within the river channel. In addition, the abutments would be set back from the riverbank, outside of the SAC and SSSI. <p>The design of the new foot/cycle bridge, with abutments set back from River Itchen would allow passage of wildlife, in particular otter, to be maintained along the riverbank during operation. The bridge deck also follows the same horizontal alignment as the existing adjacent road bridges (Itchen Bridge and Kingsworthy Bridge), to make certain it does not present an additional blockage to animals such as bats commuting along the River Itchen.</p>

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		<p>The Scheme design has been ecologically informed, such that 'embedded avoidance and mitigation measures' for ecology were contained within the Scheme design as it evolved. These measures include the selection of less damaging options for the shared path (unsegregated combined footpath, cycle track and footway) adjacent to the A34, avoidance of permanent structures in the River Itchen, and an ecologically informed Environmental Masterplan (Figure 2.3 of the ES (6.2, APP-062)) providing habitats of ecological value which are appropriate for the local environment.</p> <p>Habitat provision set out on Figure 2.3 (Environmental Masterplan) of the ES (6.2, APP-062) would enhance connectivity for wildlife within the Scheme. New areas of woodland and scrub towards the north of the Scheme, mostly located adjacent to existing habitats, would enhance connectivity for bats and dormice and other wildlife. The provision of substantial areas of chalk grassland, woodland and scrub along the eastern boundary of the Scheme would improve connectivity for a range of wildlife including bats, dormice, and terrestrial invertebrates in a north-south direction.</p> <p>In areas of retained woodland within the Application Boundary, removal of invasive species such as snowberry will be undertaken to provide improvements to this existing habitat. A commitment to delivering this is set out in the</p>

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
		<p>Record of Environmental Actions and Commitments (REAC) within the fiEMP (7.3, Rev 2).</p> <p>Figure 2.3 (Environmental Masterplan) of the ES (6.2, APP-062) identifies areas of the River Itchen where enhancement measures will be provided. Measures will align with the Environment Agency’s River Itchen Restoration Strategy. These areas are likely to include riparian planting and / or channel narrowing by marginal planting. A commitment to delivering this is set out in the Record of Environmental Actions and Commitments within the fiEMP (7.3, Rev 2).</p> <p>Appendix 8.2 (Biodiversity Net Gain Assessment Report) of the ES (6.3, APP-131) assesses that the Scheme would result in a predicted net gain in biodiversity (+4.14%) and a predicted net gain in hedgerow units (+3.60%).</p> <p>The Scheme would provide a net increase of over 9.6 ha of chalk grassland, which is appropriate to the local area. The protection and enhancement of this habitat is a key theme within the South Downs Local Plan (adopted July 2019) and has been a key theme within consultation responses from stakeholders. However, the use of this habitat type suppresses the overall result of the metric, due to risk factors associated with this habitat type. For example, if ‘other neutral grassland’ was provided in place of chalk grassland then the overall BNG score for the Scheme would change from</p>

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		<p>+4.14% to +14.93%. This demonstrates that the Scheme can comfortably deliver over 10% BNG. However, whilst a change from chalk grassland to other neutral grassland would be technically feasible, given the wider benefits, chalk grassland has been taken forward as being most appropriate habitat for the Scheme.</p> <p>In summary, the Applicant has maximised opportunities for building in beneficial biodiversity features into the Scheme.</p>
5.45	<p>If avoidance or bespoke mitigation measures are insufficient or not possible, as a last resort, appropriate compensation measures should be sought and implemented. For example, moving protected species out of the development site and where practicable, restore habitats after construction works have finished.</p>	<p>The mitigation hierarchy has been embedded within the EIA process, and the design includes embedded mitigation to avoid potentially significant effects, where possible. Further essential mitigation measures have also been provided to be secured through DCO Requirement as set out in Section 8.8 of Chapter 8 (Biodiversity) of the ES (6.1, APP-049).</p> <p>Assessment in relation to sites of geological importance are assessed within Chapter 9 (Geology and Soils) of the ES (6.1, APP-050).</p> <p>This is discussed in detail in Section 8 of the Case for the Scheme (7.1, REV 1).</p>
5.46	<p>The applicant should not just look to mitigate direct harms but should show how the project has taken advantage of opportunities to conserve and enhance biodiversity, having regard to any relevant Local Nature Recovery Strategy.</p>	<p>Appendix 8.2 (Biodiversity Net Gain Assessment Report) of the ES (6.3, APP-131) assesses that the Scheme would result in a predicted net gain in biodiversity (+4.14%) and a predicted net gain in hedgerow units (+3.60%).</p>

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
	<p>Opportunities will be taken to enhance or expand existing habitats and create new habitats in accordance with biodiversity net gain requirements. Habitat creation, enhancement and management proposals should include measures for climate resilience, including appropriate species selection. Maintaining habitat connectivity is important for climate resilience and the biodiversity of ecological networks.</p>	<p>The Scheme would include habitat retention, creation and enhancement, designed to maintain and enhance connectivity within the site and across the wider landscape. In particular it will provide a net increase of approximately 9.6 ha of chalk grassland, which is appropriate to the local area. The protection and enhancement of this habitat is a key theme within the South Downs Local Plan (adopted July 2019) and has been a key theme within consultation responses from stakeholders.</p> <p>Hampshire County Council has been collaborating with a range of local communities, councils, and landowners to deliver nature recovery activities across the County. This includes developing Nature Recovery Networks, including reconnecting existing wildlife-rich features such as chalk downland.</p> <p>Mitigation measures with regards to climate change are secured in the REAC table within the fiEMP (7.3, Rev 2) and include:</p> <ul style="list-style-type: none"> • the planting of species with regards to climate change and resilience to pests and disease (as committed in LV4 in the REAC), • the drainage parameters for the construction phasing will accounting for the Environment Agency’s Flood Risk Assessment Climate Change (WE16),

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		<ul style="list-style-type: none"> the detailed operational drainage design has been designed in accordance with DMRB LA 113 and is compatible with the preliminary Drainage Strategy Report to ensure that the receiving environment is protected from increased risk of flooding as a result of the Scheme (WE4)
5.47	<p>Wider ecosystem services and benefits of natural capital should also be considered when designing enhancement measures in order to maximise multi-functional benefits whilst minimising land take. For example, this can be achieved through integration of Biodiversity net gain features within a sustainable drainage system; the use of green roofs and walls to harvest rainwater and ameliorate urban heating; or the restoration of rivers to reduce flood risk and provide attractive amenity areas.</p>	<p>See response to draft NPS NN paragraph 4.56 (above).</p>
5.48	<p>The Secretary of State should consider what appropriate requirements should be attached to any consent and / or any planning obligations entered into to ensure that any necessary mitigation and compensatory measures are secured, delivered, and if necessary enforced, and that biodiversity improvements are registered in accordance with Biodiversity net gain requirements.</p>	<p>Schedule 2 of the draft DCO (3.1, Rev 2) includes proposed Requirements.</p> <p>A fiEMP (7.3, Rev 2) (and later the siEMP) details the environmental mitigation measures proposed to be implemented during construction, why they are required, who is responsible for delivering them and details ongoing reporting criteria. The siEMP would need to be prepared in accordance with the fiEMP (7.3, Rev 2). The siEMP would be implemented and is secured through a Requirement in Schedule 2 of the draft DCO (3.1, Rev 2).</p>

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5.49	<p>The Secretary of State will need to take account of the advice provided to the applicant by Natural England and / or the Marine Management Organisation, as regards any necessary mitigation measures and whether Natural England an / or the Marine Management Organisation has granted or refused, or intends to grant or refuse, any relevant licences, including protected species mitigation licences. In advance of formal submission, applicants are encouraged to use Natural England’s Letter of No Impediment approach and engage with Natural England.</p>	<p>The Applicant has engaged with Natural England (using the Discretionary Advice Service) regarding mitigation proposals and a Statement of Common Ground between the Applicant and Natural England is being prepared.</p> <p>The Applicant anticipates a letter of no impediment will be provided by Natural England prior to the close of Examination for the relevant draft licences. A final set of licences will be formally submitted following finalisation of the construction design and schedule, and once the DCO has been granted.</p> <p>Appendix A of the Consents and Agreements Position Statement (3.3, APP-021) details the full list of consents, licences, and agreements that are sought. Those relevant to Natural England are summarised below:</p> <ul style="list-style-type: none"> • A licence in relation to badgers under section 10 of the Protection of Badgers Act 1992. The current approach is for badger sett closures to be undertaken using a badger class licence held by a badger specialist. • A European Protected Species Licence in relation to dormice under Conservation of Habitats and Species Regulations 2017. Natural England have reviewed a draft version of this licence provided comments in February 2023. Natural England is comfortable with the overall approach but have requested some further

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		<p>supporting information which the project team are currently collating.</p> <ul style="list-style-type: none"> • A licence to catch and relocate white-clawed crayfish (if present) under the Wildlife and Countryside Act 1981, prior to undertaking temporary works in the River Itchen. • Consent to carry out works within a Site of Special Scientific Interest (SSSI) under section 28E and 28H of the Wildlife and Countryside Act 1981. <p>Mitigation measures including protected species licensing are included in the REAC within the fiEMP(7.3, Rev 2).</p> <p>No Marine Management Organisation (MMO) licences are required for the proposed scheme.</p>
<i>Decision making</i>		
5.50	<p>The government's 25 year Environmental Plan marked a step change in ambition for wildlife and the natural environment. The Secretary of State should have regard to the aims and goals of the government's Environmental Improvement Plan, the United Nations Environmental Programme Convention on Biological Diversity of 1992 and any relevant measures and targets, such as the Environment Act 2021 targets. In doing so, the Secretary of State should also take account of the context of the challenge of climate change; failure to address this</p>	<p>The mitigation hierarchy has been embedded within the assessment process, whereby the design has sought to avoid adverse impacts in the first instance through an iterative approach to design, e.g. informing alignment to avoid sensitive receptors where possible (see Chapter 3 (Assessment of Alternatives) of the ES (6.1, APP-044). In areas where avoidance is not possible, measures have been included to prevent or reduce potentially significant negative effects. As a last resort, measures to compensate adverse effects have also been included, e.g. habitat creation</p>

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	<p>challenge will result in significant adverse impacts to biodiversity. The benefits of nationally significant low carbon transport infrastructure development may include benefits for biodiversity and geological conservation interests and these benefits may outweigh the harm to those interests. However, mitigation hierarchy will still need to be applied.</p>	<p>to offset impacts associated with habitat loss and fragmentation where these cannot be avoided.</p> <p>As shown on Figure 2.3 (Environmental Masterplan) of the ES (6.2, APP-062), the Scheme has been designed to maximise biodiversity outputs through provision of native habitats which are locally important, and will enhance connectivity within the wider landscape. Overall, there would be an increase of approximately 18ha of semi-natural habitats, supporting commitments made in the government's 25 year Environment Plan to support the recovery of nature and restore losses suffered over the last 50 years.</p> <p>In terms of targets set within the Environment Act, Appendix 8.2 (Biodiversity Net Gain Assessment Report) of the ES (6.3, APP-131) assesses that the Scheme would result in a predicted net gain in biodiversity (+4.14%) and a predicted net gain in hedgerow units (+3.60%). The report also demonstrates that if different habitats were used in the design then the overall BNG score for the Scheme would change from +4.14% to +14.93%. This demonstrates that the Scheme can comfortably deliver over 10% BNG and therefore meet future targets within the Environment Act.</p>
5.51	<p>As a general principle, and subject to the specific policies below, development should, at first avoid significant harm to biodiversity and geological conservation interests, including through consideration of reasonable alternatives.</p>	<p>The mitigation hierarchy has been embedded within the EIA process, and the design includes embedded mitigation to avoid potentially significant effects, where possible. Further essential mitigation measures have also been provided to be</p>

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	<p>If avoidance is not possible, mitigation needs to be considered (as set out in paragraphs 5.43 to 5.49 above). Where significant harm cannot be avoided or mitigated it should be compensated for as a last resort, with on-site mitigation being considered prior to off-site. The Secretary of State will give significant weight to any residual harm.</p>	<p>secured through DCO Requirement as set out in Section 8.8 of Chapter 8 (Biodiversity) of the ES (6.1, APP-049).</p> <p>Assessment in relation to sites of geological importance are assessed within Chapter 9 (Geology and Soils) of the ES (6.1, APP-050). This is discussed in detail in Section 8 of the Case for the Scheme (7.1, REV 1).</p>
5.52	<p>In taking decisions, the Secretary of State should ensure that appropriate weight is attached to designated sites of international, national, and local importance; irreplaceable habitats; protected species habitats; other species of principal importance for the conservation of biodiversity; local nature recovery strategies; and to biodiversity and geological interests within the wider environment.</p>	<p>Chapter 8 (Biodiversity) of the ES (6.1, APP-049) clearly sets out any likely significant effects on internationally, nationally and locally designated areas of ecological importance, on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity. This assessment considers the full range of potential impacts on ecosystems. Designated areas of geological importance are assessed within Chapter 9 (Geology and Soils) of the ES (6.1, APP-050).</p>
<i>Internationally important nature sites</i>		
5.53	<p>The most important sites for biodiversity in the UK are those identified and designated to meet the obligations of international biodiversity conventions, and which are afforded special protection by the Habitats Regulations. These sites are designated as Special Areas of Conservation and Special Protection Areas and are collectively known as Habitat Sites. The following should be given the same protection as sites legally protected by the Habitats Regulations: potential Special Protection Areas and possible Special Areas of Conservation, listed or proposed Wetlands of International Importance (Ramsar</p>	<p>An assessment of likely significant effects to the National Site Network from the Scheme is set out in the Habitats Regulations Assessment (7.5, APP-158). This is also discussed in detail in Section 8 of the Case for the Scheme (7.1, REV 1).</p> <p>None of the below sites were identified for inclusion in the assessment:</p> <ul style="list-style-type: none"> • possible Special Areas of Conservation (pSACs); • potential Special Protection Areas (pSPAs); • listed or proposed Ramsar sites; or

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	sites), and sites identified, or required, for compensatory measures for adverse effects on habitat sites.	<ul style="list-style-type: none"> • sites identified, or required, as compensatory measures for adverse effects on these sites, pSPAs, pSACs and listed or proposed Ramsar sites, were identified for inclusion in the assessment. <p>The Habitats Regulations Assessment (7.5, APP-158) concludes that, once standard avoidance and mitigation measures are applied, there would be no significant effects on the integrity of the River Itchen SAC and no likely significant effects to the Mottisfont Bats SAC.</p>
5.54	The Habitats Regulations set out a specific process (see paragraphs 4.12 to 4.16) to assess the likely implications for these sites from a proposed plan or project, To maintain the overall cohesion of the National Site Networks, such plans or projects may only proceed if the assessment concludes they will not adversely affect the integrity of the site or, in the case of a negative assessment, if there are no alternative solutions, and they must proceed for imperative reasons of overriding public interest with the necessary compensatory measures secured.	<p>An assessment of likely significant effects to the National Site Network from the Scheme is set out in the Habitats Regulations Assessment (7.5, APP-158). This is also discussed in detail in Section 8 of the Case for the Scheme (7.1, REV 1).</p> <p>The Habitats Regulations Assessment (7.5, APP-158) concludes that, once standard avoidance and mitigation measures are applied, there would be no significant effects on the integrity of the River Itchen SAC and no likely significant effects to the Mottisfont Bats SAC.</p>
5.56	Where a proposed development on land within or outside of a Site of Special Scientific Interest is likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments)	As set out in Chapter 8 (Biodiversity) of the ES (6.1, APP-049) the assessment considers all designated areas including SSSIs and site of international importance such as Special Areas of Conservation. The importance level attributed to

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	<p>development consent should not normally be consented. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest. The Secretary of State is bound by the duty placed on all public bodies in section 28G of the Wildlife and Countryside Act 1981 to take reasonable steps, consistent with the proper exercise of their functions, to further conservation and enhancement of the features by reason of which a site is of special scientific interest.</p>	<p>each ecological feature is in accordance with CIEEM's geographic framework (CIEEM, 2018). International designated areas have been assessed as being of 'international' nature conservation importance; SSSIs have been assessed as being of 'National' nature conservation importance.</p> <p>The River Itchen SAC/SSSI is present within the Application Boundary, and this site has been a key consideration during the development of the design. Measures to avoid and mitigate potential effects are set out in Chapter 8 (Biodiversity) of the ES (6.1, APP-049) and detailed in the fiEMP (7.3, Rev 2).</p> <p>Chapter 8 (Biodiversity) of the ES (6.1, APP-049) concludes no significant residual effects in terms of biodiversity.</p> <p>As shown on Figure 2.3 (Environmental Masterplan) of the ES (6.2, APP-062), the Scheme has been designed to maximise biodiversity outputs through provision of native habitats which are locally important (many of which are adjacent to the River Itchen SSSI) and enhance existing retained habitats including those within the River Itchen SSSI. As such the Scheme will support section 28G of the <i>Wildlife and Countryside Act 1981</i> in furthering the conservation and enhancement of the River Itchen SSSI.</p>
<p><i>Irreplaceable habitats including ancient woodland, and ancient and veteran trees</i></p>		

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5.57	<p>Ancient woodland, ancient wood pastures and parkland, and ancient and veteran trees are irreplaceable habitats. Their long-standing presence, species and form serve as a rich cultural record of past management practices. Ancient and veteran trees are a valuable biodiversity resource for diversity of species and unique ecological conditions, once lost they cannot be recreated. Many ancient woodlands provide ecosystem services, for example, water and soil health, carbon storage, flood alleviation and pollution mitigation as well as providing public access allowing people to make important contact with nature that helps to promote interest in the protection of these habitats, while delivering many health and wellbeing benefits. Keepers of Time, the government's policy for ancient and native trees and woodlands in England, sets out the government's commitment to maintain and enhance the existing area of ancient woodland and to maintain and enhance the existing resource of known ancient and veteran trees, excluding natural losses from disease and death, and to increase the percentage of ancient woodland in active management.</p>	<p>No ancient woodland or veteran trees are present within the Scheme, and none will be directly affected by the Scheme. Some parcels of ancient woodland outside the Scheme have potential to be affected during operation through increased air pollution. Potential effects are assessed in full within the ES (6.1, APP-042 – APP-153), which concludes there will be no significant effects to ancient woodland.</p> <p>The Scheme has been designed to minimise any loss of trees and woodlands, and to allow retained trees and woodland to be protected from damage both during the construction and operational phases.</p> <p>Construction Phase mitigation measures of relevance to tree protection are set out in Section 7.8 of Chapter 7 (Landscape and Visual) of the ES (6.1, REV 1).</p> <p>Operational phase mitigation and enhancement measures include new tree and woodland planting (as well as the creation of other habitats such as chalk grassland), resulting in valuable biodiversity resources for the future – see Chapter 2 (The Scheme and its Surroundings) of the ES (6.1, APP-043).</p> <p>This is discussed in detail in Section 8 of the Case for the Scheme (7.1, REV 1).</p>

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5.58	The Secretary of State should not grant development consent for any development that would result in the loss or deterioration of irreplaceable habitats including ancient woodland and ancient or veteran trees unless there are wholly exceptional reasons (for example, where a public benefit would clearly outweigh the loss or deterioration of habitat) and a suitable compensation strategy exists.	Noted, see response to draft NPS NN paragraph 5.57 (above).
<i>Nationally important nature sites: Marine Conservation Zones</i>		
5.59	Marine Conservation Zones, introduced under the Marine and Coastal Access Act 2009, have been designated for the purpose of conserving marine flora or fauna, marine habitats or types of marine habitat or features of geological or geomorphological interest. The protected feature or features and the conservation objective for the Marine Conservation Zones are stated in the designation order for the Marine Conservation Zones, which provides statutory protection for these areas. Measures to restrict damaging activities will be implemented by the Marine Management Organisation and other relevant organisations. As a public authority, the Secretary of State is bound by the duties in relation to Marine Conservation Zones imposed by sections 125 and 126 of the Marine and Coastal Access Act 2009.	Marine Conservation Zones are not relevant to the Application.
<i>Locally important nature sites</i>		
5.60	Sites of regional and local biodiversity and geological interest, which includes Local Geological Sites, Local	The assessments presented in Chapter 8 (Biodiversity) of the ES (6.1, APP-049) and Chapter 9 (Geology and Soils)

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	<p>Nature Reserves, and Local Wildlife Sites and Nature Improvement Areas, are areas of substantive nature conservation value and make an important contribution to ecological networks and nature recovery. They can also provide wider benefits including contributing to the quality of life and wellbeing of the community and in supporting research and education. The Secretary of State should give due consideration to any such harm to the detriment of biodiversity features of regional or local importance which it considers may result from the proposed development. However, given the need for new infrastructure, these designations should not be used in themselves to refuse development consent, nevertheless the mitigation hierarchy applies to these sites.</p>	<p>of the ES (6.1, APP-050) take into account the potential for impacts on Local Geological Sites (LGS), Local Nature Reserves (LNR), Sites of Importance for Nature Conservation (SINC), Local Wildlife Sites (LWS), and Road Verges of Ecological Importance (RVEI). Chapter 5 (Air Quality) of the ES (6.1, Rev 1) assesses the potential air quality impacts on designated sites and habitats.</p> <p>Easton Down SINC is located partially within the Application Boundary, however the SINC would be fenced and protected at all times from construction activity resulting in no direct impacts from habitat loss or fragmentation. Measures to avoid or mitigate indirect effects to Easton Down SINC and other locally important wildlife sites near to the Scheme are set out in the fiEMP (7.3, Rev 2). The assessment also concludes effects to all locally important wildlife sites would be not significant.</p> <p>In relation to designated geological sites – the scoping report did not identify any designated geological sites and the assessment of effects in relation to these was scoped out of the assessment.</p>
<i>Biodiversity within and around developments</i>		
5.61	<p>Development proposals provide many opportunities for incorporating beneficial biodiversity or geological features as part of good design. Nature contributes to the quality of a place, to people’s quality of life, the attractiveness of</p>	<p>Figure 2.3 (Environmental Masterplan) of the ES (6.2, APP-062) illustrates the proposed landscape design. The design includes habitats of ecological value which are appropriate to the local area, including chalk grassland,</p>

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	<p>active travel routes and movements, and it is a critical component of well-designed development. Road and rail projects can also play a part in meeting government tree planting and nature recovery targets through partnership working with adjoining landowners, delivery biodiversity, carbon offsetting and social benefits.</p>	<p>species rich grassland (with chalk grassland characteristics), and woodland, with the aim of maximising biodiversity outputs from the Scheme in accordance with National Highways performance targets. Stakeholders including South Downs National Park Authority have been consulted on the design of the habitat compensation and enhancement package to make certain it is appropriate to the surrounding landscape and habitats, and future climatic conditions. The habitat creation package can be viewed on Figure 2.3 (Environmental Masterplan) of the ES (6.2, APP-062), with further details provided in Appendix 7.6 (Outline Landscape and Ecological Management Plan) of the ES (6.3, APP-102).</p>
5.62	<p>Consideration should be given to the impacts on, and improvements to, habitats and species in, around and beyond developments, for wider ecosystem services and natural capital benefits, relevant to the local area and communities. The value of linear infrastructure and its footprint in supporting biodiversity and connecting habitats ecosystems should also be taken into account. Local Nature Recovery Strategies will identify opportunities to create or enhance habitat likely to have greatest benefit to biodiversity and wider environmental improvement. Consideration should also be given to national priorities and targets, such as reduced flood risk, improved air or water quality, and increased access to natural greenspace, or tree planting, woodland creation and protecting long established woodlands.</p>	<p>While the biodiversity assessment as presented in Chapter 8 (Biodiversity) of the ES (6.1, APP-049) does not explicitly include a natural capital assessment, impacts on habitats and species have been considered in the context of maintaining connectivity, maximising biodiversity delivery and the retention of sensitive ecological features. The importance of providing connectivity is acknowledged throughout the assessment and details on the creation of linear habitats are included within Section 8.8 of Chapter 8 (Biodiversity) of the ES (6.1, APP-049). Landscape planting has been designed to maximise biodiversity by improving the value of habitat throughout the proposed scheme and improving wildlife connectivity by incorporating linear habitats such as hedgerows and lines of trees and linking with retained woodland and hedgerows where feasible. On the inherently</p>

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		<p>linear road verges of the scheme, the creation of low-nutrient diverse grasslands would provide an important wildlife corridor of ecological value.</p> <p>As committed in reference LV2 of the REAC table of the fiEMP (7.3, Rev 2), existing vegetation within the Order Limits would be retained and protected as far as reasonably practical, (as shown on Tree Protection Plans. There would also be an overall increase of 1.37ha of woodland (Table 8.7 of Chapter 8 (Biodiversity) of the ES (6.1, APP-049)).</p>
5.63	<p>When considering proposals, the Secretary of State should consider whether the applicant has maximised such opportunities and enhancement of wider biodiversity, in and around developments. The Secretary of State may use requirements or planning obligations where appropriate in order to ensure that such beneficial features are delivered, and ongoing management and maintenance secured.</p>	<p>The Applicant has sought to deliver habitats of ecological value which are appropriate to the local area, including chalk grassland, species rich grassland (with chalk grassland characteristics), and woodland, with the aim of maximising biodiversity outputs from the Scheme in accordance with National Highways performance targets.</p> <p>Stakeholders including South Downs National Park Authority, the Environment Agency and Butterfly Conservation have been consulted on the design of the habitat compensation and enhancement packages to ensure that they are appropriate to the surrounding landscape and habitats, as well as future climatic conditions.</p> <p>The Scheme would provide a net increase of approximately 9.6 hectares (ha) of chalk grassland. Such an extensive area of chalk grassland has been included within the Scheme</p>

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		<p>design as it provides multiple biodiversity and landscape benefits and is appropriate to the geology of the local area. Chalk grassland is a <i>Hampshire Biodiversity Action Plan</i> (Hampshire Biodiversity Partnership, 2000) habitat, and it is a qualifying feature of nearby designated areas (such as St Catherine’s Hill Site of Special Scientific Interest). The protection and enhancement of this habitat is also a key theme within the <i>South Downs Local Plan 2014-2033</i> (South Downs National Park Authority, 2019). In addition, the provision of chalk grassland has been a key theme within consultation responses from stakeholders.</p> <p>Outline information on long-term commitments to ongoing management and maintenance of new planting is contained within the in Appendix 7.6 (OLEMP) of the ES (6.3, APP-102) and the future LEMP prepared during detailed design will provide further detail on the long-term management.</p> <p>The commitments outlined in LV20, LV23, within the REAC table of the fiEMP.(7.3, Rev 2) Further details on these commitments will be provided in an updated LEMP prior to construction.</p>
<i>Habitats and Species of Principal Importance</i>		
5.64	Many individual wildlife species receive statutory protection under a range of legislative provisions. Some species and habitats have been identified as being of principal importance for the conservation of biodiversity in England	As set out in Chapter 8 (Biodiversity) of the ES (6.1, APP-049) a number of Species of Principal Importance (SPI) have been identified during baseline data collection. This includes white helleborine, and a selection of breeding and wintering

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	<p>and Wales and therefore requiring conservation action. As a public authority, the Secretary of State is bound by the duty in by section 40 of the Natural Environment and Rural Communities Act 2006 (as amended by section 102 of the Environment Act 2021) to periodically consider what action an authority can take, consistent with the exercise of its functions, to further the conservation and enhancement of biodiversity. In doing so, the Secretary of State may consider the impact on species and habitats listed under section 41 of the Act. The Secretary of State should ensure that applicants have taken measures to ensure these species and habitats are protected from the adverse effects of the development by using requirements, planning obligations, or licence conditions, The Secretary of State should refuse consent where harm to habitats or species and their habitats would result, unless the benefits of the development (including need) clearly outweigh that harm.</p>	<p>bird species. No significant effects have been identified to SPI.</p> <p>The creation of new areas of chalk grassland would provide habitats for a range of species including priority species of invertebrates and birds. The seed mix used would include dark mullein <i>Verbascum nigrum</i>, the larval foodplant of the striped Lychnis moth (a SPI and Local BAP species with very restricted national distribution). In addition, the seed mix would include kidney vetch <i>Anthyllis vulneraria</i> and horseshoe vetch <i>Hippocrepis comosa</i>, the foodplants of small blue (a SPI), Adonis blue and chalkhill blue butterflies.</p> <p>This is discussed in detail in Section 8 of the Case for the Scheme (7.1, REV 1).</p>
Resource and Waste Management		
<i>Applicant's assessment</i>		
5.66	<p>The applicant should demonstrate that they will adhere to the waste hierarchy, minimising the volume of waste produced and maximising reuse and recycling for waste that cannot be avoided. Where possible, applicants are encouraged to use low carbon materials, sustainable sources, and local suppliers. Consideration should be given to circular economy principles wherever practicable, for example, by using longer lasting materials efficiently,</p>	<p>Estimates of the waste generated, how it would be managed and measures to minimise waste are presented in Table 10.16 and Section 10.8 of Chapter 10 (Material Assets and Waste) of the ES (6.1, Rev 1).</p> <p>Measures to manage waste are detailed in the Register of Environmental Actions and Commitments (REAC) within the fiEMP (7.3, Rev 2).</p>

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	<p>optimising the use of secondary materials and how the development will be maintained and decommissioned. Applicants should consider and take into account emerging government policy including the Waste Prevention Programme for England and Defra’s Construction Code of Practice for Sustainable Use of Soils on Construction Sites, which provides practical guidance on how to improve appropriate soil reuse on construction sites and reducing the volume that is sent to landfill.</p>	<p>Any waste arising during construction would be managed through the implementation of a Site Waste Management Plan (SWMP). An outline SWMP has been developed and is appended to the fiEMP (7.3, Rev 2). The final SWMP would be developed by the Contractor prior to construction commencing and include as appropriate plans for managing any hazardous waste that may arise during construction. The SWMP would aim to ensure that all waste would be dealt with in accordance with the duty of care provisions in the Environmental Protection Act 1990.</p> <p>Any hazardous waste encountered during construction will be minimal and managed / treated in line with standard control measures and the Site Waste Management Plan (a draft Site Waste Management Plan has been included within the fiEMP (7.3, Rev 2)). The principles of the waste hierarchy will be followed, ensuring that waste will firstly be minimised, before consideration of reuse, recycling and recovery, with disposal through landfill as the last resort. To enable this there will be on site material segregation and storage managed by the Principal Contractor.</p> <p>The Principal Contractor has committed to achieving 95% of non-hazardous waste diverted from landfill - this is also outlined within the fiEMP (7.3, Rev 2) which is secured through a requirement in the draft DCO (3.1, Rev 2).</p>

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		<p>Should hazardous waste be encountered during construction, this would be handled at storage compounds within the Application Boundary, prior to transfer to external waste management sites.</p> <p>Non-hazardous materials would be segregated and appropriately re-distributed to alternative projects or re-distributed to waste management facilities.</p> <p>Embedded mitigation measures are design measures that are adopted by the Scheme. These are set out in Table 10.11 of Chapter 10 Material Assets and Waste (6.1, Rev 1). They are specific design measures for mitigating material assets and include the specification for designing for the use of recycled materials and/or sustainable features in materials where practicable, to reduce environmental impacts of the Scheme.</p> <p>Other mitigation measures include the identification and specification of materials that can be acquired responsibly, in accordance with BES 6001 (Responsible Sourcing of Construction Products) and maximising the use of renewable materials and materials with recycled or secondary content.</p> <p>Materials imported to construct the Scheme would also be sourced with consideration to both best value and the local proximity of the supply.</p>

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		<p>The <i>UK Circular Economy Package</i> (CEP), which was published on 30th July 2020, introduces a revised legislative framework for the reduction of waste and establishes a long-term path for waste management and recycling. The current policy documents include the <i>Resources and Waste Strategy</i> (2018), which sets targets to recycle 65% of municipal waste and to have no more than 10% of municipal waste going to landfill by 2035. Other relevant policy documents include the <i>Waste Management Plan for England</i> (2021) and <i>The 25 Year Environment Plan</i>.</p> <p>Emerging government policy also includes the <i>Waste Prevention Programme for England</i>. The plan sets out how the Government and industry can take action across seven key sectors – one of which is Chapter 5, Construction. The policy aims to reduce construction waste and increase the reuse of construction materials at their highest value. Consideration of this emerging policy will be included within the Site Waste Management Plan (SWMP), Materials Management Plan (MMP) – draft versions of which are Appendix E and F of the fiEMP (7.3, Rev 2) - and further design work during detailed design stage.</p> <p>Defra’s Construction Code of Practice for the Sustainable Use of Soils on Construction Sites is also emerging government policy. This provides practical guidance on how to improve appropriate soil reuse on construction sites and reducing the volume that is sent to landfill. A Materials Management Plan,</p>

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		<p>in accordance with the <i>CL:AIRE Definition of Waste: Code of Practice</i> and Defra’s <i>Construction Code of Practice for the Sustainable Use of Soils</i>, once adopted, will be prepared for the detailed stage of the project and implemented by the Contractor prior to construction commencing.</p> <p>Embedded mitigation design measures adopted by the Scheme support both the waste hierarchy, and circular economy principles, in relation to material resources and production/management of waste.</p> <p>Consideration has been given to designing out waste, by balancing cut and fill (avoiding any import or export of material) as far as possible. At least 83% (664,800t) of excavated material (predominantly topsoil, chalk and other natural occurring materials) is expected to be reused on the Scheme for landscaping purposes. This reduces the demand and consumption for raw materials to be used on the Scheme, and thus supports the policies and principles of circular economy.</p> <p>The remainder of the excavated material is expected to be segregated and appropriately re-distributed to alternative projects or re-distributed to waste management facilities. The Scheme includes measures such as specifying the use of recycled materials as much as possible. The Principal Contractor has also committed to achieve a diversion from</p>

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		<p>landfill rate of 95% - this is also outlined within the fiEMP (7.3, Rev 2).</p> <p>All of the above support the policies and principles of the circular economy, moves material out of landfill, and promotes a more sustainable use of resources. As a consequence it demonstrates adherence to the waste hierarchy.</p>
<i>Mitigation</i>		
5.67 – 5.68	<p>Sustainable waste management is implemented through the waste hierarchy:</p> <ul style="list-style-type: none"> ▪ Prevention ▪ preparing for reuse ▪ recycling ▪ other recovery, including energy recovery ▪ disposal <p>Waste management beyond the waste hierarchy is also encouraged, such as adopting a circular approach from the offset, for example, sustainable procurement exercises.</p>	See response to draft NPS NN paragraph 5.66 (above).
5.69	<p>Large infrastructure projects may generate hazardous and non-hazardous waste during construction and operation. The Environmental Permitting regime, regulated by the Environment Agency in England, incorporates operational waste management requirements for certain activities.</p>	<p>The Applicant has considered the applicability of the Environmental Permitting regime for materials and waste management. This is detailed in Appendix A (Consents and Agreements Table) of the Consents and Agreements Position Statement (3.3, APP-021).</p>

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
	Applicants should therefore give consideration to the Environmental Permitting regime and whether this applies to their development.	Commitments to manage waste are detailed in reference G7, LV9, LV12, and GS7 of Table 3.2 REAC within the fiEMP (7.3, Rev 2) . These commitments include the preparation of the Site Waste Management Plan and a Materials Management Plan, drafts of which are Appendix E (Draft Site Waste Management Plan) and Appendix F (Draft Materials Management Plan) of the fiEMP (7.3, Rev 2) .
5.70	Infrastructure projects should look to use legal and sustainable timber and other Modern Methods of Construction where possible.	<p>The Applicant has considered the use of Modern Methods of Construction and how this would impact the supply chain. Table 10.13 of Chapter 10 (Material Assets and Waste) of the ES (6.1, Rev 1) outlines the following measures:</p> <ul style="list-style-type: none"> ▪ Identification and specification of materials that can be acquired responsibly, in accordance with BES 6001 (Responsible Sourcing of Construction Products) ▪ Maximising the use of renewable materials and materials with recycled or secondary content, and setting material balance as a goal ▪ Off-site construction: maximising the use of pre-fabricated structures and components ▪ Plan for recovery and re-use: identifying, securing and using materials at their highest value, whether they already exist on site, or are sourced from other locations <p>Paragraph 2.6.29 Chapter 2 of the ES (6.1, APP-043) details the construction methodology for the River Itchen Footbridge</p>

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
		<p>which includes avoiding the use of wet concrete for the pile foundations and the potential use of timber and steel for the proposed structure. Following further consideration of the structural design there will be difficulty in using timber for the River Itchen Footbridge, this is because the bridge would be in a humid environment in an area of tall and dense vegetation that is susceptible to periodic flooding. This means it would only have a design life of 40 years with regular use of chemical preservatives required, which is not appropriate within this location. Timber is being used for Post and Rail fencing proposed within the Scheme.</p> <p>Paragraph 6.2.3 of the Design and Access Statement (7.9, APP-162) details a specific intervention: the use of warm mix asphalt for the proposed pavement construction. This offers benefits to Health & Safety, with lower temperatures help to reduce the Health & Safety risks associated with the production and laying of asphalt materials at high temperatures such as burns, exposure to volatile hydrocarbon fumes and the impact of steam on visibility, particularly when wearing safety eyewear. Increased use of warm mix asphalts will therefore contribute to causing Zero Harm on the National Highways network.</p>
Decision making		
5.71	The Secretary of State should consider the extent to which the applicant has proposed an effective process that will be followed to ensure safe and effective management of waste	See response to draft NPS NN paragraph 5.66 (above).

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
	<p>arising from the construction and operation of the proposed development. It is advised that this is detailed in the dedicated plans summarising the sustainable use of resources and waste for both construction and operation as part of the application documentation. The Secretary of State should be satisfied that the process sets out:</p> <ul style="list-style-type: none"> • how waste will be managed, but on-site and off-site • that consideration has been given to available waste management infrastructure capacity to manage waste arising from the development • adequate steps have been taken minimising the volume of waste arising and maximise opportunities for reuse and recycling. 	
Civil and military aviation and defense interests		
<i>Applicant's assessment</i>		
5.84	<p>The applicant should consult the Ministry of Defence, Civil and Civil Aviation Authority, National Air Traffic Services and any aerodrome – licensed or otherwise - likely to be affected by the proposed development in preparing the assessment of the proposal on aviation or other defence interests.</p>	<p>The proposed scheme is not considered to have any effects on an airport or civil or military aviation, as there are no airports close to the proposed Scheme.</p> <p>National Highways has consulted with the Ministry of Defence, Civil Aviation Authority, National Air Traffic Services, Southampton International Airport Ltd and the National Police Air Service, the details of which are described in the Consultation Report (5.1, APP-025).</p>

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
5.85 – 5.87	<p>Any assessment on aviation or other defence interests should include potential impacts during construction and operation of the project upon the operation of communications, navigation and surveillance infrastructure, flight patterns (both civil and military), other defence assets and aerodrome operational procedures.</p> <p>If any relevant changes are made to proposals for an NSIP during the pre-application period or before the end of the examination of an application, it is the responsibility of the applicant to ensure that the relevant aviation and defence consultees are informed as soon as reasonably possible.</p> <p>Where a proposed national networks infrastructure project would significantly impede or compromise the safe and effective use of civil and military aviation or defence assets and / or significantly limit military training, the Secretary of State may consider the use of Grampian conditions or other forms of requirements which relate to the use of future technologies solutions to mitigate impacts. Where technological solutions have not yet developed or proven, the Secretary of State will need to consider the likelihood of a solution becoming available within the time limit for implementation of development consent.</p>	See response to draft NPS NN paragraph 5.84 (above).
<i>Mitigation</i>		
5.88 – 5.90	(Paragraph wording not included).	See response to draft NPS NN paragraph 5.84 (above).

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
		Note the paragraphs have not been included as they are not considered relevant.
<i>Decision making</i>		
5.91 – 5.94	(Paragraph wording not included).	See response to draft NPS NN paragraph 5.84 (above). Note the paragraphs have not been included as they are not considered relevant.
Coastal change and marine impacts		
<i>Applicant's assessment</i>		
5.100 – 5.103	<p>Applications for development consent in a Coastal Change Management Area should make it clear why there is a need for it to be located in a Coastal Change Management Area. For developments requested in a Coastal Change Management Area, the applicants should undertake an assessment of the vulnerability of the proposed development to coastal change, taking account of climate change, during the project's operational life and consult with their Coast Protection Authority and Coast Erosion Risk Management Authority (usually their District Council) regarding the Shoreline Management Plan for that coastal policy unit and coastal change planning policy.</p> <p>For any projects with any impacts (not just on coastal change) in marine waters as described in section 42(2) of the Planning Act 2008, including dredging or disposal into the sea, the applicant should consider the relevant marine plan and also consult the Marine Management Organisation, and where appropriate, for cross boundary</p>	The proposed scheme is not located in a coastal area, so paragraphs 5.100 to 5.103 are not considered relevant.

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
	<p>impacts, Natural Resource Wales and Nature Scot, at an early stage. The applicant should also consult the Marine Management Organisation on projects which could impact on coastal change, since the Marine Management Organisation may also be involved in considering other projects which may have related coastal impacts.</p> <p>The applicant should examine the broader context of coastal protection around the proposed project, and the influence in both directions i.e. coast on project, and project on coast.</p> <p>The applicant should be particularly careful to identify any effects of physical changes on the integrity and special features of Marine Conservation Zones, candidate marine Special Areas of Conservation, coastal Special Areas of Conservation and candidate coastal Special Areas of Conservation, coastal Special Protection Areas and potential coastal Special Protection Areas, Ramsar sites, Sites of Community Importance and potential Sites of Community Importance and Sites of Special Scientific Interest. For any projects affecting the above marine protected areas, the applicant should consult Natural England and where appropriate, for cross boundary impacts, Natural Resource Wales and Nature Scot, at an early stage.</p>	
<i>Mitigation</i>		
5.104 – 5.106	(Paragraph wording not included).	See response to draft NPS NN paragraph 5.100 (above).

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
		Note the paragraphs have not been included as they are not considered relevant.
<i>Decision making</i>		
5.107 – 5.109	(Paragraph wording not included).	See response to draft NPS NN paragraph 5.100 (above). Note the paragraphs have not been included as they are not considered relevant.
Dust, odour, artificial light, smoke, steam		
<i>Applicant's assessment</i>		
5.114 – 5.116	<p>The applicant should assess the potential for emissions of odour, dust, steam, smoke and artificial lighting to have a detrimental impact on amenity.</p> <p>In particular, the assessment provided by the applicant should describe:</p> <ul style="list-style-type: none"> ▪ the type and quantity of emissions ▪ aspects of the development which may give rise to emissions during construction, operation and decommissioning ▪ premises, locations or species that may be affected by the emission ▪ effects of the emission on identified premises or locations 	<p>Chapter 5 (Air Quality) of the ES (6.1, Rev 1) details the residual air quality impacts as a result of the construction (there would be no operational dust impacts) of the Scheme and concludes that they are not significant.</p> <p>This assessment includes the impact of dust nuisance which could potentially be caused by the Scheme, which is assessed using the guidance set out in the Design Manual for Roads and Bridges (DMRB), LA 105 (2019). In accordance with the DMRB, the construction phase dust assessment study area constituted a 200m buffer around any construction works.</p> <p>To mitigate adverse human health effects from dust emissions best practice mitigation will be implemented to</p>

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	<ul style="list-style-type: none"> ▪ measures to be employed in preventing or mitigating emissions <p>The applicant is advised to consult the relevant local environmental health team, and where appropriate, the Environment Agency about the scope and methodology of the assessment.</p>	<p>control dust emissions from construction works and plant during the construction phase. The mitigation required to control emissions of dust is well known, and mitigation measures would be used to limit the impact of dust emissions in all areas of the Scheme where dust producing activities take place.</p> <p>The mitigation in the ES (6.1, Rev 1) is approached on both a general, and a site-specific level. Mitigation is secured by the Environmental Management Plan (EMP) prepared in accordance with a requirement contained in the DCO. A fiEMP (7.3, Rev 2) has been submitted as part of the application for Development Consent and includes measures to mitigate against dust. With mitigation in place, dust emissions would be controlled and would not give rise to any statutory nuisance under the EPA 1990. Further details are provided in the Statement Relating to Statutory Nuisance (7.6, APP-159).</p> <p>The likely effects on amenity from odour are considered within Chapter 12 (Population and Health) of the ES (6.1, APP-053). The potential effects of light pollution on night-time views are considered within Chapter 7 (Landscape and Visual) of the ES (6.1, REV 1) for both the construction and operation stages of the Scheme.</p> <p>Construction lighting would be designed to minimise light spill through the use of directional lighting and baffles. The</p>

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
		<p>majority of construction work would also be undertaken during daylight hours. However, there are construction activities which would require night-time working. A fiEMP (7.3, Rev 2) has been submitted as part of the application for Development Consent and includes measures to mitigate the impacts of artificial lighting during construction.</p> <p>Chapter 7 (Landscape and Visual) of the ES (6.1, REV 1) addresses residual impacts from artificial lighting as a result of operation of the Scheme, which are considered to be not significant. The lighting proposals for the operational Scheme are such that lighting would be limited to underpasses only and designed to minimise light spill. This is secured through the description of the authorised development within the draft DCO (3.1, Rev 2).</p> <p>As detailed in Section 7.2 of Chapter 7 (Landscape and Visual) of the ES (6.1, REV 1), the LPAs (Winchester County Council and South Downs National Park Authority) have been consulted on the overall scope and methodology of the night-time view assessment, including reference to the Dark Skies Technical Advice Note (SDNPA, 2021).</p> <p>With the application of mitigation measures in the fiEMP (7.3, Rev 2) secured through the draft DCO (3.1, Rev 2), it is considered that no statutory nuisance would arise during construction.</p>
<i>Mitigation</i>		

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
5.117	<p>The Secretary of State should ensure the applicant has provided sufficient information to show any necessary mitigation will be put in place. In particular, the Secretary of State should consider whether to require the applicant to abide by a scheme of management and mitigation concerning emissions of odour, dust, steam, smoke, artificial lighting from the development to reduce any loss of amenity which might arise during construction and operation of the development. This should be detailed within a Statement Relating to Statutory Nuisance.</p>	<p>The Statement Relating to Statutory Nuisance (7.6, APP-159) has considered the potential for the Scheme to cause a statutory nuisance under section 79(1) of the EPA 1990.</p> <p>The statement considers impacts from construction and operational noise and vibration (see Chapter 11 (Noise and Vibration) of the ES (6.1, APP-052)), lighting (see Chapter 7 (Landscape and Visual) of the ES (6.1, REV 1)), dust (see Chapter 5 (Air Quality) of the ES (6.1, Rev 1)) and the impact on watercourses (see Chapter 13 (Road Drainage and the Water Environment) of the ES (6.1, APP-054)). Management and mitigation of steam and smoke are not relevant in the context of the Scheme.</p> <p>With the implementation of the proposed mitigation outlined within the fiEMP (7.3, Rev 2), secured by Requirement 3 within the draft DCO (3.1, Rev 2), it is considered unlikely that the Scheme would engage any of the matters set out in section 79(1) of the EPA 1990.</p> <p>The ES (6.1) considers impacts from construction and operational noise and vibration (see Chapter 11 (Noise and Vibration) of the ES (6.1, APP-052)), dust (see Chapter 5 (Air Quality) of the ES (6.1, Rev 1)) and the impact on watercourses (see Chapter 13 (Road Drainage and the Water Environment) of the ES (6.1, APP-054)). Effects on landscape and visual amenity have been assessed in Chapter 7 (Landscape and Visual) of the ES (6.1, REV 1).</p>

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
		<p>Section 7.9 considers the effects of light pollution where relevant.</p> <p>Section 6.2 of the Design and Access Statement (7.9, APP-162) explains that due to the Scheme’s location in relation to the South Downs National Park, which is sensitive to new lighting arrangements, avoiding and minimising light pollution is a key consideration for the Scheme. The carriageways, junction and the slip roads would not be lit.</p> <p>The Scheme will not provide a continuous system of lighting for the pedestrian/cycle routes with only key areas benefiting from continuous illumination. Lighting would be required within the underpasses and subways due to the length of these facilities, which would be designed in accordance with the South Downs National Park Authority Dark Skies Technical Advice Note (2021).</p>
<i>Decision making</i>		
5.118 – 5.119	The Secretary of State should be satisfied that all reasonable steps have been taken, and will be taken, to minimise any detrimental impact on amenity from emissions of odour, dust, steam, smoke and artificial light. This includes the impact of light pollution from artificial light on local amenity, landscapes and nature conservation, using directed light when necessary.	See response draft NN NPS paragraph 5.117 in the table (above).

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
	<p>If development consent is granted for a project, the Secretary of State should consider whether there is a justification for all of the authorised project (including any associated development) being covered by a defence of statutory authority against nuisance claims. If the Secretary of State cannot conclude that this is justified, then the defence should be disapplied, in whole or in part, through a provision in the Development Consent Order.</p>	
Flood Risk		
<i>Applicant's Assessment</i>		
5.121	<p>The National Planning Policy Framework (paragraphs 159 to 169) makes clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. But where development is necessary, it should be made safe without increasing flood risk elsewhere. The guidance at Annex 3 to the National Planning Policy Framework explains that essential transport infrastructure (including mass evacuation routes), which has to cross the area at risk, is permissible in areas of high flood risk, subject to the requirements of the Exception Test. The Exception Test assesses the safety of a site, including whether the proposed development will be safe from flooding for its lifetime, including the impact of climate change.</p>	<p>Chapter 13 (Road Drainage and Water Environment) of the ES (APP-054) confirms that the proposed Scheme is suitable and appropriate in terms of flood risk.</p> <p>The Flood Risk Assessment (FRA) (7.4, APP-157) includes hydraulic modelling confirming that the proposed Scheme does not cause any increase in floodplain extents and flood depths. The majority of the Scheme is located in Flood Zone 1. The proposed River Itchen crossing is located in Flood Zone 3, however mitigation measures have been proposed to ensure the bridge is not affected by flooding. The Environment Agency (EA) has reviewed and subsequently approved the FRA (7.4, APP-157).</p> <p>Section 6 and Section 8 of the FRA (7.4,APP-157) confirm that the Scheme has no detrimental impact on flood risk and has been appropriately designed to ensure safe access</p>

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
		<p>including consideration of climate change i.e. for the lifetime of the development in accordance with EA guidance (hydraulic modelling has considered the impacts of flood risk up to the 1 in 100 year + 120% climate change allowance) EA correspondence included in Appendix B of the FRA (7.4, APP-157) confirms this assessment of climate change is appropriate.</p> <p>The Exception Test has therefore been passed as the Scheme offers wider benefits which outweigh the flood risk, and the FRA (7.4, APP-157) demonstrates that the development is safe for its lifetime.</p>
5.122 – 5.123	<p>Applications for projects in the following flood zone locations should be accompanied by a Flood Risk Assessment:</p> <ul style="list-style-type: none"> • applications in Flood Zones 2 and 3, which represent a medium and high probability of river and sea flooding • applications in Flood Zone 1 which represent a low probability of river and sea flooding. This includes projects of 1 hectare or greater, projects which may be subject to other sources of flooding (local watercourses, surface water, groundwater or reservoirs), or where the Environment Agency has notified the local planning authority that there are critical drainage problems • applications where there is less than 1ha in Flood Zone 1, including the change of use in development type to a 	See response draft NN NPS paragraph 5.121 (above).

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
	<p>more vulnerable class (for example, from commercial to residential), where they could be affected by sources of flooding other than rivers or seas (for example, surface water drains, reservoirs)</p> <p>The Flood Risk Assessment should identify and assess the risks of all forms of flooding and coastal erosion to and from the project and demonstrate how these flood risks will be managed, taking climate change into account.</p>	
5.124	<p>In preparing the Flood Risk Assessment, the applicant should:</p> <ul style="list-style-type: none"> • consider the risk of all forms of flooding arising from the project (including in adjacent parts of the United Kingdom), in addition to the risk of flooding to the project, and demonstrate how these risks will be managed, and where relevant, mitigated, so that the development remains safe throughout its lifetime • take the impacts of climate change into account, clearly stating the development lifetime over which the assessment has been made • demonstrate how residual risks to and from reservoirs will be safely managed and mitigated • consider the vulnerability of those using the infrastructure including arrangements for safe access and escape 	<p>Design considerations, mitigation measures and residual risks are described in Chapter 13 (Road Drainage and Water Environment) of the ES (6.1, APP-054), the FRA (7.4, APP-157) and Appendix 13.1 (Drainage Strategy Report) of the ES (6.3, APP-142 and APP-143)..</p> <p>The majority of the Scheme is located within Flood Zone 1. The assessment of flood risk to the Scheme has been undertaken in consultation with the EA and Lead Local Flood Authority (LLFA). The EA has reviewed and approved the FRA (7.4, APP-157) (correspondence included within the FRA).</p> <p>The FRA (7.4, APP-157) has assessed fluvial, surface water, sewer and infrastructure failure flood risk and risk of flooding from reservoir.</p>

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
	<ul style="list-style-type: none"> include the assessment of the remaining (known as residual) risk after risk reduction measures have been taken into account and demonstrate that this is acceptable for the particular project consider if there is a need to remain operational during a worst-case flood event over the development's lifetime provide the rationale for the Secretary of State on application of the Sequential Test and Exception Test, as appropriate. 	<p>The River Itchen and associated network of watercourses are located in the north and west of Winchester, with numerous crossings of the Application Boundary including at the M3 and A34. The areas surrounding the River Itchen are classified as a combination of Flood Zone 2 'Medium Probability' and Flood Zone 3 'High Probability'.</p> <p>Mitigation measures have been proposed to ensure the Scheme does not increase fluvial flood risk.</p> <p>The Scheme includes the provision of a new bridge (footway and cycleway) over the River Itchen. The Scheme has been assessed for a lifetime of 1 in 200 years + climate change (maximum applied) in accordance with NPPF and DMRB guidance. Hydraulic modelling has been completed for this design event and the bridge soffit set at a freeboard above the modelled 1 in 200 year + climate change flood level and therefore will not be affected by flooding. The modelling showed that the Scheme has a negligible impact upon fluvial flood risk.</p> <p>Agreement on climate change allowances and modelling methodology has been confirmed and approved by the EA. The drainage strategy will discharge runoff to ground, and to the river at long-term storage rates (2 l/s/ha) with attenuation provided within extended detention basins and oversized pipes.</p>

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
		It is considered that there would be no increase in the risk of flooding (from any source) to or from the Scheme and it therefore meets the requirements of the Exception Test and the requirements of draft NPS NN paragraph 5.121.
5.125	Applicants for projects which may be affected by, or may add to, flood risk should seek sufficiently early pre-application discussions, before the official pre-application stage of the NSIP process with the Environment Agency, and, where relevant, other flood risk management bodies such as lead local flood authorities, Internal Drainage Boards, sewerage undertakers and local highway authorities. Such discussions can be used to identify the likelihood and possible extent and nature of the flood risk, to help scope the Flood Risk Assessment, and identify the information that will be required by the Secretary of State to reach a decision on the application once it has been submitted and examined. If the Environment Agency has concerns about the proposal on flood risk grounds, the applicant should discuss these concerns with the Environment Agency and look to agree ways in which the proposal might be amended, or additional information provided, which would satisfy the Environment Agency's concerns, before the application for development consent is submitted.	See response to draft NPS NN paragraph 5.124 (above).
5.126	For local flood risk (surface water, groundwater and ordinary watercourse flooding), local flood risk	See response to draft NPS NN paragraph 5.124 (above).

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
	<p>management strategies and surface water management plans provide useful sources of information for consideration in Flood Risk Assessments. Surface water flood issues need to be understood and then account of these issues can be taken, for example, flow routes should be clearly identified and managed.</p>	<p>Chapter 13 (Road Drainage and Water Environment) of the ES (6.1, APP-054), the FRA (7.4, APP-157) and Appendix 13.1 (Drainage Strategy Report) of the ES (6.3, APP-142 and APP-143) detail the volumes and peak flow rates and demonstrate how they would not be increased. It also details the SuDS components that have been incorporated into the design.</p> <p>The FRA (7.4, APP-157) states that the EA ‘flood risk from surface water’ map indicate that localised sections of the M3 carriageway is classified as at ‘Low’ surface water flood risk (1 in 1000 Annual Probability). This is specifically located at M3 Junction 9 and is very localised. There are also very minor and localised areas of ‘Medium’ (1 in 100 Annual Probability) and ‘High’ surface water flood risk (1 in 30 Annual Probability) located at Junction 9 on the M3 carriageway.</p> <p>Within the wider Application Boundary there are localised and minor areas classified as at ‘High’ risk of surface water flooding. These are not located in areas where any changes in ground levels will be proposed.</p>
5.127	<p>Proposals should prioritise the use of sustainable drainage systems unless there is clear evidence that this would be inappropriate. A drainage strategy should be produced and submitted as part of the Flood Risk Assessment.</p>	<p>Appendix 13.1 (Drainage Strategy Report) of the ES (6.3, APP-142 and APP-143) details the design standards applied, incorporation of SuDS and proposed maintenance of the drainage of the Scheme. The detailed design for the Scheme drainage will be in accordance with relevant guidance in the DMRB.</p>

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
		<p>The Scheme incorporates new drainage systems employing SuDS where appropriate, including:</p> <ul style="list-style-type: none"> ▪ Two new outfalls to the River Itchen ▪ Utilisation of an existing outfall to River Itchen ▪ Over-the-edge drainage of run-off from carriageways on embankments to filter strips and to infiltration ditches. ▪ Collection of run-off at carriageway edge in linear drains, gullies or filter drains, which is piped to the following. ▪ Attenuation and Primary Settlement treatment in filtration forebays and unplanted, lined detention basins. ▪ Attenuation, Secondary Settlement and Filtration treatment in vegetated extended detention basins, containing both wet and dry habitats. ▪ Tertiary treatment in a grassed swale prior to discharge to the River Itchen. ▪ In areas where existing carriageway is being overlaid and existing highway drainage is being retained, run-off is either discharged over-the-edge to filter strips or infiltration ditches, or is captured in road gullies and channels, and conveyed to infiltration features such as existing soakaways or trenches.
<i>The Sequential Test</i>		
5.128	Preference should be given to locating projects in areas of the lowest flood risk. The Secretary of State should not consent development in flood risk areas (including flood	An FRA (7.4, APP-157) has been undertaken. The Scheme constitutes 'Essential Infrastructure' as defined in the NPPF and National Planning Policy Guidance (NPPG). The Scheme

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
	<p>zones 2 and 3 and locations at risk of flooding from local watercourses, surface water, groundwater or reservoirs) accounting for the predicted impacts of climate change unless they are satisfied that the sequential test requirements have been met. The Secretary of State should not consent development in Flood Zone 3 unless they are satisfied that the Sequential and Exception Test requirements have been met. All projects should apply the sequential approach to locating developments within the site.</p>	<p>is predominantly within Flood Zone 1, although some area adjacent to the watercourses are located in Flood Zone 2 and Flood Zone 3. 'Essential Infrastructure' is considered appropriate in Flood Zone 1 and in Flood Zone 2 and Flood Zone 3 it is appropriate subject to the Sequential Test and Exception Test being met. The FRA (7.4, APP-157) demonstrates that the Scheme passes these tests.</p> <p>The majority of the Scheme is located within Flood Zone 1. The assessment of flood risk to the Scheme has been undertaken in consultation with the EA and LLFA. The EA has reviewed and approved the FRA (7.4, APP-157) (correspondence included within the FRA).</p>
<i>The Exception Test</i>		
5.129	<p>If, following application of the Sequential Test, it is not possible, consistent with the wider sustainability objectives, for the project to be located in zones of lower probability of flooding than Flood Zone 3a, the Exception Test can be applied. Flood Zone 3a applies when land has a 1 in 100 greater annual probability of river flooding. The Exception Test provides a method of managing flood risk while still allowing necessary development to occur.</p>	<p>The proposed works are classified as Essential Infrastructure, which is considered appropriate in Flood Zone 3 'High Probability' subject to passing the Exception Test, in accordance with the Planning Practice Guidance (PPG) Table 3. The FRA (7.4, APP-157) addresses the second part of the Exception Test, demonstrating that the Scheme is safe in terms of flood risk for its lifetime. The first part of the Exception Test concludes that the Scheme has wider benefits to the area.</p>
5.130 – 5.131	<p>The Exception Test should only be applied once the Sequential Test has been satisfactorily applied.</p>	<p>See response to draft NPS NN paragraph 5.128 and 5.129 (above).</p>

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
	<p>Both elements of the test will have to be passed for development to be consented. For the Exception Test to be passed:</p> <ul style="list-style-type: none"> • it must be demonstrated that the project provides wider sustainability benefits to the community that outweigh flood risk • a Flood Risk Assessment must demonstrate that the project will be safe for its lifetime, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall. 	
5.132	<p>In addition, any project that is classified as ‘essential infrastructure’ and proposed to be located in Flood Zone 3a or b should be designed and constructed to remain operational and safe for users in times of flood; and any project in Flood Zone 3b should result in no net loss of floodplain storage and not impede water flows.</p>	<p>The River Itchen and associated network of watercourses are located in the north and west of Winchester, with numerous crossings of the Application Boundary including at the M3 and A34. The areas surrounding the River Itchen are classified as a combination of Flood Zone 2 ‘Medium Probability’ and Flood Zone 3 ‘High Probability’.</p> <p>Mitigation measures have been proposed to ensure the Scheme does not increase fluvial flood risk and that the scheme is safe for users.</p> <p>The Scheme includes the provision of a new bridge (footway and cycleway) over the River Itchen. The Scheme has been assessed for a lifetime of 1 in 200 years + climate change (maximum applied) in accordance with NPPF and DMRB guidance. Hydraulic modelling has been completed for this</p>

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
		<p>design event and the bridge soffit set at a freeboard above the modelled 1 in 200 year + climate change flood level and therefore will not be affected by flooding and the road/bridge will remain operational and safe during times of flood. The modelling showed that the Scheme has a negligible impact upon fluvial flood risk.</p> <p>The Scheme will not encroach on the floodplain and therefore floodplain compensation is not required. The modelling is detailed in the FRA (7.4, APP-157).</p>
<i>Mitigation</i>		
5.133 - 5.137	<p>To satisfactorily manage flood risk and the impact of natural water cycle on people, property and ecosystems, good design and infrastructure may need to be secured using requirements or planning obligations. This may include the use of Sustainable Drainage Systems, but could also include vegetation to help slow runoff, hold back peak flows and make landscapes more able to absorb the impact of severe weather events.</p> <p>Site layout and surface water drainage systems should cope with events the exceed the design capacity of the system, so that excess water can be safely stored on or conveyed from the site without adverse impacts.</p> <p>The surface water drainage arrangements for any project should be such that the volumes and peak flow rates of</p>	<p>See responses provided in draft NN NPS paragraph 5.128 (above).</p> <p>Chapter 13 (Road Drainage and Water Environment) of the ES (6.1, APP-054), the FRA (7.4, APP-157) and Appendix 13.1 (Drainage Strategy Report) of the ES (6.3, APP-142 and APP-143) detail the volumes and peak flow rates and demonstrate how they would not be increased. It also details the SuDS components that have been incorporated into the design.</p> <p>The FRA (7.4, APP-157) states that the EA ‘flood risk from surface water’ map indicate that localised sections of the M3 carriageway is classified as at ‘Low’ surface water flood risk (1 in 1000 Annual Probability). This is specifically located at M3 Junction 9 and is very localised. There are also very</p>

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
	<p>surface water leaving the site are no greater than the rates prior to the proposed project unless specific off-site arrangements are made and result in the same net effect.</p> <p>If there are no viable Sustainable Drainage Systems options available, it may be necessary to provide surface water storage and infiltration to limit and reduce both the peak rate of discharge from the site and the total volume discharged from the site. There may be circumstances where it is appropriate for infiltration attenuation storage to be provided outside of the project site, if necessary, through the use of a planning obligation.</p> <p>The sequential approach should be applied to the layout and design of the project. Vulnerable uses should be located in parts of the site with lower probability and residual risk of flooding. Applicants should seek opportunities to use open space for multiple purposes such as amenity, wildlife habitat and flood storage uses. Opportunities can be taken forward to lower flood risk by improving flow routes, flood storage capacity and using Sustainable Drainage Systems.</p>	<p>minor and localised areas of 'Medium' (1 in 100 Annual Probability) and 'High' surface water flood risk (1 in 30 Annual Probability) located at Junction 9 on the M3 carriageway.</p> <p>Within the wider Application Boundary there are localised and minor areas classified as at 'High' risk of surface water flooding. These are not located in areas where any changes in ground levels will be proposed.</p>
Decision making		
5.138 – 5.139	Where flood risk is a factor in determining an application for development consent, the Secretary of State should be satisfied that, where relevant:	See responses to draft NPS NN paragraphs 5.128 and 5.133 (above).

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	<ul style="list-style-type: none"> the application is supported by an appropriate Flood Risk Assessment the Sequential Test has been satisfactorily applied as part of the site selection and, if required, the Exception Test. <p>When determining an application, the Secretary of State should be satisfied that flood risk will not be increased elsewhere and only consider development appropriate in areas at risk of flooding where (informed by a Flood Risk Assessment, following the Sequential Test and, if required, the Exception Test), it can be demonstrated that:</p> <ul style="list-style-type: none"> within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and priority is given to the use of Sustainable Drainage Systems. 	
5.140	<p>The term Sustainable Drainage Systems is taken to cover the whole range of sustainable approaches to surface water drainage management including:</p> <ul style="list-style-type: none"> source control measures including rainwater recycling and drainage 	Noted.

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
	<ul style="list-style-type: none"> • use of Sustainable Drainage Systems Management Trains to improve water quality • infiltration devices to allow water to soak into the ground, that can include individual soakaways and communal facilities • filter strips and swales, which are vegetated features to hold and drain water downhill mimicking natural drainage patterns • filter drains and porous pavements to allow rainwater and run-off to infiltrate into permeable material below ground and provide storage if needed • basins and ponds to hold excess water after rain and allow controlled discharge that avoids flooding • flood routes to carry and direct excess water through developments to minimise the impact of severe rainfall flooding 	
5.141	<p>For construction work which has drainage implications approval for the project's drainage system will form part of the development consent issued by the Secretary of State. The Secretary of State will therefore need to be satisfied that the proposed drainage system complies with Technical Standards published by Ministers. In addition, the Development Consent Order, or any associated planning obligations, will need to make provision for the adoption and maintenance of any Sustainable Drainage Systems, including any necessary access rights to property. Sustainable Drainage Systems should deliver multifunctional benefits and help to achieve Biodiversity net</p>	<p>See responses to draft NPS NN paragraph 5.128 and 5.133 (above).</p>

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
	<p>gain. The Secretary of State should be satisfied that the most appropriate body is being given responsibility for maintaining any Sustainable Drainage Systems, taking into account the nature and security of the infrastructure on the proposed site. The responsible body could include, for example, the applicant, the landowner, the relevant local authority and the relevant Sustainable Drainage Systems Approval Body or another body such as the Internal Drainage Board. Where infiltration type Sustainable Drainage Systems are proposed, pre-applications with the Environment Agency are recommended to ensure that they do not cause pollution to surface and groundwater quality and applicants should consider the role of Sustainable Drainage Systems management trains to control and treat run-off.</p>	
5.142 – 5.143	<p>If the Environment Agency continues to have concerns and objects to the grant of development consent on the grounds of flood risk, the Secretary of State can grant consent, but would need to be satisfied before deciding whether or not do so that all reasonable steps have been taken by the applicant and the Environment Agency to try and resolve the concerns.</p> <p>The Secretary of State should expect that reasonable steps have been taken to avoid, limit and reduce the risk of flooding to the proposed infrastructure means that there will be case where:</p>	See responses provided in paragraph 5.128 and 5.133 of the draft NPS NN table (above).

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
	<ul style="list-style-type: none"> • upgrades are made to existing infrastructure in an area at risk of flooding • infrastructure in a flood risk area being replaced • infrastructure is being provided to serve a flood risk area • infrastructure is being provided connecting two points that are not in flood risk areas, but where the most viable route between the two passes through such an area. 	
5.144 – 5.145	<p>The design of linear infrastructure and the use of embankments in particular, may mean that linear infrastructure can reduce the risk of flooding for the surrounding area while also offering opportunities to enhance biodiversity. It should be demonstrated that there is no increase in flood risk elsewhere. In such cases the Secretary of State should take account of any positive benefits to placing linear infrastructure in a flood risk area.</p> <p>Where linear infrastructure has been proposed in a flood risk area, the Secretary of State should expect reasonable mitigation measures to have been made, to ensure that infrastructure remains functional in the event of predicted flooding.</p>	<p>Appendix 13.1 (Drainage Strategy Report) of the ES (6.3, APP-142 and APP-143) details the design standards applied, incorporation of SuDS and proposed maintenance of the drainage of the Scheme. The detailed design for the Scheme drainage will be in accordance with relevant guidance in the DMRB.</p> <p>The Scheme incorporates new drainage systems employing SuDS where appropriate, including:</p> <ul style="list-style-type: none"> ▪ Two new outfalls to the River Itchen ▪ Utilisation of an existing outfall to River Itchen ▪ Over-the-edge drainage of run-off from carriageways on embankments to filter strips and to infiltration ditches. ▪ Collection of run-off at carriageway edge in linear drains, gullies or filter drains, which is piped to the following <p>The FRA (7.4, APP-157) for the proposed scheme demonstrates how the scheme avoids an increase in flood</p>

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
		<p>risk elsewhere. The FRA demonstrates how the design of the proposed scheme and mitigation included within it, would ensure that the proposed scheme would remain safe an operational in flood events up to the 1 in 100 year event plus an allowance for climate change.</p>
Land contamination and instability		
<i>Applicant's assessment</i>		
5.148 – 5.149	<p>Where necessary, land contamination and stability should be considered in respect of new development. Specifically, proposals should be appropriate for the location, including preventing unacceptable risks from land contamination and instability. If land stability could be an issue, applicants should seek appropriate and technical and environmental expert advice from a competent person to assess the likely consequences of proposed developments on sites where subsidence, landslides and ground compression is known or suspected. Applicants should liaise with the Coal Authority, Environment Agency and Local Authority, if necessary.</p> <p>For developments on previously developed land, applicants should ensure and demonstrate they have considered the risk posed by land contamination, through engagement in pre-application discussions, and how it is proposed to address these. A preliminary assessment for land and groundwater contamination to determine the rendition and mitigation needed under Land Contamination Risk Management. A preliminary assessment of land</p>	<p>The scheme is designed to avoid and mitigate potential adverse effects in relation to geology and soils (that could lead to ground instability) through the process of design development and adoption of good design principles. This includes site specific and phased ground investigation that informs appropriate geotechnical design.</p> <p>The design of the proposed scheme and reporting are being undertaken in general accordance with DMRB CD622 managing geotechnical risk and the principles set out in Eurocode 7.</p> <p>The assessment of ground conditions including land contamination has been undertaken following a tiered approach as recommended by Land Contamination Risk Management (LCRM, Environment Agency 2021), and in accordance with DMRB LA 109 Geology and Soils (Highways England, 2019).</p>

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	<p>contamination and ground instability should be carried out at the earliest possible stage before a detailed application for development consent is prepared. Applicants should ensure that any necessary investigations are undertaken to ascertain that their sites are, and will, remain stable or can be made so as part of the development. The site needs to be assessed in the context of surrounding areas where subsidence, landslides and land compression could threaten the development during its anticipated life or damage neighbouring land or property. This could be in the form of a land stability or slope stability risk assessment report.</p>	<p>A Geoenvironmental Assessment, Geotechnical Risk Register and Engineering Assessment (geotechnical) are provided in the Ground Investigation Report (7.11, APP-164).</p>
<i>Mitigation</i>		
5.150	<p>Applicants have a range of mechanisms available to mitigate and minimise the risk of land instability. These include:</p> <ul style="list-style-type: none"> • establishing the principle and layout of new development, for example avoiding mine entries and other hazards ensuring proper design of structures to cope with movement expected, and other hazards such as mine and / or ground gases • requiring ground improvement techniques, usually involving the removal of poor material and its replacement with suitable inert and stable material. For development on land previously affected by mining 	<p>The Applicant's approach to mitigation is detailed in Chapter 9 (Geology and Soils) of the ES (6.1, APP-050).</p> <p>Ref GS1 of the REAC Table 3.2 of the fiEMP (7.3, Rev 2) states that in relation to the potential for ground instability; where the Scheme design has identified the need for mitigation of potential risks, additional phased site-specific intrusive ground investigation will be carried out to inform measures such as treatment of solution features, use of geogrids or other risk-based solutions as appropriate.</p> <p>Requirement 3 of the draft DCO (3.1, Rev 2) secures mitigation measures contained within the EMP.</p>

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	activity, this may mean prior extraction of any remaining mineral resource	
5.151	Applicants should submit a coal mining risk assessment as part of their application in specific Development High Risk areas.	A coal mining risk assessment is not relevant as the proposed scheme is not in a coal mining Development High Risk area and has therefore not been undertaken.
Landscape and visual impacts		
<i>Applicant's assessment</i>		
5.153 – 5.154	<p>The applicant should carry out a landscape and visual impact assessment. A number of guides have been produced to assist in addressing landscape issues. The landscape and visual assessment for the proposed project should include the impacts during construction and operation, and reference to any operational landscape character assessment and associated studies. The applicant's assessment should also take account of any relevant policies based on these assessments in local development documents in England. For seascapes, applicants should consult the Seascape Character Assessment and the Marine Plan Seascape Character Assessments, and any successors to them.</p> <p>The assessment should include the visibility and conspicuousness of the project during construction and of the presence and operation of a project, potential impacts on views (including protected views) and visual amenity. This should include any noise and light pollution effects,</p>	<p>As detailed in Section 7.6 of Chapter 7 (Landscape and Visual) of the ES (6.1, REV 1), in line with best practice, in assessing the value, susceptibility and sensitivity of landscape and visual receptors, the assessment of both the baseline and likely significant effects of the Scheme considers the type of development, its location and its landscape setting.</p> <p>Chapter 7 (Landscape and Visual) of the ES (6.1, REV 1) provides the required assessment of both the baseline and the likely effects that may arise as a result of the Scheme, both during construction and during the operational phase of the Scheme.</p> <p>The assessment methodology follows that set out in:</p> <ul style="list-style-type: none"> ▪ DMRB LA 104 Revision 1 Environmental assessment and monitoring (Highways England, 2020) ▪ DMRB LA 107 Revision 2 Landscape and visual effects (Highways England, 2020).

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	<p>including on local amenity, tranquillity and nature conservation. The assessment should also demonstrate how noise and light pollution from construction and operational activities on residential amenity and on sensitive locations, receptors, and views will be minimised.</p>	<p>Where appropriate, consideration has also been given to the guidance given in:</p> <ul style="list-style-type: none"> ▪ Guidelines for Landscape and Visual Impact Assessment Revision 3 (Landscape Institute and Institute of Environmental Management and Assessment, 2013) ▪ Technical Guidance Note 06/19: Visual Representation of Development Proposals (Landscape Institute, 2019) ▪ Technical Guidance Note 02/21: Assessing landscape value outside national designations (Landscape Institute, 2021) <p>Published landscape character assessments have been reviewed and referenced as part of the baseline assessment – see Section 7.6 of Chapter 7 (Landscape and Visual) of the ES (6.1, REV 1) and Appendix 7.4 (Schedule of Visual Effects) of the ES (6.3, APP-100):</p> <ul style="list-style-type: none"> ▪ South Downs Landscape Character Assessment 2020 (SDNPA, 2020) ▪ Hampshire Integrated Character Assessment (HCC, 2012) ▪ Winchester District Landscape Character Assessment (WCC, 2004) Relevant parts of local planning policies have also been considered: <ul style="list-style-type: none"> ▪ South Downs Local Plan 2014-2033 (adopted 2019) ▪ Winchester District Local Plan Part 1 – Joint Core Strategy (adopted 2013) ▪ Winchester District Local Plan Part 2 – Development Management and Site Allocations (adopted 2017) √ ▪ Winchester District Local Plan 2018 – 2038 (Emerging)

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		<p>Effects on landscape character and visual amenity have been assessed separately in Section 7.9 of Chapter 7 (Landscape and Visual) of the ES (6.1, REV 1). This considers the effects of light pollution where relevant.</p> <p>Impacts from construction and operational noise and vibration are considered in Chapter 11 (Noise and Vibration) of the ES (6.1, APP-052).</p> <p>The presence of cultural heritage assets has been considered when determining the value of the landscape resource, as detailed in Section 7.4 of Chapter 7 (Landscape and Visual) of the ES (6.1, REV 1). The impacts on historic landscapes are assessed in Chapter 6 (Cultural Heritage) of the ES (6.1, APP-047).</p>
5.155	Any statutory undertaker commissioning or undertaking works in relation to, or so as to affect land in England's National Parks and the Broads, or Area of Outstanding Natural Beauty, would need to comply with the respective duties in section 11A of the National Parks and Access Countryside Act 1949 and section 85 of the Countryside and Rights of Way Act 2000. The policy paper titled English national parks and the broads: UK government vision and circular 2010 states that major development in or adjacent to the boundary of a National Park, Area of Outstanding Natural Beauty or the Broads, can have a significant impact	<p>The Scheme is located partially within the South Downs National Park and within its setting. The need for the Scheme is set out in the Case for the Scheme (7.1, REV 1). The response to draft NPS NN paragraph numbers 5.162 – 5.165 below sets out further detail.</p> <p>The assessment in Chapter 7 (Landscape and Visual) of the ES (6.1, REV 1) and Appendix 7.3 (Schedule of Landscape Effects) of the ES (6.3, REP1-013) refers specifically to effects on the South Downs National Park, its setting and with consideration to its special qualities.</p>

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	<p>on the qualities for which they were designated. Government planning policy advises that major development should not take place within them apart from exceptional circumstances. For significant road widening or the building of new roads or railways in England's National Parks and the Broads or Area of Outstanding Natural Beauty, applicants also need to fulfil requirements set out in circular 2010 or successor documents. Management Plans should also be considered for National Parks and Area of Outstanding Natural Beauty, especially on identified special qualities of an area and any proposals for enhancement.</p>	<p>Appendix 7.6 (Outline Landscape and Ecological Management Plan (OLEMP)) of the ES (6.3, APP-102) includes outline requirements for proposed landscape elements, their specification, management and maintenance. The Scheme seeks to ensure the protection and management of landscape and ecological features such as vegetation and habitats, during construction of the proposed Scheme, and the successful establishment of landscape and ecological mitigation including planting and seeding. A commitment to produce a Landscape and Ecological Management Plan is included in the first iteration Environmental Management Plan (7.3, Rev 2).</p>
<i>Mitigation</i>		
5.156 – 5.159	<p>The scale of a project should be minimised to avoid or mitigate the visual and landscape effects, during construction and operation, so far as possible while maintaining the operational requirements of the scheme. In exceptional circumstances a reduction in operational requirements might be warranted, and the Secretary of State may decide that the benefits to reduce the landscape effects outweigh the marginal loss of scale or function.</p> <p>Projects need to be designed carefully, taking account of the potential impact on the landscape.</p>	<p>The sensitive location of the Scheme means that the design of the Scheme has been led by the need to minimise landscape impacts, particularly those experienced within the South Downs National Park and its setting – see Chapter 2 (The Scheme and its Surroundings) of the ES (6.1, APP-043) and Section 7.8 of Chapter 7 (Landscape and Visual) of the ES (6.1, REV 1).</p> <p>The development of the design for the Scheme has considered The Road to Good Design (Highways England, 2018), which requires road networks to reflect in its design the beauty of the natural, built and historic environment through which it passes, and enhancing it where possible.</p>

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	<p>Adverse landscape and visual effects may be minimised through appropriate siting of infrastructure, design (including choice of materials), and topographical interventions (for example, creation of bunds or lowering of ground level). Also, landscaping schemes (including screening options and design elements that soften the built form such as green or brown roofs, or living walls), depending on the size and type of the proposed project. Materials and designs for infrastructure should always be given careful consideration in terms of environmental standards.</p> <p>Depending on the topography of the surrounding terrain and areas of population, it may be appropriate to undertake landscaping off-site, although if such landscaping was proposed to be consented by the Development Consent Order, it would have to be included in the order limits for that application. For example, filling in gaps in existing tree and hedge lines would mitigate the impact when viewed from a more distant vista.</p>	<p>The Design and Access Statement (7.9, APP-162) provides information on how the design has responded to its context. This includes Scheme design principles such as minimising land take, the highway network being set low within the landscape with vertical elements minimised, and inclusion of sympathetically designed earthworks to reflect the existing landform wherever possible and maximise visual screening.</p> <p>As a result, landscape and visual mitigation measures have been incorporated into the Scheme from the outset, and such mitigation measures have not resulted in notable reductions in the scale or function of the Scheme.</p>
5.160	<p>Applicants should consider how landscapes can be enhanced using landscape management plans, as this will help to enhance environmental assets where they contribute to landscape and townscape quality and can reinforce or enhance landscape features and character.</p>	<p>Appendix 7.6 (Outline Landscape and Ecological Management Plan (OLEMP)) of the ES (6.3, APP-102) includes outline requirements for proposed landscape elements, their specification, management and maintenance.</p> <p>The Scheme seeks to ensure the protection and management of landscape and ecological features such as vegetation and habitats, during construction of the proposed Scheme, and</p>

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		<p>the successful establishment of landscape and ecological mitigation including planting and seeding. A commitment to produce a Landscape and Ecological Management Plan is included in the first iteration Environmental Management Plan (7.3, Rev 2).</p> <p>The OLEMP references Figure 2.3 (Environmental Masterplan) of the ES (6.2, APP-062) which sets out the environmental proposals and mitigation measures for the Scheme, and the Design and Access Statement (7.9, APP-162), which defines the Design Strategy. This sets out series of design principles including a landscape-led strategy which aims to reinforce and enhance (where appropriate) existing, defined key characteristics of the South Downs National Park landscape and its setting with reference to the defined Landscape Character Areas (LCA) of Itchen Valley Sides, Itchen Valley Floor, and the East Winchester Open Downland.</p> <p>The Scheme delivers environmental enhancements through provision of substantial areas of new semi-natural habitats within the South Downs National Park, including over 9ha of chalk grassland to the east of the M3. Chalk grassland is a Habitat of Principal Importance for Biodiversity in England, a Hampshire Biodiversity Action Plan habitat, a qualifying feature of nearby designated areas (such as St Catherine’s Hill Site of Special Scientific Interest), and the protection and enhancement of this habitat is a key theme within the South</p>

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		Downs Local Plan 2014-2033 (South Downs National Park Authority, 2019)
<i>Decision making</i>		
<i>Landscape impact</i>		
5.161	Landscape effects of a project depend on the existing character of the local landscape, its capacity to accommodate change and nature of effect likely to occur. All of these factors need to be considered in judging the impact of a project on landscape. Projects need to have regard to siting, orientation, height operational and other relevant constraints. The aim should be to avoid or minimise harm to the landscape, providing reasonable mitigation and opportunities for enhancement where possible and appropriate.	<p>Chapter 7 (Landscape and Visual) of the ES (6.1, REV 1) details the local landscape character, its sensitivity (combining value and its susceptibility to change) and the likely effects (nature of effects) that may arise as a result of the Scheme, during both the construction and during the operational phase of the Scheme.</p> <p>Published Landscape Character Assessments have been reviewed and referenced as part of the baseline assessment – see Section 7.6 of Chapter 7 (Landscape and Visual) of the ES (6.1, REV 1) and Appendix 7.4 of the ES (6.3, APP-100).</p>
<i>Development proposed within nationally designated landscapes</i>		
5.162 – 5.163	England's National Parks, the Broads and Areas of Outstanding Natural Beauty have been confirmed by the government as having the highest status of protection in relation to landscape and scenic beauty. Each of these designated areas has specific statutory purposes which helps to ensure their continued protection and which the Secretary of State should have regard to in their decisions. The conservation and enhancement of the natural beauty of the landscape and countryside should be given great	<p>Section 7 of the Case for the Scheme (7.1, REV 1) considers the Scheme's position within the South Downs National Park in detail. The below provides a summary of Section 7 where relevant to the draft NPS NN.</p> <p>In relation to paragraph 5.163 bullet point 1, there is a strong need case for an intervention to address the significant existing congestion and road safety issues on the M3. While is it recognised that great weight is attached to conserving the South Downs National Park, it is also considered that</p>

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
	<p>weight by the Secretary of State in deciding on applications for development consent in these areas.</p> <p>The Secretary of State should refuse development consent in these areas unless there are exceptional circumstances, where the benefits outweigh the harm and where it can be demonstrated that is in the public interest. Consideration of such applications should include an assessment of:</p> <ul style="list-style-type: none"> ▪ the need for the development, including any national considerations and the impact of consenting, or not consenting it, upon the local economy ▪ the cost of, and scope for, developing elsewhere, outside the designated area, or meeting the need for it, some other way, taking account of policy on alternatives set out in paragraphs 4.17 to 4.19 ▪ any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated 	<p>addressing the existing road safety issues and removing an impediment to strategic economic growth is in the public interest.</p> <p>In relation to paragraph 5.163 bullet point 2, the M3 and Junction 9 are either within the South Downs National Park itself or within its setting. The issue the Scheme is looking to alleviate is the congestion at Junction 9 itself and given these significant pieces of existing infrastructure are already located in this context, there is no realistic alternative location in which to carry out the proposed improvement works.</p> <p>In relation to paragraph 5.163 bullet point 3, the ES (6.1, APP-042-APP-153) identifies the following likely significant effects:</p> <p>Significant adverse effects in relation landscape and visual. However, by year 15, the growth of the proposed structural planting would result in no significant effects on any landscape receptors.</p> <p>Significant adverse effects in relation to population and human health are likely during the construction of the Scheme only. However, likely significant beneficial effects are identified in relation to population and human health during the operation of the Scheme.</p>

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		<p>Significant adverse effects in relation to geology and soils are anticipated both during construction and operation of the Scheme as a result of the permanent and temporary loss of agricultural land.</p> <p>Significant adverse effects are anticipated in relation to noise and vibration during both the construction and short-term operation of the Scheme. However, these effects reduce to not significant in the long-term. Eight commercial properties will experience a significant long-term reduction in noise, due to the re-routing of traffic along the A34, which with the Scheme would be repositioned towards the east.</p> <p>The majority of significant adverse effects occur in the short-term and during construction, with the exception of geology and soils which cannot be mitigated as the Scheme requires permanent land-take, and landscape and visual effects which will occur in the short to medium term. By year 15 of the Scheme's operation, no significant adverse noise and vibration, or landscape and visual effects would remain. In contrast to this, the majority of the significant beneficial effects occur during the operation of the Scheme, creating permanent benefits.</p> <p>National Highways has actively sought to avoid or moderate such detrimental effects through the incorporation of appropriate mitigation and through making substantial</p>

Draft NPS NN Paragraph Number	Requirement of the draft NPS NN	Compliance with the draft NPS NN
		<p>changes to the Scheme design where reductions in adverse effects could be achieved.</p> <p>The Scheme includes elements that either help to ensure continued access for pedestrians, cyclists and horse-riders or bring improvements in terms of current accessibility/severance. In relation to draft NPS NN paragraph 5.164, there are significant benefits arising as a result of the Scheme. These benefits include improvements to journey times, direct and indirect economic benefits, improvements to highway safety, and improvements to pedestrian and cycle access to and from the South Downs National Park. When balanced against the limited disbenefits of the Scheme, it is considered that there are compelling reasons for the Scheme and that these benefits outweigh the disbenefits. An explanation of the compelling reasons for the Scheme are given in the Case for the Scheme (7.1, REV 1).</p> <p>The Scheme design has responded to the environmental constraints presented by statutory and non-statutory designations and receptors, including the South Downs National Park. The Scheme design incorporates a range of design features and environmental mitigation measures that have been developed to reduce adverse environmental effects. It is concluded therefore that the Applicant can demonstrate that the Scheme would be carried out to high environmental standards.</p>

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		<p>The Applicant has designed measures into the Scheme to enhance other aspects of the environment. These go further than providing mitigation for the effects of the Scheme and would actually enhance the environment beyond the existing baseline.</p> <p>This includes ecological enhancements through habitat creation and wildlife fencing, including the creation of priority chalk grassland habitat within the South Downs National Park; betterment on the existing road drainage system; and increased accessibility via the new walking, cycling and horse-riding routes.</p> <p>It is concluded therefore that the Applicant can demonstrate that the Scheme would enhance the environment in accordance with draft NPS NN paragraph 5.165.</p>
5.164	<p>There is a strong presumption against any significant road widening or the building of new roads and strategic rail freight interchanges in a National Park, the Broads and Areas of Outstanding Natural Beauty, unless it can be shown there are exceptional circumstances for the new or enhanced capacity and with any benefits very significantly outweighing the harm. Planning of the Strategic Road Network should encourage routes that avoid impacts to National Parks, the Broads and Areas of Outstanding Natural Beauty.</p>	<p>The Applicant's position is that this policy does not apply to the Scheme.</p>
5.165	<p>Where consent is given in these areas, the Secretary of State should be satisfied that the applicant has ensured</p>	<p>See response to draft NPS NN paragraphs 5.162 – 5.163 (above).</p>

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	<p>that the project will be carried out to high environmental and design standards and where possible include measures to enhance the landscape and other aspects of the environment. Where necessary, the Secretary of State should consider the imposition of appropriate requirements to ensure these standards are delivered.</p>	
<i>Developments outside nationally designated landscapes which might affect them</i>		
5.166	<p>The duty to have regard to the purposes of nationally designated landscapes also applies when considering applications for projects outside the boundaries of these areas (in their “setting”) which may have impacts within them. The aim should be to avoid compromising the purposes of the designation and such projects should be located and designed sensitively, to avoid or minimise impacts. This should include projects in England, which may have impacts on designated areas in Wales or on National Scenic Areas in Scotland.</p> <p>The fact that a proposed project will be visible from within a designated area should not in itself be a reason for refusing consent.</p>	<p>The design of the Scheme has been led by the need to minimise landscape impacts, particularly those experienced within the South Downs National Park – see Chapter 2 (The Scheme and its Surroundings) of the ES (6.1, APP-043).</p> <p>The development of the design for the Scheme has considered The Road to Good Design (Highways England, 2018), which requires road networks to ‘<i>reflect in its design the beauty of the natural, built and historic environment through which it passes, and enhancing it where possible</i>’.</p> <p>The Design and Access Statement (7.9, APP-162) provides information on how the design has responded to its context. Potential residual effects on landscape character and visual amenity within the South Downs National Park are considered as part of Chapter 7 (Landscape and Visual) of the ES (6.1, REV 1) and Appendix 7.3 (Schedule of Landscape Effects) and Appendix 7.4 (Schedule of Visual Effects) of the ES (6.3, REP1-013 and 6.3, APP-100, respectively) to assist the Planning Inspectorate in its decision-making.</p>

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<i>Developments in locally important landscape areas</i>		
5.167	Outside nationally designated landscapes, there are local landscapes that may be highly valued locally and protected by local designation. Where a local development plan in England has policies based on landscape character assessment, these should be given particular consideration. However, local landscape designations should not be used in and of themselves as reasons to refuse consent, as this may unduly restrict acceptable development.	<p>The proposed Scheme is not within an area protected by a local landscape designation.</p> <p>Published Landscape Character Assessments have been reviewed and referenced as part of the baseline assessment – see Section 7.6 of Chapter 7 (Landscape and Visual) of the ES (6.1, REV 1) and Appendix 7.4 of the ES (6.3, APP-100).</p> <p>Chapter 7 (Landscape and Visual) of the ES (6.1, REV 1) summarises the value of local landscape character and features which interact with the proposed Scheme.</p>
5.168	Within areas defined as Heritage Coast that are not already within one of the nationally designated landscape areas, planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate unless it is compatible with its special character.	The proposed scheme is not within an area defined as a Heritage Coast.
5.169	In taking decisions, the Secretary of State should consider whether the project has been designed carefully, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to avoid adverse effects on landscape or to minimise harm to the landscape, including any appropriate mitigation.	See response to the draft NPS NN paragraph 5.162 – 5.165 (above).

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<i>Visual Impacts</i>		
5.170	<p>The Secretary of State will have to judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the benefits of the development. Coastal areas are particularly vulnerable to visual intrusion because of the potential high visibility of development on the foreshore, on the skyline and affecting views along stretches of undeveloped coast, especially those defined as Heritage Coast. Within areas defined as Heritage Coast, planning policies and decisions should be consistent with the special character of the area and the importance of its conservation.</p>	<p>Section 7.9 of Chapter 7 (Landscape and Visual) of the ES (6.1, REV 1) and Appendix 7.4 (Schedule of Visual Effects) of the ES (6.3, APP-100) include an assessment of likely visual impacts which would arise from the Scheme, as experienced by a range of local receptors, to assist the Planning Inspectorate in its decision-making.</p> <p>The proposed scheme is not within an area defined as a Heritage Coast.</p>
Land use, including Open Space, Green Infrastructure and Green Belt		
<i>Applicant's assessment</i>		
5.176 – 5.177	<p>Existing open space, sports and recreational buildings and land should not be developed unless the land is surplus to requirements or the loss would be replaced by equivalent or better provision in terms of quantity, quality and functionality in a suitable and accessible location. Applicants considering proposals which would involve developing such land should have regard to any local authority's assessment of need for such types of land and buildings.</p> <p>The general policies controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate</p>	<p>There are no areas of Green Belt in or around the Application Boundary.</p> <p>Impact on open space, sports and recreation has been assessed within Chapter 12 (Population and Human Health) of the ES (6.1, APP-053), with further detail provided in Appendix 12.1 (Schedule of Population and Human Health Effects) of the ES (6.3, APP-141).</p> <p>Within the assessment Open Access Land is defined as land which is made available to the public for recreation on foot only, under the Countryside and Rights of Way Act 2000</p>

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	<p>development within them. Such development should not be approved except in very special circumstances. Applicants should therefore determine whether their proposal, or any part of it, is within and established Green Belt and, if so, whether their proposal may be considered inappropriate development within the meaning of Green Belt planning policy. Metropolitan Open Land, and land designated as Local Green Space in a local or neighbourhood plan, are subject to the same policies of protection as Green Belt, and inappropriate development should not be approved except in very special circumstances.</p>	<p>(CRoW). One area of Open Access Land has been identified and considered within the assessment (falling within the 500m application boundary). It has been identified that alternative space within the South Downs National Parks is available for use, although the area identified is expected to have limited accessibility or severance issues.</p> <p>There are however several community assets located within 500m of the Application Boundary, which have the potential to be indirectly impacted by the Scheme. These are shown in Figure 12.4 (Community land and assets) of the ES (6.2, APP-074).</p> <p>Table 12.8 within Chapter 12 (Population and Human Health) of the ES (6.1, APP-053) summarises the community land and assets within the 500m study area. None of the identified community assets would be directly affected during operation of the scheme with impacts based on land take having occurred during the construction stage.</p> <p>Table 12.32 Land Use and Accessibility Summary of Significant Effects identifies that there are no significant effects for community land and assets during construction or operation within 500m of the Application Boundary.</p>
5.178	<p>The applicant should identify existing and proposed land uses near the project, any effects of replacing an existing development or use of the site with the proposed project or</p>	<p>Chapter 12 (Population and Health) of the ES (6.1, APP-053) identifies and assesses key receptors including Private Property and Housing; Community Land and Assets;</p>

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	preventing a development or use of a neighbouring site from continuing. Applicants should also assess any effects of precluding a new development or use proposed in the development plan. The assessment should be proportionate.	Development Land and Businesses; and walking, cycling and horse-riding routes. The Scheme does not prevent development or other uses continuing or occurring on neighbouring sites. Some beneficial effects have been identified by improving accessibility of key neighbouring employment sites such as Winnall Industrial Estate and the CEMEX facility which will benefit from reduced journey times given their proximity to the Scheme.
5.179	Linear infrastructure linking an area near a Green Belt with other locations will often have to pass through Green Belt land. The identification of a policy need for linear infrastructure will take account of the fact that there will be an impact on the Green Belt and, as far as possible, of the need to contribute to the achievements of objectives for the use of the land in Green Belts.	This paragraph is not relevant to the proposed Scheme.
5.180	Applicants should take into account the economic and other benefits of the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification). Where significant development of agricultural land is demonstrated to be necessary, applicants should seek to use areas of poorer quality land in preference to that of a higher quality. Applicants should also identify any effects, and seek to minimise impacts, on soil health and protect and improve soils, taking into account any mitigation measures proposed. Soil is an important natural capital resource, providing many essential services such as	<p>Section 9.4 of Chapter 9 (Geology and Soils) of the ES (6.1, APP-050) identifies the Agricultural Land Classification for land affected by the Scheme. Current and historical sources of land contamination within the study area are also identified in this Chapter and detailed in the Ground Investigation Report (7.11, APP-164).</p> <p>Section 9.9 of Chapter 9 (Geology and Soils) of the ES (6.1, APP-050) assesses the impacts on best and most versatile agricultural land and contamination risks during construction and operation of the Scheme. Significant</p>

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	<p>storing carbon (also known as a carbon sink), reducing the risk of flooding, providing wildlife habitats and delivering global food supplies. Guidance on sustainable soil management can be found in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. As a first principle, developments should be on previously developed (brownfield) sites provided that it is not of high environmental value (see paragraphs 5.146 to 5.151).</p> <p>The Agricultural Land Classification is the only approved system for grading agricultural quality in England and Wales. If necessary, field surveys should be used to establish the Agricultural Land Classification grades in accordance with the current grading criteria, or any successor to it and identify the soil types to inform soil management at the construction, operation and decommissioning phases in line with the Defra Construction Code. Applicants are encouraged to develop and implement a Soil Resources and Management Plan which could help to use and manage soils sustainably and minimise adverse impacts on soil health and potential land contamination. This is to be in line with the ambition set out in the 25 Year Environmental Plan to manage all of England's soils sustainably by 2030.</p>	<p>adverse effects are identified in relation to geology and soils both during construction and operation of the Scheme as the permanent acquisition of 18.7ha of Best Most Versatile agricultural land is required. Whilst the overall land take of the Scheme has been minimised as far as possible, given the permanent nature of the impact and that the loss cannot be mitigated it would constitute a permanent adverse effect which is significant. This loss cannot be mitigated and would therefore constitute a permanent significant adverse effect.</p> <p>The requirement for chalk spoil deposition, generated during construction of the Scheme, on agricultural land within wider areas of the South Downs National Park has been minimised. This is a landscape scale enhancement measure which responds to the objectives of the National Park and positively reinforces and enhances a key characteristic of the South Downs National Park through creation of priority chalk grassland habitat. The Scheme design also minimises agricultural severance to existing land parcels. In redesigning the earthworks between Easton Lane and Long Walk to respond to the South Down National Park's comments to the 2021 statutory consultation, it was calculated that the excess spoil predicted to be raised during the construction phase would be sufficient to construct the new earthworks. This, in turn, prevented the need for the areas of search for excess spoil deposition which resulted in a reduction in the Application Boundary, reduced visual and acoustic intrusion into the South Downs National Park as well as the need to</p>

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		<p>affect less best and most versatile (BMV) agricultural land. This has been used positively to reinforce landscape characteristics and enhance the South Downs National Park through creation of priority chalk grassland habitat. The Scheme design also minimises agricultural severance to existing land parcels.</p> <p>As detailed in the Case for the Scheme (7.1, REV 1), it is considered that any unavoidable adverse environmental effects which may remain following mitigation are outweighed by the public benefit that will accrue as a result of the Scheme and the Government’s commitment to upgrading the SRN and, for the purposes of Section 104(7) of the Planning Act 2008, that any adverse impacts would not outweigh the benefits of the Scheme.</p>
5.182	<p>The applicant should engage in pre-application discussions with the local planning authority and other regulatory bodies at the earliest opportunity. It is essential that engagement is meaningful and supported where necessary by Statements of Common Ground. Discussions will cover a range of potential local impacts and issues, and the local planning authority should identify any concerns it has about impacts of the application on land-use, having regard to the development plan and relevant applications. This includes, where relevant, whether it agrees with any independent assessment that the land is surplus to requirements. These are also matters that local authorities may wish to include in</p>	<p>The Consultation Report (5.1, APP-025) presents the proposed scheme’s approach to pre-application engagement with stakeholders, the community and regulatory bodies.</p> <p>The Applicant has produced a number of Statements of Common Ground (SoCG) in relation to the proposed Scheme. This includes: Winchester City Council, Hampshire County Council, Natural England, Environment Agency, Historic England, and South Downs National Park Authority.</p>

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	their Local Impact Report which is submitted during examination and after an application for development consent has been accepted.	The status of these are included within the Progress with Statements of Common Ground (7.12, REP1-027) document.
5.183	Applicants should safeguard any mineral resources on the proposed site as far as possible. Taking into account the policies of the Minerals Planning Authority, applicants should consider whether prior extraction of the minerals would be appropriate.	<p>Appendix 10.1 (Mineral Safeguarding Area Assessment) of the ES (6.3, APP-136) identifies that the potential for sterilisation is very low. Much of the Mineral Safeguarding Area affected by the Scheme lies adjacent to the existing strategic highway network; these areas are likely already devoid of mineral or would be inappropriate to work.</p> <p>Small areas within the Application Boundary, but outside of the highway land, lie within the South Downs National Park. Policy dictates that any working of mineral resources in these areas would only be in exceptional circumstances.</p>
<i>Mitigation</i>		
5.184	Applicants can avoid, or minimise, the direct effects of a project on the existing use of the proposed site or proposed uses near the site, by the application of good design principles, including the layout of the project and the protection of soils during construction.	<p>The design of the Scheme has been restricted by existing constraints, including the City of Winchester, the River Itchen and the existing roads. Furthermore, given the location within and adjacent to the South Downs National Park, the Scheme footprint has been minimised to avoid unnecessary encroachment into the designated landscape and its setting.</p> <p>The Scheme avoids introduction of tall bridge structures or elevated embankments and instead the Scheme is positioned within cutting with structures and associated headwalls set within the landform at as low an elevation as possible. The vertical design levels have also minimised the length and</p>

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		<p>height of proposed retaining structures to ensure the highway blends into the existing landscape.</p> <p>Table 3.2 REAC within the fiEMP (7.3, Rev 2) mitigation GS4 and GS5 include the preparation of a Soil Resources Plan and a Soil Management Plan to ensure protection of soils during construction. A draft Soil Management Plan has been submitted in Appendix C of the fiEMP (7.3, Rev 2).</p>
5.185	<p>Where green infrastructure is affected, applicants should aim to ensure the functionality and connectivity of the green infrastructure network is maintained and any necessary works are undertaken, where possible, to mitigate any adverse impacts. Applicants should endeavour to improve networks and other areas of open space, including appropriate access to new coastal access routes, National Trails and other public rights of ways.</p>	<p>The pedestrian, cyclist, and horse-riding facilities around and within the Scheme are to be upgraded and new routes are to be provided. The Scheme includes elements that either help ensure continued access for pedestrians, cyclists and horseriders or bring improvements in terms of current accessibility/ severance.</p> <p>PRoW and footways will stay open as much as is practicable throughout the construction phase and suitable diversions will be put in place where possible. An Outline Traffic Management Plan (7.8, Rev 1) has been developed which includes measures to minimise any impacts.</p> <p>There will be provision of a new bridleway link within the design between Easton Lane and Long Walk, improving connectivity within the local PRoW within the South Downs National Park.</p>

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		<p>The Scheme has incorporated various proposals that aim to improve the accessibility and connectivity across the PRow, including upgrades to the existing PRow that cross Junction 9, including the NCN 23, and provision of safe walking routes along the length of the road used for recreation and commuting. This is set out in Chapter 12 (Population and Health) of the ES (6.1, APP-053).</p> <p>The Scheme has been designed to minimise loss of habitats and green infrastructure. Habitat provision set out on Figure 2.3 (Environmental Masterplan) of the ES (6.2, APP-062) would enhance connectivity and green infrastructure within the Scheme. New areas of woodland and scrub towards the north of the Scheme, mostly located adjacent to exiting habitats, would enhance connectivity for bats and dormice and other wildlife. The provision of substantial areas of chalk grassland, woodland and scrub along the eastern boundary of the Scheme, associated with new PRowS, would improve connectivity for a range of wildlife including bats, dormice, and terrestrial invertebrates in a north-south direction.</p>
5.186	The Secretary of State should also consider whether mitigation of any adverse effects on green infrastructure or open space is adequately provided for by means of planning obligations, for example, to provide an exchange of land between two owners and provide for appropriate management and maintenance agreements. Any exchange land should be at least as good in terms of size, usefulness,	Chapter 12 (Population and Health) of the ES (6.1, APP-053) sets out there would be a total of 0.0058ha of land permanently taken of trees, shrubbery and public footpath west of the M3, which is required for construction of surface water drainage outfall. In addition, approximately 0.0130 ha would be temporarily taken of the River Itchen west of the M3. Both these parcels of land are owned by the Hampshire & Isle

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	attractiveness, quality and accessibility. Alternatively, where sections 131 and 132 of the Planning Act 2008 apply, any replacement land provided under those sections will need to conform to the requirements of those sections.	of Wight Wildlife Trust. This would primarily result in the loss of habitat rather than open space.
5.187	Existing trees and woodlands should be retained where possible. The applicant should assess the impacts on, and the loss of, all trees and woodlands within the project boundary and develop mitigation measures to minimise adverse impacts and any risk of net deforestation as a result of the scheme. Mitigation may include the use of buffers to enhance resilience, improvements to connectivity, and improved woodland management. Where woodland loss is unavoidable, compensation schemes will be required, and the long-term management and maintenance of newly planted trees should be secured.	<p>No ancient woodland or veteran trees are present within the Scheme, and none will be directly affected by the Scheme.</p> <p>Some parcels of ancient woodland outside the Scheme have potential to be affected during operation through increased air pollution. Potential effects are assessed in full within the ES (6.1, APP-042-APP-153), which concludes there will be no significant effects to ancient woodland.</p> <p>The Scheme has been designed to minimise any loss of trees and woodlands, and to allow retained trees and woodland to be protected from damage both during the construction and operational phases.</p> <p>Construction Phase mitigation measures of relevance to tree protection are set out in Section 7.8 of Chapter 7 (Landscape and Visual) of the ES (6.1, REV 1).</p> <p>Operational phase mitigation and enhancement measures include new tree and woodland planting (as well as the creation of other habitats such as chalk grassland), resulting in valuable biodiversity resources for the future – see</p>

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		<p>Chapter 2 (The Scheme and its Surroundings) of the ES (6.1, APP-043).</p>
5.188 – 5.189	<p>Where the proposed development has an impact on a Mineral Safeguarding Area, the Secretary of State should ensure the applicant has put forward appropriate mitigation measures to safeguard mineral resources.</p> <p>Where a project has a sterilising effect on land use there may be scope for this to be mitigated through, for example, using the land for nature conservation or wildlife corridors, or improving access and connectivity. Other examples include, prioritising active travel or well-designed optimised parking and storage in employment areas with appropriate landscaping.</p>	<p>Appendix 10.1 (Mineral Safeguarding Area Assessment) of the ES (6.3, APP-136) identifies that the potential for sterilisation is very low. Much of the Mineral Safeguarding Area affected by the Scheme lies adjacent to the existing strategic highway network; these areas are likely already devoid of mineral or would be inappropriate to work.</p> <p>Small areas within the Application Boundary, but outside of the highway land, lie within the South Downs National Park. Policy dictates that any working of mineral resources in these areas would only be in exceptional circumstances.</p>
5.190 – 5.191	<p>Public rights of way, National Trails, and other rights of access to land (for example, open access land) are important recreational facilities for walkers, wheelers, cyclists and equestrians. Applicants are expected to take appropriate mitigation measures to address adverse effects on coastal access, National Trails, other public rights of way and open access to land, and to consider what opportunities there may be to improve access and connectivity. In considering revisions to an existing right of way, consideration needs to be given to the use, character, attractiveness and convenience of the right of way. The Secretary of State should consider whether mitigation</p>	<p>See the response to draft NPS NN paragraph 5.185 (above).</p> <p>Walking, cycling and horse-riding routes have been identified and assessed in Chapter 12 (Population and Health) of the ES (6.1, APP-053). Temporary adverse effects on PRow have been identified and mitigation has been proposed in the form of temporary diversions. During the operational phase, the Scheme will have permanent beneficial impacts – in particular the National Cycle Route (NCR) 23 through Junction 9.</p>

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	<p>measures put forward by an applicant are acceptable and whether requirements in respect of these measures might be attached to any grant of development consent.</p> <p>Public rights of way can be extinguished under section 136 of the Planning Act if the Secretary of State is satisfied that an alternative has been or will be provided or it is not required.</p>	<p>The design has provided future proofed facilities through underpasses for led horses and areas of widened verges.</p>
<i>Decision making</i>		
5.192 – 5.193	<p>The Secretary of State should not grant consent for development on existing open space, sports and recreational buildings and land, including playing fields unless an assessment has been undertaken either by the local authority or independently, which has shown the open space or the buildings and land to be surplus to requirements. Additionally, if the Secretary of State determines that the benefits of the project (including need) outweigh the potential loss of such facilities, taking into account the positive proposals made by the applicant to provide new, improved or compensatory land or facilities.</p> <p>Where networks of green infrastructure have been identified in development plans, they should be protected from development, and, where possible, strengthened. The environmental and visual value of linear infrastructure and its footprint in supporting biodiversity and ecosystems should also be taken into account, including the creation of</p>	<p>See response to draft NPS NN paragraph 5.176 – 5.177 and 5.185 (above).</p>

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	new green infrastructure, when assessing the impact on green infrastructure. The value of the development in improving connectivity, particularly through active travel links and recreation should also be taken into account when assessing the impact on green infrastructure.	
5.194	The Secretary of State should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The Secretary of State should ensure that the applicant has put forward appropriate mitigation measures to minimise the impact on soil or soil resources.	See response to draft NPS NN paragraph 5.180 (above).
5.195	Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any Development Consent Order, the Examining Authority and the Secretary of State should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. When located in the Green Belt, elements of many national networks infrastructure projects will comprise inappropriate development. In such cases, scheme promoters will need to demonstrate very special circumstances if projects are to	This paragraph is not relevant to the proposed scheme.

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	<p>proceed. Such very special circumstances may include the safety benefits associated with improvements to the relevant section of the national network.</p>	
<p>Historic Environment</p>		
<p><i>Applicant's assessment</i></p>		
<p>5.202-5.203</p>	<p>The applicant should undertake an assessment of any significant heritage impacts of the proposed project and should describe the significance of any heritage assets affected, including any contribution made to their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum, the relevant Historic Environment Record should have been consulted and the heritage assets assessed using appropriate expertise. Where a site on which development is proposed includes, heritage assets with archaeological interest, the applicant should include an appropriate desk-based assessment and, where necessary, a field evaluation.</p> <p>The discovery of heritage assets has potential to have a significant delay on scheme development, and applicants should ensure that protection of the historic environment is considered early in the development process.</p>	<p>An assessment of the value/sensitivity (significance) of heritage assets has been carried out in accordance with criteria set out in Table 6.2 of Chapter 6 (Cultural Heritage) of the ES (6.1, APP-047) and using professional judgement.</p> <p>The Winchester Historic Environment Record (WHER) and a range of other sources listed in Appendix 6.1 (Detailed Cultural Heritage Baseline) of the ES (6.3, APP-089) have been used to identify cultural heritage assets that might receive effects from the Scheme.</p> <p>The value/ sensitivity (significance) of cultural heritage receptors considered likely to receive effects including the contribution made by their setting has been considered in Appendix 6.1 (Detailed Cultural Heritage Baseline) of the ES (6.3, APP-089) and has been summarised in Section 6.6 of Chapter 6 (Cultural Heritage) of the ES (6.1, APP-047).</p> <p>A programme of archaeological evaluation was undertaken to further assess the potential and significance of archaeological remains that could be affected by the construction of the Scheme. The results are presented in Appendix 6.2 - 6.6 of</p>

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		the ES (6.3, APP-090 – APP-094) and summarised in Section 6.7 of Chapter 6 (Cultural Heritage) of the ES (6.1, APP-047) .
<i>Recording</i>		
5.204 - 5.206	<p>A documentary record of our past is not as valuable as retaining the heritage asset and therefore the ability to record evidence of the asset should not be a factor in deciding whether consent should be given.</p> <p>Where the loss of the whole or part of a heritage asset's significance is justified, the Secretary of State should require the applicant to record and advance understanding of the significance of the heritage asset before it is lost (wholly or in part). The extent of this requirement should be proportionate to the importance and impact. Applicants should be required to deposit copies of the report with the relevant Historic Environment Record. They should also be required to deposit the archive generated in a local museum or other public depository willing to receive it.</p> <p>The Secretary of State may add requirements to the Development Consent Order to ensure that this is undertaken in a timely manner in accordance with a written scheme of investigation that meets the requirements of this section and has been agreed in writing with the relevant Local Authority (or, where the development is in English waters, with the Marine Management Organisation, English</p>	Requirement 9 of the draft DCO (3.1, Rev 2) states that no part of the authorised development is to commence until for that part a written scheme of investigation, reflecting the mitigation measures included in the Archaeology and Heritage Mitigation Strategy, prepared substantially in accordance with the Archaeology and Heritage Outline Mitigation Strategy (XX, Reference) , has been prepared in consultation with the City Archaeologist and submitted to and approved in writing by the Secretary of State.

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	Heritage and / or Historic England) and the completeness of the exercise is properly secured.	
5.207	Where there is a high probability that a development site may include as yet undiscovered heritage assets with archaeological interest, the Secretary of State should consider requirements to ensure appropriate procedures are in place for the identification and treatment of such assets discovered during construction.	Noted.
<i>Decision making</i>		
5.208	<p>In determining application, the Secretary of State should seek to identify and assess the particular significance of any heritage asset that may be affected by the proposed development (including by development affecting the setting of a heritage asset). The Secretary of State should take account of the available evidence and any necessary expertise from:</p> <ul style="list-style-type: none"> • relevant information provided with the application and, where applicable, relevant information submitted during the examination of the application • any designated records • the relevant Historic Environment Record(s), and similar sources of information • representations made by interested parties during the examination 	Noted, see response to draft NPS NN paragraphs 5.202-5.203 (above).

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	<ul style="list-style-type: none"> expert advice, where appropriate, and when the need to understand the significance of the heritage asset demands it 	
5.209	In considering the impact of a proposed development on any heritage assets, the Secretary of State should take into account the particular nature of the significance of the heritage asset, and the value that they hold for this and future generations. This understanding should be used to avoid or minimise conflict between their conservation and aspect of the proposal.	Noted.
5.210	The Secretary of State should take into account the desirability of sustaining and, where appropriate, enhancing the significance of heritage assets, the contribution of their settings and the positive contribution that their conservation can make to sustainable communities – including their economic vitality. The Secretary of State should also take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials, use and landscaping (for example, screen planting).	Measures to sustain and, where practicable, enhance the significance of cultural heritage assets are included in Chapter 6 (Cultural Heritage) of the ES (6.1, APP-047) .
5.211	When considering the impact of a proposed development on the significance of a designated heritage asset, the Secretary of State should give great weight to the asset's	The impact of the Scheme on the significance of heritage assets is considered in Section 6.9 of Chapter 6 (Cultural Heritage) of the ES (6.1, APP-047) .

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	<p>conservation. The more important the asset, the greater the weight should be. Once lost, heritage assets cannot be replaced, and their loss has a cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Given that heritage assets are irreplaceable, harm or loss affecting any designated heritage asset should require clear and convincing justification. Substantial harm to or loss of a grade II Listed Building, or a grade II Registered Park or Garden should be exceptional. Substantial harm to, or loss of, designated assets of highest significance, including World Heritage Sites, Scheduled Monuments, grade I and II* Listed Buildings, Registered Battlefields, and grade I and II* Registered Parks and Gardens should be wholly exceptional.</p>	<p>The Scheme will result in changes to a small part of the wider setting of St Gertrude’s Chapel (scheduled monument, NHLE: 1005518) and Worthy Park House (Grade II* listed building, NHLE: 1095892) but will not alter the character of the assets or how their significance is appreciated. There will be direct impacts to a very small part of the Kings Worthy Conservation Area although no key elements or characteristics will be affected. The Scheme will result in minor changes to the setting of the Kings Worthy and Abbots Worthy Conservation Areas. These effects are all considered minor and constitute “less than substantial harm”. The Scheme will not result in significant residual adverse effects to any designated heritage assets.</p>
5.212	<p>Any harmful impact on the significance of a designated heritage asset should be weighed against the public benefit of the development, recognising that the greater the harm to the significance of the heritage asset, the greater the justification that will be needed for any loss.</p>	<p>The impact of the Scheme on the significance of heritage assets is considered in Section 6.9 of Chapter 6 (Cultural Heritage) of the ES (6.1, APP-047).</p> <p>The Scheme will not result in significant adverse effects upon designated heritage assets although effects constituting “less than substantial harm” have been identified on several (see response to draft NPS NN paragraph 5.211). The Scheme is part of the Department for Transport’s Road Investment Strategy (RIS) and is included within national and regional strategies to provide benefits in terms of relief to congestion,</p>

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		improved travel times, road safety and economic development. Therefore, there is significant justification in which to justify the minimal harm to the setting of those designated heritage assets identified as receiving limited residual effects.
5.213	<p>Where the proposed development will lead to substantial harm to, or total loss of, significance of a designated heritage asset, the Secretary of State should refuse consent unless it can be demonstrated that it is necessary to deliver substantial public benefits that outweigh that loss or harm. Alternatively, that all of the following apply:</p> <ul style="list-style-type: none"> • the nature of heritage asset prevents all reasonable uses of the site • no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation • conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible • the harm or loss is outweighed by the benefit of bring the site back into use 	<p>See responses to draft NPS NN paragraphs 5.211 and 5.212 (above).</p> <p>The impact of the Scheme would not lead to substantial harm to, or a total loss of, any designated heritage assets. The impact of the Scheme on the significance of heritage assets is considered in Section 6.9 of Chapter 6 (Cultural Heritage) of the ES (6.1, APP-047).</p>
5.214	Where the proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit of the proposal, including securing its optimum viable use.	See responses to draft NPS NN paragraphs 5.211 and 5.212 (above).

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5.215	<p>Not all elements of a World Heritage Site or Conservation Area will necessarily contribute towards its significance. The Secretary of State should treat the loss of a building (or other element) that makes a positive contribution to the site's significance either substantial harm or less than substantial harm, as appropriate. This should take into account the relative significance of the elements affected and their contribution to the significance of the Conservation Area or World Heritage Site as a whole.</p>	<p>The Scheme would not result in the loss of a building.</p>
5.216	<p>Where the loss of significance of any heritage asset has been justified by the applicant based on the merits of the new development and the significance of the asset in question, the Secretary of State should consider imposing a requirement that the applicant will prevent the loss occurring, until the relevant development or part of the development has commenced.</p>	<p>See responses to draft NPS NN paragraphs 5.211 and 5.212 (above).</p>

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5.217 – 5.218	<p>Applicants should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to, or better reveal, the significance of the asset should be treated favourably.</p> <p>Where there is evidence of deliberate neglect of, or damage to, a heritage asset the Secretary of State should not take its deteriorated state into account in any decision.</p>	See responses to draft NPS NN paragraphs 5.211 and 5.212 (above).
Noise and Vibration		
<i>Applicant's assessment</i>		
5.222	<p>Where noise impacts are likely to arise from the proposed development, the applicant should include the following in its noise assessment:</p> <ul style="list-style-type: none"> • a description of the noise sources including the likely usage in terms of number of movements, fleet mix and diurnal pattern. For any associated fixed structures, such as ventilation fans for tunnels, information about the noise sources including the identification of any distinctive tonal, impulsive or low frequency characteristics of the noise • identification of noise sensitive premises and noise sensitive areas that may be affected • the characteristics of the existing noise environment 	<p>Chapter 11 (Noise and Vibration) of the ES (6.1, APP-052) presents an assessment of impacts upon construction and demolition noise and vibration and operational noise. The assessment has been undertaken in accordance with the DMRB LA 111 Noise and Vibration (National Highways, 2020). The assessment undertaken includes the requirements as stated within the NPS NN.</p> <p>For the construction noise and vibration assessment, the number of vehicle movements is outlined in Section 11.4 of Chapter 11 (Noise and Vibration) of the ES (6.1, APP-052). Working hours would be restricted to the following core hours:</p> <ul style="list-style-type: none"> ▪ 07.00 to 19.00 Monday to Friday

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	<ul style="list-style-type: none"> • a prediction on how the noise environment will change with the proposed development: <ul style="list-style-type: none"> • in the shorter term such as during the construction period • in the longer term during the operating life of the infrastructure • at particular times of the day, evening and night (and weekends) as appropriate • an assessment of the effect of predicted changes in the noise environment on any noise sensitive premises and noise sensitive areas, including identifying whether any particular groups are more likely to be affected • measures to be employed in mitigating the effects of noise applicants should consider using the best available techniques to reduce noise impacts. 	<ul style="list-style-type: none"> ▪ 07.00 to 13.00 Saturday ▪ No Sunday working <p>Works outside of the core working hours are likely to be required in certain circumstances and would be and would be carried out following consultation with Winchester City Council. These works are currently envisaged to comprise:</p> <ul style="list-style-type: none"> ▪ Lifting of gantry and large signs onto concrete bases due to the need for a larger working area to ensure the safety of the workforce and minimise disruption to traffic. ▪ Works predominantly within the M3 and A34 corridors which would be similar to maintenance works e.g. planting, resurfacing, painting road markings. ▪ Closing of gyratory slip roads to allow re-alignment works to take place. ▪ Installation and removal of barriers to allow traffic management switches to take place. <p>There may also be circumstances where works would continue outside of core working to allow for efficiencies and engineering reasons. Examples of these would be to complete a concrete pour or to complete an excavation to a safe completion point.</p>

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		<p>A Section 61 application under Control of Pollution Act 1974 for the works would be made (prior consent for work on construction sites) and agreed with the Winchester City Council, and further controlled through the Noise and Vibration Management Plan secured by the fiEMP (7.3, Rev 2).</p> <p>For the operational noise assessment the change in traffic flows have informed the assessment. Noise Important Areas and noise sensitive receptors are identified in Figure 11.1 (M3 Junction 9 Noise Study Areas, Noise Measurement Locations and Receptors) of the ES (6.2, APP-073).</p> <p>The existing sound environment has been modelled within the study area. The model has been verified via environmental sound monitoring and is further described in Section 11.6 of Chapter 11 (Noise and Vibration) of the ES (6.1, APP-052).</p> <p>Where appropriate, measures which have been employed in mitigating the effects of noise have been outlined. To reduce noise impact associated with the demolition and construction works, the following practices would be followed, as included within the fiEMP (7.3, Rev 2):</p> <ul style="list-style-type: none"> ▪ Appropriate operational hours. ▪ Working methods to ensure quiet working, including the selection of suitably quiet plant and appropriate working hours for excessive noise generating activities.

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		<ul style="list-style-type: none"> ▪ Restriction of number of plant items in use at any one time. ▪ Locating noisy plant and equipment at a suitable distance away from noise and vibration sensitive receptors. ▪ Frequent maintenance of plant and equipment. ▪ Where practical, carry out loading and unloading activities at a suitable distance away from residential dwellings. ▪ Closing of compressor, generator and engine compartment doors when in use or idling. ▪ Careful lowering of materials/equipment and the minimisation of drop heights. ▪ Installation of close board fencing around the main works compound. <p>In addition to the above, a Noise and Vibration Management Plan outlining how construction noise and vibration would be managed (and monitored) throughout the construction of the Scheme including any noise limits would be prepared and agreed with the EHO prior to construction. This plan would be prepared by the Principal Contractor during the detailed design stage and would be Appendix K of the second iteration EMP (siEMP). A commitment to preparing the Noise and Vibration Management Plan is included within the fiEMP (7.3, Rev 2).</p>

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		<p>In addition to the Noise and Vibration Management Plan a Section 61 application would also be applied for - the commitment to applying for this consent is outlined within the fiEMP (7.3, Rev 2).</p> <p>Section 11.9 of Chapter 11 (Noise and Vibration) of the ES (6.1, APP-052) assesses the likely significant effects of the Scheme during construction and operation in terms of noise and vibration. It states that likely significant adverse effects are identified in relation to noise and vibration during both the construction and early operation of the Scheme. However, these effects reduce to not significant in the long-term. During construction, with no noise mitigation, temporary moderate significant effects are anticipated at a number of residential dwellings and commercial properties. Although, with the inclusion of the mitigation outlined within the fiEMP (7.3, Rev 2), the resultant significance is anticipated to be reduced such that temporary moderate adverse impacts would be reduced to temporary minor adverse impacts, and temporary major adverse impacts are likely to be reduced to temporary moderate adverse impacts. To summarise, during operation, there would be significant effects in the short-term (the year the new junction opens) and no significant effects in the long-term (15 years after opening).</p> <p>An indication of the likely eligibility for compensation under the Noise Insulation Regulations is provided within Section</p>

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		<p>11.9 of Chapter 11 (Noise and Vibration) of the ES (6.1, APP-052). Based on the results, there are no residential properties which are anticipated to be eligible for additional noise insulation under the Noise Insulation Regulations. This is because no properties are anticipated to experience an increase of more than 1dBA above the specified level (68dB LA10,18hr).</p>
5.223	<p>The potential for noise impacts elsewhere that is directly associated with the development, such as changes in road and rail traffic movements elsewhere on national networks, should be considered as appropriate.</p>	<p>The assessment of operational noise considers impacts within the Affected Road Network as defined by the transport modelling work undertaken, as reported in the Combined Modelling and Appraisal Report (7.10, REV 1). The assessment therefore considers potential noise impact elsewhere on the national networks.</p>
5.224	<p>Operational noise, with respect to human receptors, should be assessed using the principles of the relevant British Standards and other guidance. The prediction of road traffic noise should be based on the method described in Calculation of Road Traffic Noise and Common Noise Assessment Methods (CNOSSOS). The prediction of noise from new railways should be based on the method described in the Calculation of Railway Noise and Common Noise Assessment Methods (CNOSSOS). For the prediction, assessment and management of construction noise, reference should be made to the relevant British Standards and other guidance which also gives examples of mitigation strategies.</p>	<p>See the response to draft NPS NN paragraph 5.223.</p> <p>In addition to legislation and national and local planning policies, the noise assessment has also been carried out in accordance with the following professional standards and guidance:</p> <ul style="list-style-type: none"> ▪ BS 5228-1:2009+A1:2014 Code of Practice for Noise and Vibration Control on Construction and Open Sites – Part 1: Noise ▪ BS 5228-2:2009+A1:2014 Code of Practice for Noise and Vibration Control on Construction and Open Sites – Part 2: Vibration

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		<ul style="list-style-type: none"> ▪ British Standard 7445: Part 1:2003 Description and Measurement of Environmental Noise. Guide to Quantities and Procedure ▪ Design Manual for Road and Bridges (2020) LA 111 Noise and Vibration ▪ The Calculation of Road Traffic Noise (Department for Transport Welsh Office, 1988) ▪ Converting the UK Traffic Noise Index LA10,18h to EU Noise Indices for Noise Mapping. P G Abbott and P M Nelson (TRL Limited). Project Report PR/SE/451/02, 2002 ▪ World Health Organisation Environmental Noise Guidelines for the European Region 2018 ▪ Guidelines for Community Noise, World Health Organisation, 1999 ▪ Night Noise Guidelines for Europe, World Health Organisation, 2009 <p>The assessment of operational noise is based on the method described in the Calculation of Road Traffic Noise, and includes amendments stated within DMRB LA 111 Noise and Vibration (Highways England, 2020). The prediction and assessment of construction noise and vibration is based on guidance provided within BS 5228 Parts 1 and 2:2009+A1:2014 Code of Practice for Noise and Vibration Control on Construction and Open Sites (British Standards Institute, 2014).</p>

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5.225	<p>The applicant should consult Natural England with regard to the assessment of noise on designated nature conservation sites, protected landscapes, protected species and other wildlife. The results of any noise surveys and predictions may inform the ecological assessment. The seasonality of potentially affected species in nearby sites may also need to be taken into account.</p>	<p>Environmental mitigation and enhancement measures have been discussed with Natural England both through the formal consultation process and through the ongoing working relationship with the project team. Potential residual effects on tranquillity (as a component of landscape character) within the South Downs National Park and its setting are considered in Section 7.9 of Chapter 7 (Landscape and Visual) of the ES (6.1, REV 1).</p> <p>The assessment of effects to biodiversity and noise and vibration is reported in Chapter 8 (Biodiversity) and Chapter 11 (Noise and Vibration) of the ES (6.1, APP-049 and APP-052).</p> <p>Natural England has provided a Section 42 response in relation to the Scheme, and their comments have been addressed as outlined within Chapter 8 (Biodiversity) of the ES (6.1, APP-049). Natural England has been consulted upon during the development and design of the Scheme, as outlined in Chapter 8 (Biodiversity) of the ES (6.1, APP-049) and the Consultation Report (5.1, APP-025).</p> <p>Noise effects from the Scheme on ecological receptors are assessed within Chapter 8 (Biodiversity) of the ES (6.1, APP-049).</p>
<i>Mitigation</i>		
5.226 – 5.227	<p>The Examining Authority and the Secretary of State should consider whether mitigation measures are needed for both</p>	<p>See response to draft NPS NN paragraph 5.222 (above).</p>

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	<p>operational and construction noise over and above any which form part of the project application. The Secretary of State may wish to impose requirements to ensure delivery and future maintenance of all mitigation measures.</p> <p>Mitigation measures for the project should be proportionate and reasonable and may include one or more of the following:</p> <ul style="list-style-type: none"> • engineering: containment of noise generated • materials: use of materials that reduce noise, (for example, low noise road surfacing) • lay-out: adequate distance between source and noise-sensitive receptors • incorporating good design: to minimise noise transmission through landscaping and screening by natural or purpose-built barriers including topographical changes • administration: specifying acceptable noise limits or times of use (for example, in the case of railway station public address systems) 	
5.228	<p>For most national network projects, the relevant Noise Insulation Regulations will apply. These place a duty on, and provide powers to, the relevant authority to offer noise mitigation through improved sound insulation to dwellings, with associated ventilation to deal with construction and operational noise. An indication of the likely eligibility for</p>	<p>An indication of the likely eligibility for compensation under the Noise Insulation Regulations is provided within Section 11.9 of Chapter 11 (Noise and Vibration) of the ES (6.1, APP-052). Based on the results, there are no residential properties which are anticipated to be eligible for additional noise insulation under the Noise Insulation Regulations. This</p>

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	such compensation should be included in the assessment. In extreme cases, the applicant may consider it appropriate to provide noise mitigation, through compulsory acquisition of affected properties in order to gain consent for what might otherwise be an unacceptable development. Where mitigation is proposed to be dealt with through compulsory acquisition, such properties would have to be included within the Development Consent Order land in relation to which compulsory acquisition powers are being sought.	is because no properties are anticipated to experience an increase of more than 1dBA above the specified level (68dB LA10,18hr).
5.229	Applicants should consider opportunities to address the noise issues associated with Important Areas as identified through the noise action planning process.	<p>Three Noise Important Areas (NIAs) have been identified as follows:</p> <ul style="list-style-type: none"> ▪ NIA 4008 – located to the west of the M3, south of the Junction 9 gyratory ▪ NIA 4007 – located along the A34 in Kings Worthy ▪ NIA 4006 – located to the west of the M3 to the north of Junction 9 <p>NIAs have been assessed in Section 11.9 of Chapter 11 (Noise and Vibration) of the ES (6.1, APP-052). The magnitude of noise impact is considered to be negligible. For residential dwellings with a high sensitivity, this equates to a slight beneficial and slight adverse significance of effect which is not significant.</p>
<i>Decision making</i>		
5.230	Developments must be undertaken in accordance with statutory requirements for noise. Due regard must have been given to the relevant sections of the Noise Policy	The relevant legislation and policies have been considered as part of the assessment and outlined in Section 11.3 of

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	Statement for England, National Planning Policy Framework and the government's associated planning guidance on noise.	Chapter 11 (Noise and Vibration) of the ES (6.1, APP-052) and the Case for the Scheme (7.1, REV 1).
5.231	The project should demonstrate good design through optimisation of scheme layout to minimise noise emissions and, where possible, the use of landscaping, bunds or noise barriers to reduce noise transmission. The project should also consider the need for the mitigation of impacts elsewhere on the road and rail networks that have been identified as arising from the development, according to government policy.	<p>The fiEMP (7.3, Rev 2) and Chapter 11 (Noise and Vibration) of the ES (6.1, APP-052) set out noise mitigation measures and best practice techniques that are expected to reduce the potential for significant effects occurring due to noise from the construction and operation of the Scheme. To reduce noise impacts associated with the operation of the Scheme, low noise road surfaces are proposed to be embedded as part of the Scheme where new roads surfaces are to be laid. The surface shall be specified to achieve a Road Surface Influence (RSI) of -3.5dB. To reduce noise impact associated with the demolition and construction works, the following practices would be followed, as included within the fiEMP (7.3, Rev 2):</p> <ul style="list-style-type: none"> ▪ Appropriate operational hours. ▪ Working methods to ensure quiet working, including the selection of suitably quiet plant and appropriate working hours for excessive noise generating activities. ▪ Restriction of number of plant items in use at any one time. ▪ Locating noisy plant and equipment at a suitable distance away from noise and vibration sensitive receptors. ▪ Frequent maintenance of plant and equipment. ▪ Where practical, carry out loading and unloading activities at a suitable distance away from residential dwellings.

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		<ul style="list-style-type: none"> ▪ Closing of compressor, generator and engine compartment doors when in use or idling. ▪ Careful lowering of materials/equipment and the minimisation of drop heights. ▪ Installation of close board fencing around the main works compound. <p>In addition to the above, a Noise and Vibration Management Plan outlining how construction noise and vibration would be managed (and monitored) throughout the construction of the Scheme including any noise limits would be prepared and agreed with the EHO prior to construction. This plan would be prepared by the Principal Contractor during the detailed design stage and would be Appendix K of the second iteration EMP (siEMP). A commitment to preparing the Noise and Vibration Management Plan is included within the fiEMP (7.3, Rev 2).</p> <p>In addition to the Noise and Vibration Management Plan a Section 61 application would also be applied for - the commitment to applying for this consent is outlined within the fiEMP (7.3, Rev 2).</p> <p>No essential mitigation is proposed or required during operation.</p> <p>An indication of the likely eligibility for compensation under the Noise Insulation Regulations is provided within Section</p>

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		<p>11.9 of Chapter 11 (Noise and Vibration) of the ES (6.1, APP-052). Based on the results, there are no residential properties which are anticipated to be eligible for additional noise insulation under the Noise Insulation Regulations. This is because no properties are anticipated to experience an increase of more than 1dBA above the specified level (68dB LA10,18hr).</p>
5.232	<p>The Secretary of State should not grant development consent unless satisfied that the proposals will meet the following aims, within the context of government policy on sustainable development:</p> <ul style="list-style-type: none"> ▪ avoid significant adverse impacts on health and quality of life from noise as a result of the new development ▪ mitigate and minimise other adverse impacts on health and quality of life from noise from the new development ▪ contribute to improvements to health and quality of life through the effective management and control of noise, where possible. 	<p>See the response to draft NPS NN paragraph 5.222.</p> <p>Chapter 11 (Noise and Vibration) of the ES (6.1, APP-052) identifies that some residential areas located close to the Scheme are likely to experience temporary moderate significant effects from demolition of the existing gyratory and construction noise and vibration. Chapter 12 (Population and Health) of the ES (6.1, APP-053) considers magnitude of impacts at a population, rather than an individual level. Therefore, taking into consideration the conclusions of the noise assessment, during construction, negative health outcomes have been identified for the wards of St Michaels and St Bartholomew which contain the majority of receptors significantly adversely affected by noise. All other wards are considered to have a neutral health outcome.</p> <p>During operation, there is anticipated to be negligible increases in noise levels within noise important areas, which is therefore considered to be not significant. The chapter concludes that significant effects during operation are not anticipated. In consideration of this, it is anticipated that the</p>

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		<p>Scheme is likely to have a neutral health outcome on ambient noise environment all study areas. Chapter 12 (Population and Health) of the ES (6.1, APP-053).</p> <p>An indication of the likely eligibility for compensation under the Noise Insulation Regulations is provided within Section 11.9 of Chapter 11 (Noise and Vibration) of the ES (6.1, APP-052). Based on the results, there are no residential properties which are anticipated to be eligible for additional noise insulation under the Noise Insulation Regulations. This is because no properties are anticipated to experience an increase of more than 1dBA above the specified level (68dB LA10,18hr).</p>
5.233	In determining an application, the Secretary of State should consider whether requirements are needed which specify that the mitigation measures put forward by the applicant are put in place to ensure that the noise levels from the project do not exceed those described in the assessment or any other estimates on which the decision was based.	Noted.
Socio-economic impacts		
<i>Introduction</i>		
5.234	The construction and operation of nationally significant infrastructure projects may have short or longer term economic and social impacts on local communities, businesses or services. The construction period for significant projects can be lengthy; however, this can	Noted.

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	generate employment through the construction period and benefit the local economy. Applicants should look to maximise local employment opportunities during construction and operational phases.	
<i>Applicant's assessment</i>		
5.235	Where the project is likely to have socio-economic impacts at local or regional level, the applicant should undertake and include in their application an assessment of these impacts.	<p>At the time of scoping and preparation of the Environmental Statement, the National Policy Statement for National Networks did not outline a requirement to address socioeconomic impacts and therefore the scope of assessment focused on addressing the aspects of population and human health in accordance with DMRB LA 112.</p> <p>Relevant socio-economic impacts in relation to wider determinants of human health are reported in Chapter 12 (Population and Human Health) of the ES (6.1, APP-053), as required within the DMRB LA 112 Population and Human Health guidance (2020). These effects are considered cumulatively with other major development in Chapter 15 (Cumulative Effects) of the ES (6.1, APP-056).</p> <ul style="list-style-type: none"> ▪ The Case for the Scheme (7.1, REV 1) states that the Scheme is forecast to generate economic benefits. The greatest benefit relates to user travel time savings, amounting to £155.5M, which are predominantly due to the provision of the free-flow movement between the A34 and the M3. With consideration of user benefits plus the effects of delays during construction, accident benefits, indirect

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		<p>taxation benefits, and monetised environmental impacts, the total present value of benefits is £152.3M. The scheme is also forecast to generate wider economic benefits of £41.8M.</p> <ul style="list-style-type: none"> ▪ Chapter 12 (Population and Human Health) of the ES (6.1, APP-053) provides an assessment of impacts relating to the determinant ‘severance/access and ability of communities to access community land, assets and employment’. Paragraphs 12.9.36 – 12.9.40 and paragraphs 12.9.84 – 12.9.86 and 12.9.89 provide the assessment in terms of human health. ▪ As a highway scheme, the provision of additional local services, including the provision of educational and visitor facilities, are not directly relevant to the scope of the proposed scheme. However, the proposed Scheme does provide improvements to local walking, cycling and horse riding infrastructure as noted in Chapter 12 (Population and Human Health) of the ES (6.1, APP-053), ▪ The Section 42 Consultation Comments and Responses within Appendix K of the Consultation Report (5.1, APP-025) sets out the consultation undertaken with the Agricultural Land Holdings directly impacted by the Scheme, as well as local businesses, community groups including cycling and rambling groups, and Parish Councils and other relevant stakeholders including the Health and Safety Executive and Office for Health Improvement and Disparities, ‘OHID’, (formerly known as Public Health England).

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		<ul style="list-style-type: none"> ▪ While tourism was not specifically included in the scope of assessment, potential effects on access to local recreation destinations are addressed in the assessment on community land and assets in Chapter 12 (Population and Human Health) of the ES (6.1, APP-053) ▪ As a highway scheme, the provision of additional local services, including the provision of educational and visitor facilities, are not directly relevant to the scope of the proposed scheme. A Community Liaison Manager would be appointed and as states in reference PH1 of the REAC National Highways will seek to develop links with educational establishments in the locality.
5.236	<p>This assessment should consider all relevant socio-economic impacts which may include:</p> <ul style="list-style-type: none"> • the creation of jobs and training opportunities. Applicants may wish to provide information on the sustainability of the jobs created, including where they will help to develop the skills needed for the UK’s transition to net zero • the value of increased connectivity on productivity and access to jobs, services and housing • the provision of additional local services and improvements to local infrastructure, including the provision of educational and visitor facilities. Applicants should engage with local businesses and the local community at the pre-construction phase to understand 	See response to draft NPS NN paragraph 5.325 (above).

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	<p>the opportunities for businesses and the community throughout construction, such as employment or educational programmes</p> <ul style="list-style-type: none"> • any indirect beneficial impacts for the region hosting the infrastructure, particularly in relation to the use of local support services and supply chains • effects on tourism • cumulative effects – if development consent were to be granted to for a number of projects within a region and these are developed in a similar timeframe, there could be some short-term negative effects, for example a potential shortage of construction workers to meet the needs of other industries and major projects within the region. 	
5.237	Applicants should describe the existing socio-economic conditions in the areas surrounding the proposed development and should also refer to the development's socio-economic impacts correlate with local planning policies.	Chapter 12 (Population and Human Health) of the ES (6.1, APP-053) provides data on socio-economic indicators to inform the baseline health sensitivity of the population in the study area and reviews local planning policy relating to the role of transport infrastructure to support housing growth, community and leisure facilities, sustainable growth, economic development, social infrastructure and healthy lifestyles.
<i>Mitigation</i>		
5.239	The Secretary of State should consider whether mitigation measures are necessary to mitigate any adverse socio-economic impacts of the development. For example, high	Chapter 12 (Population and Human Health) of the ES has considered relevant socioeconomic issues that relate specifically to population and human health, where any

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	<p>quality design can improve the visual and environmental experience for visitors and the local community alike.</p>	<p>significant adverse affects have been identified mitigation is proposed.</p> <p>The Scheme response to socioeconomic impacts is set out in paragraph 5.235. It is noted that the DRMB guidance does not require an assessment of jobs created/local spend/tourism impact/cumulative effects of employment demand, and therefore assessment against these specific aspects has not been undertaken for the application.</p> <p>The overall economic benefits have been calculated line with DfT’s TAG guidance are outlined within the CoMA (7.10, REV 1) and Case for the Scheme (7.1, REV 1).</p>
<i>Decision making</i>		
5.241	<p>The Secretary of State should have regard to the potential socio-economic impacts of new infrastructure identified by the applicant and from other sources that the Secretary of State considers to be both relevant and important to its decision.</p>	Noted.
5.242	<p>The Secretary of State should consider any relevant positive provisions, the applicant has made, or is proposing to make, to mitigate impacts (for example through planning obligations), and any legacy benefits that may arise. As well as any options for phasing development in relation to socio-economic impacts.</p>	Noted.

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Water quality and resources		
<i>Introduction</i>		
5.243	<p>Infrastructure development can have adverse effects on the water environment, including groundwater, inland surface water, transitional waters and coastal waters. During the construction and operation, it can lead to increased demand for water, involve discharges to water and cause adverse ecological effects resulting from physical modifications to the water environment. There may also be an increased risk of spills and leaks of pollutants to the water environment. These effects could lead to adverse impacts on health or on species and habitats (see paragraphs 5.49 to 5.64), and could, in particular, result in surface waters, groundwaters or protected areas failing to meet environmental objectives established under the Water Framework Regulations.</p>	<p>The Water Framework Directive Assessment (7.7, APP-160) assesses the potential impact that the Scheme and associated works could have on the watercourses' identified and their ability to meet WFD requirements. Any mitigation measures required are secured within the fiEMP (7.3, Rev 2).</p> <p>The Scheme includes works to be completed on the River Itchen, Nun's Walk Stream, and Itchen Navigation Canal WFD surface water bodies, and the WFD Itchen River Chalk groundwater body, which have all been assessed within the Water Framework Directive Assessment (7.7, APP-160).</p>
5.244	<p>The planning system should contribute to and enhance the natural and local environment by, amongst other things, preventing both new and existing development from contributing to, or being put at unacceptable risk from, or being adversely affected by, water pollution. The government has issued guidance on water supply, wastewater and water quality considerations in the planning system. Where applicable, an application for a Development Consent Order has to contain a plan with accompanying information identifying water bodies in a River Basin Management Plan.</p>	<p>Chapter 13 (Road Drainage and Water Environment) of the ES (6.1, APP-054) is supported by Figure 13.1 (Study Area and Receptors) of the ES (6.2, Rev 1) and a Water Framework Directive Assessment (7.7, APP-160).</p> <p>There are two WFD designated surface water bodies in the vicinity of the Scheme (within the South East River Basin District): Itchen (GB107042022580) and Nun's Walk Stream (GB107042022730). Both water bodies are currently (Cycle 2, 2019) classified as at overall Moderate status, with Good ecological status but Fail chemical status.</p>

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		<p>The Scheme is underlain by the River Itchen Chalk WFD groundwater body (GB40701G505000), which is currently (Cycle 2, 2019) at Poor overall status, with Poor status for both quantitative and chemical elements.</p> <p>The River Itchen Navigation Canal is designated as a heavily modified waterbody and is located approximately 2.5km downstream of the Scheme (southern extent). It is currently (Cycle 2, 2019) classified as at overall Moderate status with Good ecological status but Fail chemical status.</p>
<i>Applicant's assessment</i>		
5.245	<p>Applicants should make early contact with the relevant regulators, including the Environment Agency, for abstraction licensing or water quality activity or groundwater activity permits, and with water supply companies likely to supply the water. Where development is likely to have adverse effects on the water environment, the applicant should undertake an assessment of the existing status and impacts of the proposed project on water quality, water resources and physical characteristics of the water environment as part of the Environmental Statement or equivalent. The assessment should also include how this might change due to the impact of climate change on rainfall patterns and consequently water availability across the water environment (see paragraphs 4.30 to 4.41).</p>	<p>Discussions have taken place during the development of the ES regarding likely requirements for licencing and permits with the EA and Southern Water. A list of licences and permits required for the construction and operation of the proposed scheme is available in the Consents and Agreements Position Statement (3.3, APP-021).</p> <p>Discussions with the EA have confirmed that the EA is content to allow the disapplication of FRAPs, with the addition of Protective Provisions.</p> <p>The impacts of the proposed Scheme on water quality, water resources and physical characteristics are addressed in the fiEMP (7.3, Rev 2), Appendix 13.1 (Drainage Strategy Report) of the ES (6.3. APP-142 and APP-143) and Chapter 13 (Road Drainage and Water Environment) of the ES (6.1,</p>

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		<p>APP-054). It is also considered throughout the assessment of likely significant effects in Section 13.9 of Chapter 13 (Road Drainage and Water Environment) of the ES (6.1, APP-054). Such measures have been prepared in consultation with the Environment Agency.</p>
5.246	<p>For those projects that are improving the existing infrastructure, such a road widening, opportunities should be taken, where feasible, to improve the quality of existing discharges where these are identified and shown to contribute towards Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (“Water Framework Regulations”) commitments. A permit under the Environmental Permitting Regulations may also be required where improvements are being made to existing infrastructure, for example, the discharge of contaminated water from roads.</p>	<p>Chapter 13 (Road Drainage and Water Environment) of the ES (6.1, APP-054) considers the effects on the Scheme on water quality and identifies opportunities to improve the quality of existing discharges. The assessment has been based upon the methodology provided in DMRB LA 113 and assessed using the Highways England Water Risk Assessment Tool (HEWRAT).</p> <p>The Water Framework Directive Assessment (7.7, APP-160) states that the Scheme does not result in a significant change away from baseline conditions for the overall Water Framework Directive (WFD) water bodies identified within the assessment. As such the works are compliant with the WFD and will not prevent the waterbodies from achieving Good status in the future.</p> <p>The HEWRAT (included within Appendix 13.1 (Drainage Strategy Report) of the ES (6.3, APP-142 and APP-143)) and Appendix 13.2 (Hydrogeological Risk Assessment) of the ES (6.3, APP-144) confirm that there are no adverse effects on groundwater quality following application of the proposed drainage strategy mitigation measures.</p>

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5.247	<p>Under Environmental Permitting Regulations, applicants are required to manage surface water during construction by treating surface water runoff from exposed topsoil prior to discharging and to limit the discharge of suspended solids. For example, from car parks or other areas of hard standing, during operation. Consent may be required for working near to a river from the Environment Agency and a pollution incident response plan is recommended.</p>	<p>Measures to mitigate the potential water impacts during construction are set out in the fiEMP (7.1, Rev 2) and include a Temporary (Construction) Drainage Strategy. As part of the second iteration Environmental Management Plan (siEMP), an Emergency Spill Response Plan and Erosion and Prevention and Sediment Control Plan will also be produced – as detailed in the fiEMP (7.1, Rev 2).</p> <p>In Appendix 13.1 (Drainage Strategy Report) of the ES (6.3, APP-142 and APP-143) details the design standards applied, incorporation of SuDS and proposed maintenance of the operational drainage of the Scheme. The detailed design for the Scheme drainage will be in accordance with relevant guidance in the DMRB.</p> <p>The Scheme incorporates new drainage systems employing SuDS where appropriate, including:</p> <ul style="list-style-type: none"> ▪ Two new outfalls to the River Itchen ▪ Utilisation of an existing outfall to River Itchen ▪ Over-the-edge drainage of run-off from carriageways on embankments to filter strips and to infiltration ditches. ▪ Collection of run-off at carriageway edge in linear drains, gullies or filter drains, which is piped to the following. ▪ Attenuation and Primary Settlement treatment in filtration forebays and unplanted, lined detention basins.

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		<ul style="list-style-type: none"> ▪ Attenuation, Secondary Settlement and Filtration treatment in vegetated extended detention basins, containing both wet and dry habitats. ▪ Tertiary treatment in a grassed swale prior to discharge to the River Itchen. ▪ In areas where existing carriageway is being overlaid and existing highway drainage is being retained, run-off is either discharged over-the-edge to filter strips or infiltration ditches, or is captured in road gullies and channels, and conveyed to infiltration features such as existing soakaways or trenches.
5.248	Applicants should consider protective measures to control the risk of pollution to groundwater beyond those outlined in Environmental Management Plans - this could include, for example, the use of protective barriers.	The magnitude of impacts and significance of effects of discharges to groundwater along with the mitigation measures is considered through Appendix 13.2 (Drainage Strategy Report) of the ES (6.3, APP-142 and APP-143) and Appendix 13.2 (Hydrogeological Risk Assessment) of the ES (6.3, APP-144) . With the implementation of mitigation measures no significant impacts from the proposed Scheme discharges have been identified.
5.249	Any assessment for both the construction and operational phases of the development should describe: <ul style="list-style-type: none"> • the existing quality of waters affected by the proposed project, and how climate change will impact on this 	Water quality and impacts of the proposed scheme upon them are described in Chapter 13 (Road Drainage and Water Environment) of the ES (6.1, APP-054) and the WFD (7.7, APP-160) . Groundwater and hydrogeological issues are discussed in Appendix 13.2 (Hydrogeological Risk Assessment) of the ES (6.3, APP-144) .

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	<ul style="list-style-type: none"> existing water resources affected by the proposed project, the impacts of the proposed project on water resources, and how climate change will impact on this existing physical characteristics of the water environment (including quantity and dynamics of flow) affected by the proposed project, and any impact of physical modifications to these characteristics any impacts of the proposed project on water bodies or protected areas under the Water Framework Regulations and source protection zones around potable groundwater abstractions; and how climate change will impact on this any cumulative effects 	<p>The assessment identifies a number of adverse and beneficial impacts to water environment receptors, however in all cases the residual effects are not significant following the adoption of a package of embedded and essential mitigation measures has been provided, as set out in Section 13.8 of Chapter 13 (Road Drainage and Water Environment) of the ES (6.1, APP-054).</p> <p>The outcome of this assessment is based on the mitigation measures described which will be secured through measures embedded in the design of the Scheme and the implementation of the fiEMP (7.3, Rev 2) and siEMP. The HEWRAT and Appendix 13.2 (Hydrogeological Risk Assessment) of the ES (6.3, APP-144) confirm that there is no adverse impact on water quality. The Scheme is unlikely to result in any significant cumulative effects during construction or operation or in combination with any other developments within the Zone of Influence (ZOI).</p>
5.250	<p>The assessment should also identify protected areas and other water usages within the vicinity of any discharge, such as bathing waters, abstractions and fisheries at risk from proposed works and the permits/consents required. It should also identify opportunities to improve water quality, for example, through nature-based approaches or solutions, and as part of environmental and biodiversity net gain.</p>	<p>Appendix 13.2 (Hydrogeological Risk Assessment) (HgRA) of the ES (6.3, APP-144) states that the northeastern part of the Application Area lies within a Source Protection Zone 1 (SPZ1) for two Southern Water public water supply boreholes near Easton. The SPZ is identified within the HgRA conceptual model (CSM). The receptors identified in the CSM are groundwater at a distance of 50 m from the boundary of the Application Area for non-hazardous pollutants and at the water table for hazardous substances. Appendix 13.2 HgRA</p>

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		of the ES (6.3, APP-144) demonstrates no significant risk to these receptors. The public supply sources (PWS) lie at a greater distance from the potential sources of contamination and will be subject to additional dilution. Therefore, the risk to the PWS from the potential contamination sources identified in the HgRA will be lower than at the identified receptors.
<i>Mitigation</i>		
5.251	The impact on local water resources can be minimised through planning and design for the efficient use of water, including water recycling. If an applicant needs new water infrastructure, significant supplies or impacts other water supplies, the applicant should consult with the local water company and the Environment Agency.	Any new connections to mains supply would be a temporary measure and discussions with the relevant water undertaker and the Environment Agency would be conducted. No new permanent sources of supply are required by the proposed Scheme. Table 3.15 in Appendix 13.2 (Hydrogeological Risk Assessment) of the ES (6.3, APP-144) lists all licensed groundwater and surface water abstractions within 2km of the Application Boundary.
5.252	The Secretary of State should consider whether the mitigation measures put forward by the applicant which are needed for operation and construction (and which are over and above any which may form part of the project application) are acceptable. A construction management plan may help codify mitigation.	The fiEMP (7.3, Rev 2) details the environmental mitigation measures proposed to be implemented during construction, why they are required, who is responsible for delivering them, and details ongoing reporting criteria. The siEMP would be prepared in accordance with the fiEMP (7.3, Rev 2) . The siEMP would be implemented during the construction of the Scheme and is secured through a Requirement in Schedule 2 of the draft DCO (3.1, Rev 2) .

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5.253	The project should adhere to any National Standards for Sustainable Drainage Systems. The Sustainable Drainage Systems Technical Standards introduced a hierarchical approach to drainage design that promotes the most sustainable approach but recognises feasibility and use of conventional drainage systems as part of a sustainable solution for any given site given its constraints.	Appendix 13.1 (Drainage Strategy Report) of the ES (6.3, APP-142 and APP-143) details the proposed surface water drainage strategy and SuDS measures proposed. Appendix 13.1 (Drainage Strategy Report) of the ES (6.3, APP-142 and APP-143) has been prepared in accordance with the National Standards for Sustainable Drainage Systems and follows the hierarchal approach to drainage design.
5.254	The project should identify opportunities and secure measures to protect and improve water quality and resources through green and blue infrastructure, sustainable drainage and environmental and biodiversity net gain. This will help to achieve 25 Year Environment Plan objectives and potentially provide greater capacity to support infrastructure needs.	<p>Chapter 13 (Road Drainage and the Water Environment) of the ES (6.1, APP-054) and Appendix 13.1 (Drainage Strategy Report) of the ES (6.3, APP-142 and APP-143) identifies embedded mitigation for the proposed scheme including SuDS as listed below offering water quality treatment as well as potential biodiversity improvements:</p> <ul style="list-style-type: none"> • Over-the-edge drainage of runoff from carriageways on embankments to filter strips and infiltration ditches • Collection of runoff at carriageway edge in linear drains, gullies or filter drains which is piped to the following • Attenuation and primary settlement treatment in filtration forebays and unplanted, lined detention basins • Attenuation, secondary settlement and filtration treatment in vegetated extended detention basins, containing both wet and dry habitats • Tertiary treatment in a grassed swale prior to discharge to the River Itchen.

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5.255	The risk of impacts on the water environment can be reduced through careful design to facilitate adherence to good pollution control practice. For example, designated areas for storage and unloading, with appropriate drainage facilities, should be marked clearly. This may also include the need for treatment of water, which may need a permit under the Environmental Permitting Regulations.	The fiEMP (7.3, Rev 2) includes measures that will ensure good pollution control practice during construction of the proposed Scheme. This has been reviewed by stakeholders including the Environment Agency and will be developed further for the siEMP.
<i>Decision making</i>		
5.257	The Secretary of State will generally need to give impacts on the water environment more weight where a project would have adverse effects on the achievement of the environmental objectives established under the Water Framework Regulations.	Noted.
5.258	The Secretary of State should be satisfied that a proposal has had regard to the River Basin Management Plans and the requirements of the Water Framework Regulations. The specific objectives for particular river basins are set out in River Basin Management Plans. In terms of Water Framework Regulations compliance, the overall aim of projects should be to meet the environmental objectives under regulation 13 and to avoiding derogation by use of regulation 19 of the Water Framework Regulations. The Secretary of State should also consider the interactions of the proposed project with other plans such as Water Resources Management Plans, Shoreline or Estuary Management Plans and Marine Plans.	Noted.

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5.259	The Secretary of State should consider whether appropriate requirements should be attached to any development consent and/or planning obligations to mitigate adverse effects on the water environment. This should involve discussions with the Environment Agency.	Noted.
Impacts on transport networks		
<i>Applicant's assessment</i>		
5.262 – 5.265	<p>Applicants should consult the relevant highway authority, local planning authority, and Network Rail, as appropriate, on the assessment of transport impacts. This should include agreement on alignment to policies outlined in existing or emerging local plans and Local Transport Plans.</p> <p>Different transport networks may need to share space within an area, even whilst serving different travel needs. For example, bus lanes, shared cycle lanes, green lanes, or bus and rail routes on the same corridor.</p> <p>Applicants should seek to offer an integrated transport outcome, significantly considering opportunities to support other sustainable transport modes, as well as improving local connectivity and accessibility in developing infrastructure. The needs of pedestrian and other vulnerable road users should be considered, where appropriate, in line with the principles of the road user hierarchy.</p>	<p>Appendix K of the Consultation Report (5.5, APP-025) details the engagement undertaken with Hampshire County Council and Winchester City Council with regards to the Scheme and the transport impacts. The Progress with Statements of Common Ground (7.12, REP1-027) outlines the status of the SoCGs being prepared with HCC and WCC. The Case for the Scheme (7.1, REV 1) assesses the Scheme's conformity with Local Development Plans and Local Transport Plans.</p> <p>The Scheme incorporates new and improved walking, cycling and horse-riding provision, as described in Section 4.12 of the Case for the Scheme (7.1, REV 1). The improved walking, cycling and horse-riding accessibility within the Application Boundary would provide dedicated routes, these predominately located away from the carriageway with new formal crossing points including subways and a new Toucan crossing on the A33.</p>

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	<p>The applicant should provide evidence that as part of the project they have addressed any new or existing severance issues and/or safety concerns that act as a barrier to non-motorised users, unless it is unsafe or unviable to do so.</p>	<p>Local severance issues have been identified and mitigated with the provision of a shared footway/cycleway between Kings Worthy and Winnall capturing the connection between the highway depot on the A34 and the local retail attractors and wider pedestrian/ cycle network. The Scheme also improves the National Cycle Network route 23 through Junction 9 of the M3 providing sustainable means of accessing the South Downs National Park.</p>
<i>Road and rail developments</i>		
5.267	<p>For road and rail developments, the applicant's assessment should include an assessment of the transport impacts on other networks as part of the application, based on discussions with the Local Highway Authority/Local Planning Authority.</p>	<p>The Transport Assessment Report (7.13, REV 1) provides a description of the existing transport features, an outline of relevant policy context, a summary of the transport modelling work undertaken and the impact of the Scheme on the strategic and local network, road safety and sustainable modes of transport.</p> <p>The ES (6.1, APP-042 – APP-153) contains within each chapter an assessment of the likely environmental effects of the proposed development during construction and operation, and then outlines the mitigation that has been proposed.</p> <p>Chapter 12 Population and Human Health, of the ES considers potential impacts during construction and operation on other networks. This includes matters such as the potential impact on land use and accessibility, community severance, air quality, and noise and vibration.</p>

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<i>Mitigation</i>		
5.272 – 5.275	<p>Mitigation measures for schemes should be proportionate and reasonable, focused on facilitating journeys by active travel, public transport, and cleaner fuels.</p> <p>Where development would worsen accessibility, there is a strong expectation that such impacts should be mitigated. Where impacts cannot be mitigated, the applicant is required to provide reasoning as to why impacts cannot be mitigated.</p> <p>The applicant should provide evidence that the development improves the operation of the network and assists with capacity issues.</p> <p>Mitigation measures may relate to the design, lay-out or operation of the scheme, or any support or funding to the immediate surrounding area of the scheme.</p>	<p>The Scheme incorporates new and improved walking, cycling and horse-riding provision, as described in Section 4.12 of the Case for the Scheme (7.1, REV 1). The improved walking, cycling and horse-riding accessibility within the Application Boundary would provide dedicated routes, these predominately located away from the carriageway with new formal crossing points including subways and a new Toucan crossing on the A33.</p> <p>Local severance issues have been identified and mitigated with the provision of a shared footway/cycleway between Kings Worthy and Winnall capturing the connection between the highway depot on the A34 and the local retail attractors and wider pedestrian/cycle network. The Scheme also improves the National Cycle Network route 23 through Junction 9 of the M3 providing sustainable means of accessing the South Downs National Park.</p> <p>There are no changes to the bus or rail networks as a result of the Scheme and, therefore, no mitigation is proposed for public transport.</p> <p>M3 Junction 9 is a key link on the Strategic Road Network (SRN) as it connects South Hampshire and the ports of Southampton and Portsmouth with the wider sub region. It also connects the region to London and the north-west via the M3, and the Midlands and the North via the A34. The Scheme</p>

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		<p>will create capacity to cope with peak demand and growth on the SRN at this location, with a decrease in journey time and ensuring a free flowing, safe, reliable and resilient network. This is evidenced within the Combined Modelling and Appraisal Report (7.10, REV 1) and the Transport Assessment Report (7.13, REV 1).</p>
<i>Decision making</i>		
5.277 – 5.278	<p>The Examining Authority and the Secretary of State should give due consideration to impacts on local transport networks and policies set out in existing and emerging local plans and Local Transport Plans, during both construction and operation.</p> <p>Consideration should also be given to whether the applicant has maximised opportunities to allow for journeys associated with the development to be undertaken via sustainable modes.</p>	<p>Noted, see response to draft NPS NN paragraphs 5.262 – 265.</p>
5.279	<p>Schemes should be developed, and options considered, in the light of relevant policies and plans, both national and local, taking into account local models where appropriate.</p>	<p>See response to draft NPS NN paragraph 5.267.</p> <p>The modelling assessment comprises a strategic model complemented with a local operational model. Chapter 4 of the Transport Assessment Report (7.13, REV 1) provides a summary of the transport models and their development.</p> <p>The strategic model used is a derivation of the South East Regional Transport Model (SERTM), including updates for</p>

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		<p>this stage. This model is referred to as the M3 Junction 9 Model, which underwent a number of further enhancements for the purpose of the assessment in line with the DfT's TAG. Calibration and validation focused on the area of Winchester to strengthen the model and make it suitable for the analysis of impacts of the Scheme.</p> <p>In PCF Stage 2 (Options Selection) an operational assessment model was developed using PTV-VISSIM software version 11. The VISSIM micro-simulation model of M3 Junction 9 was used to test the updated Scheme in Preliminary Design and considers impacts on the road network in the vicinity of the Scheme.</p>
5.280	<p>Where a development negatively impacts on surrounding transport infrastructure including connecting transport networks, the Secretary of State should ensure that the applicant has taken reasonable steps to mitigate these impacts. This could include the applicant increasing the project's scope to avoid impacts on surrounding transport infrastructure and providing resilience on the wider network. In particular, this should recognise the importance of providing adequate lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance. The applicant may increase the project's scope to avoid impacts on the surrounding transport infrastructure and improve network resilience. Where the proposed</p>	<p>The Transport Assessment Report (7.13, REV 1) and Combined Modelling and Appraisal Report (7.10 REV 1) set out the methodology for calculating the likely operational transport impacts of the proposed Scheme on the wider network.</p> <p>Paragraph 7.3.6 and Figure 7-12 Transport Assessment Report (7.13, REV 1) provides an analysis of the journey time on various routes through the Scheme in the Do-Minimum and Do-Something scenarios for 2027, 2042 and 2047. The majority of routes show a predicted decrease in journey time with the Scheme in place. No significant negative impacts outside the Application boundary are predicted.</p>

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	mitigation measures are insufficient to reduce the impact on the transport infrastructure to acceptable levels, the Secretary of State should expect applicants to accept requirements and/or obligations to fund infrastructure or mitigate adverse impacts on transport networks.	
5.281	Provided that the applicant is willing to commit to transport planning obligations and to mitigate transport impacts identified in the Transport Appraisal Guidance Transport Assessment (including environment and social impacts), with attribution of costs calculated in accordance with the Department's guidance, then development consent should not be withheld. Where residual effects on the surrounding transport infrastructure remain, appropriately limited weight should be given.	Noted.